



शिवाजी विद्यापीठ, कोल्हापूर

सदरमकः शिवाजी वि./सत्यमन्ता/टी-७/पीबोटी १२४

दि. 16 OCT 2009

प्रति,

मा. प्राचार्य,

सर्व संबधीत महाविद्यालये व

संचालक,

मान्यताप्राप्त सरथा.

विषय :- महाराष्ट्र राज्य मानवी हक्क आयोग, मुंबई
याचिका क्र. ३७५६/२००९-१०

महोदय/महोदया.

कार्यासन अधिकारी, महाराष्ट्र शासन, उच्च व तंत्र शिक्षण, मुंबई याचे क.न्यायप्र-२००९/(३४९/०९)/विशि-३ दि.१५ सप्टेंबर, २००९ चे पत्र व सदर पत्रास पृष्ठाकीत केलेले महाराष्ट्र राज्य मानवी हक्क आयोगाचे दिनांक २६ ऑगस्ट, २००९ चे पत्र अवलोकनी घेवून तृतीय पथी व्यक्तीच्या शिक्षणाबाबत सदरचे परिपत्रक पाठविण्यात येत आहे शिक्षण हा सर्वांचाच मूलभूत हक्क असल्याने व सर्वांनी शिक्षण घेणे ही काळाची गरज असल्याने तृतीय पथी व्यक्तीनाही शिक्षण मिळणे अत्यंत आवश्यक बाब बनली आहे. शक्य बाब, तृतीय पथी व्यक्तीच्या मानवी हक्कांना संरक्षण मिळावे यासाठी महाविद्यालयीन पातळीवर अशा व्यक्तींनी शिक्षण मिळण्यासाठी अर्ज दाखल करण्यास अशा व्यक्तींना नियमानुसार प्रवेश देण्यात यावा. केवळ तृतीय पथी आहे म्हणून त्यांना प्रवेश नाकारण्यात येवू नये.

उपरोक्त नमुद शासनाद दि.१५/०९/२००९ चे पत्र व महाराष्ट्र राज्य मानवी हक्क आयोगाचे दि.२६ ऑगस्ट, २००९ चे पत्र सुलभ सदरभासाठी विद्यापीठाच्या सकेतरथळावर ठेवले आहे.

कळावे,

आपला विश्वासू,

(R. B. Bahi)

संचालक,

महाविद्यालय व विद्यापीठ

विकास मंडळ

न्यायालयीन प्रकरण/तात्काळ

क्र.न्यायप्र-२००९/(३४९/०९)/विशि-३

महाराष्ट्र शासन, उच्च व तंत्र शिक्षण विभाग,
मंत्रालय, मुंबई - ४०००३२
दिनांक : १५ सप्टेंबर, २००९

DBW
Bank
22.9.09

प्रति,

कुलसचिव,
सर्व पारंपारिक विद्यापीठे

विषय : महाराष्ट्र राज्य मानवी हक्क आयोग , मुंबई

याचिका क्र. १७१६/२००९-१०,

महोदय,

उपरोक्त प्रकरणी महाराष्ट्र राज्य मानवी हक्क आयोगाच्या दिनांक २६ ऑगस्ट, २००९च्या पत्राची प्रत सोबत जोडली आहे. आयोगाने खालीलप्रमाणे मुद्दे उपस्थित केलेले आहे :-

The Protection of Human Rights Act, १९९३. They are deprived of getting education as no university or school is giving admission in the gender of the third person.

२. वरील न्यायालयीन प्रकरण असल्यामुळे मानवी हक्क आयोगाच्या पत्राच्या अनुषंगाने अभिप्राय उलट टपाली शासनास सादर करावी ही विनंती.

आपला,

(प्र. गि. कानडे)

कार्यासन अधिकारी, महाराष्ट्र शासन

Umic
CCP
25/9
MPK
25/9

प्रत :

संचालक, उच्च शिक्षण, महाराष्ट्र राज्य, पुणे यांना विनंती करण्यात येते की, सदर प्रकरणी त्यांनी आपले अभिप्राय शासनास पाठवावेत.

शिवजी विद्यापीठ, कोल्हापूर.
आयक विभाग -
डी. डी./आय. पी. ओ.
22 SEP 2009

SHIVAJI UNIVERSITY
Director's Office
Date: 25 SEP 2009
Inward No: 10444
To Whom: Director

CR 349 09 wr 1716C:\Documents and Settings\Administrator\Desktop\Varsha\Writ Petition 09

Sir
one copy forwarded to
PG Admision 23/9/09
[Signature]

P. B. Patil
25/09/09



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.
Tel.: 22050791, Fax: 22091804/22093678/22078962. Website: http://mshrc.maharashtra.gov.in

Case No. 1716/2009-10/1716
(Division Bench)

Date: 26/8/2009

प्रधान न्यायाधीश
उच्च न्यायालय
मुंबई कार्यालय
क्र. 2093E
दि. 30/8/09

Name of the complainants :

1. Nirav J. Marjadi
1/201, 'Neelkamal', Chincholi Fatak
S. V. Road, Malad (W), Mumbai-400 064.
2. Dhartmapal V. Dave
Flat No. 7, KJedia House, Vishwabharati Society
Juhu Lane, Andheri (W), Mumbai-400 058.
3. Jay K. Vakil
A/6602, Shreepal Nagar
Satya Nagar, Behind BMC Garden
Borivali (W), Mumbai-400 092.
4. Kushal P. Mehta
Vs
 1. The Chief Secretary
Government of Maharashtra
Mantralaya, Mumbai-400 032.
 2. The Secretary
Food and Civil Supplies Department
(Dealing with Ration Card)
Mantralaya, Mumbai-400 032.
 3. The Secretary
Primary Education Department
Mantralaya, Mumbai-400 032.
 - ✓ 4. The Secretary
Secondary & Higher Education Department
(Dealing with Higher Education)
Mantralaya, Mumbai-400 032.
 5. The Secretary
Department of Labour
(Dealing with employment)
Mantralaya, Mumbai-400 032
 6. The Secretary
General Administration Department
(Dealing with voting to Eunches)
Mantralaya, Mumbai-400 032.

Urges
Court to take

Examined as

27/8

DST

Date : August 24, 2009.

Coram : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson
Shri Subhash Lalla (IAS) Member.

PROCEEDINGS
(Per Chairperson)

At the time of hearing the complainants have remained present. However, none present on behalf of the Chief Secretary of the State of Maharashtra, even though we have specifically directed to ensure that concerned Secretaries of concerned departments shall file affidavits in reply dealing with contention raised in the complaint and to suggest the steps being taken or to be taken by the Government.



:2:

Today at the time of hearing the complainants have stated that Department of Social Welfare of State of Tamil Nadu have already issued Ration Cards to the Eunuchs and it is the only State who have done something for the Eunuchs. In support of the same they have produced newspaper report.

The complainants have given details regarding the concerned respondents as under:

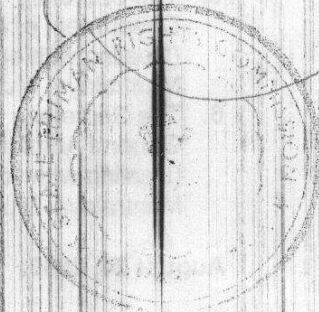
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Mantralaya, Mumbai-400 032.
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Mantralaya, Mumbai-400 032.
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Mantralaya, Mumbai-400 032.
4. The Secretary
Department of Labour
(Dealing with employment)
Mantralaya, Mumbai-400 032
5. The Secretary
General Administration Department
(Dealing with voting to Eunuchs)
Mantralaya, Mumbai-400 032

Notices be issued to the concerned departments along with notice to the Chief Secretary, Mantralaya, Mumbai to ensure that the concerned Secretaries shall filed their replies on the next date of hearing. Direct service is permitted.

The next date of hearing is 4th November 2009 at 11:00 hrs



(Subhash Lalla)
Member



(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; August 24, 2009.

X

IN THE COURT OF
MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

DATE: 01.07.2009

NIRAV J. MARJADI)
I/201, 'Neelkamal',)
Chincholi Fatak,)
S. V. Road,)
Malad (west),)
Mumbai - 400 064.)
(M) 09920262741.).....COMPLAINANT 1

DHARMAPAL V. DAVE)
Flat No. 7, Kedia House,)
Vishwabharati Society,)
Juhu Lane,)
Andheri (west),)
Mumbai - 400 058.)
(M) 9920743957).....COMPLAINANT 2

JAY K. VAKIL)
A/602, Shreepal Nagar,)
Satya Nagar,)
Behind BMC Garden,)
Borivali (west),)
Mumbai - 400 092.)
(M) 09819737802.).....COMPLAINANT 3

KUSHAL P. MEHTA)
301, Sundaram Building,)

~~17/09~~
लिपिक
राज्य मानवी हक्क आयोग
बहाचण्ड हाऊस, पुणे
22092857

Vasant Complex,
Mahavir Nagar,
Kandivali (west)
(M) 09987712812

.....COMPLAINANT 4

To,
The Hon'ble Chairperson,
Maharashtra State Human Rights Commission,
9, Hazarimal Soman Marg,
Opp. CST Railway Station,
Mumbai - 400001.

Subject : Violation of Human rights of 'Eunuch' i.e. Hijarah Community or Trans Gender person.

Respected Sir,

We the above mentioned complainant and resident of the above mentioned address, occupation as students would like to draw the attention of the commission to the gross violation of Human Rights of 'Eunuch' i.e. Hijarah Community or Trans Gender persons in the territory of Maharashtra State where this people have there minority of population.

"Hijarah" or "Eunuch", are the people who are known as third sex people. They are neither categorized in the gender of male nor female. They are one of the leading suffering communities in Maharashtra as well as in India., Scientifically known as a Hijarah is someone possessing both male and female characteristics and behaviour.

The 'Eunuch' i.e. Hijarah Community or Trans Gender person are deprived of several rights because Indian Law recognizes only two sexes. This people are not able to vote, own a 'Rashan Card' which is the basic immunity for the survival provided by the Government. They are in minority under minorities. They are deprived of the Four Pillars i.e. [life, liberty, equality, dignity] of constitution as well as The Protection of

Human Rights Act, 1993. They are deprived of getting education as no university or school is giving admission in the gender of the third person. If they are going to remain illiterate than the ultimate option which remains for them is to beg and earn money which the general citizen do not like. Not providing with this kind of provision government is throwing them to die.

We hereby pray to the Hon'ble commission to take a serious cognizance in the matter as soon as possible.

NIRAV J. MARJADI.....)

Nirav J. Marjadi

(01.07.2009)

DHARMAPAL V. DAVE.....)

D. Dave

(01.07.2009)

JAY K. VAKIL.....)

J. K. Vakil

(01.07.2009)

KUSHAL P. MEHTA.....)

Kushal P. Mehta

(01.07.2009)

Our official convenor : ~~Dr.~~ *Laxmi* Narayan Tripathi
[Eunuch]

Wednesday,
March 7, 2007

GO on equality for transgenders

By PRIYAMVATHA P

Chennai, March 6: In a significant move that will bring a change in the lives of the transgenders in Tamil Nadu, a Government Order has been issued to ensure equal opportunity to them in society.

The Government Order on 'Rehabilitation of Aravanis' (Eunuchs) was recently passed by the Social Welfare Department based on the recommendations of a sub-committee, comprising government officials from the Social Welfare, Health and Education departments along with social workers.

The order states that the Social Welfare Department will seriously look into legalising Sex Re-Construction (SRC) surgery in Government Hospitals for the transgenders. At present, the surgery is not legal in the state, forcing many transgenders to undergo the surgery in other states. The order says the Social Welfare and Health departments will soon come out with a separate plan to legalise the surgery.

The Health Department in coordination with recognised and qualified counsellors (Health and Social Defence Departments) will also provide counselling for Men Having Sex with Men (MSM) and transgenders regarding the surgery. The department will identify MSMs at an early stage to prevent complications.

In an important move, the order has further stated that government offices should not discriminate against the transgenders.

"Serious action will be taken against those who ill treat or misbehave with the transgenders," said sources.

Instead, transgenders will be given priority in all government offices and hospitals on a humanitarian basis. "Government doctors should provide proper treatment and counselling to them without discrimination," sources explained.

The government will take serious disciplinary action against schools and colleges that deny admission for transgenders based on their sexuality.

The School and Higher Education departments will soon issue necessary circulars to this effect.

To guide the transgenders on the right path, schools are expected to provide counselling to children with behavioural changes and teachers will be trained for this, said the order.

Family counselling by teachers and NGOs will be made mandatory in all areas to ensure that such children are not disowned by the family. The Education Department will be involved for this purpose.

For providing livelihood for transgenders, special vocational training and skill development training will be given to a considerable number of them in a phased manner. The number of self-help groups, already in place for them, will be increased.

Besides these, the government will soon take up the assessment and survey of the transgenders in the state.

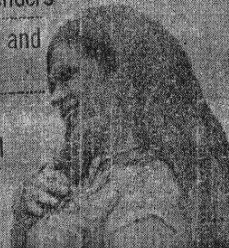
The order says that District Collectors will take up the survey through revenue officials. For a better understanding of issues concerning the transgenders, a research on their behaviour and lifestyle will be taken up.

The District Collector will be the key person responsible for implementation of the orders. The circulars have already been sent to them and they will have to coordinate with all the officials and police personnel.

Further, the Collectors will conduct special grievance meetings regularly. It is also planned to sensitise officials on the treatment of transgenders.

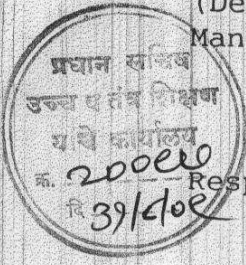
KEY POINTS

- TN Government considering legalisation of sex re-construction surgery
- Serious action against govt officials discriminating transgenders
- Disciplinary action against schools and colleges denying admission to transgenders
- Priority in government offices and hospitals
- Counselling for children with behavioural change in school
- Counselling for families to prevent isolation of



Date: 27.08.2009.

To,
The Secretary,
Secondary and Higher Secondary Department,
(Dealing with Higher Education),
Mantralaya, Mumbai-400032.



SUBJECT: Regarding case no. 1716/2009-10/1716.

Respected Sir,

This is to inform you that we the undersigned are the complainants in the above mentioned case which is filed in Maharashtra State Human Rights Commission and was kept for hearing on dated 24.08.2009. None was present on behalf of respondent.

The Hon'ble Maharashtra State Human Rights Commission has passed directions that the respondent shall file affidavit in reply dealing with the contention raised in the complaint and to suggest the steps being taken or to be taken by the government.

We hereby request you to kindly be present on the next date which is 04.11.2009.

Thanking in anticipation.

Your's Faithfully,

(Signature of Nirav J. Marjadi)

Nirav J. Marjadi:-

Dharmapal V. Dave:-

(Signature of Dharmapal V. Dave)

Jay K. Vakil:-

(Signature of Jay K. Vakil)

Kushal P. Mehta:-

(Signature of Kushal P. Mehta)

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S.O. 1323

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(Signature)



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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.
Tel: 22050791, Fax: 22091804/22093678/22078962. Website: <http://mshrc.maharashtra.gov.in>

Case No. 1716/2009-10/1716

Date: 26/8/2009

(Division Bench)

Name of the complainants :

1. Niraj J. Marjadi
1/201, 'Neelkamal', Chincholi Fatak
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4. Kushal P. Mehta
V/s
1. The Chief Secretary
Government of Maharashtra
Mantralaya, Mumbai-400 032.
2. The Secretary
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(Dealing with Ration Card)
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5. The Secretary
Department of Labour
(Dealing with employment)
Mantralaya, Mumbai-400 032
6. The Secretary
General Administration Department
(Dealing with voting to Eunches)
Mantralaya, Mumbai-400 032.

Date : August 24, 2009.

Coram : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson
Shri Subhash Lalla (IAS) Member.

PROCEEDINGS
(Per Chairperson)

At the time of hearing the complainants have remained present. However, none present on behalf of the Chief Secretary of the State of Maharashtra, even though we have specifically directed to ensure that concerned Secretaries of concerned departments shall file affidavits in reply dealing with contention raised in the complaint and to suggest the steps being taken or to be taken by the Government.



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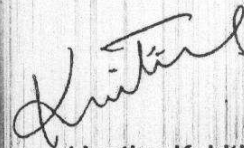
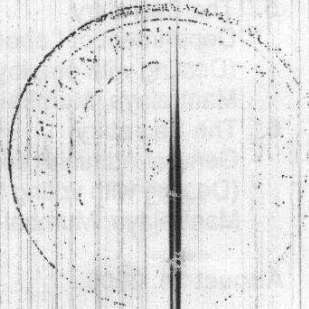
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The next date of hearing is 4th November 2009 at 11.00 hrs

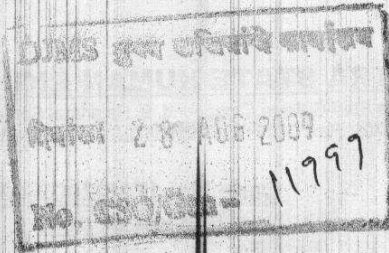
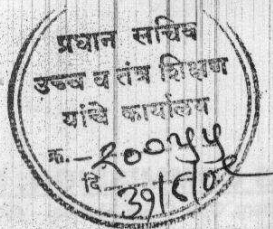


(Subhash Lalla)
Member



(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; August 24, 2009.



Date: 27.08.2009.

To,
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Mumbai-400032.

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Your's Faithfully,

Nirav J. Marjadi

Nirav J. Marjadi:-

प्र. न. / व. व.

प्र. न. / अ. व. न. ग. व.

प्र. न. / स. व. व. न. व.

प्र. न. व. व. / २१.८.०९

स. व. व. / का. व. व. व.

Dsb
Dharmapal V. Dave:-

D. Dave

Jay K. Vakil:-

givi

Kushal P. Mehta:-

Kushal P. Mehta



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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.
Tel.: 22050791, Fax: 22091804/22093678/22078962. Website: http://mshrc.maharashtra.gov.in

Case No. 1716/2009-10/1716

Date: 26/8/2009

(Division Bench)

Name of the complainants :

1. Nirav J. Marjadi
1/201, 'Neelkamal', Chincholi Fatak
S. V. Road, Malad (W), Mumbai-400 064.
2. Dhartmapal V. Dave
Flat No. 7, KJedia House, Vishwabharati Society
Juhu Lane, Andheri (W), Mumbai-400 058.

3. Jay K. Vakil
A/6602, Shreepal Nagar
Satya Nagar, Behind BMC Garden
Borivali (W), Mumbai-400 092.

4. Kushal P. Mehta
V/s

- ✓ 1. The Chief Secretary
Government of Maharashtra
Mantralaya, Mumbai-400 032.
2. The Secretary
Food and Civil Supplies Department
(Dealing with Ration Card)
Mantralaya, Mumbai-400 032.
3. The Secretary
Primary Education Department
Mantralaya, Mumbai-400 032.
4. The Secretary
Secondary & Higher Education Department
(Dealing with Higher Education)
Mantralaya, Mumbai-400 032.
5. The Secretary
Department of Labour
(Dealing with employment)
Mantralaya, Mumbai-400 032
6. The Secretary
General Administration Department
(Dealing with voting to Eunches)
Mantralaya, Mumbai-400 032.

Date : August 24, 2009.

Coram : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson
Shri Subhash Lalla (IAS) Member.

PROCEEDINGS
(Per Chairperson)

At the time of hearing the complainants have remained present. However, none present on behalf of the Chief Secretary of the State of Maharashtra, even though we have specifically directed to ensure that concerned Secretaries of concerned departments shall file affidavits in reply dealing with contention raised in the complaint and to suggest the steps being taken or to be taken by the Government.



:2:


Today at the time of hearing the complainants have stated that Department of Social Welfare of State of Tamil Nadu have already issued Ration Cards to the Eunuchs and it is the only State who have done something for the Eunches. In support of the same they have produced newspaper report.

The complainants have given details regarding the concerned respondents as under:

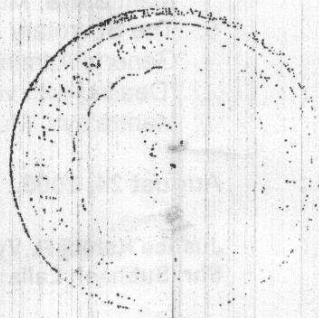
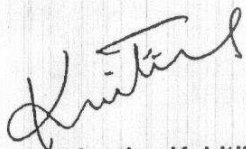
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- 5. The Secretary
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(Dealing with voting to Eunches)
Mantralaya, Mumbai-400 032

Notices be issued to the concerned departments along with notice to the Chief Secretary, Mantralaya, Mumbai to ensure that the concerned Secretaries shall filed their replies on the next date of hearing. Direct service is permitted.

The next date of hearing is 4th November 2009 at 11.00 hrs



(Subhash Lalla)
Member

(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; August 24, 2009.

IN THE COURT OF
MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

DATE : 01.07.2009

NIRAV J. MARJADI)
I/201, 'Neelkamal',)
Chincholi Fatak,)
S. V. Road,)
Malad (west),)
Mumbai - 400 064.)
(M) 09920262741.)COMPLAINANT 1

DHARMAPAL V. DAVE)
Flat No. 7, Kedia House,)
Vishwabharati Society,)
Juhu Lane,)
Andheri (west),)
Mumbai - 400 058.)
(M) 9920743957)COMPLAINANT 2

JAY K. VAKIL)
A/602, Shreepal Nagar,)
Satya Nagar,)
Behind BMC Garden,)
Borivali (west),)
Mumbai - 400 092.)
(M) 09819737802.)COMPLAINANT 3

KUSHAL P. MEHTA)
301, Sundaram Building,)

1-
17/09
लिपि
राज्य मानवी हक्क आयोग
महाराष्ट्र राज्य, मुंबई
22092857

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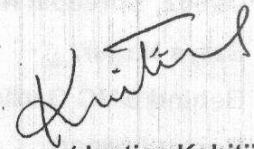
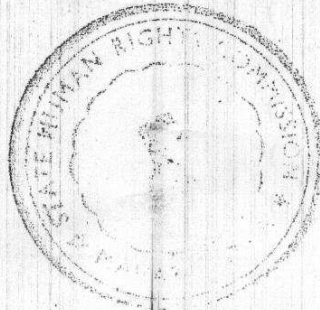
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(Subhash Lalla)
Member



(Justice Kshitij R. Vyas)
Chairperson.

Mumbai; August 24, 2009.

Pleasant Complex, :
 Mahavir Nagar, :
 Kandivali (west) :
 (M) 99987712812COMPLAINANT 4

To:
 The Hon'ble Chairperson,
 Maharashtra State Human Rights Commission,
 9, Hazarimal Soman Marg,
 Opp. CST Railway Station,
 Mumbai - 400001.

Subject : Violation of Human rights of 'Eunuch' i.e. Hijarah Community or Trans Gender person.

Respected Sir,

We the abovementioned complainant and resident of the above mentioned address, occupation as students would like to draw the attention of the commission to the gross violation of Human Rights of 'Eunuch' i.e. Hijarah-Community or Trans Gender persons in the territory of Maharashtra State where this people have there minority of population.

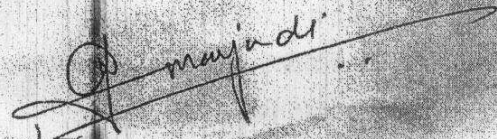
'Hijarah' or 'Eunuch' are the people who are known as third sex people. They are neither categorized in the gender of male nor female. They are one of the leading suffering communities in Maharashtra as well as in India., Scientifically known as a Hijarah is someone possessing both male and female characteristics and behaviour.

The 'Eunuch' i.e. Hijarah Community or Trans Gender person are deprived of several rights because Indian Law recognizes only two sexes. This people are not able to vote, own a 'Rashan Card' which is the basic immunity for the survival provided by the Government. They are in minority under minorities. They are deprived of the Four Pillars i.e. [life, liberty, equality, dignity] of constitution as well as The Protection of

Human Rights Act, 1993. They are deprived of getting education as no university or school is giving admission in the gender of the third person. If they are going to remain illiterate than the ultimate option which remains for them is to beg and earn money which the general citizen do not like. Not providing with this kind of provision government is throwing them to die.

We hereby pray to the Hon'ble commission to take a serious cognizance in the matter as soon as possible.

NIRAV J. MARJADI.....)



(01.07.2009)

DHARMAPAL V. DAVE.....)



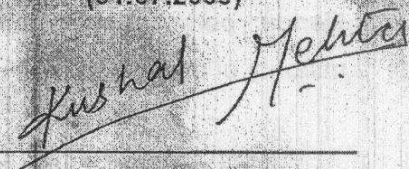
(01.07.2009)

JAY K. VAKIL.....)




(01.07.2009)

KUSHAL P. MEHTA.....)



(01.07.2009)

Our official convenor :  Narayan Tripathi
[Eunuch]