



No.DP-13011(7)/2/2022-DP

Government of India

Ministry of Social Justice & Empowerment
Department of Social Justice & Empowerment
(Drug Prevention Division)

Shastri Bhawan, New Delhi-110001

Dated 14.05.2024

To

The Director General of Police of all States/UTs,

Subject: – Setting up of State Level Transgender Protection Cell-reg.

Madam/Sir,

As you may be aware that as per Rule 11(5) of the Transgender Persons (Protection of Rights) Rules 2020, State Governments are mandated to set up Transgender Protection Cells under the charge of Director General of Police at State level and under the charge of District Magistrate at District level to monitor cases of offenses against Transgender Persons to ensure timely registration, investigation and prosecution of offenses. The detailed guidelines of Transgender Protection Cell including constitution, operation model, functions etc are attached with this letter.

2. You are requested to submit proposal of setting up of State Level Transgender Protection Cell in your States/UTs at earliest.

3. This letter issues with the approval of the Competent Authority.

Yours faithfully,

I/39049/2024

Signed by

Rajeev Kumar

Date: 14-05-2024 13:48:18

(Rajeev Kumar)

Under Secretary to the Government of India

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Copy to:

The Chief Secretaries of all States/UTs with request to communicate to District Magistrates to setup District Level Transgender Protection Cell, under information to this Department.

TRANSGENDER PROTECTION CELL

The Section 18 of the Transgender Persons (Protection of Rights) Act, 2019 states that a transgender person shall not be compelled to do forced or bonded labour, denied the right of passage/ access to a public place, forces or causes a transgender person to leave household, village or other place of residence, harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical sexual verbal, emotional abuse and/or economic abuse, shall be punishable with imprisonment for a term which shall not be less than 6 months but which may extend to 2 years with fine.

Furthermore, according to the Transgender Persons (Protection of Rights) Rules 2020, Section 11(5) State Governments have to set up a Transgender Protection Cells under the charge of District Magistrate and Director General of Police to monitor cases of offences against Transgender Persons to ensure timely registration, investigation and prosecution of offences.

A. STATE LEVEL TRANSGENDER PROTECTION CELL

I. Composition

- a. The State Transgender Protection Cells to be under control of the Director General of Police.
- b. One Officer not below the rank of Inspector, one officer not below the rank of Sub-Inspector with two Constables to be designated at the State level for the Cell.
- c. Need based support staff eg Counsellor, Case Manager, Data Entry Operator etc can be hired on contract basis. Preference to be given to transgender persons.

II. Administrative Arrangement

- a. Space for State Transgender Protection Cells to be provided within the office campus of Director General of Police/ State Police Headquarter.
- b. Requisite infrastructure for deputed and hired human resource eg tables, chairs, cupboards, benches, shelves, almirahs, telephone with STD service, fax, computers/laptops with internet access, printers, stationary, existing vehicle for field visits and rescue of transgender persons etc.

III. Contingency grant and financial outlines

- a. Contingency grant of Rs 10.00 lakhs to be provided for hiring of need-based support staff (as suggested in Composition section) and need-based infrastructure (as suggested in Administrative Arrangement section). The suggestions at Composition and Administrative Arrangement section are only suggestive and not exhaustive.
- b. Expenditure requirement beyond Rs 10.00 lakhs to be borne by State/UT.
- c. Contingency grant to be provided by DoSJE to DGP/ State Police Department. This is subject to the continuation of SMILE scheme beyond 31.03.2026
- d. DGP/State Police Department to maintain separate account for grants and to provide audit report, head-wise statement of expenditure, utilization certificate as and when the grants are claimed.
- e. Utilization Certificate to be provided by DGP/State Police Department in GFR 12C format.
- f. General Financial Rules 2017 and its consecutive updates will be applicable for all financial matters.

IV Functions

- a. To monitor the functioning of District Level Transgender Protection Cell
- b. To prepare and submit a consolidated report of all District Level Transgender Protection Cells to DoSJE on quarterly basis through National Portal for Transgender Persons.
- c. To share the consolidated report to State Transgender Welfare Board minimum on quarterly basis and/or more frequently on need basis.
- d. To submit printed annual report to DoSJE.
- e. To ensure transgender persons grievance redressal within 15 days of complaint.
- f. To coordinate with State Legal Services Authority for ensuring free legal services to transgender persons
- g. To implement awareness generation and sensitization programmes of police functionaries as well as at private establishments on The Transgender Persons (Protection of Rights) Act, 2019 and The Transgender Persons (Protection of Rights) Rules 2020.
- h. To ensure strict implementation of non-discriminatory,

rescue and penal provisions of The Transgender Persons (Protection of Rights) Act, 2019 and The Transgender Persons (Protection of Rights) Rules 2020.

B. DISTRICT LEVEL PROTECTION CELL

I. Composition

- a. The District Protection Cell would be under the overall control of the District Magistrate.
- b. One Officer not below the rank of Inspector, one officer not below the rank of Sub-Inspector with two Constables to be designated to deal with grievances.
- c. Any need based support staff or other requirement for district level protection cell to be arranged by State/UT.

II. Administrative Arrangement

Space and requisite infrastructure for District Transgender Protection Cell to be provided within the office campus of District Administration.

III. Functions

- a. To prepare and submit reports to State Level Transgender Protection Cell on quarterly basis.
- b. To report emergency cases to State Level Transgender Protection Cell and DoSJE on instant basis.
- c. To coordinate with District Legal Services Authority for ensuring free legal services to transgender persons.
- d. To provide free psychological counseling to destitute transgender persons.
- e. To rescue and rehabilitate destitute transgender persons
- f. To implement awareness generation and sensitization programmes for district administration functionaries as well as private establishments on The Transgender Persons (Protection of Rights) Act, 2019 and The Transgender Persons(Protection of Rights) Rules, 2020
- g. To ensure strict implementation of non-discriminatory, welfare, rescue and penal provisions of The Transgender Persons (Protection of Rights) Act, 2019 and The Transgender Persons (Protection of Rights) Rules 2020.

C. Budget

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Head	Annual Contingency Grants per unit (Rs, Lakhs)	Total cost for 36 States/UT (Rs, Lakhs)	Total budget for 5 years (Rs, Lakhs)
State Transgender Protection Cell	10.00	10 x 36 = 360.00	1800.00

Note- Financial requirement for setting, operation and maintenance of District Level Transgender Protection Cell to be borne by State/UT.

D. Miscellaneous

- a. An MoU to be signed with the NALSA for providing free legal assistance to the State/ District Protection Cells.
- b. Capacity Building and Training of State TG Protection Cell and District TG Protection Cell to be carried out by National Institute of Social Defence.
- c. Capacity Building and Training of functionaries of State Level Transgender Protection Cell to be carried out by National Institute of Social Defence.
- d. Capacity Building and Training of functionaries of Emergency Response Support System- Dial 112 to be carried out by National Institute of Social Defence.
- e. Online reporting system for State Level Transgender Protection Cell and District Level Transgender Protection Cell to be developed on National Portal for Transgender Persons. Login credentials to be provided to DGP/State Police Department and District Administration.
- f. DGP/State Police Department to submit proposal for grant-in-aid of State Level Transgender Protection Cell to DoSJE.
- g. DGP/State Police Department to maintain a separate bank account for grant-in-aid of DoSJE.
- h. The bank account maintained by DGP/State Police Department for grant-in-aid to be designated as CNA as per para-8 of the OM of

DoE F. No. 1(18)/PFMS/FCD/2021 dated 09.03.2022. The para-8 of said OM states that “In cases where there is no Central Autonomous Body in a Ministry/Department or where the Ministry/Department wishes to implement the scheme directly through State Government agencies, such State Government agency will be designated as CNA. However, there shall not be more than one CNA per State. The funds in such cases will be released by the Ministry/Department to the CNA directly and not through state treasury”.
