

GAHC010255252018



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

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

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

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 N. KOTISWAR SINGH**  
**HON'BLE MR. JUSTICE MANISH CHOUDHURY**

**:: ORDER ::**

**06.09.2021**

***[N. Kotiswar Singh, J]***

Heard Ms. Swati Bidhan Baruah, petitioner-in-person. Also heard Ms. D. Borah, learned

Standing Counsel, Health and Family Welfare Department appearing for respondent Nos.1 & 2 and Ms. L. Devi, learned Central Government Counsel appearing for respondent No.3.

When this matter was taken up, 2(two) issues have been raised by Ms. Swati Bidhan Baruah, petitioner-in-person.

First of all, this Court had passed an order on 27.04.2021 directing the respondent No.3 to file the affidavit giving details of six members of transgender community who have received benefit under the Scheme Pradhan Mantri Jan Arogya Yojana (in short, Ayushman Bharat) and what benefit had been given to them. However, till date, the respondent No.3 has not filed any such affidavit.

As regards this issue, the respondent No.3 shall file without fail the affidavit within 3(three) weeks.

There was another order passed by this Court on 22.03.2021 by which Ms. D. Borah, learned Standing Counsel, Health and Family Welfare Department was directed to apprise this Court as to how soon a separate wing for the treatment of transgender community can be opened in Guwahati Medical College and Hospital and whether the State Government has any scheme which looks after the health issues of members of transgender community.

As regards the second issue, Ms. D. Borah, learned Standing Counsel, Health and Family Welfare Department has placed before this Court a copy of the letter dated 5<sup>th</sup> April, 2021 in which it has been mentioned that the Guwahati Medical College and Hospital shall provide special ward in the existing hospital to provide treatment to the transgender community and it can be started within two months.

Further, it has been mentioned in para 2 of the letter that both Central and State Schemes are available to the members of the transgender community. Similarly, benefits of cashless treatment under Atal Amrit Abhiyan and Pradhan Mantri Jan Arogya Yojana are also available to the members of transgender community if they are otherwise eligible as per criteria specified under the two schemes.

However, it has been submitted by Ms. Swati Bidhan Baruah that inspite of such assurance, the said special ward has not been yet established nor the details of the benefits given been disclosed.

Be that as it may, as regards this respondent Nos. 1 and 2 shall file an affidavit

regarding the status for providing special ward and also regarding details of the benefits given to the transgender community under the aforesaid schemes within a period of 3 (three) weeks, as a last chance, failing which, necessary cost will be imposed on the concerned respondents.

List the matter again on 01.10.2021.

**JUDGE**

**JUDGE**

**Comparing Assistant**