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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A.NO. OF 2020

IN

WRIT PETITION (CIVIL) NO. OF 2020
(Under Article 32 of the Constitution of India)

IN THE MATTER OF:

Grace Banu Ganesan & Ors. ...Petitioners

Versus

Union of India & Ors. ...Respondents

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUDGES OF THE HON'BLE
SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE

PETITIONERS ABOVE NAMED

AN APPLICATION FOR STAY

Most Respectfully Showeth:

1. The Petitioners, are filing the present Writ Petition praying for issuance of writ/ writs, order/ direction declaring Sections 4, 5, 6, 7, 12(3), 18(a) and 18(d) of the Transgender Persons (Protection of Rights) Act, 2019 as ultra vires Part III of the Constitution of India, 1950, particularly being violative of Articles 14, 15, 16, 19 and 21 of the Constitution of India.
2. The Petitioners pray that the averments made in the Writ Petition may be read as part and parcel of this Application.
The Petitioners crave leave of this Hon'ble Court to refer to

and to rely upon the averments made in the Writ Petition which is not being reiterated herein for the sake of brevity.

- 3. It is most respectfully submitted that this Hon'ble Court passed its landmark judgment in NALSA where it was specifically held that the transgender community has the right to self-identify their gender identity and gender orientation as an integral part of their right to life guaranteed under Article 21, the right to equality under Article 14 as also under Article 15 and 16, and the right to freedom of expression under Article 19.
- 4. That, notwithstanding the landmark judgment of this Hon'ble Court, the parliament has now passed the Transgender Persons (Protection of Rights) Act, 2019 , many a provisions of which particularly Section 4, 5, 6, 7, 12(3), 18(a) and 18(d) violate fundamental rights of the Petitioners herein.
- 5. That in view of the serious consequences of the provisions of the Act on the right to life and liberty of the Petitioners, it is most humbly prayed that unless the operation of the Act is stayed, the Petitioners shall be gravely prejudiced, whereas the grant of the interim relief as prayed for vide the present application shall not prejudicially affect the Respondents. That the Petitioners have a good case on merit. That it is most respectfully submitted that the Petitioners have been able to make a prima facie case in their favour. Further, it is submitted that irreparable loss and injury shall be caused to the Petitioners, if the effect and operation of the Transgender Persons (Protection of Rights) Act, 2019 is not stayed.

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6. That the present application is bonafide and in the interest of justice.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a. Pass an ad interim ex parte order staying the effect and operation of the Transgender Persons (Protection of Rights) Act, 2019; and
- b. Pass any other order/directions which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVERY PRAY.

SETTELED BY:

ADVOCATE FOR THE PETITIONERS

(JAYNA KOTHARI)
SENIOR ADVOCATE


(ANINDITA PUJARI)
ADVOCATE-ON-RECORD

Drawn on: 13.02.2020

Filed on: 17.02.2020