

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Writ Jurisdiction)

W.P.(PIL) No. _____ /2020

Amarjeet Singh.

....Petitioner

Vs.

State of Jharkhand & Others

....Respondents

Subject: - For the welfare of transgender persons of State of Jharkhand during the nationwide Lockdown because of Covid-19

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Vakalatnama shall be submitted after court reopens.

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....Petitioner

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....Respondents

Synopsis & List of Dates

That in the instant petition, the petitioner pray for issuance of an appropriate writ(s)/ order(s)/ direction(s) for following relief(s):-

- I. For a Writ in the nature of Mandamus directing upon the Respondent/s to include the transgender persons / community as a beneficiary in all kind of relief and support provided by the government machinery as a matter of right.

And/or

- II. For a Writ in the nature of Mandamus directing upon the Respondent/s to provide minimum financial support to the transgender persons across Jharkhand in the event of the current COVID lockdown in the country.

And/or

- III. For a Writ in the nature of Mandamus directing upon the Respondent/s to provide home delivery of regular ration and other necessary items for the transgender person across the State of Jharkhand.

And/Or

- IV. Any other Writ(s) be issued, Order(s) be passed, Direction(s) be made as Your Lordships may deem fit and proper in the facts and circumstances of the case.

LIST OF DATES & EVENTS

2015	NALSA Judgment delivered.
2019	Transgender Persons (Protection of Rights) Act, 2019.
10.04.2020	Representation sent to DC, Jamsedhpur
HENCE THIS WRIT PETITION.	

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Civil Writ Jurisdiction)

W.P. (PIL) No. _____ / of 2020

In the matter of:-

An application under Article 226
of the Constitution of India

And

In the matter of:-

1. Amarjeet Singh, s/o Shri Baldeo Singh, R/O Hosue No.- 390,
A- Block, Tuiladungri, Golmuri, P.O & P.S Jamsedhpur,
District East Singhbhum 831003

...Petitioner

Versus

1. Chief Secretary, State of Jharkhand, 1st Floor, Project
Bhawan, P.O. Dhurwa, P.S. Dhurwa, Ranchi, Jharkhand
834004

2. The Secretary, Department of Social Welfare, Women and Child Development, Jharkhand Mantralaya, Project Building, HEC, P.O. Dhurwa, P.S. Dhurwa, Ranchi, Jharkhand 834002
3. The Deputy Collector, P.O & P.S. Sakchi, Jamshedpur, Jharkhand 831001

...Respondents

TO,

HON'BLE MR. JUSTICE DR RAVI RANJAN, THE CHIEF JUSTICE OF THE HIGH COURT OF JHARKHAND, RANCHI AND HIS OTHER COMPANION JUDGES OF THE SAID HON'BLE COURT.

The humble petition on behalf of the petitioner above named.

MOST RESPECTFULLY SHOWETH:

1. That in the instant petition, the petitioners pray for issuance of an appropriate writ(s)/ order(s)/ direction(s) for following relief(s):-

V. For a Writ in the nature of Mandamus directing upon the Respondent/s to include the transgender persons / community as a beneficiary in all kind of relief and support provided by the government machinery as a matter of right.

And/or

VI. For a Writ in the nature of Mandamus directing upon the Respondent/s to provide minimum financial support to the transgender persons across Jharkhand in the event of the current COVID lockdown in the country.

And/or

VII. For a Writ in the nature of Mandamus directing upon the Respondent/s to provide home delivery of regular ration and other

necessary items for the transgender person across the State of Jharkhand.

And/or

VIII. Any other Writ(s) be issued, Order(s) be passed, Direction(s) be made as Your Lordships may deem fit and proper in the facts and circumstances of the case.

2. That this writ petition has been filed on the following grounds:

Grounds

- a. For that the Hon'ble Supreme Court in *National Legal Services Authority v. Union of India (UOI)* and Ors. declares that Transgender as third gender and also allows to enjoy human rights.
- b. For that the Hon'ble Supreme Court in *National Legal Services Authority v. Union of India (UOI)* and Ors. directed Centre and State Governments should also

take steps for framing various social welfare schemes for their betterment.

c. For that Section 8 of the Transgender Persons (Protection of Rights) Act, 2019 directs the appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory

d. The other ground may be urged at the time of hearing.

3. That the petitioner is a respectable man in the society and has a genuine concern regarding the welfare of Transgender person. Petitioner is a transgender activist and has been continuously working for the welfare of the transgender communities. The petitioner has no personal interest, direct or indirect, in subject matter of the Public Interest Litigation except for the fact that the petitioner belong to the transgender community.

A photocopy of UIDAI of the petitioner is annexed herewith and marked as

Annexure-1 forming part of this writ
application

4. That the Petitioner has not moved earlier for the same relief as prayed in this Public Interest Litigation.
5. That the cause of action for filing this public interest litigation has arisen within the territorial jurisdiction of this Hon'ble court.
6. That according to the 2011 Census more than 4,87,802 transgenders live in India and in Jharkhand the total population is around 13,000.
7. That it is stated and submitted that The transgender community has been an ignored community during the COVID-19 Lockdown. They have not been provided with any social safety net and welfare measures by the central government during the current Lockdown. The livelihood of transgender people depends on interaction with the people

and, social distancing has cut off the transgender community from all.

8. That the most of the transgender people in State of Jharkhand are dependent are dependent on begging. But the nationwide lockdown has left transgender persons struggling to make ends meet.
9. That the Transgender people face stigma and discrimination from their families and are often outcasts banished from their families. Hence, due to the national lockdown, the transgender community who rely on begging have no means for livelihood and no homes for shelter. T
10. That the Government needs to come up with welfare measures to sustain the lives of the transgender community in India.
11. That transgenders are more prone to infections due to lower immunity system in their bodies and hence they are at a greater risk of being infected by COVID-19.

12. That With little savings and social security benefits, many have a massive challenge to deal with depleting food supplies.
13. That as per National Center for Transgender Equality Report, "Trans adults are also more likely to rate their health as a poor or fair in comparison to others. More than 1 out of 5 transgender adults have at least one or more chronic condition, such as diabetes, arthritis or asthma,". Link: <https://transequality.org/covid19>
14. That Kerala Government has taken few steps by providing temporary housing and ration to the transgender person.
15. That chapter IV of the Transgender Persons (Protection of Rights) Act, 2019 provides for welfare measures by the Government. Section 8 Transgender Persons (Protection of Rights) Act, 2019 is as follows:

- I. The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.
- II. The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.
- III. The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.
- IV. The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.
- V. The appropriate Government shall take appropriate measures to promote and protect the right of

transgender persons to participate in cultural and recreational activities.

16. That the **Hon'ble Supreme Court in *National Legal Services Authority v. Union of India (UOI)* and Ors. declares that Transgender as third gender and also allows to enjoy human rights and also directed Centre and State Governments should also take steps for framing various social welfare schemes for their betterment.**

17. That the i JSR has sent representation to Deputy Collector, East Singhbhum regarding non supply of ration and meal during the lockdown and no money available to pay the rent on 10 April 2020.

A scanned copy of Representation is annexed herewith and marked as **Annexure-2** forming part of this writ application

18. That following news reports throw light on the situation of the transgender community and COVID lockdown in the annexure below;

- <https://amnesty.org.in/as-the-world-comes-together-indias-transgender-community-fights-covid-19-alone/>
- <https://www.hindustantimes.com/india-news/covid-19-lockdown-puts-trans-community-in-a-spot/story-AUbABkMtn9NRMOcYczGj0H.html>
- <https://www.thehindu.com/news/national/andhra-pradesh/centre-plans-to-extend-financial-aid-to-fisherfolk/article31230549.ece>
- <http://expertmedianews.com/lockdown-200-kinnars-on-the-verge-of-hunger-asked-for-2-june-roti-from-deputy-commissioner/>

19. That it is submitted that the Respondent/s are duty bound to implement the judgment/orders passed by Hon'ble Supreme Court.

20. That the Petitioner has got no other efficacious, speedy and alternative remedy than to move before this Hon'ble Court by way of this Public Interest Litigation for the redressal of the grievances.
21. That the Petitioner has not moved earlier for the same relief as prayed in this Public Interest Litigation.
22. That this application is being made bonafide and in the interest of public health and privacy.

It is, therefore prayed that in the instant petition, the petitioner pray for issuance of an appropriate writ(s)/ order(s)/ direction(s) for following relief(s):-

- i) For a Writ in the nature of Mandamus directing upon the Respondent/s to include the transgender persons / community as a beneficiary in all kind of relief and support provided by the government machinery as a matter of right.

And/Or

- ii) For a Writ in the nature of Mandamus directing upon the Respondent/s to provide minimum financial support to the transgender persons across Jharkhand in the event of the current COVID lockdown in the country.

And/Or

- iii) For a Writ in the nature of Mandamus directing upon the Respondent/s to provide home delivery of regular ration and other necessary items for the transgender person across the State of Jharkhand.

And/or

- iv) Any other Writ(s) be issued, Order(s) be passed, Direction(s) be made as Your Lordships may deem fit and proper in the facts and circumstances of the case.

And for this act of kindness petitioner is duty bound and shall ever pray.