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From

The Secretary Social Welfare,
Chandigarh Administration.

Govt. Medical College,
Sec-32, U.T., Chandigarh

To

All the Heads of Departments/Board/Corporations,
Chandigarh Administration.

Memo NO.SW3/2014/ 8248 — 8308
Dated Chandigarh, the 18/9/14

Subject:- Report of Expert Committee on the issues related to Transgender.

Enclosed please find herewith a copy of D.O. letter No. 17-08/2013-DP-II (Vol.II) dated 21.07.2014 received from the Secretary, Ministry of Social Justice and Empowerment, Government of India, New Delhi along with a copy of report of the Expert Committee on the subject noted above.

The Secretary Social Welfare has desired that the recommendations are time bound and to be implemented by the concerned Departments.

It is therefore, requested to submit your comments/suggestions on the recommendations of the report of Expert Committee along with implementation report to this office within a week positively.

**Director Social Welfare,
for Secretary Social Welfare,
Chandigarh Administration.**

18/9/14

GOVERNMENT MEDICAL COLLEGE & HOSPITAL, CHANDIGARH

(Hospital Building), Sector 32-B, Chandigarh-16 0030 (Ph 0172-2665253-59 Fax 0172-2608488)

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(ESTABLISHMENT BRANCH-IV)

Endst. No. GMCH-E-IV-EA-1(24/2)-2014/

14 OCT 2014

Dated, Chandigarh the

A copy alongwith its enclosure is forwarded to the followings for information & necessary action:

1. The Medical Supdt., GMCH, Chandigarh.
2. The Computer Programmer, GMCH, Chandigarh to **e-circulate/email** the same to all the HODs/Br. Incharges of this Institute with a request to submit their comments/suggestions on the recommendations of the report of Expert committee along with implementation report within 03 days, positively from the issue of this letter, so that the same may be transmitted to the quarter concerned.


Superintendent (Est.-IV)

भार्गव

SHIR BHARGAVA

चिव

SECRETARY

Tel. : 23382683, Fax : 23385180

E-mail : secywel@nic.in



सत्यमेव जयते

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भारत सरकार

सामाजिक न्याय और अधिकारिता मंत्रालय

सामाजिक न्याय और अधिकारिता विभाग

शास्त्री भवन, नई दिल्ली-110 001

Government of India

Ministry of Social Justice and Empowerment

Deptt. of Social Justice and Empowerment

Shastri Bhawan, New Delhi-110 001

July 21, 2014

D.O. No.17-8-2013-DP-II(Vol.II)

Dear Shri Sharma,

Adviser to the Administrator,

No. 2302 PS/AA

Dated 28-7-14

Kindly refer to letter No. 17-08/2013-DP-II dated 12th March 2014 addressed by the then Hon'ble Minister of Social Justice & Empowerment to the Chief Minister of your State enclosing therewith a copy of Report of the Expert Committee set up in the Ministry to make an in depth study of the problems being faced by the Transgender Community. It was requested that the report may be examined and suggestions/comments be furnished on the recommendations of the Committee. Recommendations of the Expert Committee are also available on Ministry's website at <http://socialjustice.nic.in/-transgenderpersons.php>.

2. Subsequently, after the Judgment dated 15.04.2014 (<http://judis.nic.in/supremecourt/imgs1.aspx?filename=41411>) delivered by the Hon'ble Supreme Court in Writ Petition (Civil) No. 400 of 2012, a D.O. letter dated 16.04.2014 was written to you requesting your comments on the report & recommendation of the Expert Committee in the light of paras 129 & 130 of the said Judgment. As you are aware, the Hon'ble Court, in para-129 of its judgment, had given directions (enclosed at **Annexure-I**) which are to be implemented by the Centre and the State Governments. The Hon'ble Court in para 130 of its judgment had further directed that the recommendations of the Expert Committee be examined based on the legal declaration made in the judgment and implemented within six months. A summary of conclusions and recommendations of the Expert Committee is enclosed at **Annexure-II**, for your ready reference.

3. The Hon'ble Court has given a time frame of six months for implementation of above recommendations. Accordingly, the orders of Hon'ble Supreme Court have to be implemented by 14th October, 2014.

4. I shall be grateful, if you could look into the matter personally and inform this Ministry about the action taken by your State so far. I may also request you to give a specific time-frame by which the State Govt. will be able to implement the directions of the Hon'ble Supreme Court as well as the recommendations of the Expert Committee.

With regards,

Yours sincerely,

Shri K.K. Sharma,

Adviser to the Administrator,

UT of Chandigarh,

Chandigarh - 160 009.

(Sudhir Bhargava)

- 4 -

Government of India
Ministry of Social Justice and Empowerment

SUMMARY OF RECOMMENDATIONS OF THE REPORT OF THE EXPERT COMMITTEE ON THE ISSUES RELATED TO TRANSGENDER

1. Transgender should be declared as the third gender, and a transgender person should have the option to choose either 'man', 'woman' or 'transgender' as well as have the right to choose any of the options independent of surgery/ hormones. Only the nomenclature 'transgender' should be used and nomenclatures like 'other' or 'others' should not be used.
2. Certificate that a person is a transgender person should be issued by a state level authority duly designated or constituted by the respective State/UT on the lines of Tamil Nadu Aravanis Welfare Board on the recommendation of a District level screening Committee headed by Collector/ DM and comprising District Social Welfare Officer, psychologist, psychiatrist, a social worker and two representatives of transgender community and such other person or official as the State/UT Administration deems appropriate.
3. Change of gender either as male, female or transgender should be allowed to be carried out on the birth certificate of the person after the age of eighteen years or above. The certificate issued should be acceptable to all authorities for indicating the gender on official documents like driving license, ration card, passport, etc.
4. The third gender i.e. transgender may be recognized by a Government order and for long run, it may be examined whether a separate law will be desirable for this purpose. For this, the Government may refer the matter to the Law Commission.
5. The Ministry of Social Justice & Empowerment to seek convergence with other Ministries and their existing schemes for a more targeted and focused approach towards welfare of TG community, while considering an Umbrella Scheme for direct targeted intervention in certain areas. The scheme for the transgender persons have been suggested with the following components:
 - i. Scholarship of TG children on lines with SC Students
 - ii. Loan with 25% subsidy to enable them to take self employment ventures.
 - iii. Pension scheme above 40 years upto 60 years.
 - iv. Grant in Aid to Voluntary Organizations and other NGOs working for empowerment of transgender community.
6. To cope up with trauma and violence crisis counseling services could be set on the model of Rape and Crisis Intervention Centres.

7. Formation of groups of transgender children for meetings, holding film screening for sensitization of students and staff, setting up of resource centre, augmenting libraries with books and audio-visual materials on transgender issues.
8. Existing forums such as the Anganwadi Centres and Self-Help Groups may be oriented on transgender issues, and involved in providing information to parents of gender-non conforming youths.
9. Criminal and disciplinary action against delinquent police official in cases of violation of human rights of transgender persons.
10. Work place sexual harassment policies should be made transgender inclusive.
11. M/o Rural Development and M/o Housing and Urban Poverty Alleviation to ensure housing assistance schemes to help transgender persons.
12. Another Section under IPC to cover the cases of sexual assault on transgender persons.
13. Slurs based on real or perceived gender identity may be included in Section 153A of the IPC.
14. Government should provide scholarship/entitlements, fee-waiver, free textbooks, free hostel accommodation and other facilities at subsidized rates for students belonging to this group.
15. All the educational institutions/universities should establish an anti-discrimination cell to monitor any form of discrimination against the transgender community.
16. Contents on transgender to be included in the curriculum of adolescent education in schools.
17. Abandonment of child is a punishable offence under Section 317 of the IPC if child is abandoned under the age of twelve years. The Ministry of Home Affairs (MHA) may be requested to consider enhancing the age of child for this offence to eighteen years.
18. Generate more data/information to identify and understand the problems related to various aspects of their life and help frame policies through research and academic program.
19. Establishment of Helpline for Career Guidance and Online Placement Support.
20. Widening the mandate of one of the Corporations for providing the economic support to transgender community.
21. Establishment of effective linkages with vocational training centres run by private and government agencies for providing vocational training to this community.

2/21

6

22. A National Council for Transgender persons may be considered on similar lines as that of the National Councils for Senior Citizens.
23. To carry out survey in association with M/o Statistics for ascertaining their population in the country.
24. Bureau of Police Research & Training (BPR&D) may undertake a study on crime against transgender persons, including alleged excesses by Police.
25. National Crime Records Bureau may from now on collect and compile statistics of crime against transgender persons, as also about cases registered against them as accused.
26. Intensive publicity campaigns.

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2