

विजय कुमार,  
आई०पी०एस०



परिपत्र संख्या: 47/2023  
पुलिस महानिदेशक,  
उत्तर प्रदेश

पुलिस मुख्यालय, गोगतीनगर, विस्तार,  
लखनऊ-226010

दिनांक: अक्टूबर 23 2023.

विषय:- राष्ट्रीय मानवाधिकार आयोग, नई दिल्ली के निदेशानुसार प्रदेश के समस्त पुलिस थानों पर Transgender व्यक्तियों की शिकायतों/अपराधिक अभियोगों के निवारण हेतु एक अधिकारी को नामित किया जाना।


प्रिय महोदय/महोदया,

कृपया उपर्युक्त विषय में अवगत कराना है कि महासचिव राष्ट्रीय मानवाधिकार आयोग नई दिल्ली के पत्र संख्या:आर-51/2/2023-पीआरपीपी(आरयू-2), दिनांक-15.09.2023 के द्वारा Transgender व्यक्तियों के कल्याणार्थ Advisory जारी की गयी है। जिसमें Transgender व्यक्तियों की शिकायतों/अपराधिक प्रकरणों के निवारण तथा Transgender Protection of Rights Act, 2019 एवं Transgender Persons Protection of Rights Act 2020, के अनुरूप कार्यवाही हेतु एक अधिकारी को नियुक्त किये जाने के निर्देश दिये गये हैं।

2. अतः निर्देशित किया जाता है, माननीय राष्ट्रीय मानवाधिकार आयोग नई दिल्ली के निर्देशों के अनुपालन में प्रत्येक जनपद के पुलिस थानों में Transgender व्यक्तियों की शिकायत के निवारण हेतु प्रत्येक पुलिस थाने पर एक पुलिस आफिसर को नियुक्त करते हुये अनुपालन आख्या अपर पुलिस महानिदेशक, अपराध, उत्तर प्रदेश को उपलब्ध कराने का कष्ट करे। सुलभ सन्दर्भ हेतु माननीय आयोग से प्राप्त पत्र दिनांकित-15.09.2023 की (छायाप्रति मय अनुलग्नक सहित) संलग्नकर प्रेषित की जा रही है।

संलग्नक:- यथोपरि।

भवदीय,

  
( विजय कुमार )

1. समस्त पुलिस आयुक्त, उत्तर प्रदेश।
2. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, प्रभारी जनपद उ०प्र०।
3. समस्त पुलिस अधीक्षक, रेलवेज, उत्तर प्रदेश।

प्रतिलिपि:- निम्नलिखित को उपरोक्तानुसार सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- विशेष पुलिस महानिदेशक, कानून एवं व्यवस्था उत्तर प्रदेश।
- 2- अपर पुलिस महानिदेशक, अपराध, उत्तर प्रदेश।
- 3- अपर पुलिस महानिदेशक, रेलवे उत्तर प्रदेश।
- 4- समस्त जोनल अपर पुलिस महानिदेशक, उत्तर प्रदेश।
- 5- समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/उपमहानिरीक्षक, उत्तर प्रदेश।

उत्तर प्रदेश शासन

गृह (मानवाधिकार) अनु0-1

संख्या-98/अ/छः-मा0-1-23

लखनऊ, दिनांक सितम्बर, 2023

25

अपर मुख्य सचिव /प्रमुख सचिव,  
उच्च शिक्षा विभाग, माध्यमिक शिक्षा विभाग, बेसिक शिक्षा विभाग,  
चिकित्सा स्वास्थ्य एवं परिवार कल्याण विभाग, चिकित्सा शिक्षा विभाग,  
आयुष विभाग, श्रम विभाग, नगर विकास विभाग, संस्कृति विभाग,  
समाज कल्याण विभाग  
उत्तर प्रदेश शासन।

कृपया मा0 राष्ट्रीय मानव अधिकार आयोग, नई दिल्ली के पत्र संख्या-आर-51/2/2023-पीआरपीपी (आर यू-2) दिनांक 15 सितम्बर, 2023 ( छायाप्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें।

2- प्रकरण में मा0 आयोग द्वारा advisory for ensuring the welfare of transgenders persons पर एक्शन टेकन रिपोर्ट उपलब्ध कराये जाने के निर्देश दिये गये है।

3- अतएव उक्त advisory पर अपने विभाग से सम्बन्धित विन्दुओं पर कार्यवाही कर, एक्शन टेकन रिपोर्ट मा0 आयोग को प्रेषित करते हुए, गृह (मानवाधिका) अनु0-1 को अवगत कराने का कष्ट करें।

संलग्नक-यथोक्त

Signed by आनन्द प्रकाश  
( आनन्द प्रकाश )  
Date: 22-09-2023 09:41:51  
अनु सचिव  
Reason: Approved

98 अ/छः  
संख्या- (१)/छः-मा0-1-23 तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित—

- (1) पुलिस महानिदेशक, उ0 प्र0, लखनऊ को उक्तोंकित पत्र की प्रति सहित।  
(2) सहायक निबंधक, (विधि), मा0 मा0 राष्ट्रीय मानव अधिकार आयोग नई दिल्ली

SP(HR)/508

आज्ञा से,

( आनन्द प्रकाश )  
अनु सचिव

श्री कमलेश्वर यादव  
14/9/23

पुलिस महानिदेशक  
मानवाधिकार  
उ0 प्र0, लखनऊ  
20/09/23



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

98 जी/6-570-1-23

No. R-S1/ 2/ 2023 - PRPP (RU-2), dated 15<sup>th</sup> September, 2023

E-67/23

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.

The rights of the Transgender persons have gained recognition and legal validity through 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.

श्री. गुरुदेव/सहाय कल्याण

[ Bharat Lal ]  
Secretary General

15/09/2023  
(अमृता सोनी)  
प्रमुख स्टाफ ऑफिसर,  
मुख्य सचिव,  
उत्तर प्रदेश शासन।

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

From : Monika Joon &lt;dsr.nhrc@nic.in&gt;

Fri, Sep 15, 2023 05:08 PM

Subject : Advisory for ensuring the welfare of Transgender Persons

3 attachments

To : Dr K. S. Jawahar Reddy, IAS <cs@ap.gov.in>, Dharmendra <cs-arunachal@nic.in>, PABAN KUMAR BORTHAKUR, IAS <cs-assam@nic.in>, Chief Secretary Bihar <cs-bihar@r.ic.in>, Chief Secretary Office <csoffice.cg@gov.in>, Puneet Kumar Goel IAS Chief Secretary <cs-go@nic.in>, chiefsecretary@gujarat.gov.in, Sanjeev Kaushal, IAS <cs@hry.nic.in>, Prabodh Saxena <cs-hp@nic.in>, cs-jandk <cs-jandk@nic.in>, akmehta88@ias.nic.in, Shri Sukhdev Singh <cs-jharkhand@nic.in>, officeofcs@gmail.com, DR VENU V IAS <chiefsecy@kerala.gov.in>, Iqbal Singh Balns <cs@mp.nic.in>, cs@maharashtra.gov.in, chiefsecretary@maharashtra.gov.in, cs-manipur <cs-manipur@nic.in>, cso-meg <cso-meg@nic.in>, cs miz <cs\_miz@rediffmail.com>, cs-mizoram <cs-mizoram@nic.in>, Daniel Krocha Deputy Director <nagaland.mygov@gov.in>, Jan e Alam, Chief Secretary Nagaland <csngl@nic.in>, Shri Pradeep Kumar Jena <csorl@nic.in>, Chief Secretary Punjab <cs@punjab.gov.in>, csraj@rajasthan.gov.in, Vijay Bhushan Pathak <cs-skm@hub.nic.in>, cs@tn.gov.in, CS Telangana <cs@telangana.gov.in>, cs-tripura <cs-tripura@nic.in>, cstripura@gmail.com, CHIEF SECRETARY GoUP <csup@nic.in>, chiefsecyuk@gmail.com, chief secretary <cs-uttarakhand@nic.in>, Shri H K Dwivedi <cs-westbengal@nic.in>, Chief Secretary Andamans <cs-andaman@nic.in>, Administrator DNH DD <administrator-dd-dnh@nic.in>, Shri Naresh Kumar <csdelhl@nic.in>, Mr Rajeev Verma IAS <cs.pon@nic.in>, Advisor to LG <advisor-ig-ladakh@gov.in>, Praful Patel <lk-admin@nic.in>, ADMR CHD <admr-chd@nic.in>


Cc : Anita Sinha <jst.nhrc@nic.in>, Bharat Lal <sgnhrc@nic.in>, Justice Arun Kumar Mishra <chairnhrc@nic.in>, Rajiv Jain <member5-nhrc@gov.in>, Dr. D.M. Mulay <member4.nhrc@nic.in>

Respected Sir/ Madam,

Please find attached a DO letter dated 15th September, 2023 from Shri Bharat Lal, Secretary General, NHRC, addressed to you on the captioned subject.

With warm Regards

Regards  
Monika Joon  
Section Officer  
PRP&P Division

 National Human Rights Commission (India)  
Manav Adhikar Bhawan, C-Block,  
GPO Complex, INA, New Delhi - 110023  
Phone : 011- 24663325/3273



सत्यमेव जयते  
ONE EARTH - ONE FAMILY - ONE FUTURE

— Advisory for Ensuring the welfare of Transgender Persons.pdf  
521 KB

— All Chief Secretaries Administrators Advisory for ensuring the welfare of Transgender Persons.pdf  
46 KB

## 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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