

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
WRIT PETITION NO. 8511/2020 (GM-RES) (PIL)

BETWEEN

SANGAMA AND NISHA GULUR

... PETITIONERS

AND

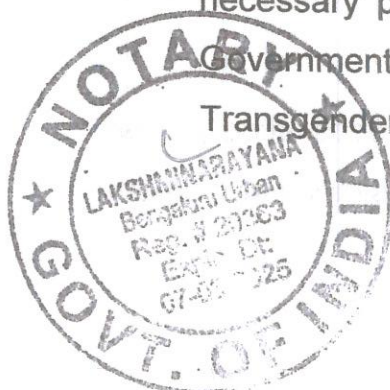
STATE OF KARNATAKA AND
OTHERS

... RESPONDENTS

AFFIDAVIT

I, Dr. Rajneesh Goel S/o Dr. S. L. Goel
serving as Additional Chief Secretary, Home Department, Vidhana
Soudha, Bangalore do hereby solemnly affirm and state on oath as
follows:-

1. I am serving as Additional Chief Secretary, Home Department since 08.03.2018. I know the facts of the case and swear to the contents of this Affidavit.
2. I respectfully state that vide interim order dated 28.08.2020, Hon'ble Court has directed to file an affidavit reporting compliance and has directed the State Government to take immediate steps for implementation of the directions issued by the Apex Court in the case of National Legal Services Authority V/s Union of India and Others and in particular, the directions contained in paragraph 135.3. Further Hon'ble Court has directed to take steps to implement and enforce the provisions of the Transgender Persons (Protection of Rights) Act, 2019.
3. I respectfully state that State Government has already initiated necessary procedure to bring suitable amendment to the relevant Government Order to consider providing suitable reservation to Transgenders. Accordingly, a meeting was held on 29.07.2020

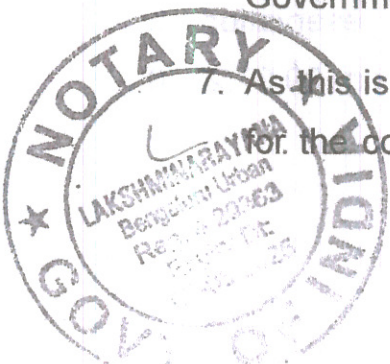


Rajneesh

under the chairmanship of Chief Secretary to Government of Karnataka, wherein the Department of Personnel and Administrative Reforms (DPAR) was instructed to prepare draft Cabinet Note on priority basis. The Translated copy of meeting proceedings is produced herewith as **Annexure-A**.

4. I respectfully submit that one more meeting was held on 11.09.2020, under the chairmanship of Secretary to Government, DPAR with the senior officers of Women and Child Welfare Department and Backward Classes Welfare Department.
5. I respectfully submit that it is proposed to consider the transgender persons under one of the categories of Other Backward Classes for the purpose of recruitment.
6. I respectfully submit that according to provisions of the Karnataka State Commission for Backward Classes Act, 1995 the Karnataka State Commission for Backward Classes has been constituted. Functions of the Commission is enumerated in Section 9 of the said Act and one of the functions is to examine requests for inclusion of any class of citizens as a Backward Class in the lists and hear complaints of over inclusion or under inclusion of any Backward Class in such lists and tender such advice to the State Government as it deems appropriate. The term of Office of the Chairman and members of the Commission has concluded on 21.09.2019 and new Office bearers have not been appointed. Though, Section 11 of the said Act has provision for periodic revision of the lists by the State Government it mandates for consultation with the Commission. Hence, only after obtaining opinion of the Commission, the State Government can take a decision in this regard.

7. As this is an important policy decision, the same needs to be placed for the consideration of the Cabinet to bring necessary amendment



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to the relevant Government Order. Hence, the State Government may need further time to take necessary action in this regard.

8. I respectfully submit that Government of Karnataka has initiated required process to provide suitable reservation to the Transgenders as explained above.


The Statements made above are true and correct to the best of my knowledge, information and belief.


DEPONENT

VERIFICATION

I, the above named Deponent, do hereby verify that all the facts stated in the Affidavit are all true to my knowledge and that on part thereof is false and nothing material is concealed therefrom.

Verified at Bangalore, on this the th day of September, 2020.

Bengaluru
Dated .09.2020
Identified by:

DEPONENT