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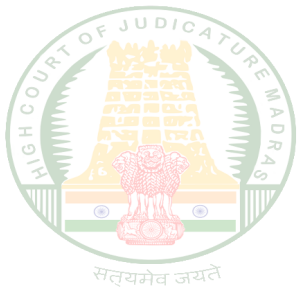
N. ANAND VENKATESH,. J.

Pursuant to the earlier orders passed by this Court on 23.01.2023, 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 Secretary to Government Social Welfare Women empowerment Department submitted the status report. The relevant portions in the status report are extracted hereunder :-

6. It is respectfully submitted that in respect of the policy for LGBTQIA+ community, the Government is taking all effective measures to bring a better policy in all aspects covering the welfare measure including Dignity, Equality, Protection against Discrimination, Freedom of Expression, Remedy, Health, Residence and Stay. It is respectfully



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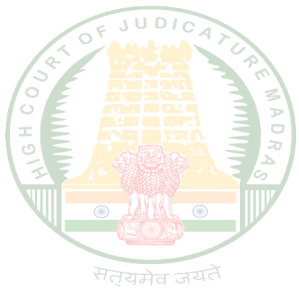
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submitted that Government have analyzed and examined the draft policy for LGBTQIA+ Community prepared by the State Planning Commission and have decided to appoint a Drafting Committee comprising of persons from the community of Gay, Lesbian, Transgender, Psychologist, Academician etc. in order to draft effective policy for the LGBTQIA+ community. It is respectfully submitted that the action is under process to appoint Drafting Committee for examination and finalization of Draft policy for LGBTQIA+ community. It is respectfully submitted that the very purpose of the above Committee is as follows:

A. The rights of LGBTQIA+ community needs to be defined with clarity.

B. Identification mechanism need to be elaborated for the LGBTQIA+ Community.

C. The participation of various stakeholders such as NGOs, Civil Society Organizations etc. needs to be consulted through various workshops/ meeting (mix of online / offline)



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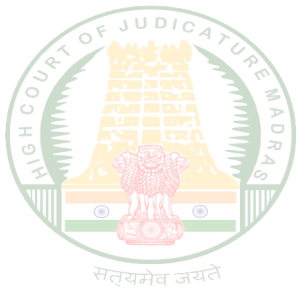
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in order to arrive at various initiatives that needs to be taken care of each category from the LGBTQIA+ persons.

7. It is respectfully submitted that the Government have fixed the tentative time line for the Drafting Committee to finalize the policy for LGBTQIA+ community as detailed below:-

<i>Tentative Timeline</i>		
Sl.No.	Detail	Time line
1.	Constitution of Drafting Committee	Before 31.03.2023
2.	Drafting Committee to examine the draft policy	01.04.2023 to 22.06.2023
3.	Publishing the policy in the public domain calling for remarks / suggestions from public etc.,	23.06.2023 to 31.07.2023
4.	Circulation to line Department s for remarks / suggestions/ approval at Secretariat	01.08.2023 to 31.10.2023
5.	Comments to be incorporated and PPT to be presented before Chief Secretary	01.11.2023 to 31.12.2023
6.	Final Draft and PPT to be presented before Hon'ble Chief Minister	01.01.2004 to 31.03.2024

8. It is respectfully submitted that for the submissions made above, the Government is in need of a considerable



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time mentioned in the tentative time line in Paragraph 7 of this status report.

3. The learned Additional Advocate General submitted that the formulation of policy for LGBTQIA+ community involves a process and time lines have already been fixed and hence, sought for considerable time to complete this process and to publish the policy.

4. In the considered view of this Court, the status report filed by the Principal Secretary to Government, explains the step that has been taken by the Government and the time lines fixed. Considering the importance of the policy that is going to be brought out by the State Government, this Court deems it fit to give sufficient time to the State Government to finalize the policy and to publish the same. This Court expects that the time lines that have been detailed in the status report will be complied with in letter and spirit and the finalised policy for the LGBTQIA+



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community will be published by the 1st week of April 2024.

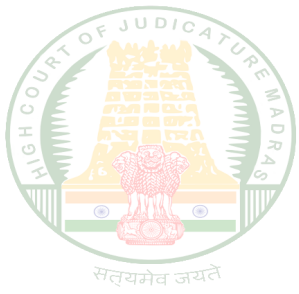
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5. The status report makes a mention about publishing the policy in the public domain and calling for remarks/suggestions from public etc., While publishing the policy, considering the importance of the policy decision that is going to be taken by the State Government, it is made clear that the draft policy shall be published widely in news and print media apart from publishing it in the Government publication. The draft policy shall also be published in English and Tamil languages in order to ensure that it reaches the public at large.

Sensitizing teachers to the needs of queer children

6. The learned Additional Advocate General submitted that the schools have reopened after summer vacation only today and hence, sought for some more time to make substantial progress in this regard and to file a report before this Court.

National Medical Commission (NMC)



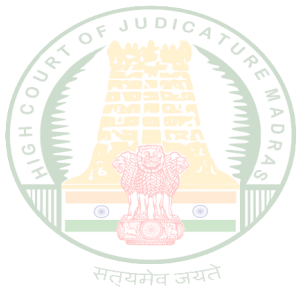
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7. This Court directed the Central Government (R22) to permit the incorporation of the conversion therapy as a professional mis-conduct in the “National Medical Commission, Registered Medical Practitioner (Professional Conduct) Regulations, 2022” and thereafter, notify the same. The learned counsel for the petitioner submitted that the notification is yet to take place.

8. The learned Senior Panel Counsel appearing on behalf of R22 seeks for some time to take instructions in this regard. The learned Standing counsel appearing for NMC submitted that the task assigned to NMC has already been completed and it is for the Central Government to permit the incorporation of the Conversion therapy as a professional mis-conduct in the relevant regulations and thereafter, it has to be notified.

9. The learned Senior Panel counsel shall take instructions in this regard before the next date of hearing.



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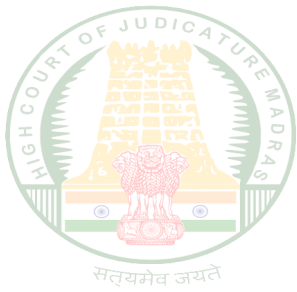
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Tamil Nadu State Legal Services Authority

10. The learned Standing Counsel appearing on behalf of the Tamil Nadu Legal Services Authority, submitted that the training / awareness programme was conducted from 04.02.2023 up to 25.03.2023 and nearly 92 advocates participated in the same from 32 District Legal Services Authority centres throughout Tamil Nadu. The learned Standing counsel sought for some time to file a report in this regard and to appraise this Court on the future course of action to be taken by the Tamil Nadu Legal services authority.

Enlisting NGOs

11. The learned Senior Panel Counsel filed the status report of the 10th respondent viz., The Ministry of Social Justice and Empowerment. For proper appreciation, the relevant portions in the status report are extracted hereunder:-

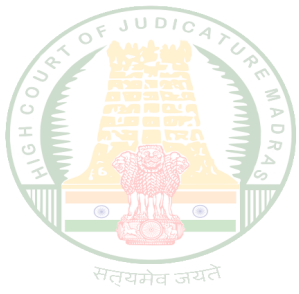


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1. In reference to order dated 9.12.2022 of Hon'ble High Court at Madras, the National Institute of Social Defense (NISD) has publicized the process of enlistment of NGOs working in the domain of LGBTQIA+ through NISD Social Media Pages such as Twitter, Facebook, etc. Advertisement for enlisting of NGOs was published in 8 Newspapers to cover PAN India in viz. The Hindustan Times- Delhi, Dainik Jagran Delhi, The Times of India- Mumbai, Nav Bharat- Mumbai, The New Indian Express-Chennai, Dakshin Prakash-Chennai, The Statesman- Kolkata, Vishwamitra- Kolkata (a copy of the same is enclosed for ready reference as Annexure-1). It is to share that in response to the above actions taken by NISD, 61 NGOS/CBOS registered themselves through the Google Link. The list of these 61 NGOs/CBOs is attached at Annexure-II

2. The Ministry had initially set the deadline for registration of NGOs as 17.12.2022. In compliance with the Hon'ble Court's Order dated 09.12.2022, last date was extended for two months till 17.02.2023. As on last date, 61 NGOs have



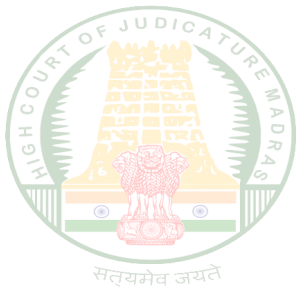
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registered, out of which one application was found invalid due to random entries. Further, 11 NGOs in the above mentioned list are not registered on NITI Aayog Darpan Portal. As of now, registration process has been closed further enlistment will be decided on the basis of need analysis as and when required.

3. The State wise distribution of the 60 NGOs is placed at Annexure III. Further, as data on population of LGBTQIA+ is not available. the sufficient number of NGO to cater the need of LGBTQIA+ cannot be quantified at this stage.

4. The NGOs will be governed by the act under which they are registered. If any NGO wish to receive grant-in-aid under any scheme of the Ministry, they will have to register on e-Anudaan portal of the Ministry and apply for the same. Eligible grantee NGOs will adhere to respective scheme guidelines and General Financial Rules, 2017. Further enlistment of NGO will be decided on the basis of need analysis as and when required.



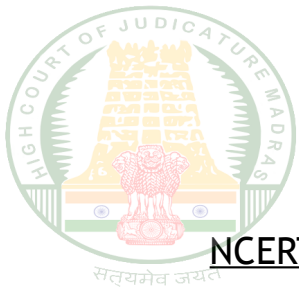
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5. The NITI Ayog has been requested vide letter dated 18.3.2021 to create a separate domain with name "LGBTQIA+", in NGO Darpan Portal, for NGOS working in said sector.

12. On going through Annexure III that has been filed along with the status report, it is seen that only one NGO has registered from Tamil Nadu. It is not known as to why many NGOs who are working for the cause have not registered themselves with the Ministry of Social Justice and Empowerment.

13. The learned counsel for petitioner shall take instructions in this regard and report before this Court as to why there has been such a poor response from Tamil Nadu. It is stated in the status report that a separate domain is going to be created in NGO Darpan Portal. The creation of the separate domain and other developments that takes place going forward shall also be updated by the 10th respondent during the next date of hearing.



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NCERT Manual

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14. The learned Senior Panel Counsel submitted that the status report dated 22.03.2022 wherein it is seen that suggestions were being received from all stake holders at that point of time. It is not known as to what is the latest development and whether the NCERT has finalised the draft module after taking into consideration the suggestions and comments made by the Stake holders. The learned Senior Panel Counsel seeks for some time in this regard.

15. Post this writ petition for further hearing on 17.08.2023 at 2.15 pm. In the meantime, the concerned Ministry / Departments shall file further reports on the directions issued by this Court in this order.

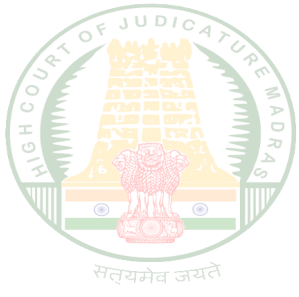
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