

To,
The Registrar,
Supreme Court of India,
New Delhi

Ref: In the matter of

W.P. (C) No. 406 of 2020 (Diary No. 6542/ 2020),

Grace Banu Ganesan vs. Union of India

Sub: Mentioning Application

1. Brief Synopsis:

- (a) The above mentioned matter was filed on 17.2.2020 and was registered as W.P. (C) No. 406/ 2020 on 28.2.2020. Vide the said Writ Petition; the Petitioners have challenged the constitutional validity of the Transgender Persons (Protection of Rights) Act, 2019 particularly Sections 4, 5, 6, 7, 12(3), 18(a) and 18(d) thereof, being ultra vires of Part III of the Constitution of India, 1950, in particular being in violation of Articles 14, 15, 16, 19 and 21 of the Constitution of India. That the Petitioners had also filed an application for stay praying thereby for ad interim ex parte stay of the effect and operation of the Transgender Persons (Protection of Rights) Act, 2019.
- (b) That this Hon'ble Court in NALSA vs. Union of India, (2014) 5 SCC 438 has held that, a person has the right to identify their gender as male, female or transgender and that the right to self-determine one's gender identity is an integral part of one's right to life, dignity and autonomy in Article 21 of the Constitution. However, Section 4 of the Act mandates that a transgender person shall have a right to be recognized as such, which limits their rights to self-determine one's gender identity and as such is unconstitutional. Section 5 and 6 provides that identity cards shall be issued based on documents, and Section 7 provides for transgender

persons to undergo medical surgery in order to identify with a gender of their choice. These provisions violate the right to self-determine, right to dignity and bodily integrity of transgender persons, besides being contrary to several judgements of this Hon'ble Court. These are also in violation of the internationally recognized Yogyakarta Principles.

2. Ground for Urgency:

(a) That the vide news report dated 18.4.2020, the Petitioners have come to know that the Government has prepared the Draft Rules under the Act and has called for comments on the same which is to be submitted by 30.4.2020. The news report can be accessed at <https://ourgovdotin.wordpress.com/2020/04/18/comments-invited-on-the-transgender-persons-protection-of-rights-rules2020-submit-by-30th-april/>.

(b) Hence it is most respectfully submitted that unless the matter is listed urgently before the Hon'ble Court, there is every possibility that the Rules shall be notified and the provisions of the Act shall be acted upon which shall have serious adverse impact on the fundamental rights of the Petitioners herein and shall cause grave prejudice to them.

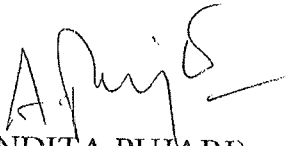
(3) Compliance in Terms of SOP issued on 15.4.2020

(a) That the contact detail of the Advocate on Record is as follows: Anindita Pujari, CC. No: 2087, Office Address is 180 D, Garuda Apartment, Mayur Vihar Phase I, Delhi-110091, Camp Off/ Residence: Q- 1101, Greatvalue Sharanam, Sector-107,Noida-201304. Email Id is aninditapujari@gmail.com and Mobile No. is 9810411772.

(b) That it is clarified that the applicants had filed duly filled and notarized affidavit and had also paid court-fees since the present matter was filed on 17.2.20.

- (c) That the counsel shall rely upon the copy of the Writ Petition and the Misc. Applications along with documents annexed therein that has already been filed.
- (d) It is hereby given consent that matter may kindly be listed before the Hon'ble Court through video conferencing and that the present counsel shall connect video conference through laptop in order to avoid interruption.
- (e) That Ms. Jayna Kothari, Senior Advocate shall also be joining from Bangalore via video conference, Her contact details are as follows: Mobile No. 9845327444. Email: jayna.kothari@gmail.com Address: D6, Dona Cynthia, 35 Primrose Road, Bangalore-560025.

Hence it is prayed that the matter may kindly be listed before this Hon'ble Court, which shall serve the interest of justice.


(ANINDITA PUJARI)


(Counsel for Petitioner)

VERIFICATION

Verified at Noida. on this 20th Day of April, 2020 that the contents of the above Application is true and correct and that no part of it is false and nothing material is concealed therefrom.

Dt. 20.4.2020

New Delhi


(ANINDITA PUJARI)