

GAHC010115282020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/52/2020

ALL ASSAM TRANSGENDER ASSOCIATION
(REP. BY ITS GENERAL SECY.), ADDRESS- PANDU CABIN (NEAR RAILWAY
BG OFFICE), P.O. PANDU, GHY-12, DIST.- KAMRUP (M), ASSAM

VERSUS

UNION OF INDIA AND 4 ORS.
REP. BY THE JOINT SECY. (SD) TO THE GOVT. OF INDIA, MINISTRY OF
SOCIAL JUSTICE AND EMPOWERMENT, NEW DELHI

2:SHRI KAK CHINGTABAM SHYAMCAND SHARMA
NATIONAL COUNCIL FOR TRANSGENDER UNDER MINISTRY OF SOCIAL
JUSTICE AND EMPOWERMENT
NEW DELHI
REPRESENTED BY HIS/HER LEARNED COUNSEL
C/O KAKCHINGTABAM ANGOU SHARMA KHURAI SAJOR THOIDINGJAM
LEIKEI
PIN-795010
P.O.- POROMPAT
DISTRICT - IMPHAL EAST
MANIPUR
PH. NO. 8787709905.

3:ARYAN PASHA

NATIONAL COUNCIL FOR TRANSGENDER
UNDER MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
NEW DELHI
REPRESENTED BY HIS/HER LEARNED COUNSEL
ADDRESS B-02
505
PARADISE APARTMENT

PATPARGANJ
NEW DELHI-110092
PH. NO. 9891919138.

4:MS. RESHMA PRASAD

NATIONAL COUNCIL FOR TRANSGENDER
UNDER MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
NEW DELHI
REPRESENTED BY HIS/HER LEARNED COUNSEL
C/O RAM PRAVESH PRASAD
VILL.- RAMPUR
P.O.-MEWRA
DISTRICT - KAIMUR
PIN-821108
PH. NO. 8409834552.

5:SHRI PATEL CHANDUBHAI GANESHDAS
NATIONAL COUNCIL FOR TRANSGENDER
UNDER MINISTRY OF OF SOCIAL JUSTICE AND EMPOWERMENT
NEW DELHI
REPRESENTED BY HIS/HER LEARNED COUNSEL
C/O CHUWAL GRAM VIKAS TRUST
M-45/533
PARASNAGAR
PART-03
NEAR BUS STOP. SOLA ROAD
NARANPURA
CITY AHMEDABAD
STATE GUJARAT
PIN-380013
ALTERNATE ADDRESS H-301
SHANTINIKETAN APARTMENT
GURUKUL ROAD
MEMNAGAR
CITY AHMEDABAD
PIN-380052
STATE GUJRAT
PH. NO. 07927410808

Advocate for the Petitioner : SWATI. B. BARUAH (TG)

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 30.03.2022

Heard Ms. J. Kothari, learned senior counsel, assisted by Swati B. Baruah, learned counsel for the petitioner. Also heard Mr. R.K.D. Choudhury, learned Assistant Solicitor General of India.

The basic challenge of the petitioner is that under the Transgender Persons (Protection of Right) Act, 2019, a National Council for Transgender Persons was to be constituted. The Council has been constituted but the experts who have been made Members of the Council do not have any expertise in the matters relating to transgender communities. It has also been alleged that there is no transparency in the matter of selection of the candidates, who are to be either representatives of the transgender community or experts, in the Council.

Inspite of our repeated opportunities, the Union of India has not filed its counter affidavit.

As a matter of last opportunity, three weeks' and no more is given to Union of India to file its counter affidavit.

List again on ***25th April, 2022.***

JUDGE

CHIEF JUSTICE

Comparing Assistant