

GAHC010255252018

**WWW.LIVELAW.IN**



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

**Case No. : PIL 74/2018**

1:SWATI BIDHAN BARUAH  
D/O- SUPTI RANJAN BARUAH, R/O- PANDU CABIN ( NEAR RAILWAY B G  
OFFICE), P.O- PANDU, GUWAHATI- 781012, DIST-KAMRUP(M), ASSAM

VERSUS

1:THE STATE OF ASSAM AND 2 ORS  
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM, DISPUR,  
GUWAHATI- 06, DIST- KAMRUP(M), ASSAM

2:THE PRINCIPAL SECRETARY  
TO THE GOVT OF ASSAM  
HEALTH AND FAMILY WELFARE DEPTT  
DISPUR  
GUWAHATI- 06  
DIST- KAMRUP(M)  
ASSAM

3:THE UNION OF INDIA  
REP. BY THE SECRETARY TO THE GOVT OF INDIA  
MIN OF HEALTH AND FAMILY WELFARE  
NEW DELH

**Advocate for the Petitioner : PETITIONER IN PERSON**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE**

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE (ACTING)**  
**HON'BLE MR. JUSTICE MANISH CHOUDHURY**

18.9.2019

*[Arup Kumar Goswami, CJ (Acting)]*

Heard Ms. Swati Bidhan Baruah, the petitioner-in-person. Also heard Mr. D.P. Borah, learned Standing Counsel, Health & Family Welfare as well as Mr. S.C. Keyal, learned Assistant Solicitor General of India.

On the submission advanced by Ms. Baruah when the case was last taken up for consideration on 2.9.2019 that Government hospitals are denying admission to the members of the transgender community, we had required the learned Standing Counsel, Health & Family Welfare to take appropriate instructions.

On the basis of the written instructions received, Mr. Borah submits that it is a policy of GMCH to treat emergency patient belonging to any gender, caste or community and, therefore, there is no question of denying admission to any member belonging to the transgender community.

On a query raised by the Court, Mr. Borah submits that he has instructions to submit that Government hospitals will not deny admission to any member belonging to the transgender community.

The learned Assistant Solicitor General of India prays for further ten days' time to file affidavit.

List on 30.9.2019.

**JUDGE**

**CHIEF JUSTICE(ACTING)**

**Comparing Assistant**