

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Monday, the Sixth day of December Two Thousand Twenty One

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PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

WP.NO.7284 OF 2021

1 MRS.S.SUSHMA [PETITIONERS]

2 MS.U.SEEMA AGARVAL

Vs

**1 DIRECTOR GENERAL OF POLICE [RESPONDENTS]
TAMIL NADU POLICE DEPARTMENT,
DR.RADHAKRISHNAN SALAI, MYLAPORE,
CHENNAI 600 004.**

**(R1 DELETED VIDE ORDER DT 22/3/2021
MADE IN WP.7284/2021 BY NAVJ)**

2 COMMISSIONER OF POLICE
GREATER CHENNAI POLICE, NO.132,
COMMISSIONER OFFICE BUILDING,
E.V.K.SAMPATH ROAD, VEPERY ,
CHENNAI 600 007

3 COMMISSIONER OF POLICE
MADURAI, ALAGAR KOVIL ROAD,
MADURAI 625 002

4 MR.V.SENTHIL KUMAR

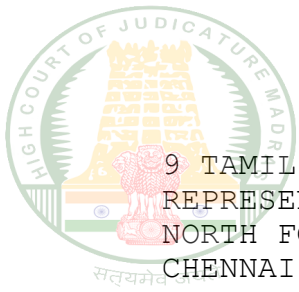
5 MR.R.UDHAYAKUMAR

6 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI.

7 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION, MADURAI.

(R6, R7 SUO-MOTU IMPEADED VIDE ORDER DT
22/3/2021 MADE IN WP.7284/2021 BY NAVJ)

8 HOME DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
REPRESENTED BY SECRETARY TO GOVERNMENT,
FORT ST. GEORGE, CHENNAI 600009,
TAMIL NADU, INDIA.



9 TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
REPRESENTED BY ITS MEMBER SECRETARY,
NORTH FORT ROAD, HIGH COURT CAMPUS,
CHENNAI - 600 104.

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10 MINISTRY OF LAW, GOVERNMENT OF TAMIL NADU,
REPRESENTED BY SECRETARY TO GOVERNMENT,
FORT ST. GEORGE, CHENNAI 600 009,
TAMIL NADU, INDIA.

11 MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT,
REPRESENTED BY SECRETARY GOVERNMENT OF INDIA,
SHASTRI BHAVAN, DR. RAJENDRAPRASAD ROAD,
NEW DELHI-110 001.

12 THE DIRECTOR,
SOCIAL JUSTICE AND EMPOWERMENT,
SHASTRI BHAVAN, DR. RAJENDRA PRASAD ROAD,
NEW DELHI 110 001

13 NATIONAL MEDICAL COMMISSION,
REPRESENTED BY ITS CHAIRMAN,
DWARAKA, NEW DELHI-110077.

14 INDIAN PSYCHIATRIC SOCIETY,
REPRESENTED BY ITS PLOT 43,
SECTOR 55, GURUGRAM, HARYANA,
INDIA, PIN: 122003.

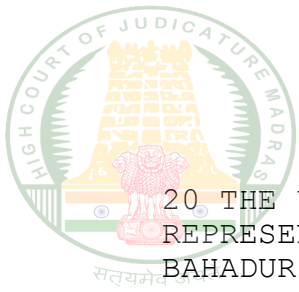
15 REHABILITATION COUNCIL OF INDIA,
REPRESENTED BY ITS MEMBER SECRETARY,
B-22, QUTUB INSTITUTIONAL AREA,
NEW DELHI - 110 016.

16 DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS JOINT SECRETARY,
122-C, SHASTRI BHAWAN, NEW DELHI - 110001.

17 DEPARTMENT OF SCHOOL EDUCATION & LITERACY,
REPRESENTED BY ITS JOINT SECRETARY,
217-C, SHASTRI BHAWAN, NEW DELHI - 110001.

18 SCHOOL EDUCATION DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
REPRESENTED BY SECRETARY TO GOVERNMENT,
FORT ST. GEORGE, CHENNAI 600 009,
TAMIL NADU, INDIA.

19 HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
REPRESENTED BY SECRETARY TO GOVERNMENT,
FORT ST. GEORGE, CHENNAI 600 009,
TAMIL NADU, INDIA.



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20 THE UNIVERSITY GRANTS COMMISSION (UGC),
REPRESENTED BY ITS SECRETARY,
BAHADUR SHAH ZAFAR MARG,
NEW DELHI-110.

21 ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
REPRESENTED BY ITS ADVISOR-1 (APPROVAL)
7TH FLOOR, CHANDRALOK BUILDING, JANPATH,
NEW DELHI - 110 00.

22 THE NATIONAL COUNCIL OF EDUCATIONAL
RESEARCH AND TRAINING (NCERT),
REPRESENTED BY ITS DIRECTOR,
SRI AURBINDO MARG, NEW DELHI

23 SECRETARY TO GOVERNMENT,
UNION OF INDIA,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAVAN, NEAR UDYOG BHAVAN METRO STATION,
MOULAND AZAD ROAD, NEW DELHI-110001.

24 MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
REPRESENTED BY ITS SECRETARY,
GOVERNMENT OF INDIA.

(R8 TO R24 SUO-MOTU IMPEADED VIDE ORDER DATED 07.06.2021
MADE IN WP.7284/2021 BY NAVJ)

**25 THE MINISTRY OF HOME AFFAIRS,
REP.BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS,
CONNAUGHT PLACE, NEW DELHI - 110 001**

**(R25 SUO MOTU IMPEADED VIDE ORDER DATED 04.10.2021
MADE IN WP.7284/2021 BY NAVJ)**

[The following Departments/Institutions are also Suo Motu added as respondents 7 to 23 in this writ petition on 07.06.2021 since the guidelines given by this Court needs to be followed/implemented by the impleaded respondents.]

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a **WRIT OF MANDAMUS** and/or any other writ, order or direction in the nature of a Mandamus, Directing Respondent Nos. 1 to 3 to inquire with the parents of the Petitioners and instruct them not to interfere with the life of the Petitioners and consequentially, to grant the necessary Police Protection to the Petitioners (In WP.NO.7284/2021)



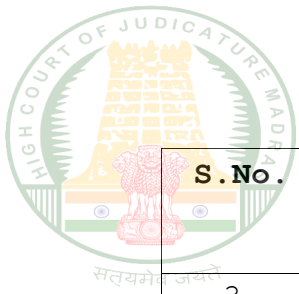
Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.MANURAJ, Advocate for the petitioners and of MR.HASAN MOHAMMED JINNAH, PUBLIC PROSECTOR for the 2nd and 3rd Respondents and of MR.P.VASANTHA KUMAR, ADVOCATE for the 4th Respondent and of MR.P.THILAK KUMAR, ADVOCATE for the 5th Respondent and of MR.S.SILAMBANAN, ADDITIONAL ADVOCATE GENERAL for the 6th, 7th, 8th, 17th and 18th Respondents and of MR.R.SANKARANARAYANAN, ADDITIONAL SOLICITOR GENERAL assisted by MR.V.CHANDRASEKARAN, Central Government Standing Counsel for the 10th, 11th, 13th, 14th, 15th, 16th, 18th, 20th, 21st, 22nd and 23rd Respondents and of MS.SUBHARANJANI ANANTH, ADVOCATE for the 12th Respondent and of MR.C.K.CHANDRASEKARAN, ADVOCATE for the 9th Respondent, the court made the following order:-

In light of the earlier Order passed on 04.10.2021, the Director General of Prisons and Correctional Services, Tami Nadu (hereinafter referred to as "DGP"), has filed a compliance report along with all relevant documents. The relevant portions from the compliance report are extracted hereunder:

"3.....It is submitted that the Superintendents of all Central Prisons/special Prison for Women were again instructed vide this office memo No.8468/PW3/2021, dated - 20.10.2021 to conduct awareness programme to sensitize the prison personnel while handling LGBTQIA+ community through persons belong to the community/or activists and NGO workers and also to ensure that transgender and gender non confirming prisoners are housed separately as per the orders of the Hon'ble High Court in W.P.No.7284 of 2021 dated 7.6.2021.

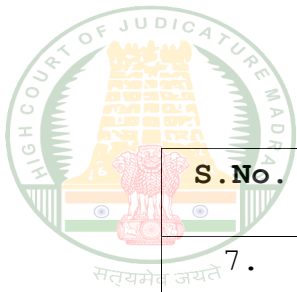
4.It is submitted that the sensitization programmes were conducted in the following prisons on the dates as noted against each.

S.No.	Name of the Prison	Date conducted	Conducted by
1.	Central Prison I, Puzhal & Special Prison for Women, Puzhal	21.10.2021	Jeeva Rangaraj (A Transgender person), Founder, Transgender Rights Association, Chennai
2.	Central Prison II, Puzhal	21.10.2021	1.Tmt.R.Jeeva, Founder, PGDSIM (an NGO) 2.V.Ithayakani, Transgender Rights Association



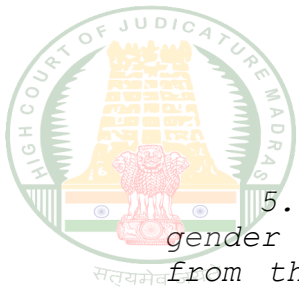
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S.No.	Name of the Prison	Date conducted	Conducted by
3.	Central Prison, Cuddalore	21.10.2021	Thiru.R.Ramkumar, Social Activist (Referred by Social Welfare Department, Cuddalore District)
4.	Central Prison, Trichy & Special Prison for Women, Trichy	21.10.2021	Gajal and Ananya of the organisation SAFE
5.	Central Prison, Coimbatore & Special Prison for Women, Coimbatore	21.10.2021	Kalki Subramanian, (a Transgender person), Founder of 'Sahodhari Foundation', Pollachi, Coimbatore
6.	Central Prison, Palayamkottai	21.10.2021	Members of Peach NGO, Tirunelveli Transgender persons Anbu, Bhuvanisri, Swathi and Mirulasri participated and explained the issues faced by them in the society.



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S.No.	Name of the Prison	Date conducted	Conducted by
7.	Central Prison, Vellore & Special Prison for Women, Vellore	21.10.2021	M.Chithra and Ms.Malathy, All Gender Positive Network, Vellore District.
8.	Central Madurai Prison & Special Prison for Women, Madurai	22.10.2021	Ms.Priya Babu, (a Transgender person) Managing Trustee, Transgender Resource Centre, Madurai Number of Persons Attended the Programme: Central Prison-61, Special Prison for Women-24
9.	Central Prison, Salem and Special sub Jail, Salem	22.10.2021	1.Tmt.Kowsalya , Social Welfare Department, Salem District 2.Dr.Priya, (a Transgender person) Transgender Welfare Association, Salem Number of persons attended the programme-51 (Central Prison Salem-42, Special sub Jail-9)



5. It is submitted that, in the State of Tamil Nadu, as per the gender category mentioned in the warrant of the prisoner received from the Judicial Magistrate concerned, they are being lodged in the respective prisons viz., Central Prison or Special Prisons for Women. It is submitted that Trans- women prisoners are lodged in Special Prisons for Women and Trans-Men prisoners are lodged in Central Prisons. It is submitted that with regard to separation of prisoners belonging to LGBTQIA+ community, they are housed separately in all prisons. At present, no convict prisoners belong to this category."

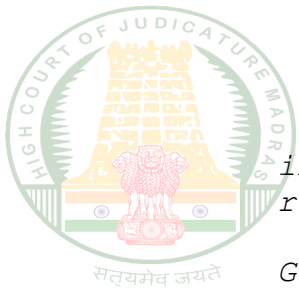
2. The learned State Public Prosecutor brought to the notice of this Court, the various awareness programmes that were conducted at the Central Prisons. The learned Public Prosecutor further submitted that these sensitisation programmes were, in fact, conducted with the help of members of the LGBTQIA+ community (hereinafter referred to as "the Community"). It was further submitted that based on the "gender category" mentioned in the warrant of prisoners as received from the concerned Judicial Magistrate/Metropolitan Magistrate Court, the respective prisoners are lodged in prisons in the following manner. Transwomen are lodged in the Special Prisons for Women and transmen are lodged in Central Prisons. The learned Public Prosecutor submitted that the prison authorities, to the best of their ability, accommodate prisoners who are members of the Community separately, in all the prisons. It was also brought to the notice of this Court that currently, there are no convict prisoners belonging to the Community, in any of the prisons. The status report filed by the DGP and the submissions of the Public Prosecutor are noted by this Court and are taken on record.

3. The DGP has filed a compliance report with regard to the amendment that was suggested by this Court to be made to the Tamil Nadu Subordinate Police Officer's Conduct Rules, 1964 (hereinafter referred to as "Police Conduct Rules" or "Conduct Rules"). The status report also covers the follow-up action taken by the Department by way of sensitisation programmes to all police officers. The relevant portions are extracted hereunder:

"2. It is submitted that, in continuation of Order dated: 04.10.2021, the Hon'ble High Court of Madras in the Writ Petition No.7284 of 2021 has issued further directions in order to ensure further clarity on the issue of prevention and protection of LGBTQIA+ community the following further updates are furnished.

a) With regard to the order that addition of specific clause in Police Conduct Rules, based on the Director General of Police's letter to the government dated: 22.09.2021.

b) The Government, had sent a letter in Letter No.66391/Pol.VI/2021-1, Dated: 23.11.2021 to the Director General of Police seeking amendment proposal



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in Tamil Nadu Police conduct Rules along with specific remarks thereon.

c) It is submitted that in reply to the Government, Letter above mentioned, the Director General of Police had sent a draft amendment proposal rule vide Letter in Rc.No.010889/A&R(1)/2021, Dated: 29.11.2021 for inclusion of Rule 24-C in Tamil Nadu Police Subordinate Police Officer's Conduct Rules 1964 as under.

"24-C. No Police officer shall indulge in any act of harassment of any person belonging to the LGBTQIA+ COMMUNITY and/ or the persons working for the welfare of the community.

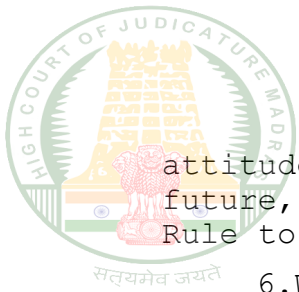
Explanation:- For the purpose of this rule, harassment does not include the right of people to make any enquiry as per the procedure established by law."

d) In order to comply the Hon'ble High Court direction para 5(c) of the order dated 31.08.2021 necessary circular was issued on 01.10.2021 in Rc.No.007284/Crime 3(1)/2021 to conduct sensitization programs to all the police officials in their respective district / city level. The awareness and sensitization programs are added as an agenda in every meeting where the police personnel are given routine instructions so as they will be continuously sensitized about this issue. Persons belong to the LGBTQIA+community and also the activists / NGO workers who have dedicated their lives for this, are also involved while conducting the sensitization / awareness programs in the districts / cities.

e) The compliance report dated 04.10.2021 may be read as part and parcel of this compliance report.

4. The learned State Public Prosecutor submitted that the draft amendment to the Police Conduct Rules has already been placed before the Government and that the same proposes to include Rule 24-C in the Conduct Rules that shall specifically deal with disciplinary action to be initiated against police officers who involve in the act of harassing LGBTQIA+ persons. The learned Public Prosecutor also submitted that the draft amendment is under serious consideration, and within a couple of weeks, the Government will pass appropriate orders amending the said Conduct Rules.

5. This Court appreciates the immediate steps taken by the DGP and the State Government in bringing in a specific amending clause to the Conduct Rules pursuant to the Orders passed by this Court. This new Rule will be effectively instrumental in ensuring that the Community does not suffer harassment at the hands of any police officer. This Court is confident that regular sensitisation



attitude insofar as the LGBTQIA+ Community is concerned, and in the future, instances warranting the use of this particular Conduct Rule to punish erring police officers will become rare.

6. When the matter was heard by this Court on 04.10.2021, the learned Additional Advocate General appearing on behalf of Respondents 7, 8, 9, 17 and 18, submitted that a compliance report will be filed before this Court with regard to the steps taken by the State Government to come up with a Transgender Policy. The learned Additional Advocate General also submitted that the standard words and expressions to be used by the press and media while addressing the Community individuals will also be submitted before this Court. When the matter was taken up for hearing today, the learned Additional Advocate General sought time to file the status report in this regard.

7. The Principal Secretary, Department of Social Welfare and Women Empowerment shall file a status report during the next date of hearing on the status of the Transgender Policy. There shall also be a further direction to prepare a standardised guide/prescriptive glossary containing the words and expressions to be used by the press and media while addressing persons belonging to the Community. Once such a Guide is placed before this Court, this Court will issue a mandamus to the press and media to henceforth use only those terms while addressing persons belonging to the Community. The status report shall be filed before this Court on 23.12.2021 covering all these aspects.

8. While passing the earlier Orders on 04.10.2021, this Court gave a specific direction to the National Medical Commission (hereinafter referred to as "NMC") to deal with the prevailing unscientific notions about the Community due to the existing MBBS course curriculum. Pursuant to this Order, the NMC- Undergraduate Medical Education Board, through Office Order dt. 24.09.2021, constituted an Expert Committee to address these issues in the MBBS course curriculum. The committee was directed to specifically focus on the following two issues and provide for their recommendations:

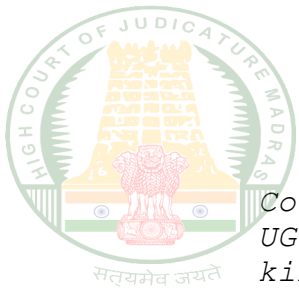
i. Virginity Test in the Forensic Medicine Curriculum of MBBS; and

ii. Modifications related to LGBTQIA+ community in MBBS.

9. The NMC issued an advisory through No. NMC / Secy/ 2021/ 41/ 025834 dt. 13.10.2021 and it will be relevant to extract the entire advisory hereunder:

Advisory regarding the issue of LGBTQIA+ Community and necessary changes in competencies of CBME- curriculum

This is in pursuance of the direction passed by the Hon'ble Madras High Court in writ petition no. 7284 of 2021. It has been noted that the various textbooks of medical education mainly of Forensic Medicine and Toxicology subject and Psychiatry subject contains unscientific information about virginity and also contains derogatory remarks against LGBTQIA+ Community and homosexuals.



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2. In this connection, all the Medical Universities/ Colleges/ Institutions are requested that while teaching UG & PG students wherever the issue of gender or similar kind arise, the mention of Clinical history or complaints or signs/symptoms, examination findings or history about nomenclature shall not be taught in such a way that it becomes/perceived in any way derogatory/discriminatory/insulting to LGBTQIA+ community.

3. Further, all the authors of Medical Text Books are hereby instructed to amend the information about virginity, LGBTQIA+ community and homosexuals, etc., in their textbooks according to the available scientific literature, guidelines issued by the Government, and directions passed by the Hon'ble Court. Furthermore, all the Medical Universities/ Colleges/ Institutions are requested not to approve the books as recommended books by the University if the books have unscientific, derogatory, and discriminatory information about virginity, LGBTQIA+ community and homosexuals.

4. The publication shall be applied strictly by the Government and Authorities concerned.

10. The learned Standing Counsel appearing for NMC submitted that the NMC has complied with the Orders passed by this Court and that the above extracted advisory has also been issued to amend the various materials that are available in the medical textbooks about LGBTQIA+ community. The learned Standing Counsel further submitted that if there are any further suggestions, the same will be received by the Expert Committee constituted by the NMC and it will be acted upon. The learned Standing Counsel also assured this Court that the NMC will comply with the directions issued by this Court, and wherever necessary corrections should take place in the academic texts and materials, the same shall be directed to be undertaken. The positive step taken by NMC deserves the appreciation of this Court and this Court expects the NMC to act upon any suggestions received from the Community or the organisations which are helping the Community.

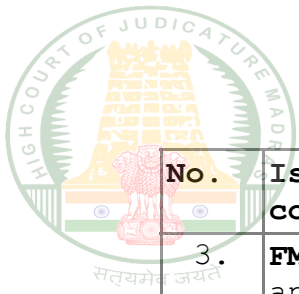
11. At this point, the learned counsel appearing on behalf of the Petitioners submitted that the existing competencies of CBME-Curriculum carries offensive and unscientific terms about the LGBTQIA+ community and submitted that if the NMC amends the said competencies listed in their handbook, the authors of medical text books will automatically be obligated to revise their publications accordingly. The learned counsel further submitted a chart highlighting the objectionable terms employed in the competencies of CBME-Curriculum with specific reference to aspects on LGBTQIA+ and virginity, along with suggestions for modification of the said competencies. This chart, the counsel brought to the notice of this Court, was prepared upon their consultation with a number of doctors and professionals in the field of medicine. It will be useful to extract the chart hereunder, and the NMC is directed to give serious consideration to the suggestions made therein and



their status report to be filed on the next hearing shall include their justification, if any, on the same.

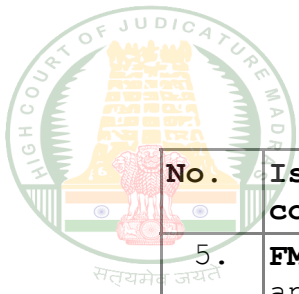
LGBTQIA+ & Virginity issue: Chart highlighting the objections raised, and changes needed in competencies of CBME- curriculum along with justification.

No.	Issue/ Existing competency	Justification	ModifiedCompetency could be
1.	FM3.16: Describe and discuss adultery and unnatural sexual offences- sodomy, incest, lesbianism, buccal coitus, bestiality, indecent assault and preparation of report, framing the opinion and preservation and despatch of trace evidences in such cases.	Legally offences are not described as Natural and unnatural. And Supreme court has said that differentiating it in this way is absurd. Homosexuality and adultery has been decriminalized in India.	FM3.16: Describe history of decriminalization of homosexuality and adultery. Describe sodomy (as per new amendments), bestiality, indecent assault and preparation of report, framing the opinion and preservation and despatch of trace evidences in such cases.
2.	FM3.13: Describe different types of sexual offences. Describe various sections of IPC regarding rape including definition of rape (Section 375 IPC), Punishment for Rape (Section 376 IPC) and recent amendments notified till date		FM3.13: Describe various sections of IPC regarding rape related to medical profession. Describe medicolegal examination of rape victim and accused of rape with special reference to Governments recent guidelines on it. Describe the relevant provisions of POCSO act related to medical examination, emergency medical care and police information.



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No.	Issue/ Existing competency	Justification	Modified Competency could be
3.	FM3.17: Describe and discuss the sexual perversions fetishism, transvestism, voyeurism, sadism, necrophagia, masochism, exhibitionism, frotteurism, Necrophilia. Derogatory remarks against LGBTQIA+ community, homosexuals are used in textbooks.	Steps need to be taken to remove Derogatory remarks against LGBTQIA+ community, homosexuals from textbooks	FM3.17: Describe paraphilias and different types of it as per recent Diagnostic and Statistical Manual of Mental Disorders. Describe medicolegal implications of paraphilias by referring scientific literature and legal justification (if any).
4.	Psychiatry competency PS13.1-13.7: Psychosexual and gender identity disorders" homosexuality is taught as a Sexual Disorder and Transgenderism under Gender Identity Disorder		Homosexuality need not appear as a disorder and can be removed. There can be a paragraph on the history of how homosexuality was removed from psychiatric classification In DSM5, the term Gender Dysphoria is used and this can be described based on DSM5 criteria



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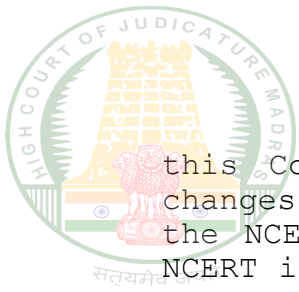
No.	Issue/ Existing competency	Justification	Modified Competency could be
5.	FM3.18: Describe anatomy of male and female genitalia, hymen and its types. Discuss the medico-legal importance of hymen. Define virginity, defloration, legitimacy and its medicolegal importance. It only describes female virginity in detail and not male thus gender discriminatory	Signs of virginity need not be mentioned as virginity has NO medical or medico legal significance Hymen has no special medicolegal importance. It has the same medicolegal importance as any other genital injury (like scrotal or penile injury) and hence need not be described separately. Defloration – This is not a medical term Even though virginity has no medicolegal and legal significance it is taught that it has medicolegal significance. By relying on the information in textbooks courts also presume that there is scientific basis to know whether the girls is virgin or not. Hence, court has also directed to do virginity test on girls and women. There is a need to teach our doctors on 1. how to respond to court's orders about a virginity test and 2. how to appraise court about the unscientific basis of virginity test and 3. how to explain the court that it is beyond medical science to know about the virginity status of a girl/woman	FM3.18: Describe legitimacy and its medicolegal importance. Describe how virginity and virginity test including finger test on female is unscientific, inhuman and gender discriminatory and how to appraise the courts about its unscientific basis if court orders it.



12. The learned Senior Panel Counsel for the Union of India submitted that some time is required to file a status report. The learned counsel submitted that during the last hearing, it was represented that the Ministry of Home Affairs will have to be implemented, under the mistaken impression that apart from the transgender persons, all others who fall under the LGBTQIA+ Community will be handled only by the Ministry of Home Affairs. However, subsequently, it came to be known that the same does not fall within the Business Rules of the Ministry of Home Affairs. It is therefore clear that it is the Ministry of Social Justice and Empowerment which has to file a status report reporting compliance of the directions issued by this Court.

13. During the last hearing, a status report was in fact filed by the Ministry of Social Justice and Empowerment. This Court was informed that the enlisting of NGOs will be published on the official website shortly. That apart, it was also informed to this Court that the assistance that is rendered under the *Garima Greh* Project will also be reported. That apart, it was also assured that this Court will be updated about the welfare schemes and programmes facilitating and supporting the livelihood of the persons belonging to the Community. Unfortunately, due to the confusion as to the appropriate Ministry responsible for handling the issue, no status report has been filed during this hearing. The learned Senior Panel Counsel, therefore sought some time and assured this Court that a status report will be filed on the action taken and it will be submitted before this Court during the next date of hearing.

14. Subsequent to the earlier Orders passed on 04.10.2021, NCERT, the 21st Respondent in this Writ Petition, came up with an Action Plan to first sensitise school teachers, making them aware and preparing them to accept and handle gender non-confirming children. This is an important and very vital step since it is the teacher who acts as a bridge between the parent and the child. Sensitisation has to start from schools and the home, and without family support, children belonging to this Community will never be able to get support elsewhere. Parents who are ignorant about this issue can be sensitised only by the teachers. Therefore, the NCERT rightly brought out the material after a thorough research by the Committee, to sensitise teachers on this issue. However, in a very shocking development, the material that was posted on the official website of NCERT was taken down within hours of its publication, owing to pressure that was exerted from some quarters. Some press reports stated that the concerned persons who had developed this material were even transferred out to other Departments. This Court is unable to understand the need for such a knee jerk reaction within hours of the material getting uploaded on the website. If someone really had a grievance, the same should have been addressed in a proper manner through proper consultation and meetings, and no one can be allowed to arm twist a State-run council into forcibly withdrawing a material that came out after a long study by a committee. It is quite unfortunate that such an important development was nipped in the bud. This development only reminds



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this Court that a continuous follow-up is required to bring in changes in the prevailing education system. This Court hopes that the NCERT understands the concern expressed by this Court and the NCERT is expected to come up with their recommendation based on the report submitted by the Committee. The report of an expert body after a detailed study cannot be dumped just because a handful of persons are opposed to this very idea of recognising persons belonging to the Community. In a democratic country like India, discussions and consultations must form the basis for any policy and pressure tactics cannot be allowed to shut down any policy, and if such an attitude is encouraged, it poses a greater danger to the fabric of this nation. This Court therefore expects NCERT to come up with a status report on this issue before the next date of hearing.

15. This Court in its earlier Order on 04.10.2021 also directed the Tamil Nadu State Judicial Academy ("TNSJA") to conduct sensitisation programmes to the judges belonging to District Judiciary as well as the High Court. As a follow up to this direction, the TNSJA conducted a sensitisation programme for the civil judges and the newly appointed Assistant Public Prosecutors. The programme was conducted at the State Judicial Academy, Chennai and the newly appointed APPs participated through virtual mode from Madurai. The TNSJA arranged for a programme in the afternoon session which was solely spearheaded by persons belonging to the LGBTQIA+ Community. This programme was conducted in association with UNICEF and the TNSJA has brought out a study material in this regard.

16. Insofar as the Legal Services Authority is concerned, the Member Secretary, Legal Services Authority shall coordinate with the Director, TNSJA and collect the materials in order to formulate the basis for conducting the sensitisation programmes. The Legal Services Authority will play a larger role since it not only deals with judges and lawyers but also with the general public at large. Therefore, the Member Secretary, Legal Services Authority shall coordinate with the Director, TNSJA and a status report on the plan of action to be taken in this regard, shall be filed before this Court on the next date of hearing.

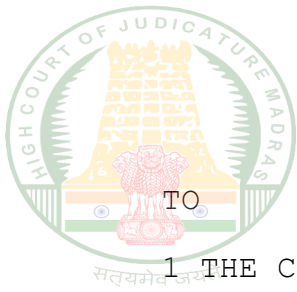
17. Post this case under the caption "for filing report" on **23.12.2021 at 2:15 pm.**

-sd/-

06/12/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

1 THE COMMISSIONER OF POLICE
GREATER CHENNAI POLICE,
NO.132, COMMISSIONER OFFICE BUILDING,
E.V.K. SAMPATH ROAD, VEPERY,
CHENNAI 600 007

2 THE COMMISSIONER OF POLICE
MADURAI, ALAGAR KOVIL ROAD,
MADURAI 625 002

3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI.

4 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI.

5 THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
FORT ST. GEORGE, CHENNAI 600 009,

6 THE MEMBER SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
NORTH FORT ROAD, HIGH COURT CAMPUS,
CHENNAI - 600 104

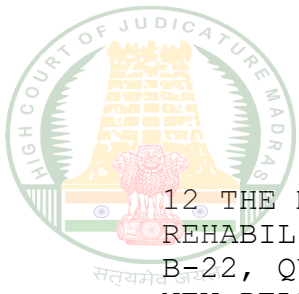
7 THE SECRETARY TO GOVERNMENT,
MINISTRY OF LAW, GOVERNMENT OF TAMIL NADU,
FORT ST. GEORGE, CHENNAI 600 009

8 THE SECRETARY
MINISTRY OF SOCIAL JUSTICE
AND EMPOWERMENT, GOVERNMENT OF INDIA,
SHASTRI BHAVAN, DR. RAJENDRAPRASAD ROAD,
NEW DELHI-110 001

9 THE DIRECTOR
SOCIAL JUSTICE AND EMPOWERMENT,
SHASTRI BHAVAN, DR. RAJENDRA PRASAD ROAD,
NEW DELHI 110 001

10 THE CHAIRMAN
NATIONAL MEDICAL COMMISSION, DWARAKA,
NEW DELHI-110 077

11 INDIAN PSYCHIATRIC SOCIETY
REPRESENTED BY ITS PLOT 43,
SECTOR 55, GURUGRAM, HARYANA 122 003



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12 THE MEMBER SECRETARY,
REHABILITATION COUNCIL OF INDIA,
B-22, QUTUB INSTITUTIONAL AREA,
NEW DELHI - 110 016

13 THE JOINT SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT OF INDIA, 122-C,
SHASTRI BHAWAN, NEW DELHI - 110 001

14 THE JOINT SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY, 217-C, SHASTRI BHAWAN,
NEW DELHI - 110 001

15 THE SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT
GOVERNMENT OF TAMIL NADU,
FORT ST. GEORGE,
CHENNAI 600 009

16 THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT
GOVERNMENT OF TAMIL NADU,
FORT ST. GEORGE, CHENNAI 600 009

17 THE SECRETARY,
THE UNIVERSITY GRANTS COMMISSION (UGC),
BAHADUR SHAH ZAFAR MARG,
NEW DELHI-110

18 THE ADVISOR-1 (APPROVAL)
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION,
7TH FLOOR, CHANDRALOK BUILDING,
JANPATH, NEW DELHI

19 THE DIRECTOR,
THE NATIONAL COUNCIL OF EDUCATIONAL
RESEARCH AND TRAINING (NCERT),
SRI AURBINDO MARG, NEW DELHI

20 SECRETARY TO GOVERNMENT
UNION OF INDIA, MINISTRY OF HEALTH AND
FAMILY WELFARE, NIRMAN BHAVAN,
NEAR UDYOG BHAVAN METRO STATION, MOULAND AZAD ROAD,
NEW DELHI-110 001

21 THE SECRETARY,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
GOVERNMENT OF INDIA



22 THE SECRETARY,
THE MINISTRY OF HOME AFFAIRS,
MINISTRY OF HOME AFFAIRS,
CONNAUGHT PLACE, NEW DELHI - 110 001

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COPY TO:

1 THE DIRECTOR,
THE TAMIL NADU STATE JUDICIAL ACADEMY,
NO.30/95, P.S.K.R.SALAI, R.A.PURAM
CHENNAI-28,

2 MR.S.SILAMBANAN,
ADDITIONAL ADVOCATE GENERAL
HIGH COURT, MADRAS - 104.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS - 104.

4 THE PRINCIPAL SECRETARY,
DEPARTMENT OF SOCIAL WELFARE AND
WOMEN EMPOWERMENT, FORT ST.GEORGE,
CHENNAI - 9.

Order
in
WP.NO.7284/2021

Date :06/12/2021

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