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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2997/2021

JASMINE KAUR CHHABRA

..... Petitioner

Through: Mr. Rupinder Pal Singh, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Dev P. Bhardwaj, CGSC with
Ms. Anubha Bhardwaj and Mr.
Sarthak Anand, Advocates R-1/UOI.

Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Siddharth Agarwal,
Advocate for R-2.

Mr. Abhinav Bajaj and Mr. Saksham
Ojha, Advocates for R-3/NDMC.

Mr. Dhanesh Rehlan, Mr. Arindam
Dey and Mr. Saubhagya Sundriyal,
Advocates for R-5/SDMC.

Ms. Meenakshi Midha, Advocate for
R-6.

Mr. Anil Grover, Standing Counsel
for NDMC with Mr. Mishal Vij,
Advocate.

Mr. Sanjeev Sabharwal, Standing
Counsel for EDMC with Mr. Shruti
Gupta, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

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ORDER
29.07.2022

1. The instant Public Interest Litigation has been filed by the Petitioner, who at the relevant point of time was a final year law student, seeking appropriate writ/order/directions for building separate public toilets for Transgender/Third Gender persons.
2. The Petitioner, in the instant petition, has contended that the State is under an obligation to provide basic facilities, including separate public toilets for the use of Transgender/Third Gender persons keeping in view the Judgment passed by the Hon'ble Supreme Court in National State Legal Authority vs. UOI, (2014) 5 SCC 438.
3. This Court issued notice in the instant matter and from time to time has called for Status Reports from Government of NCT of Delhi (GNCTD) regarding the steps taken by the GNCTD for construction of separate toilets for the use of Transgender/Third Gender persons and the number of toilets which have already been constructed.
4. Status Report dated 27.07.2022 has been filed on behalf of Department of Social Welfare, Government of NCT of Delhi (GNCTD) which reads as under:

“1. That the present Status Report is being filed in order to apprise this Hon'ble Court of the steps taken in compliance of the order dated 21.04.2022.

2. In this regard, it is submitted that reminder Letters dated 07.04.2022, 05.10.2021 and 05.04.2021 were also sent to HODs of Departments/ Autonomous bodies/ PSUs/ Corporation/ local bodies of GNCTD requesting them to take steps to implement the Office Order by Department of Social

Welfare with the approval of Chief Secretary, vide Order F.41 (341)/FAS/DSW/ WMTGP/ 20-21/ 18299-18411 dated 12.02.2021 in letter and spirit. Further, they were also requested to sensitize their staff including the ground level functionaries on the necessity of providing accessible washroom facilities to the transgender persons, in the interest of inclusion. It was also requested to share the progress and action taken by them in facilitating the integration of transgender persons. A true copy of the Letters dated 07.04.2022, 05.10.2021 and 05.04.2021 are annexed herewith as Annexure-A.

3. It is submitted that in order to review the action taken in the matter and to expedite the work by all the stakeholder Departments, a meeting was held on 23.06.2022 under the chairmanship of the Director, Department of Social Welfare, Government of Delhi with all the concerned agencies. A true copy of the minutes of the meeting dated 23.06.2022 is annexed herewith as Annexure-B.

4. It is submitted that as per the Action Taken Report submitted by various departments a total of 505 Toilets meant for Persons with Disabilities have been designated for use of Transgender Persons. With regards to creation of separate identified public toilet facilities for Transgender persons, it submitted that 09 new Toilets have been created, 56 Toilets are under process and 06 toilets are yet to start. A true copy of the Compiled report is annexed herewith as Annexure-C.

5. It is submitted that earnest efforts are being made to ensure that work on creation of separate toilets for transgender persons and completed on a fast track basis.

6. It is submitted that the undersigned has the highest respect and regard for the orders of this Hon'ble Court. The present Status Report is being placed before this Hon'ble Court for its consideration and further directions, if any.”

5. The aforesaid Status Report reveals that as many as 505 toilet meant for Persons with Disabilities have been designated for the use of Transgender/Third Gender persons. The Status Report further reveals that 09 new toilets for the use of Transgender/Third Gender persons have already been constructed and the construction of 56 more toilets solely for Transgender/Third Gender persons is underway. The Respondent/GNCTD has also filed a detailed chart furnishing minute details in respect of separate toilets for Transgender persons.

6. Learned counsel appearing for the Respondent/GNCTD submits that the State is making all possible efforts to ensure creation of separate toilets for the use of Transgender/Third Gender persons and the same will be done on a fast track basis.

7. In view of the above, the Respondent/GNCTD is granted six weeks' time to file a fresh Status Report informing this Court about the new toilets constructed for the use of Transgender/Third Gender persons.

8. List on 14.11.2022.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JULY 29, 2022

S. Zakir