

W.P.No.7284 of 2021

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N. ANAND VENKATESH,. J.

Pursuant to the earlier orders passed by this Court on 09.12.2022, the matter was posted for hearing today to report the follow up action on the directions issued by this Court during the previous hearing.

Glossary, Draft Transgender Persons (Protection of Rights) Rules, Sensitisation of Teachers and the Transgender Persons Policy

2.The learned Additional Advocate General appearing on behalf of the Secretary to Government, Social Welfare and Women Empowerment Department, produced the Government Gazette Notification No.569, dated 02.12.2022, whereby the Tamil Nadu Transgender persons (Protection of Rights) Rules 2022, has been notified and it has been brought into force with effect from the date of notification.

3.Insofar as the policy for LGBTQIA + Community, this Court already granted three months time when the earlier order was passed on 09.12.2022. The learned Additional Advocate General submitted that the Social Welfare Department is seriously taking up this issue and they are working on it in order to finalise the



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policy and implement the same. The said submission made by the learned Additional Advocate General is hereby recorded.

Sensitizing teachers to the needs of queer children

4.The learned Additional Advocate General submitted that the steps that were already initiated are being continued and hence, sought for some more time to make some substantial progress in this regard and to file a report before this Court.

National Medical Commission (NMC)

5.When the earlier report was filed before this Court during the previous hearing, it was stated at Sl.No.9 of the report as follows:

Sl. No.	Date of hearing	Relevant Para(s)	Order Passed for EMRB	Action taken by EMRB	Date of compliance
9.	02.09.2022	Para 5	“This Court further directed the NMC to take instructions as to whether the draft regulations have been uploaded by the NMC in the website by incorporating conversion therapy as a professional misconduct. The learned Standing Counsel submitted that this process is going on and the compliance will be report during the next date of hearing.”	In this regard the status has already been intimated vide note approved by EMRB on 15.09.2022. Accordingly, the Hon'ble Court may be informed. that the draft regulations were uploaded on NMC's website inviting public comments from 23rd May 2022 to 22nd June, 2022 (Flag C). As the period of one month is already over on 22nd June, 2022, therefore this action of incorporation in the draft regulations (inviting public comments), may not be possible.	

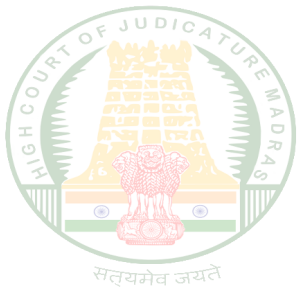


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6.The learned Standing Counsel appearing on behalf of NMC submitted that the NMC has already issued directions to all the State Medical Councils to incorporate conversion therapy as professional misconduct in their regulations and the concerned Medical Councils are bound to follow these directions like how the Tamil Nadu Medical Council has followed and issued notification. In view of the same, it was submitted that the purpose for which such a direction was given by this Court has been achieved. If inspite of the same, if this Court wants the incorporation of the conversion therapy as a professional misconduct in the regulations of NMC, appropriate directions can be issued and before the Central Government notifies the regulations already submitted by NMC, incorporation of conversion therapy as a professional misconduct can be carried out in the regulations and the same can be also been notified.

7.In the considered view of this Court, the regulations of NMC and the regulations of the respective State Medical Councils must be in tandem. It is true that the purpose for which the direction was issued by this Court has been achieved. However, it would be fit and proper if the conversion therapy is shown as a professional misconduct in the regulations of NMC also. This will bring more clarity on the issue. Hence, there shall be a direction to the Central Government



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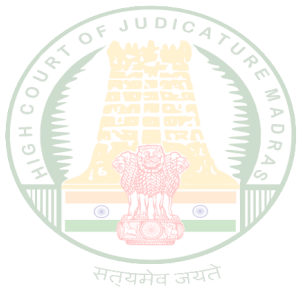
(R-22), to permit the incorporation of the conversion therapy as a professional misconduct in the “National Medical Commission, Registered Medical Practitioner (Professional Conduct) Regulations, 2022” and thereafter to notify the same.

Tamil Nadu State Legal Services Authority

8.The learned Standing Counsel appearing on behalf of the Tamil Nadu Legal Services Authority, submitted that steps have been taken by the Legal Services Authority, to go ahead with the training programme for the next set of advocates chosen from 32 Districts Legal Services Authority and a total of 96 advocates will undergo the training/awareness programme from 04.02.2023 upto 25.03.2023. The submission made by the learned Standing Counsel is recorded and there shall be a direction to the Tamil Nadu State Legal Services Authority to submit a substantive report after the completion of the programme.

Enlisting NGOs

9.The learned Senior Panel Counsel submitted that the last date for submission of the application for registration of the NGOs, who are working in the area of welfare of LGBTQIA + Community, has been extended up to 09.02.2023.



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The learned Senior Panel Counsel further submitted that wide publicity has been given through print and electronic media and a report will be filed after the completion of this process.

NCERT Manual

10.The learned Senior Panel Counsel submitted that the NCERT has already released the draft manual for transgender students on 17.01.2023. A copy of the same was also placed before this Court. The learned Senior Panel Counsel submitted that suggestions have been invited from all the stakeholders and NCERT will take into consideration all the suggestions and comments and thereafter will finalise the manual for transgender children in Schools. A report has also been filed by the Director of Gender Studies of NCERT. Some concerns were raised on the contents of the draft manual that has been published by NCERT. It is made clear that all the stakeholders will be permitted to give their suggestions and comments to the NCERT and the same shall be taken into consideration before finalising the manual.

11.The learned Senior Panel Counsel submitted that since suggestions and comments are being received from all the stakeholders, it will take some more time



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for NECRT to finalise the draft module.

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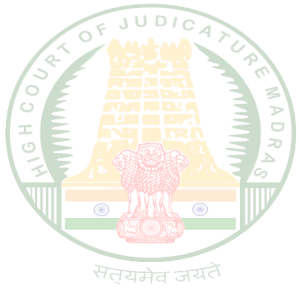
12.In the considered view of this Court, the draft module that has been published by NCERT, can be finalised only after taking into consideration the suggestions and comments made by the stakeholders. Hence, sometime has to be given to NCERT to undertake this process.

13.Post this writ petition for further hearing on **13.03.2022 at 2.15 pm.** In the meantime, the concerned Ministry / Departments which have sought for time to comply with the directions given by this Court shall report compliance during the next date of hearing.

23.01.2023

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