

The High Court Of Madhya Pradesh

WP-10027-2021

(NOORI Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 16-08-2021

Ms. Shanno Shagufta Khan, Advocate for the petitioner appeared through Video Conferencing.

Mr. Swapnil Ganguly, Deputy Advocate General for the respondents/State.

This writ petition in the form of Public Interest Litigation has been filed by Noori, D/o Shahid Pathan, a Transgender, who is Social Worker and Paralegal Volunteer at Indore, for the welfare of the people of Transgender Community.

Learned counsel for the petitioner has contended that there are approximately 1000 Transgenders living in Indore and most of them do not have any source to earn their livelihood and suffer from starvation. There are generally two types of Transgender. While type-I transgender lives in 'Dera', who earn their livelihood by 'Toli Badhai' and are financially stable, but the type-II transgenders are those who live in their houses and earn their livelihood by doing little chores. Type-II transgenders are not financially stable and are in dire need of assistance from the Government. It is contended that in *WP-7613-2020 (PIL) [Sandhya Sandeep Kumar Ghavri vs. The State of M.P. and others]* filed by a transgender, certain directions were sought to be issued to the respondents-State Government to provide 25 kg 'Ration' and cash assistance of Rs.5000/- per month to the transgenders in the State of Madhya Pradesh for at least six months and thereafter regularly provide them support to make their both ends meet for survival. Learned Advocate General appearing for the respondents-State in that writ petition assured this Court that in case, individual cases are brought to the notice of the Collector concerned, the same shall be looked into for providing proper assistance and redressal of the grievance. Taking note of the assurance given by the learned Advocate General, the aforesaid writ petition was disposed of

vide order dated 20.07.2020.

Learned counsel for the petitioner contended that most of the transgenders do not have transgender card, specially those who are newly added to the list, and due to non-availability of transgender card, they are not in a position to get their 'Aadhar' Card and 'Ration' Card prepared. It is further contended that as against the promise of providing 5 kg food grains every month, currently only 4 kg food grains is being given to the transgender, out of which also 2 kg Bajra is provided, which is highly insufficient for their survival.

Mr. Swapnil Ganguly, learned Deputy Advocate General submits that the State Government has issued notification dated 04.06.2021 by which transgender community has been included as one of the beneficiaries under the National Food Security Act, 2013. Clause 2.3 of the said notification provides for issuance of identity card to transgenders by the District Collectors and in pursuance thereof, the Collector, Indore has passed the order dated 11.06.2021. It is further submitted that as per the scheme of the Central Government, whatever benefits are provided to the beneficiaries under the National Food Security Act, 2013 shall also be provided to the transgenders.

What we gather from rival submissions of the parties is that most of the transgenders face difficulty not only because they do not have transgender identity card, but even the 'Ration' Cards are also not issued in their names. It has also been demonstrated that owing to non-availability of 'Ration' Card, the transgenders community are not in a position to get their 'Aadhar' Card issued.

Having regard to the aforesaid situation faced by the transgender community in the State of Madhya Pradesh, we direct the Member Secretary, M.P. State Legal Service Authority to provide assistance to all such transgenders across the State by getting a survey conducted through Paralegal Volunteers and help them in getting their Identity Cards/Transgender Cards,

'Ration' Cards and 'Aadhar' Cards prepared. The Secretary of the District Legal Service Authority, in each districts, shall monitor this exercise. The Collectors of the respective districts shall provide them all necessary support for facilitating the work of survey as well as issuance of Identity Card/Transgender Card, 'Ration' Card and 'Aadhar' Card.

A copy of this order be forwarded to the Additional Chief Secretary, Social Justice Welfare Department, Government of Madhya Pradesh, Bhopal (respondent No.3) and to the Member Secretary of Madhya Pradesh Legal Services Authority, Jabalpur for doing the needful.

The respondents-State is directed to place on record the relevant material showing other benefits which are being provided to the transgender community in the State of Madhya Pradesh under any other scheme of the Central Government/State Government. In the meantime, the Collectors of each districts in the State shall ensure distribution of the food grains and other benefits admissible to the transgenders in the State under the schemes of the Central Government/State Government as well as under the National Food Security Act, 2013.

List the matter again on **20.09.2021** to see further progress.

(MOHAMMAD RAFIQ)
CHIEF JUSTICE

(VIJAY KUMAR SHUKLA)
JUDGE