

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One

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
TAMIL NADU POLICE DEPARTMENT,
DR.RADHAKRISHNAN SALAI, MYLAPORE,
CHENNAI 600 004.**

[RESPONDENTS]

**(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.

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.

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 PROSECUTOR 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:-

The learned State Public Prosecutor submitted that the process of amending the Police Conduct Rules is pending before the Government, and at the earliest point of time, necessary changes will be made in the Conduct Rules.

2.The 10th respondent viz., the Ministry of Social Justice and Empowerment has filed a Status Report. The relevant portions from the Status Report are extracted hereunder:

"1. I state that with regards to the averments made in para 12 and 13, it is submitted that earlier Ministry had filed a Status Report w.r.t Hon'ble Court's Order dated 06.12.2021. In this regard, it is further submitted that Ministry is providing support to set up and maintenance of Garima Greh project on pilot basis in order to ensure that the destitute and homeless Transgender persons get a secure living space and care. Ministry has given 100% financial assistance for setting up and maintenance of 12 Garima Grehs: Shelter Home for Transgender Persons. Ministry has already released first grant to these Pilot Garima Grehs and currently proposals are being processed for release of second grant.

2. These shelter homes are setup in the states of Delhi, Tamil Nadu, Bihar, Gujarat, Odisha, Maharashtra, Chattisgarh, West Bengal and Rajasthan and are maintained by Transgender Community Based Organizations (CBOs). In these shelter homes, the resident Transgender persons are provided with basic requirements like safe shelter, food, counseling services, basic medical facilities and other amenities. Skill development trainings are also provided in these shelter homes in order to equip the resident Transgender persons to take up subsequent economic activities.

3. With regards to "Support for Marginalised Individuals for Livelihood and Enterprise (SMILE) scheme, it is submitted that after receiving comments of Department of Expenditure, scheme has been revised. Revised Standing Finance Committee Memorandum was circulated to various Ministries/ Department including Department of Expenditure and NITI Aayog for their comments. The Standing Finance Committee (SFC) met on 30th November, 2021 under the Chairmanship of Secretary, D/oSJ&E to appraise and review the Central Sector scheme of "Support for Marginalized Individuals for Livelihood and Enterprise (SMILE)" for the period from 2021-22 to 2025-26. This scheme includes a sub-scheme of Comprehensive Rehabilitation for the Welfare of Transgender Persons. The components of the sub-scheme are Scholarships (Pre & Post-Matric), Skill Development & Livelihood, Composite Medical Health, Transgender Protection Cell, E- Services (National Portal, Helpline and advertisement) including Garima Greh (Shelter Homes).

4. Under the scheme, it is envisaged that at least one Garima Greh will be setup in each States/UTs for destitute Transgender Persons. The proposal of 'Garima Greh' will be called online through our e-Anudaan portal (developed by NIC for seeking processing and approval of online proposal).

5. As per standard procedure, after approval of SFC, scheme guidelines are under formulation. Once finalized, guidelines will be put up in public domain. All the measures will be undertaken under the scheme, after its finalization of guidelines which are under process.

6. With regard to list of NGOs/CBOs, it is submitted that a list of NGOs/CBOs working with the Ministry, to whom funds have been released for setting up and maintenance of "Garima Greh" have been provided with name and other details of the contact person and their e-mail ID on the National Portal for Transgender Persons (<https://transgender.dosje.gov.in/>). Further, this Ministry has only the mandate of dealing with Transgender Persons only. During the lock-down period, a helpline was setup to provide psychological support through trained Psychologists to Transgender Persons in distress during both Wave 1 and Wave 2.

3. The Senior Panel Counsel appearing on behalf of the 10th respondent submitted that the 10th respondent is actively working towards setting up at least one *Garima Greh* in every State/Union Territory for destitute transgender persons. That apart, the proposal of *Garima Greh* will also be called on-line through the e-

anudaan portal. The Senior Panel Counsel clarified that the scheme covers only those persons who fall under the category of "transgender persons".

4. In the considered view of this Court, transgender persons are only a fraction of the entire LGBTQIA+ community. The benefit under the scheme has to be extended to the entire LGBTQIA+ community and must not be confined only to transgender persons. The Ministry of Social Justice and Empowerment shall take this into consideration and enlarge the scope of this scheme to all persons from the LGBTQIA+ community. Only then can it be considered as a wholesome and non-discriminative welfare scheme benefitting persons who otherwise are being marginalised in the society. The Ministry has to bear in mind that persons from the LGBTQIA+ community, as such do not have any support from their family or from the society at large. Therefore, the welfare schemes provided by the Government are their only ray of hope. In view of the same, this Court expects the Ministry of Social Justice and Empowerment to extend the *Garima Greh* scheme to all persons from the LGBTQIA+ community.

5. Regarding the directions pertaining to the listing of NGOs, when the matter was taken up for hearing on 04.10.2021, the Ministry of Social Justice and Empowerment had filed a status report and informed this Court that they are in the process of enlisting the NGOs along with their address, contact details and services provided, and informed this Court that the said process is underway. However, the status report that has been filed today by the Ministry of Social Justice and Empowerment does not address this issue. It is crucial to properly enlist the NGOs that work for the welfare of the LGBTQIA+ community. Unless this process is undertaken, LGBTQIA+ persons run the risk of abuse and threat amidst other hardships. Therefore, this Court expects the Ministry of Social Justice and Empowerment to complete the process of enlisting the NGOs with all details and upload the same on their website before the next date of hearing.

6. When the earlier order was passed by this Court on 06.12.2021, this Court had expressed concern over the manner in which the training material for teaching staff uploaded on NCERT's website was taken down without any valid reason. This Court directed NCERT to come up with a status report regarding the same. When the matter was taken up for hearing today, the learned Senior Panel Counsel for Union of India submitted the status report filed by NCERT. This status report has been submitted by the Deputy Secretary of NCERT. The relevant portions from the status report are extracted hereunder:

"3. Keeping the above in view, the Department of Gender Studies, NCERT proposed a programme titled 'Development of Training Material for Teacher and Teacher Educators on Transgender Concerns in School Education' for the year 2020-2021, which was approved by

the Councils' Academic and Programme Advisory Committees. The training material was thus developed (as a draft) by July, 2021. As an academic exercise, every material developed by the NCERT undergoes various stages before being finalized and put in Public domain. The material is tried out with the target groups, reviewed by different stakeholders, inviting comments and suggestions on draft being put to public viewing etc. and after the feedback, suggestions and comments are received, and then they are finalized. This process was to be followed in this case as well. The training material titled "Inclusion of Transgender Children in School Education: Concerns and Roadmap" which was uploaded on 6th September, 2021 on the NCERT website was only a Draft Training Material and was yet to be reviewed, finalised and duly approved by the Competent Authority, NCERT and when it was found that the uploaded "Training Programme" was yet to be reviewed, finalized and duly approved by Competent Authority, the same was removed by NCERT on 01.11.2021. from the NCERT's website, after 56 days. The Training Module was removed because of the aforesaid reasons rather than under any pressure but only in order to review and finalize it after involving all the Stakeholders in the process as indicated herein.

4. The training material is a research document with a lot of reference materials and compiled contents but it has to be in the format of a training module/manual to conduct training session/s. Since this is a training material for teachers and teacher educators for sensitization on such an important societal concern, it needs to be in a desired format, to be tried out through consultation with schools, teachers and teacher educators to take feedback before finalizing it. Thus, this requires to be designed and customized in the format of a training module. Though the Training material has been removed from the NCERT Website but NCERT has already started the process of its internal and external review of the Training Programme in the manner as indicated above.

5. The plan of Action initiated by the NCERT:-

(A) The process of developing the new National Curriculum Frameworks (NCF) of Education has been initiated, where one of the 25 themes to focus upon is Gender Education as a cross cutting theme to pave the path for implementation. There will be recommendations by the Focus Group during the NCF consultations and they will also be considered for the training manual.

(B) A meeting of internal experts comprising of three Deans, Head and faculty member of the Department of Gender Studies was held on 17th November, 2021. They reviewed the training material and found that the

training material has many gaps in its content and structure and it needs to be customized as a training module to sensitize teachers, teacher educator and school administrators for the benefit of the entire school education system in the country. During the above meeting, it was also felt that the training material requires a thorough review by external experts as well as different stakeholders of school education system before making it a public document.

C) The Competent Authority is in process and will constitute a committee for the review of the training material. The review will be done in three stages. In the first stage:

1. In First Stage - Review by different stakeholders including parent of a transgender student, School Administrator, school counselor, experts from University Departments of Gender Studies, Schools teachers, school head, nominated members from National Council of Transgender Persons, National Commission for Protection of Child Rights (NCPCR) and National Human Rights Commission will review the existing training material in a Planning Group meeting to prepare the frame work of the module and they will identify the experts who will contribute in preparing the module.

2. In the second stage - experts identified with the planning group will prepare the module in the workshop mode and in the:-

3. Third stage - vetting of the training module will be done by the Planning Group to finalize it.

6. As soon as the steps mentioned above will be accomplished, the well-designed and customized training modules will be disseminated among all the stakeholders and the same will be uploaded on the website of NCERT/ Ministry of Education etc after due approval of the Competent Authority NCERT.

7. Since NCERT endeavors to implement this at the earliest it is making all endeavors so that the training module can be rolled out for the next academic session. After the module is finalized, and approved by the Competent Authority, NCERT will share the Training Module with all States/UTs etc. and also conduct training programmes for teachers, teacher educators and school head.

7. The learned Senior Panel Counsel submitted that the training material will be reviewed in three stages and all efforts are being made by NCERT to roll-out the training module by the next academic session.

8. The stand taken by NCERT is recorded and this Court expects the NCERT to finalise the training module and positively implement it during the next academic session. In any case, since the

training material is going to be reviewed in stages, the status report to be filed before this Court during the next date of hearing must explain the ongoing stage of the said review at that point of time.

9.This Court while passing orders on 06.12.2021, took into consideration the advisory issued by the National Medical Commission ("NMC"), dated 13.10.2021. While taking note of this advisory, this Court pointed out certain vital changes that are required in the CBME curriculum. It has been dealt with in detail at paragraph 11 of the Order.

10.The learned Standing Counsel appearing on behalf of the NMC submitted that an Expert Committee has been constituted by NMC to specifically look into the concerns raised by this Court and pointed out at paragraph 11 of the Order and assured this Court that it will be informed of the progress made on the next date of hearing through a status report. This Court expects that the NMC will come up with a finalised version and recommend the changes to be made to the competencies of the CBME-curriculum. It can be made operational atleast from the next academic year. These small steps taken by the statutory bodies will repose a lot of confidence to persons belonging to the LGBTQIA+ community. Hence, the NMC shall file a status report in this regard during the next date of hearing.

11.When the earlier order was passed by this Court on 06.12.2021, this Court directed the learned Additional Advocate General appearing on behalf of respondents 7, 8, 9, 17 and 18 to take instructions and to file a report before this Court.

12.When the matter was taken up for hearing, the learned Additional Advocate General filed a written note. The learned Additional Advocate General submitted that a new Board consisting of 11 official members and 13 non official members has been formed on 11.10.2021, vide G.O.Ms.No.64, dated 11.10.2021. It was further submitted that 12 members are from the transgender community and there is one non official member, who is a queer-friendly/inclusive clinical psychiatrist. The learned Additional Advocate General further submitted that the Social Welfare and Women Empowerment Department will actively implement the following schemes for the welfare of Transgender persons:

1)	No. Of Trans Gender as per survey by the Department	:	11449
2)	Additional numbers Identified in October 2021	:	667
	Total		12116

3) Benefits given :-

1.	No. Of Identity Card issued	:	9277
2.	No. Of Sewing Machines	:	141
3.	No. Of Housing Allotment through Slum Clearance Board	:	515
4.	No. Of Education Assistance	:	9 (Rs. 2,35,030)
5.	No. Of Ration Card issued	:	2762
6.	No. Of House Pattas	:	1743
7.	No. Of Health Insurance Card	:	1489

13.It was further submitted that *thirunangaigal* (transwomen) who are unable to earn their livelihood are given a monthly financial aid of Rs.1000/- and a budget of Rs.1.50/- crores has been allocated for this scheme. The learned Additional Advocate General further submitted that the Tamil Nadu Government had come up with various welfare schemes during the pandemic and a helping hand was extended throughout this period. It was further submitted that skill training programs were also offered to transgender persons in the following manner:

1) As per Hon'ble Governor's announcement the proposal for various training for 655 Tirunangaigal has been sent to Tamilnadu skill development Corporation.

2) In continuation 20 transgender were given training on personal skills on 09.12.2021 and 10.12.2021 in Anna Administrative Staff College.

3) Fashion designing training for 68 days, for 15 Thirunangaigal at Namakkal District has been started in coordination with Tamilnadu skill development Corporation on 18.12.2021.

4) Creation of separate Mobile App would help the Trans Genders to enroll themselves with their personal data without any inhibition. The online registration of Trans Gender will ease the lengthy process of obtaining Medical certificates after proper screening test by the concerned committee for identification as Trans Gender.

14.The learned Additional Advocate General also brought to the notice of this Court, G.O.Ms.No.52, dated 26/08/2021, wherein, the State of Tamil Nadu has coined the term "*thirunangaigal*" in Tamil and the English term "*transgender*" is used wherever required. The relevant portions from the Government order are extracted hereunder:

5, மேற்கூறியவற்றைத் தீவிர பரிசீலனை செய்ததன் அடிப்படையில், ஆரசு பின்வருமாறு ஆணைகள் வெளியிடுகிறது :-

1) முன்றாம் பாலினர் என்று பயன்படுத்தப்படும் சொல்லுக்கு முன்றாம் பாலினர். மாற்றுப்பாலினத்தவதர், திருநங்கைகள், திருநம்பிகள் உள்ளிட்டோரைக் குறிக்குத் வகையில் 'திருநங்கை' என்று தமிழிலும் 'Transgender' என்று ஆங்கிலத்திலும் பெயர் மாற்றம் செய்யப்படுகிறது.

2) முன்றாம் பாலினர் நல வாரியம் என்ற பெயரை பயன்படுத்தப்படும் வாரியத்திற்கு, முன்றாம் பாலினர், மாற்றுப்பாலினத்தவர், திருநங்கைகள், திருநம்பிகள் உள்ளிட்டோர் பயன்பெறும் வகையில் 'திருநங்கைகள் நல வாரியம்' என்று தமிழிலும் 'Transgender Welfare Board' என்று ஆங்கிலத்திலும் பெயர் மாற்றம் செய்யப்படுகிறது.

15.The learned Additional Advocate General submitted that the Government of Tamil Nadu is in the process of formulating the Rules under the Transgender Persons (Protection of Rights) Act, 2019 ("Transgender Act") and it shall cover all welfare measures inclusive of their education, employment, security, livelihood and rehabilitation. The learned Additional Advocate General concluded his submissions by stating that the Government of Tamil Nadu will be a forerunner in addressing the welfare of the LGBTQIA+ community, and the progress made will be informed to this Court by filing status report during every hearing date.

16.During the last hearing, this Court had directed the Legal Services Authority to coordinate with the Director of the Tamil Nadu State Judicial Academy and file a status report on the plan of action to be taken. Today, at the time of hearing, the Member Secretary was present and a report was filed. The relevant portions in the report are extracted hereunder:

1.Legal Services Institutions across the State of Tamil Nadu conducts various Awareness, Legal Aid Programmes, Literacy classes etc., based the "**Calendar of activities**" for every year (April to March). This Authority has decided to amend the "**Calendar of activities**" suggesting 6 Special Programmes a year i.e., Once in Two months, touching the subject of Transgenders, LGBTQIA Community. All the 32 DLSAs will conduct a Sensitation Programme/Awareness Programmes targeting the general public, School Students, Colleges, Government Officials and other State holders.

2. For the purpose of conducting regular awareness/sensation programmes, this Authority is planning to organize Trainers of Trainee Programme by training 3 Panel Advocates for each Districts as Resource Persons. In this regard, I have had discussion with Hon'ble Director; Tamil Nadu State Judicial Academy and it is proposed to organize a training programme for the prospective Resource Panel Advocates in the month of January, 2022. The persons trained will be the Resource persons for the respective Districts for conducting the Programmes as scheduled in the "**Calendar of Activities**".

Legal Services offered to Transgenders:

3. I submit that, this Authority is running 5 Special Clinics for Transgenders in co-ordination with NGO's in 5 places and the list below shows the places and NGO's coordinating with this Authority.

S.No.	Name of District	Name of Clinics
1.	Namakkal	Legal Aid Clinic for transgenders at Senthamangalam
2.	Tiruvallur	Vidivelli Transgender Welfare Association, Tiruvallur
3.	Tirunelveli	Peace Trust, Palayamkottai - Clinic for Transgender
4.	Madurai	Legal Aid Clinic for Transgenders at Social Welfare Development Society, Ellis Nagar (SWDS)
5.	Thanjavur	Legal Services Clinic for Transgender at Annai Theresa Social Service Home, Thanjavur

4.I. submit that, this Authority has also empanelled three (3) Transgenders as Para Legal Volunteers in Thanjavur, Tiruvallur and Vellore Districts. The PLVs are regularly co-ordinating with the District Legal Services Authorities to reach out the Transgender Communities.

5.I submit that, as a part of PAN India Campaign, while celebrating 75th year of Independence and 25th year of inception of NALSA, this Authority has reached out 16,969 villages in phased manner as prescribed by the NALSA.

1 st Phase:	2 nd to 15 th October 2021
2 nd Phase:	16 th to 29 th October 2021
3 rd Phase:	30 th October to 7 th November 2021
4 th Phase:	8 th November to 14 th November 2021

During this period, this Authority has met **9,191 transgenders** across the State and various benefits have been distributed to **90 persons**. The DLSAs of Thoothukudi, Tiruppur, Theni and Ariyalur have conducted Legal Awareness Programmes in the period of October and December, 2021 and the reports of the respective Districts submitted as Annexure A.

17.The learned Standing Counsel appearing on behalf of the State Legal Services Authority submitted that the Legal Services Authority will play a major role in raising awareness, and regular programs will be conducted and status report will be filed as and when there is any progress.

18.The learned counsel for the petitioner who is assisting this Court right from the inception, circulated a short note which focuses on the standardised guide/prescriptive glossary containing the words and expressions to be used by the press and media while addressing persons belonging to the LGBTQIA+ community. In order to provide assistance, the words and expressions that can be used in Tamil by the press and media has been collated at paragraph No.5 of the note and for proper appreciation, the same is extracted here under:

S.No.	Tamil Words (With explanation)	English Words (With explanation)
1.	பால் இது பிறப்பில் தோன்றும் உடற்கூறு சார்ந்த வேறுபாடு, ஊடல் உறுப்புகள், தசைகள் மற்றும் பால் குரோமோசோம்கள் இவை அனைத்தும் ஒருவரின் உடற்கூறை நிர்ணயிக்கின்றன. பெரும்பாலும் காணப்படுவது ஆண்பால் அல்லது பெண் பால், கிலருக்கு இரண்டு பால் சம்மந்தப்பட்ட உறுப்புக்களும் பிறப்பிலேயே அமைவதுண்டு. இவர்களை “இன்டர்செக்ஸ்” என்று அழைக்கிறோம்.	Sex Sex refers to the biological make-up of a person. Most people are either male or female , and a few have biological features of both sexes. Those are referred to as intersex (formerly known as hermaphrodite: which is now a derogatory term). The biological make-up is assessed from ester a,body parts, sex chromosomes and/or tissues and organs.

S.No.	Tamil Words (With explanation)	English Words (With explanation)
2.	பாலினம் ஆண் தன்மை அல்லது பெண் தன்மை. பாலினம் என்பது ஒருவர் தன்னை அடையாளம் காண உபயோகிக்கும் சொல். உதாரணம் 'சமூகம்' 'வலிமை', 'வீரம்'; 'போன்றவற்றை ஆண்தன்மையோடு இணைக்கிறது. 'மென்மை' 'நளினம்'; 'போன்றவற்றை பெண்தன்மையோடு இணைக்கிறது. ஒருவரது பாலினம் அவரது பாலோடு பொருந்தி இருக்க வேண்டும் என்பது பலரின் எதிர்பார்ப்பு. உதாரணத்திற்கு ஒரு ஆண், ஆண்மையுடன் நடந்து கொள்ள வேண்டும், ஆணை போன்று தோன்ற வேண்டும் என்பது பலரின் எதிர்பார்ப்பு, அனுமானம், ஆண்மையின் வெளிப்பாடு பல கலாச்சாரங்களிலும், காலங்களிலும் வேறுபட்டாலும், சில குணாதிசயங்கள் என்றும் இருந்து வருபவை. இது போன்ற எதிர்பார்ப்புகளுக்குள் அடங்காத, பொருந்தாத ஆண்கள் அல்லது பெண்களுக்கென்று இருக்கும் எதிர்பார்ப்புகளுக்குள் அடங்காத, பொருந்தாத பெண்கள், பிறரால் தாழ்ந்தவர்கள், குறைந்தவர்கள் என்றும் கருதப்படுகிறார்கள். அப்படிப்பட்டவர்களை கேலி, கிண்டல் செய்வதும், துன்புறுத்துவதும் நடைமுறை.	Gender Gender: This refers to the social categories of man and woman, and to the behaviors that we consider to be masculine and feminine. Gender is expected to conform to biological sex. Hence, someone whose sex is male, is expected to look like a man and behave in a masculine manner. What constitutes "masculine behaviour" or "manly appearance" may vary culturally, and may vary across history, but some features are constant. Males who do not conform to the expectations society has of men, and females who do not conform to the expectations society has of women, are considered inferior or inadequate, and can be subjected to ridicule and harassment. Such ridicule and harassment is especially severe for those whose gender is at odds with their sex.

S.No.	Tamil Words (With explanation)	English Words (With explanation)
3.	பாலிப்பு இது பாலியல் ரீதியாக ஏற்படும் ஈர்ப்பு.	Sexual Orientation/attraction This refers to an individual's attraction to men, women, and/or transgender people. Sexual orientation is not necessarily a preference for one sex over other(s); and hence the terms sexual orientation and sexual preference should not be used interchangeably.
4.	பாலுறவு நடத்தை நடைமுறையில் ஒருவர் யாருடன் பாலுறவு கொள்கிறார்கள். அதாவது ஆண் மற்றும்/அல்லது பெண், திருணர்களுடன்.	Sexual Behaviour This refers to an individual's sexual behaviour with men, women, and/or transgender people. The concept is most often used in the public health / epidemiological context, where behaviour, rather than orientation or identity, is the focus of attention.
5.	பாலுறவு அடையாளம் ஒருவர் தம்மை எப்படி அடையாளப்படுத்தி கொள்கிறார்கள். உதாரணம் ° நங்கை, நம்பி, ஈரா, கோதி, DD, திநங்கை, ஆறவாணி. ஒருவரது பால் அடையாளம் அவர்களது பாலிப்பு மற்றும் பாலுறவு நடத்தையுடன் பொருந்தியோ/பொருந்தாமலோ இருக்கலாம். உதாரணத்திற்கு ஒருவர் நம்மை “எதிர்பார்ப்பாளர்” என்று அடையாளப்படுத்தி கொள்ளலாம், ஆனால் அவருக்கு ஆண், பெண் என்று இரண்டு பாலினர் மீதும் ஈர்ப்பு இருக்கலாம்.	Sexual identity Sexual identity refers to how individuals identify themselves. Terms such as Gay, Bi, Kothi, Double Decker, Aravani, and Straight all connote sexual identity. Sexual identity may or may not be aligned with orientation or behaviour. For instance, a man may identify as straight but in reality be attracted to women as well as men.

S.No.	Tamil Words (With explanation)	English Words (With explanation)
6.	ஏதிர்பாலிர்ப்பு ஏதிர்பால் மேல் ஏற்படும் பாலிர்ப்பு, பெண்கள் மேல் பாலிர்ப்பு உடையை ஆண்கள், ஆண்கள் மேல் பாலிர்ப்பு உடையை பெண்கள் (ஏதிர்பாலிர்ப்பாளர்)	Heterosexuality Heterosexuality refers to attraction to members of the other sex.
7.	ஒருபாலிர்ப்பு அல்லது தன்பாலிர்ப்பு தனது பாலின் மீது ஏற்படும் பாலிர்ப்பு, ஆண்கள் மேல் பாலிர்ப்பு உடையை ஆண்கள், பெண்கள் மேல் பாலிர்ப்பு உடையை பெண்கள் (தன்பாலிர்ப்பாளர்/ஒருபாலிர்ப்பாளர்),	Homosexuality Homosexuality refers to exclusive or predominant same-sex attraction.
8.	நம்பி அல்லது ஒரு பாலிர்ப்புள்ள ஆண் அல்லது மகிழ்வன் தனது பாலின் மீது ஈர்ப்புள்ள ஆண், ஆண்கள் மேல் பாலிர்ப்பு உடைய ஆண்கள். ஆண்களை விரும்பும் ஆண்கள், இவர்களில் சிலர் தங்களை அடையாள படுத்திக்கொள்ள நம்பி (தமிழ்) அல்லது கே (ஆங்கிலம்) என்ற சொற்களை பயன்படுத்துகிறார்கள், உதாரணத்திற்கு ஆண்கள் மீது ஈர்ப்புள்ள ஆண்கள் அனைவரும் இந்த சொற்களை உபயோகப்படுத்துவதில்லை, ஏனெனில் இவர்களில் சிலருக்கு பெண்கள் மீதும் ஈர்ப்பு இருக்கலாம்.	Gay A sexual identity term adopted by some (but not all) people who are exclusively or predominantly attracted to those of the same sex. Usually, but not always, this term is used by men. Sexual identity does not necessarily reflect sexual orientation or behaviour. For instance, many men attracted to other men, or men who have sex with other men, do not use the term 'gay' to describe themselves because their attraction is not limited to men, or because they feel this identity term is associated with a certain culture/ sub-culture to which they do not relate. In an increasingly globalized popular culture, 'gay' is often treated as an orientation term, and used interchangeably with 'homosexual'.

S.No.	Tamil Words (With explanation)	English Words (With explanation)
9.	நங்கை தனது பாலின் மீது ஈர்ப்புள்ள பெண், பெண்கள் மேல் பாலிர்ப்பு உடைய பெண்கள், பெண்களை விரும்பும் பெண்கள், இவர்களில் சிலர் தங்களை அடையாள படுத்திக்கொள்ள நங்கை (தமிழ்) அல்லது லெஸ்பியன் (ஆங்கிலம்) என்ற சொற்களை பயன்படுத்துகிறார்கள்	Lesbian A sexual identity term adopted by some (but not all) women who are exclusively or predominantly attracted to other women.
10.	இருபாலிர்ப்பு ஆண்/பெண் இருவர் மேலும் ஏற்படும் பாலிர்ப்பு, ஆண்/பெண் இருவர் மேலும் பாலிர்ப்பு உடைய ஆண்கள் மற்றும் பெண்கள் (இருபாலிர்ப்பாளர்கள்). இவர்களின் ஈர்ப்பு இரண்டு பாலினர் மீதும் சம அளவில் இருக்க வேண்டும் என்பது கட்டாயமல்ல.	Bisexuality Bisexuality refers to attraction towards males and females. It does not imply equal degree of attraction, simply significant attraction towards both.

S.No.	Tamil Words (With explanation)	English Words (With explanation)
11.	ஈரல் ஆண் மற்றும் பெண் இரண்டு பாலினர் மீதும் ஈரப்படுள்ளவர்கள்.	Bisexuals People attracted to both men and women. It can also be used to describe identity. In the public health context, the usage of this term is limited to describing sexual behaviour. This usage leads to a lot of misconceptions, such as the idea that a bisexual is always/ concurrently having sex with men and women; or that a married man who has sex with other men is necessarily bisexually oriented. Not true. A homosexual person forced into marriage with someone of the other sex does not "become" bisexual. Likewise, an individual could be in a committed relationship with one other individual (of any sex) and still be bisexually oriented and identified. Bisexuality, as the quip goes, is about "what's in your head, not who's in your bed".

S.No.	Tamil Words (With explanation)	English Words (With explanation)
12	திருனர் தங்களது பிறப்பு ரீதியான பாலும், பாலினத்தன்மையம் மாறுபட்டதாக உணர்பவர்கள், உதாரணம் தான் பெண் என்று மன அளவில் நம்பும் ஆண்கள், திருனர்கள் பால் மாற்று அறுவை சிகிச்சை மற்றும் வழி முறைகளை செய்ய விரும்புவர்களாக இருக்கலாம். அல்லது விரும்பாதவர்களாக இருக்கலாம். திருனர்களின் பால் ஈர்ப்பும் எல்லோரையும் போல பன்மைபட்டது.	Transgender Transgender refers to individuals whose sense of. their own gender (i.e.gender identity) differs from their sex assigned at birth. For example, it could refer to individuals assigned male at birth, who identify themselves as women or as not-men, or to individuals assigned femaleat birth, who identify themselves as men or asnot-women. A transgender person may or may not desire gender-affirmation surgery (formerly sex- reassignment surgery) or other procedures, and could have any sexual orientation.
13.	திருநங்கை பிறப்பால் ஆண்பாலும், மன அளவில் பெண்பாலாகவும் அடையாளம் காண்பவர்கள், பால் மாற்று அறுவை சிகிச்சை மற்றும் அறுவை சிகிச்சை மற்றும் வழிமுறைகளை செய்ய விரும்புவர்களாக இருக்கலாம் அல்லது விரும்பாதவர்களாக இருக்கலாம். திருனரில் ஒரு பிரிவு.	Trans woman/ Transfeminine [formerly MaleTo Female Transgender (MTF)] This term refers to male-born individuals who consider themselves aswomen. Some (but not all)of these individuals opt for gender-affirmation surgery (formerly sex-reassignment surgery) or other procedures, to align their external sexual characteristics with their gender identity.

S.No.	Tamil Words (With explanation)	English Words (With explanation)
14	திருநம்பி பிறப்பால் பெண்பாலும், மன அளவில் ஆண்பாலாகவும் அடையாளம் காண்பவர்கள், பால் மாற்று அறுவை சிகிச்சை மற்றும் அறுவை சிகிச்சை மற்றும் வழிமுறைகளை செய்ய விரும்புவர்களாக இருக்கலாம் அல்லது விரும்பாதவர்களாக இருக்கலாம். திருநாள் இன்னொரு பிரிவு.	Trans man/ Transmasculine [formerlyFemale To Male Transgender (FTM)] This term refers to female assigned individuals who identify their gender as men. Some (but not all) of these individuals opt for gender-affirmation surgery (formerly sex-reassignment surgery) or other procedures, to align their external sexual characteristics with their gender identity.
15.	ட்ரான்ஸ்ஸெக்ஸுவல் பிறப்பால் ஒரு பாலும், மன அளவில் வேறுபாலினத்துடன் அடையாளம் காண்பவர்கள், மற்றும் இந்த வேறுபாடை மாற்ற அறுவை சிகிச்சை அல்லது உறார்மோன் சிகிச்சை மேற்கொண்டவர்கள்/மேற்கொள்ள விரும்புவார்கள்.	Transexual [medical term not favoured by the community] This term refers to individuals who have opted, or plan to opt, through gender-affirmation surgery (formerly sex-reassignment surgery) or other procedures, to align their external sexual characteristics with their gender identity. Transexual(ity) is primarily a medical term.
16.	மாறுபட்ட பலபாலீர்ப்பு மற்றும் பாலடையாளம் கொண்டவர்கள் (மாற்று பாலின-பாலீர்ப்பு) நங்கை-நம்பி-ஈரர்-திருநர் இவர்கள் அனைவரையும் மொத்தமாக குறிப்பிடும் சொல்.	LGBT or Queer Used to collectively refer Lesbians - Gays- Bisexuals- TransGender People

S.No.	Tamil Words (With explanation)	English Words (With explanation)
17.	பலபாலீர்ப்பு ஆண்/பெண் என்னும் வேறுபாட்டைக் கடந்த பாலீர்ப்பு.	Pansexuality Pansexuality refers to attraction that includes males, females and transgender people. Sometimes, people use the term to refer to attractions that are NOT based on sex of the individual(s) concerned.
18.	மாற்று பாலின-பாலீர்ப்பு சுயமரியாதை நங்கை-நம்பி-ஈரர்-திருநர் இப்படி மாறுபட்ட பாலீர்ப்பு மற்றும் பாலடையாளம் கொண்டவர்கள் தங்கள் பாலீர்ப்பையும், பால் அடையாளங்களையும் எண்ணி கூனி குறுகாமல், எல்லோரையும் போல தலை நிமிர்ந்து கௌரவமாக, சுய மரியாதையுடன் வாழ்வதையை “சுய மரியாதை” என்று குறிப்பிடுகிறோம்.	Gay Pride or LGBT Pride LGBT pride or gay pride is the concept that lesbian, gay, bisexual, and transgender (LGBT) people should be proud of their sexual orientation and gender identity. It is often used to describe marches, rallies and other events celebrating visibility of our communities.
19.	வானவில்-சுயமரியாதை பேரணி நங்கை-நம்பி-ஈரர்-திருநர் இப்படி மாறுபட்ட பாலீர்ப்பு மற்றும் பாலடையாளம் கொண்டவர்கள் தங்கள் பாலீர்ப்பையும், பால் அடையாளங்களையும் கலாச்சாரத்தையும் கோற்றும் எல்லா நிகழ்ச்சிகளையும் “வானவில் சுய மரியாதை விழா” என்று அழைக்கிறோம்.	Pride Parade Pride parades for the LGBTcommunity (also known as gay pride parades, pride events and pride festivals) are events celebrating lesbian, gay, bisexual, and transgender (LGBT)culture.
20.	வெளியே வருதல் மாறுபட்ட பாலீர்ப்பு மற்றும் பாலடையாளம் கொண்டவர்கள், தங்களது அடையாளம் மற்றும் பாலீர்ப்பை, அறிந்து ஏற்றுக்கொள்வதையும் பின்பு தங்கள் குடும்பத்தாருக்கும் மற்றும் நண்பர்கள், உறவினர்களுக்கும் அதை தெரிவிப்பதையும் தான் “வெளியே வருதல்” என்று அழைக்கிறோம்.	Coming Out Coming out is the process by which individuals accept their own homosexual or bisexual orientation or transgendered nature, and then let friends and family members know about this aspect of themselves.

S.No .	Tamil Words (With explanation)	English Words (With explanation)
21	மாற்றுடை அணிபவர்கள் எதிர் பாலினரின் உடைகளை அணிந்து தங்களது பாலுணர்வை வெளிப்படுத்துபவர்களை மாற்றுடை அணிபவர்கள் என்று அழைக்கிறோம்.	Cross-dressers People who wear the clothes of the opposite sex and express their sexuality are called Cross-dressers.
22	பால் சம்மந்தப்பட்ட மன போராட்டம்	Gender Dysphoria
23	பால் மாறுதல்	Gender Transition
24	பால் மாற்று அறுவை சிகிச்சை	Sex Reassignment Surgery

19.The learned counsel for the petitioner submitted that the above words and expressions are illustrative and not exhaustive, to address the LGBTQIA + community . However, at some stage, there must be a beginning where persons belonging to this community are addressed in a more dignified manner.

20.The learned Additional Advocate General shall take note of the words and expressions that have been suggested *supra* and it can be forwarded to the Government of Tamil Nadu, facilitating it to come up with a standardized guide/prospective glossary containing the words and expressions to address persons belonging to the LGBTQIA+ community. Once the Government publishes the same, it will have more force and will be easier to implement. This Court expects that such a prospective glossary will be placed before this Court before the next date of hearing.

21.In the meantime, this Court wants to make an earnest request to the press and media to take into consideration the words and expressions mentioned herein above, to be used while addressing persons belonging to the LGBTQIA+ community. If these words and expressions are used regularly, it will become a common practice and that will pave way for a dignified identify for persons belonging to this community. This Court reposes confidence on the press and media and they will seriously consider the request made by this Court and start implementing the same hence forth.

22. Post this case under the caption for filing further report
on 18.02.2021 at 2.15 p.m.

-sd/-
23/12/2021

/ 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

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

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

Order
in
WP.NO.7284/2021

Date :23/12/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
PM(07/09/2021) PM(05/10/2021) (IT) PM(07/12/2021) (IT)
PM(01/01/2022)