



राष्ट्रीय मानव अधिकार आयोग  
मानव अधिकार भवन, सी-ब्लॉक,  
जीपीओ कम्प्लेक्स आईएनए, नई दिल्ली-110 023 भारत  
**National Human Rights Commission**  
Manav Adhikar Bhawan, C-Block,  
GPO Complex, INA, New Delhi-110023 India

No. R-51/ 2/ 2023 - PRPP (RU-2), dated 15<sup>th</sup> September, 2023

### **Advisory for ensuring the welfare of Transgender Persons**

Under the Protection of Human Rights Act, 1993, the National Human Rights Commission (NHRC) is entrusted with the responsibility of protecting and promoting human rights of all human beings in the country. In this regard, one of the primary concerns of the Commission is about discrimination faced by transgender persons in the country.

2. The rights of the Transgender persons have gained recognition and legal validity through various judgments of the Supreme Court. A landmark development was the enactment of the Transgender Persons (Protection of Rights) Act, 2019, which explicitly aimed to safeguard and uphold the rights of transgender individuals. Despite these legal advancements, transgender persons continue to grapple with discrimination in multiple facets of life. This discrimination manifests in various forms such as employment disparities, limited access to healthcare, and exclusion from social circles.

3. To address these challenges, the Commission has approved an 'Advisory for ensuring the welfare of Transgender Persons' to the Union and State governments, containing a set of recommendations, designed to enhance the welfare and rights of transgender persons.

4. All concerned authorities of the Union/ State Government(s)/ UT Administration(s) are advised to implement the recommendations made in the advisory in letter and spirit, and to send an Action Taken Report (ATR) within two months to keep the Commission informed of the progress in implementing the advisory.

[ Bharat Lal ]  
Secretary General

**Enclosed:** Advisory for ensuring the welfare of transgender persons

1. Secretary  
Deptt. of Social Justice & Empowerment  
C-Wing, Shastri Bhawan, New Delhi - 110 001
2. Secretary  
Ministry of Corporate Affairs, A" Wing, Shastri Bhawan,  
New Delhi - 110 001.
3. All Chief Secretaries/ Administrators (all States & UTs)

## Advisory for Ensuring the welfare of Transgender Persons

### Education

- i. Necessary steps may be taken to ensure access to education to transgender persons. Authorities may consider formulating a policy to address the issues of violence, discrimination and their harassment at educational institutions. The Education Department of all States/ UTs as an interim measure to advise educational institutes in their respective jurisdictions to protect gender-nonconforming students from bullying, harassment or other forms of violence.
- ii. The State Governments/ UTs to ensure that in every district, an anti-discrimination cell is set up at the district level for transgenders, and also, to ensure the setting up of a monitoring committee/ cell at educational institutions to address the issues of prejudices, discrimination, sexual abuse and other violence against transgender persons.
- iii. The State Governments to take necessary steps to make all educational institutions "inclusive" for transgender students.
- iv. Transgender students are not to be discriminated against in higher studies, and suitable provision for providing financial assistance to Transgender students pursuing Degree/ Diploma/ PG courses may be ensured.
- v. Provision for scholarship and free education be formulated for transgender students.

### Healthcare:

- i. Set up medical boards at the district level to assist transgenders.
- ii. In every district civil hospital, necessary provisions to be made for consultation, treatment, counseling for sex reassignment surgery, and, the following steps may also be considered;
  - a. A suitable amount may be provided to the members of the transgender community who want to opt for a sex change operation; or,

- b. Free sex reassignment surgery in government hospitals may be provided.

**Employment:**

- i. “Third Gender” as an identity category may be added for people of transgender community seeking civil service jobs to enable them to apply and appear in entrance examinations.
- ii. All the agencies involved in document verification may be advised to verify and accept the document even if the name or photo of the transgender person vary with the original documents on time bound manner, provided the candidate has obtained the Transgender Certificate.
- iii. Adequate steps may be taken to protect transgender persons from any form of violence or harassment at workplaces, and anti-discrimination policies be implemented at all levels.
- iv. Sensitization programmes for other employees on sexual orientation and gender identity may be organized regularly.
- v. A Grievance Redressal Cell be set up in the organization wherever they are employed to deal with the issues of transgender employees, in which at least one transgender person may be included, wherever possible.
- vi. State to prioritize skill development training and better occupational opportunities to transgender persons.
- vii. Wide publicity to the National Career Service Portal be given amongst transgender community.
- viii. Loan at interest subvention basis may be extended to transgender persons to help them set up their own businesses.
- ix. District administration to extend help to enable transgender persons to form Self Help Groups through which they can get bank loans to start livelihood activities.

### **Promoting Inclusivity:**

- i. All forms for whatever purpose, which require candidates to indicate their sex, must provide 'third gender' as a category in the options.
- ii. All public places should have separate washrooms for transgenders.
- iii. Provide an exclusive platform for transgender persons to showcase their talent in cultural events.
- iv. Old age home facilities be considered for the transgender community.

### **Welfare**

- i. Single trans child of a deceased government employee or pensioner, may be treated as an unmarried daughter for the family pension and other benefits.
- ii. Transgender persons should be allowed to inherit ancestral agricultural land.
- iii. Transgender welfare board may be established as mandated under the Section 10 (1) of the Transgender Persons (Protection of Rights) Rules, 2020, framed for implementing the Transgender Persons (Protection of Rights) Act, 2019.
- iv. The concerned Ministry should ensure the timely release of the funds allocated to Garima Greh. In addition, the queries considering the disbursement of funds may be dealt with by proper mechanisms and handholding support be given to complete the requisite formalities to resolve such grievances.
- v. The Insurance Companies may be advised to consider and accept the Transgender Certificate issued by the appropriate authority for document verification purposes.
- vi. The Ministry of Corporate Affairs may consider incorporating welfare activities of transgender persons explicitly in the Schedule VII of the Companies Act, 2013, which provides the list of activities that can be included for making expenditures for Corporate Social Responsibilities activities.
- vii. Adequate steps may be taken to deal with the complaints of sexual harassment of transgender persons.

- viii. Multi-purpose identity cards may be provided to the transgenders to help them access government schemes and other benefits.
- ix. Reach out to the family member of Transgenders through Anganwadi workers to sensitize them about trans-children.
- x. Public to be sensitized through educational campaigns.

### **Grievance Redressal**

- i. Set up a Transgender Protection Cell under the Director General of Police or his/her nominee in the State to monitor cases of offences against Transgender Persons in accordance with the provision of the Transgender Persons (Protection of Rights) Act, 2019 and the Transgender Persons (Protection of Rights) Rules, 2020.
- ii. One officer in every police station be designated as focal point for Transgenders.

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