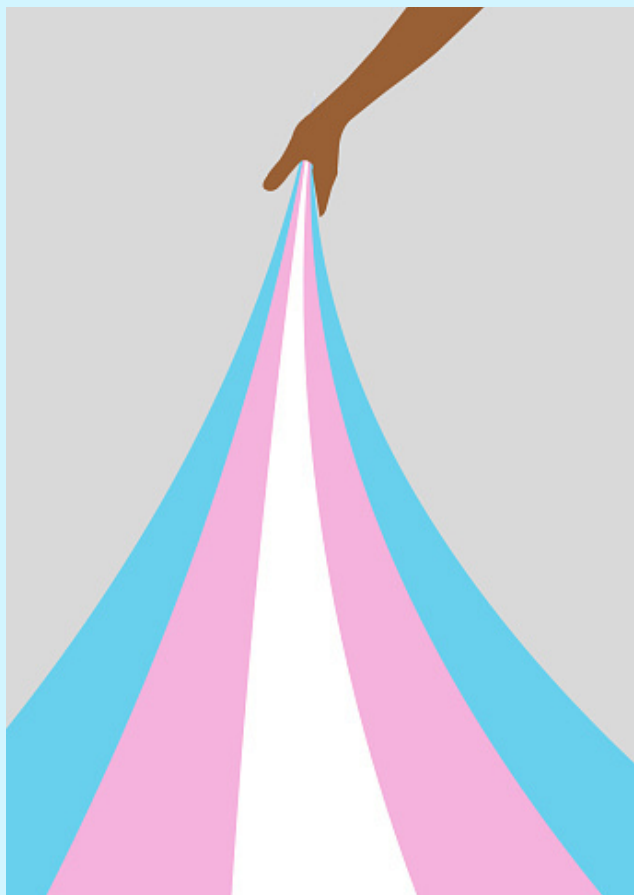


- Sensitization of:
 - institutions and establishments by appropriate authority including teachers and faculty in schools and colleges,
 - sensitization of healthcare professionals;
 - sensitization programmes in workplaces; and
 - sensitization programmes for complaints officers. (Rule 10 (7))
- Provision for the formulation of a comprehensive policy for Transgender Persons (Rule 11 (2))
- Provision for Setting up of a Transgender Protection Cell under the charge of the District Magistrate (Rule 11 (5))
- Provision for appointment of a complaint officer for grievance redressal. (Rule 13)
- Provision for setting up of a grievance redressal mechanism within one year, operating through a helpline and outreach centres. (Rule 13 (6))



For More information kindly contact :

Transgender & Beggary Division
 National Institute of Social Defence (NISD)
 Ministry of Social Justice and Empowerment
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**NATIONAL INSTITUTE OF SOCIAL DEFENCE
 MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT**

**TRANSGENDER PERSONS (PROTECTION OF RIGHTS)
 ACT, 2019 & RULES 2020**

Background

The transgender community enjoyed recognition in ancient history and finds mention in several of our ancient scriptures. However, it was in the colonial era that the discrimination against the community rose, leading to rigid prejudice against them. Due to their lack of recognition and ostracization from society at large, they have been unable to exercise their fundamental rights as citizens of the country. For a long period of time, they have faced issues such as unemployment, social discrimination, mental and physical abuse, lack of educational opportunities, property ownership, and so on. As per the Census 2011, there are 4,87,803 Transgender persons in India.



"Transgender Person" is someone whose gender does not match with the gender assigned to that person at birth. It includes trans-man or trans-woman, a person with intersex variations, genderqueer, and person having such socio-cultural identities as kinner, hijra, aravani and jogta.

The Act

The Transgender Persons (Protection of Rights) Act, 2019, was enacted w.e.f 10.01.2020 in order to provide protection of rights of transgender persons and their welfare. The Act, inter-alia, provides for recognition of identity of transgender persons, prohibition against discrimination, welfare measures by the Government, obligation of establishments and other persons, education, social security and health of transgender persons and National Council for transgender persons.

Some of the key provisions of the Act and Rules thereof are listed below:

- Prohibition Against Discrimination (Section 3)

No transgender person can be discriminated in educational establishments and services thereof; employment or occupation; healthcare services; enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public; right of movement; right to reside, purchase, rent, or otherwise occupy any property; and hold public or private office;

- Recognition of identity of transgender person and right to self-perceived gender identity (Section 4)



- Provision to obtain Transgender Certificate and Identity Card from District Magistrate. Revised Certificate is to be obtained if sex is changed. (Section 6 & 7)
- Obligations of appropriate Governments to take steps to secure full and effective participation of transgender persons and their inclusion in society. (Section 8)
- Obligations of establishments. Non-discrimination in employment. (Section 9)
- Provision for establishment to designate a complaint officer to deal with the complaints relating to violation of the provisions of this Act. (Section 11)



- Provision provides Transgender Persons Right of residence (Section 12)
- No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child. (Section 12(1))

- Provision for Vocational Training and Self-Employment (Section 14)
- Provisions for Health Care (Section 15)
- Provisions for Constitution of National Council for Transgender Persons (Section 16 & 17)
- Penal Provisions for offences against transgender persons including imprisonment which shall not be less than six months and may extend to two years with fine. (Section 18)



Some of the important provisions of the Transgender Persons Rules, 2020 are:

- Provision for welfare measures, education, social security and health of transgender persons by appropriate Government (Rule 10)