

Prosecution Replenish

F. No. 15011/191/2020-SC/ST-W

Government of India
Ministry of Home Affairs
(Women Safety Division)

2nd Floor, MDC National Stadium,
New Delhi – 110001,

Date: 21st January, 2021

To,

**Chief Secretaries/ Advisors to Administrators
(All States and UTs)**

**Subject: Transgender Persons (Protection of Rights) Act 2019 and the
Transgender Persons (Protection of Rights) Rules, 2020 -reg.**

Sir/Madam,

I am directed to state that the Government has enacted the Transgender Persons (Protection of Rights) Act, 2019 on 5th December 2019, and has since notified the Transgender Persons (Protection of Rights) Rules, 2020 on 25th September 2020. A copy of the said Act and Rules are enclosed. The law mandates adequate steps to be taken by the State Governments/ Union Territories for not only providing for welfare measures to be taken, but inter-alia, steps to be taken for rescue, protection and rehabilitation of a transgender person.

2. I am further directed to state that under section 18 of the said Act, it is punishable offence in case anyone:

- (a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;
- (b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;
- (c) forces or causes a transgender person to leave household, village or other place of residence; and
- (d) 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 abuse, sexual abuse, verbal and emotional abuse and economic abuse.

3. Rule 11 provides for adequate measures to be taken to prevent non-discrimination of transgender persons, including setting up of a Transgender Protection Cell under the charge of District Magistrate in each District and a State Level Cell under the Director General of Police, to monitor cases of offences against transgender persons and ensure timely registration, investigation and prosecution of such offences.

4. In this regard, please find enclosed letter no. 17-2/2019-DP-II dated 9/10/2020 of Ministry of Social Justice & Empowerment to DGsP of all States/ UTs. You are requested to initiate necessary measures in terms of the Act immediately and undertake necessary sensitization programmes for the police and prison officials.

Encl: as above

Yours faithfully,



(Pawan Mehta)

Deputy Secretary to the Govt. of India

Tel: 011-23075293

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Copy to:

1. Additional Chief Secretary/ Principal Secretary/ Secretary, Home Department (All States & UTs).
2. DGsP/IGsP (all States and UTs).
3. Commissioner of Police, Delhi.
4. SO (IT), MHA - to upload the Advisory on MHA website

IMMEDIATE

Government of India
Ministry of Social Justice & Empowerment
Department of Social Justice & Empowerment

Shastri Bhavan, New Delhi-110001

Dated: 09th October, 2020

To
DGPs of all States/UTs

Subject: The Transgender Persons (Protection of Rights) Rules, 2020 - reg.

Sir/Madam,

I am directed to inform that this Ministry has enacted "The Transgender Persons (Protection of Rights) Act, 2019". The Provisions of the Act came into effect from 10.01.2020. In order to have effective implementation of the provisions of the said Act, the Ministry has also notified the Transgender Persons (Protection of Rights), Rules, 2020. The copy of the Act and Rules are enclosed herewith for your information

2. As is envisaged in the Rules, every State Government shall set up a Transgender Protection Cell under the charge of the District Magistrate in each District and under Director General of Police in the State to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences. Public transport to have harassment-free zones for transgender persons and measures put in for safety and security of the Transgender persons.

3. It is, therefore, requested to issue necessary directions related to these security issues as outlined above and in the said Rules for the welfare of transgender persons.

Signature Not Verified

Encls.: As Above.

Yours faithfully,

Digitally signed by RAJEEV KUMAR
Date: 2020.10.09 14:35:05 IST

(Rajeev Kumar)
Under Secretary to the Govt. of India
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