

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2658 of 2022**

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LAW Foundation through its Director Shri Praveen Kumar, M, aged 30 yrs, S/o Shri Ganesh Prajapati, R/o Village-Piparadha, P.S.-Paliganj, District-Patna, Bihar-801110 having its Registered Office at Postal park, Budh Nagar, Road No. 1 near Jagat Press Bariyarpah, Post Office-Patna, G.P.O., P.S.-Kankarbagh, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Main Secretariat, Patna-800015.
2. The Principal Secretary, Department of Home Affairs, Sardar Patel Bhawan, Bailey Road, Patna-800022.
3. The Inspector General of Prisons, Prisons and Reforms Services, Government of Bihar, Main Secretariat, Patna-800015.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Vishal Kumar Singh, Advocate  
For the Respondent/s : Mr.Prabhat Kr. Verma (AAG 3)  
Mr. Suman Kumar Jha, AC to AAG 3

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 14-09-2022**

As orally prayed for, Director General of Police,  
Government of Bihar is impleaded as party respondent No.4.

2. Shri P.K. Verma, learned AAG 3, appears on behalf  
of the newly added respondent.

3. Registry to make necessary correction in the  
cause title, both on digital and physical files.

4. Petitioner has prayed for the following relief(s):



“I. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) direction(s) commanding the Respondent Authorities to create separate wards and cells for the Transgender Persons arrested under various offences and languishing in all the Central Prisons, District Prisons and Sub-Jails situated in the state of Bihar.

II. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) direction(s) commanding the Respondent Authorities to create separate Lock-Ups for the Transgender Persons in all the Police Stations of the state of Bihar.

III. For the issuance of appropriate writ of Mandamus or any other or appropriate writ(s) or order(s) direction(s) commanding the Respondent Authorities to ensure that they do the segregation of transgender inmates separately from male inmates or from female inmates by either confining them in separate cells, isolation wards or hospitals and lock ups in judicial as well as in police custody to ensure that convicted and under-trial transgender prisoners can be protected from the inflict mental and sexual harassment.

AND/OR

IV. May pass any other order(s) or direction(s) as this Hon'ble Court deems fit in best interest of transgender persons in conflict with Law.”

5. We notice, that, with the passage of time, as is evident through the affidavits filed on behalf of respondent Nos. 2 and 3, namely The Principal Secretary, Department of Home Affairs, Patna and The Inspector General of Prisons, Prisons and



Reforms Services, Government of Bihar, Patna, certain measures have been taken which surely, have come a long way, in watching/protecting the interest of members of the transgender community who are in conflict with the law. A separate cell in the Jails is earmarked for lodging the inmates hailing from such community. Also the instructions issued vide communication dated 10<sup>th</sup> of January, 2022, by the Ministry of Home Affairs, Government of Bihar are being following to a large extent.

6. In this view of the matter, we are of the considered view that the present petition can be closed with liberty to the petitioner to highlight the surviving grievances through a written communication to respondent No. 2. Ordered accordingly.

7. Shri P.K. Verma, learned Additional Advocate General-III, states that, as and when any such communication is received, opportunity of hearing would be afforded to the petitioner, whose locus and bona fides is not in doubt. Also the suggestions made by the petitioner, to the extent feasible, would be considered and implemented. Further the respondent(s) shall deal with the petitioner's contentions by way of written communications by assigning cogent reason.



8. Let needful be done within a period of three months from the date of receipt of such request.

9. Liberty reserved to the petitioner to approach the Court, should the need so arise subsequently.

10. Needless to add, the State shall ensure that the guidelines issued by the Government of India; and adopted for the State of Bihar in relation to housing the members of the transgender community in jails shall be implemented in letter and spirit.

11. Petition is disposed of in the aforesaid terms.

12. Interlocutory Application(s), if any, shall stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

