

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

W.P. No. of 2019

Grace Banu Ganesan

D/o M. Ganesan, Aged about 29 years
Residing at 7/4, Annamalai Mesthri Street
Ayyavoo Colony, Aminjikarai
Chennai – 600 029

...Petitioner

-vs-

1. State of Tamil Nadu

Through the Ministry of Social Welfare
Tamil Nadu State Government
Secretariat, Fort St. George
Chennai – 600 009

2. State of Tamil Nadu

Through the Department of School Education
Tamil Nadu Government
Secretariat, Fort St. George
Chennai – 600 009

3. State of Tamil Nadu

Through the Department of Higher Education
Tamil Nadu Government
Secretariat, Fort St. George
Chennai – 600 009

4. State of Tamil Nadu

Through the Department of Labour and Employment
Tamil Nadu Government
Secretariat, Fort St. George
Chennai – 600 009

5. State of Tamil Nadu

Through the Department of Law
Tamil Nadu Government
Secretariat, Fort St. George
Chennai – 600 009

6. Tamil Nadu Transgender Welfare Board

Social Welfare Department
No. 1, Panagal Maligai
Building, 2nd Floor, Near Kalaignar Arch
Jeenis Road, Saidapet
Chennai – 600 009

...Respondents

AFFIDAVIT ON BEHALF OF THE PETITIONER

I, Grace Banu Ganesan, D/o M. Ganesan, aged about 29 years, residing at 7/4, Annamalai Mesthri Street, Ayyavoo Colony, Aminjikarai, Chennai – 600 029, do hereby solemnly affirm and sincerely state as follows:

1. I am the Petitioner herein and therefore, I am well acquainted with the facts and circumstances of the case and I am competent to affirm and swear to this Affidavit.

2. I submit that I am a transgender rights activist and have been active in the movement to secure the rights of transgender persons in India and more particularly in the State of Tamil Nadu since the year 2010. I am the first transgender person to be admitted to and have graduated from an engineering college in Tamil Nadu and to have secured an engineering degree. I have established the Trans Rights Now Collective, which is a national collective of transgender persons established with the objective of building capacity and leadership among the transgender community across India. Through the Trans Right Now Collective, I have advocated for securing the rights of SC and ST transgender persons in India. I have been an active voice in the movement for the implementation of the directions of the Hon'ble Supreme Court in **NALSA v. Union of India, (2014) 5 SCC 438** ("NALSA"), urging the State to provide reservations for transgender persons in educational institutions and public employment. Recently with the introduction of the Transgender Persons (Protection of Rights) Bill, 2018, I have been an active voice in opposing the Bill as it is in violation of the constitutional rights of transgender persons and seeks to harm them instead of protecting them. I was involved in organising the transgender community in voicing our concerns against the Bill. I have also assisted many transgender persons in securing employment opportunities in the State of Tamil Nadu through advocacy and assistance with litigation. I have also written in the media actively on transgender rights and concerns.

3. I submit that I have filed the present Petition seeking implementation of the decision in *NALSA v. Union of India*, whereby the Hon'ble Supreme Court directed that reservations must be provided to transgender persons in educational institutions and public employment. I submit that with regard to reservations for transgender and intersex persons, I have filed the present writ petition in the form of a Public Interest Litigation, seeking implementation of horizontal reservations for transgender persons in educational institutions and public employment and to make substantive contributions as to the manner in which reservations should be provided and implemented by the State Government.
4. I state that I have filed other petitions before this Hon'ble Court seeking reservation for transgender persons. In 2016, I was one of the Petitioners who approached this Hon'ble Court seeking implementation of the direction to provide reservations for transgender persons in public employment in ***Swapna & Ors. v. The Chief Secretary, W.P. No. 31091 of 2013***. In this matter this Hon'ble Court was pleased to pass an order dated 05.07.2016, directing the State of Tamil Nadu to provide post based reservations to transgender persons in public employment. A copy of the said order is filed herewith.
5. I submit that the present writ petition is filed in public interest and there is no vested interest in the filing of the present petition. This petition is filed out of my own monies. My annual income is about Rs.1,00,000 and my PAN number is CBXPG8510R. My Aadhar card copy bearing 5075 7897 6526 is enclosed as part of the typed set of papers filed before this Hon'ble Court. I state that no other public interest litigation seeking the same relief has been filed, to my knowledge. I state that I am willing to pay costs, if any imposed by this Hon'ble Court. I have filed the above affidavit from my personal knowledge and from the documents that I have acquainted myself with. I submit that to my knowledge, no public interest litigation has been filed on the issue of implementing

horizontal reservations for transgender persons in educational institutions and public employment in the State of Tamil Nadu. However, I have come across newspaper reports regarding a Writ Petition filed for reservation in public employment, however the same is not in the nature of a Public Interest Litigation.

6. I submit that as far back as 2014, the Central Government, through the Ministry of Social Justice and Empowerment, set up an Expert Committee on the Issues Relating to Transgender Persons. This Expert Committee issued a Report ("Expert Committee Report") in January 2014 which provided a series of recommendations to integrate transgender persons into society. The Committee also discussed the viability of providing reservations for transgender persons in educational institutions and public employment during the various meetings conducted in the preparation of the Report, while noting the stigma and discrimination, high levels of economic deprivation and lack of vocational skills faced by transgender persons.
7. I submit that thereafter the *NALSA* decision in 2014 was a watershed moment for transgender rights. The Hon'ble Supreme Court also recognised the discrimination faced by transgender persons and observed that:

"Articles 15 and 16 sought to prohibit discrimination on the basis of sex, recognizing that sex discrimination is a historical fact and needs to be addressed. Constitution makers, it can be gathered, gave emphasis to the fundamental right against sex discrimination so as to prevent the direct or indirect attitude to treat people differently, for the reason of not being in conformity with stereotypical generalizations of binary genders. Both gender and biological attributes constitute distinct components of sex. Biological characteristics, of course, include genitals, chromosomes and secondary sexual features, but gender attributes include one's self image, the deep psychological or emotional sense of sexual identity and character. The discrimination on the

ground of 'sex' under Articles 15 and 16, therefore, includes discrimination on the ground of gender identity. The expression 'sex' used in Articles 15 and 16 is not just limited to biological sex of male or female, but intended to include people who consider themselves to be neither male or female."

Therefore, the Hon'ble Supreme Court recognized that transgender persons face discrimination on the basis of their gender identity and therefore, held 'gender identity' to be the axis of discrimination against transgender persons.

8. I submit that the Hon'ble Supreme Court in *NALSA*, held that the right to equality guaranteed under Article 14 has been declared as a basic feature of the Constitution of India, 1950 and that Article 14 guarantees to everyone the equal protection of laws so that everyone including transgender persons are afforded equal protection of the law. It acknowledged that the non-recognition of the gender identity of transgender persons denies them equal protection of law, thereby leaving them extremely vulnerable to harassment, violence and sexual assault in public spaces, at home and in jail and also by the police. Further, noting the centuries of discrimination faced by the transgender community, the Hon'ble Supreme Court directed that steps and measures are required to be taken by the Centre and State Governments to integrate the transgender community into society. The Supreme Court not only held that gender identity is an attribute of sex and hence any discrimination on the basis of gender identity would constitute discrimination on the basis of sex under Article 15, but went a step ahead and recognised the poor socio-economic condition of transgender persons and the fact that transgender persons have not been able to access their social, economic, political and cultural rights. Therefore, the Supreme Court held that:

"We direct the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments."

9. I submit that therefore in *NALSA*, the Supreme Court recognized the significance of providing reservations for transgender persons to ensure that there is representation from the transgender community and they are able to participate in mainstream society and accordingly directed the Centre and the State Governments to treat transgender persons as a socially and educationally backward classes of citizens and to provide them with reservations in educational institutions and in public employment.

10. I further submit that transgender persons face great discrimination historically and are not given the right to employment or equal access in education and this is supported by the study commissioned by the National Human Rights Commission (NHRC) in 2017 titled 'Study on Human Rights of Transgender as a Third Gender'. The NHRC Report noted that only 46% of transgender persons in India are literate and 94% are either unemployed or employed in the informal sector. This Report has also noted that almost 30% of transgender persons have never attended school and only 20% have completed primary education. Further, only 6% of transgender persons were found to be employed, and no transgender person was found to be employed in the government sector. Therefore, it is clear that transgender persons as a category have low levels of education and remain under represented in the public sector.

11. I submit the direction of the Supreme Court to provide reservations for transgender persons has not been properly followed and implemented by either the Centre or the State Governments and even the Respondent Tamil Nadu State Government has not followed the said directions. Different steps with regard to be reservations for transgender persons in educational institutions and public employment have taken by the legislative and executive bodies since *NALSA*.

12. Developments since NALSA – The following are some of the developments since the *NALSA* judgement relating to reservations for transgender persons:

(i) The Rights of Transgender Persons Bill 2014 passed by the Rajya Sabha, and pending before the Lok Sabha, provides for 2% reservation in Government and Government – aided primary, secondary and higher educational institutions and 2% reservations in vacancies filled by direct recruitment.

(ii) The Transgender Persons (Protection of Rights) Bill, 2018 passed by the Lok Sabha and pending before the Rajya Sabha does not provide for any reservations for transgender persons in education and public employment.

(iii) Some State Governments, such as the State of Kerala the Department of Higher Education issued an order directing additional two seats be reserved for transgender persons for various courses in Universities and Affiliated Arts and Science Colleges.

(iv) The State of Karnataka, in 2017, issued a Karnataka State Policy on Transgenders which defines the term ‘transgender persons’ and also specifies that positive discrimination measures and reservations be undertaken and provided for transgender persons in Government, Private, MNC and self-employment sector. But this also does not specify how it will be implemented.

13. I submit that in the State of Tamil Nadu, at present the Government is providing reservations to transgender persons under the Most Backward Classes (“MBC”) Category, which is a form of vertical reservation. This was done *vide* Government Order (Ms) No. 28 dated 06.04.2015 , under which the Backward Classes, Most Backward Classes and Minorities Welfare Department of the

State of Tamil Nadu carried out an amendment to the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the services under the State) Act, 1993 wherein the Schedule containing the 'List of Most Backward Classes' in the State of Tamil Nadu to include "*Transgender or Eunuch (Thirunangai or Aravani)*". The said amendment was made on the basis of a recommendation of the Tamil Nadu Backward Classes Commission in light of the decision in *NALSA*. Based on this amendment, this Notification also directed that MBC category certificates be issued to "*...persons identified as Transgender or Eunuch (Thirunangai or Aravani) by the Tamil Nadu Transgender Welfare Board, Chennai*".

14. I submit that while transgender persons have been included under the MBC category in Tamil Nadu, there are no clear guidelines on how reservations in educational institutions and public employment should be provided to transgender persons, and which category of transgender persons can access the reservations. Further, there are several implementation problems with the above Government Order (Ms) No. 28 dated 06.04.2015 n including transgender persons under the MBC category for vertical reservations. These problems are as follows:

- (i) The inclusion of transgender persons under the MBC category is vertical reservation and not horizontal reservation. This would mean that SC and ST transgender persons or transgender persons from other backward classes would not be able to seek the benefit of reservation under those categories, and would just come within the MBC category.
- (ii) Within the MBC category, the chances of transgender persons getting the posts would be very slim, as they would have to compete with other members of the MBC category.

15. I submit that therefore, instead of providing reservation to transgender persons by including them under the MBC category, which is a form of vertical reservation, the reservation should be horizontal as a separate category for transgender and intersex persons on the basis of gender identity on the following grounds.
16. I submit that reservations are crucial for integrating transgender and intersex persons in mainstream society by enabling them to receive education and gain employment in public office. The purpose of reservations is not merely to correct past wrongs and discriminatory treatment but also ensure that transgender and intersex persons are provided with the means to actively participate in social life in the future and further that there is greater diversity and representation in our educational institutions and public appointments.
17. I submit that therefore, the appropriate manner of implementation of reservations for transgender and intersex persons should be horizontal and not vertical, where reservations are provided to transgender and intersex persons under a new 'transgender' category. I further submit that such reservations should be provided on the basis of possession of identification cards issued in accordance with the principle of self-identification and without the requirement of undergoing Sex Reassignment Surgery ("SRS").
18. I submit that the manner of providing reservations for transgender and intersex persons has been considered and laid out in a Policy Brief on implementing reservations for transgender persons in education and public employment published by the Centre for Law and Policy Research, Bangalore. The said policy brief recommends that reservations for transgender persons in educational institutions and public employment should be provided horizontally and on the basis of possession of an identification card issued by the State

Transgender Welfare Board, which does not insist on any kind of medical certificate or physical/biological/mental examination or assessment.

19. I state that reservations for transgender and intersex persons in educational institutions and public employment should be implemented horizontally on the basis of gender identity and not as MBC or 'Most Backward Class' and therefore, this Hon'ble Court should consider this issue and pass appropriate directions to the State of Tamil Nadu to implement the same and to lay down a clear policy and guidelines on providing horizontal reservations for transgender and intersex persons forthwith in educational institutions and public employment so that the benefit of a reservation policy reaches the transgender community in Tamil Nadu.
20. I submit that there is an urgent need to implement reservations for transgender and intersex persons in education and public employment, who continue to have low levels of education and are often unemployed or engage in traditional employment like begging and sex work, in order to integrate them to mainstream society. Further, a clear reservation policy must be framed by the State of Tamil Nadu for providing reservations for transgender persons in educational institutions and public employment and further that such reservations be horizontal on the basis of 'gender identity' and not under the MBC category. I submit that I had addressed representations to the Department of School Education, Department of Higher Education, Social Welfare Department, Department of Labour and Employment, and the Chief Secretary of the Government of Tamil Nadu seeking implementation of a horizontal reservation policy for transgender persons.
21. I state that at present, the Transgender Welfare Board or Aravani Welfare Board in the State of Tamil Nadu issues identification cards for transgender persons and implements various welfare schemes for the benefit of transgender

persons. This identification card forms the basis for accessing the various schemes that are implemented for the benefit of transgender persons. However, the board issues identification cards based on the decision of a Screening Committee on the basis of physical and biological examination of transgender persons, which is against the principle of self-identification upheld by the Hon'ble Supreme Court in *NALSA*. Further, there is very little representation from the transgender community in the transgender welfare board. I submit that the implementation of a clear reservation policy for transgender and intersex persons would require the presence of a body with sufficient representation from the transgender community which issues identification cards in accordance with the principle of self-identification recognised and upheld in *NALSA*, and such identification cards would form the basis for accessing reservations.

22. Therefore, having no other alternative and equally efficacious remedy, I am therefore filing this petition as a public interest litigation, seeking the reliefs on the following among other grounds:

GROUND

23. **THAT** transgender persons face discrimination, prejudice and violence from all sections of society, from the police and face lack of access to medical facilities, health care and housing. Further, transgender persons are also face socio-economic disadvantages due to their low levels of education and consequent limited access to employment opportunities.

24. **THAT** in *NALSA*, the Hon'ble Supreme Court noted the centuries of discrimination faced by transgender persons and held that “...[a]rticle 14 does not restrict the word ‘person’ and its application only to male or female. Hijras/transgender persons who are neither male/female fall within the expression ‘person’ and, hence, entitled to legal protection of laws in all spheres of State activity, including employment, healthcare, education as well as equal

civil and citizenship rights, as enjoyed by any other citizen of this country...Discrimination on the ground of sexual orientation or gender identity, therefore, impairs equality before law and equal protection of law and violates Article 14 of the Constitution of India.” Hence, in order to seek equal opportunities to overcome centuries of such discrimination, it is crucial that horizontal reservation in public employment and education is provided to transgender and intersex persons.

25. **THAT** the Hon'ble Supreme Court also held that transgender persons have been systematically denied their rights under Articles 15 and have not been granted special provisions in respect of admission into educational institutions under Article 15(4) and have been discriminated against with respect to appointment to public posts under Article 16(4) despite being a socially and educationally backward class of citizens. Further, the Hon'ble Supreme Court also held that transgender persons are entitled to receive the benefits that have been accorded to socially and educationally backward class of citizens and that the State must accordingly implement affirmative action measures and reservations for the advancement of the transgender community and to increase their representation in public employment.

26. **THAT** recently, in ***Rano & Ors v. State of Uttarakhand & Ors, W.P. (Cri) No. 1794 of 2018***, vide order dated 28.09.2018, the Uttarakhand High Court noted the living situation of transgender persons and held that transgender persons must be protected from exploitation, they have a right to work and further that directed the State Government to *inter alia* provide reservation in admission in educational institutions and for public appointments to the transgender persons by framing a scheme and to ensure that there is no discrimination with regard to employment or occupation.

27. **THAT** transgender and intersex persons are among the most disadvantaged groups in India with very low levels of education and employment as they are discriminated on the basis of their gender identity and sex characteristics. Further, transgender and intersex persons are often combined into a single category and defined under the broader term of 'transgender' for the purposes of social welfare measures and reservations even though they are distinct groups.
28. **THAT** transgender persons are persons whose gender identity or gender expression does not conform to their biological sex, whether or not they have undergone sex re-assignment surgery (SRS) to align their biological sex with their gender identity. Further, the Hon'ble Supreme Court also held in *NALSA* that it is not necessary for transgender persons to have undergone SRS, and the Court upheld that 'psychological' test over the 'biological' test with respect to self-determination of gender identity and hence recognition of transgender persons for the purpose of reservations and welfare schemes cannot be dependent on medical sex reassignment.
29. **THAT** intersex persons are persons who are born with sexual anatomy, reproductive organs or chromosome patterns that do not conform to the biological definition of male or female. Intersex persons may identify their gender as male, female, transgender or gender queer. In fact, various decisions including decisions of this Hon'ble Court, have recognised the discrimination and rejection faced by intersex persons upon forced medical and biological examination and have provided employment opportunities and jobs to intersex persons as 'transgender persons'.
30. **THAT** reservations for transgender and intersex persons should be provided horizontally as a separate category under the 'gender identity' or 'woman' category based on the principle of self-identification recognised in *NALSA* and

not under the vertical MBC category. Further, a specific policy or guidelines on providing reservations for transgender and intersex persons must be framed and implemented in the State of Tamil Nadu to enable transgender and intersex persons to access education and employment opportunities.

31. **THAT** various decisions of this Hon'ble Court have held that reservations for transgender and intersex persons should be provided on the basis of their gender identity as 'transgender' or as 'woman' and accordingly that a separate horizontal category of 'transgender' or 'woman' must be provided for the purpose of reservations in admission in educational institutions and public appointment for transgender and intersex persons.

32. **THAT** in *K. Prithika Yashini (Transgender) v. Chairman, Tamil Nadu Uniformed Services Recruitment Board (2015) 8 MLJ 734*, in a petition filed by a transgender person during the recruitment of Sub-Inspector posts, this Hon'ble Court held that since the decision in *NALSA*, it is mandatory for every public authority to enforce and safeguard rights of persons from transgender community and ordered the recruitment authority to mandatorily include third gender as a separate category for the purpose of recruitment and selection. Hence this can only be ensured if a separate category of transgender and intersex persons is provided as a horizontal category.

33. **THAT** reservations should be also provided in a manner that transwomen are entitled to avail reservations under the category of 'woman' since transgender persons have the right to self-identify themselves as women. In *Nangai v. Superintendent of Police, (2014) 4 MLJ 12*, this Hon'ble Court referred to *NALSA* and observed that termination of service of the employee by labeling her as 'transgender' was against the fundamental rights of the person. The Hon'ble Court held that:

“treating the Petitioner as not a female on the basis of medical declaration that she is a transsexual and forcing her to accept the said sexual identity will surely be an infringement of the rights of the petitioner guaranteed under Articles 14, 15 16, 19(1)(a) and 21 of the Constitution of India...the petitioner was born as a female, she choose to identify herself as a female for all purposes. Therefore, I hold that she is a female in the legal parlance and thus, she is eligible for appointment as a Woman Police Constable.”

34. **THAT** in *Tharika Banu v. The Secretary to Government & Ors. W.P. No. 26628 of 2017*, while granting admission to a transgender woman in a Siddha medical course in Tamil Nadu, this Hon'ble Court noted the discrimination faced by transgender persons and also directed the State Government to issue guidelines on reservation in employment in respect of the third gender, in order to streamline the procedures to be followed by Governmental agencies in selecting transgender candidates for appointment in Government services. However, no such policy or guidelines have been framed so far and the Notification which includes transgender persons under the MBC category continues to be the basis for providing reservations.

35. **THAT** however, providing for inclusion of transgender persons under MBC category, as it is currently being done in the State of Tamil Nadu, would not be a sufficient scheme for providing reservation for transgender and intersex persons as it would not account for the recognition of the caste status of transgender and intersex persons, if they are SC or ST, as it places all transgender and intersex persons under the same MBC category. This would deprive transgender and intersex persons of the benefits that they would also be entitled to on the basis of their caste status as they would have to choose between reservations that are available to them on the basis of their caste status or on the basis of their

gender identity. This would not have a significant impact on the transgender in terms of increasing their opportunities for admission into educational institutions or increasing their representation in public employment. Therefore, there should be a separate and detailed scheme framed for reservations for transgender and intersex persons, which would take all these factors into account.

36. **THAT** in *Indra Sawhney*, the Hon'ble Supreme Court of India held that reservations may be either vertical or horizontal. Vertical reservations are social reservations given under Article 16(4) in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes, while horizontal reservations are special reservations, which cut across vertical reservations. Such horizontal reservations, for instance, are provided to persons with disabilities under Article 16(1). After *Indra Sawhney*, in ***Anil Kumar Gupta v. State of Uttar Pradesh, (1995) 5 SCC 173*** and ***Rajesh Kumar Daria v. Rajasthan Public Services Commission & Ors. (2007) 8 SCC 785***, the Hon'ble Supreme Court of India has reiterated that there are two kinds of reservations, being vertical reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes under Article 16(4) and horizontal reservations various groups such as ex-army personnel, displaced persons, women under Article 15(3) and persons with disability under Article 16(1). Horizontal reservations are interlocking and cut across vertical reservations whereby reservations under a horizontal category are provided within an existing category of vertical reservations. Hence, transgender persons should also be provided horizontal reservations under a 'transgender' category.

37. **THAT** as horizontal reservations cut across vertical reservations, it allows for reservations not just on the basis of one identity i.e. gender or disability, but enables reservations to be provided where a person has more than one significant identity such as gender and caste, or disability and caste. Therefore, horizontal reservations enable reservations to be provided to women and

persons with disabilities under their respective caste category and therefore, takes into account the distinctions that may exist in one community or group based on different caste status. Further, horizontal reservations ensure that only persons under the same caste category are only required compete with each other for seats in educational institutions and in public employment. Thus reservations for transgender and intersex persons should be provided horizontally under the respective Scheduled Caste, Scheduled Tribes, Other Backward Class and Open Competition categories.

38. **THAT** in *NALSA v. Union of India*, the Hon'ble Supreme Court held that gender identity is an attribute of sex under Articles 15 and 16 and further that transgender persons have a right to self-identify their gender identity. Further, the Hon'ble Court noted that transgender persons as discriminated on the basis of their gender identity. Therefore, reservations for transgender and intersex persons should also be provided on the basis of their gender identity in a horizontal manner, similar to the manner in which horizontal reservations are provided for women on the basis of sex.

39. **THAT** significantly in *Swapna & Ors. v. Chief Secretary, W.P. No. 31091 of 2013* in which I was also a Petitioner, vide order dated 05.07.2016, this Hon'ble Court specifically held that reservations be provided to transgender persons in education and employment on a percentage or post basis instead of under the Most Backward Classes category, within a period of 6 months from the date of the order. This order was passed after the issuance of the Notification including transgender persons under the MBC category. However, despite the passage of more than 2 years since the order of this Hon'ble Court, the State of Tamil Nadu has taken no steps whatsoever to implement a reservation policy along these lines for transgender persons.

THEREFORE, in light of the above facts and circumstances, it therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF MANDAMUS directing the Respondents to:

- a. frame and implement a reservations policy for transgender and intersex persons in public employment which provides for horizontal reservations for transgender and intersex persons;
- b. provide horizontal reservations for transgender and intersex persons in schools and higher education institutions including medical, technical, and professional educational institutions;
- c. direct That the Tamil Nadu State Transgender Welfare Board be empowered to issue identity cards to transgender and intersex persons to avail reservations in education and public employment, in accordance with the principle of self-identification of gender identity and which should not require medical re-assignment, mental health assessment, hormone or any other treatment as a pre-condition and without any biological examination;
- d. Direct that the Tamil Nadu State Transgender Welfare Board ensure that it has adequate representation from the transgender and intersex community and has adequate powers to implement welfare schemes and benefits for transgender and intersex persons; and
- e. Pass any other order in the interests of justice and equity.

Solemnly affirmed at Chennai

Before me

On this ____ day of February 2019

And signed his name in my presence

Advocate:

Chennai

HIGH COURT OF MADRAS

M.P. No. of 2019

In

W.P. No. 324983 of 2018

AFFIDAVIT

SHLOKA NARAYANAN (2105/16)

ADVOCATE

S2, 22/12, Roshni Apartments,
1st Cross Street, Shastri Nagar,
Adyar
Chennai – 600 020

Counsel for the Petitioner