

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND TWENTY

: **PRESENT:**

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE B VIJAYSEN REDDY

WP(PIL). No. 74 OF 2020

Between:

Vjayanti Vasanta Mogli Alias M.Vijay Kumar/Vijay Jagdish Mogli, D/o Mr. Mogli Jagdish Kumar, Occ. Social Activist, R/o 3-5-139/2/A, Shiva Nagar, Hyderguda, Attapur, Rajendra Nagar Mandal, Ranga Reddy District, Hyderabad - 500048 Mobile No.9885567958 Adhaar Card No. 868190852807 Pan Card No.AUNPM1646D Email Id. vyjayanti.vasanta.mogli@gmail.com

Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, Room No.301 and 302, 3rd Floor, Telangana Secretariat, Hyderabad 500021.
2. The State of Telangana, Rep by its Principal Secretary, Department of Health Medical and Family Welfare, Telangana State Secretariat, Hyderabad.
3. The State of Telangana, Rep by its Principal Secretary, Department of Civil Supplies, Telangana Secretariat, Hyderabad.
4. The State of Telangana, Rep by its Principal Secretary, Department of Home, Telangana Secretariat, Hyderabad.
5. The State of Telangana, Rep by its Principal Secretary Department of Finance, Telangana Secretariat, Hyderabad.
6. The State of Telangana, Rep by its Principal Secretary, Department of Panchayat Raj and Rural Development, Telangana Secretariat, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the petition and affidavit filed in support thereof the High Court may be pleased to issue a Writ, Order of direction more particularly one in the nature of Writ of Mandamus A) Direct the Respondents herein to provide free of cost rations, food and nutrition and provisions including vegetables and fruit to members of the transgender community from ration shops and also from other outlets without insisting for the production of Ration card, B) Direct the Respondents herein to provide Free of cost medicines to transgender persons including HIV medications, hormone therapy medicines, diabetes and other medications to be made available to transgender persons from primary health centres and from government and public hospitals, C) Direct the Respondents herein to allow transgender persons to apply for and provide the payment of three months social security pension to transgender persons under the Aasara scheme, D) Direct the Respondents herein to provide free LPG cylinders and waive electricity bill for 6 months to transgender persons in the lines of the similar assurance for 3 months under the PM Garib Kalyan Yojana. E) Direct the Respondents herein to extend the Aarogyashri government medical insurance to transgender persons and Direct that the Aarogyashri include the health challenges of COVID-19, F) Direct the Respondents herein to take appropriate action against those who are targeting the Transgender Persons by falsely labelling them in public as the potential carriers of HIV positive and Corona-Virus and consequently direct the Respondents herein to protect the life by providing appropriate security to the Transgender persons in all public places. G) Direct the Respondents to place moratorium on the collection of rents till the end of June free of interest and late payment penalty fees and pass orders directing that landlords they should not evict transgender persons from existing rental premises for non-payment of rent during the present period;

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, this Hon'ble court may be pleased to direct the Respondents herein to immediately ensure the supply of all basic essential rations, food and nutrition and provisions including vegetables, fruits and medicines for free of cost to all Transgender persons and consequently direct the Respondents herein to provide proper health care for free of cost to all Transgender persons diagnosed with HIV positive and those Transgender persons undergoing sex re-assignment, pending disposal of WP(PIL) 74 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of the High Court dated 27.04.2020 made herein and upon hearing the arguments of Sri R Sameer Ahmed Advocate for the Petitioner and of Sri B.S. Prasad, Advocate General, for the respondents, the Court made the following.

ORDER:

Mr. B. S. Prasad, the learned Advocate General, has submitted two reports before this Court, namely, the first report dated 26.05.2020, and the second report dated 04.06.2020. The same shall be taken on record.

A bare perusal of the report dated 26.05.2020, clearly reveals that it is a highly vague report. For, in para 5, the respondents claim that “they are making efforts to establish two Shelter Homes exclusively for transgenders”. But the details of where these Shelter Homes are being constructed, and the capacity of these shelter homes, are not given in the report.

Similarly, although this Court had asked the exact figures with regard to the population of the transgender community in the major cities of State, in para 11, a bald statement has been made that “the Government has identified 2,175 transgenders in the State of Telangana”. Whether this number includes the transgenders in the major cities of Telangana, or merely in the GHMC Area is unclear.

Similarly, in para 14, it is claimed that “medicines are also made available as per the requirement of the transgender community”. It is unclear as to when the medicines were made available? By whom they were made available? And to whom they were made available? Therefore, the essential data is conspicuously missing.

Lastly, it is also stated that “dry ration supplies are arranged to 610 persons through local donors, and NGOs by reaching out to them”. Despite the fact that the Government claims that it is distributing 5 kg rice, 1 kg tur dal, 200 grams chilli powder, 1 lr sunflower oil, 250 grams tamarind, 250 grams salt, 1 kg onions, 200 grams turmeric powder, one dettol soap, and one reusable cloth mask, it is unclear whether the members of the transgender community are permitted to buy their foodgrains from the Public Distribution System, or not?

Learned counsel for the petitioner submits that many of the transgender community do not have availability of ration cards, because in the form to be filled up for seeking ration card, the third gender is not indicated. In the absence of having valid ration cards, the transgender community is denied access to the Public Distribution System. She further submits that due to the spike in COVID-19 cases in the State, despite the fact that member of the transgender community may be contracting COVID-19, their medical care requires special attention. For, according to the learned counsel, it is this community which is unfortunately neglected, and is ostracized by large number of people. Until and unless special wards are designated

for housing the transgender community in the hospitals, there is a grave possibility that the medical needs, and medical attention of such transgender persons may be neglected by medical staff, and even by doctors. Therefore, she prays that a direction should be issued to the Government to instruct the medical staff, firstly, to have separate ward for the members of the transgender community, and to instruct them to take special care of such persons.

This Court directs the learned Advocate General to immediately bring the two points raised by the learned counsel for the petitioner to the notice of the Government. He is also directed to inform this Court on 06.07.2020 as to whether any action has been taken by the Government on these points, or not?

List this case on 06.07.2020.

//TRUE COPY//

SD/- B. SATYAVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Room No.301 and 302, 3rd Floor, State of Telangana, Telangana Secretariat, Hyderabad 500021.
2. The Principal Secretary, Department of Health Medical and Family Welfare, State of Telangana, Telangana State Secretariat, Hyderabad.
3. The Principal Secretary, Department of Civil Supplies, State of Telangana, Telangana Secretariat, Hyderabad.
4. The Principal Secretary, Department of Home, State of Telangana, Telangana Secretariat, Hyderabad.
5. The Principal Secretary Department of Finance, State of Telangana, Telangana Secretariat, Hyderabad.
6. The Principal Secretary, Department of Panchayat Raj and Rural Development, State of Telangana, Telangana Secretariat, Hyderabad.
(Addressees 1 to 6 by RPAD)
7. One CC to Sri R Sameer Ahmed Advocate [OPUC]
8. Two CC to Advocate General, High Court, Hyderabad(OUT)
9. Two spare copies

Csk

HIGH COURT

HCJ
&
BVRJ

DATED: 29/06/2020

NOTE: LIST ON 06.07.2020

ORDER

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DIRECTION