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SHIVAJI UNIVERSITY, KOLHAPUR - 416 004 MAHARASHTRA
PHONE: EPBX - 2609000 FAX:0091-0231-2691533 & 0091-0231-692333
DLL 0231 2609091, 2609135 Website : www.unishivaji.ac.in E-mail : affiliation.t2@unishivaji.ac.in
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शिवाजी विद्यापीठ, कोल्हापूर - ४१६ ००४ महाराष्ट्र

दूरध्वनी ईपीबीएक्स- २६०९०००, फॅक्स ००९१ ०२३१ २६९१५३३ व ००९१ ०२३१ ६९२३३३
संलग्नता टी २ विभाग थेट दूरध्वनी क्र. ०२३१ २६०९०९१, २६०९१३५

संदर्भ क्र. : शिवाजी वि/संलग्नता/टी-२/२०२१-२२/

No 0 0 1 7 0

दि. 07 JAN 2022

प्रति,

मा.प्राचार्य / संचालक,

सर्व संलग्नित महाविद्यालये / मान्यताप्राप्त शैक्षणिक संस्था.

विषय :- हिजडा/ट्रान्सजेंडर व्यक्तींसाठी स्वतंत्र स्वच्छतागृहांची सवलत पुरविणे तसेच सर्वसमावेशक शिक्षण पध्दतीचा अवलंब करणेबाबत....

संदर्भ :- क्र.उशिसं/ट्रान्सजेंडर व्यक्ती-सुविधा/मवि-१/२०२१/१४८४९ दि.२९.१२.२०२१ रोजीचे मा.शिक्षण संचालक, शिक्षण संचालनालय (उच्च शिक्षण), महाराष्ट्र राज्य, मध्यवर्ती इमारत, पुणे यांचे पत्र.

महोदय / महोदया,

उपरोक्त विषय संदर्भाकित पत्रास अनुसरुन संलग्नित महाविद्यालयांनी हिजडा/ट्रान्सजेंडर व्यक्तींसाठी स्वतंत्र स्वच्छतागृहांची सवलत पुरविणे तसेच सर्वसमावेशक शिक्षण पध्दतीचा अवलंब करण्यात यावा.

तरी सोबत जोडलेले संदर्भाकित पत्र अवलोकनी घेवून विद्यापीठ संलग्नीत सर्व महाविद्यालयांनी आवश्यक ती कार्यवाही आपल्या स्तरावरुन त्वरीत करावी व केलेल्या कार्यवाहीचा अहवाल या विभागाकडे पाठवून द्यावा. कळावे.

आदेशान्वये

श्री. विलास एस. सोयम
उपकुलसचिव
संलग्नता/टी-२ विभाग

सोबत :- वरीलप्रमाणे.

महाराष्ट्र शासन
शिक्षण संचालनालय, (उच्च शिक्षण)
महाराष्ट्र राज्य, मध्यवर्ती इमारत पुणे- ४११ ००१

Web : www.dhepune.gov.in

E-Mail : mavi.dhepune@gov.in

फोन नं. ०२०/२६१२२११९/२६०५१५१२, २६१३०६२७, २६१२४६३९

फॅक्स नं. ०२०/२६११११५३

क्र.: उशिसं/ट्रान्सजेंडर व्यक्ती- सुविधा/मवि-१/२०२१/१४८४९

दिनांक- १२/२०२१

प्रति,

29 DEC 2021

१. कुलसचिव, सर्व अकृषी विद्यापीठे, महाराष्ट्र राज्य.
२. कुलसचिव, सर्व अभिमत विद्यापीठे- महाराष्ट्र राज्य.
३. कुलसचिव, सर्व स्वयंअर्थसहायित विद्यापीठे- महाराष्ट्र राज्य.
४. प्राचार्य, शासकीय/अशासकीय/अनुदानित/विनाअनुदानित महाविद्यालये/मॉडेल डिग्री महाविद्यालये.

विषय: हिजडा/ट्रान्सजेंडर व्यक्तींसाठी स्वतंत्र स्वच्छतागृहांची सवलत पुरविणे तसेच सर्वसमावेशक शिक्षण पध्दतीचा अवलंब करणेबाबत.

- संदर्भ: १. मा. सुप्रिम कोर्टाचे आदेश दि. १५.४.२००१
२. केंद्र शासनाचे राजपत्र दि. ५.१२.२०१९

उपरोक्त संदर्भाकित निर्देशांच्या अनुषंगाने कळविण्यात येते की, हिजडा/ट्रान्सजेंडर व्यक्तींना समाजाच्या मुख्य प्रवाहामध्ये सामावून घेण्याच्या दृष्टीने संदर्भ क्र. १ अन्वये केंद्र व राज्य शासनाकडून करावायाच्या कार्यवाहीबाबत मा. सुप्रिम कोर्टाकडून मुद्देसूद आदेश जारी करण्यात आले आहेत तसेच विषयांकित प्रकरणी केंद्र शासनाने संदर्भ क्र. २ अन्वये निर्देश जारी केले आहेत.

ट्रान्सजेंडर व्यक्तींना शैक्षणिक जीवनात वावरताना अनेक अडचणींचा सामना करावा लागतो. उदा. सर्वसामान्य विद्यार्थी अशा विद्यार्थ्यांशी सहजसुलभ मैत्रीभावना बाळगतांना संकुचित वृत्ती दर्शवितात, महाविद्यालयातील स्वच्छतागृह वापरताना त्यांना अपमानित केले जाते इ.

ट्रान्सजेंडर व्यक्तींना माणूसकीची वागणूक देऊन त्यांना समाजाच्या मुख्य प्रवाहामध्ये सामावून घेण्याच्या दृष्टीने विद्यापीठे तसेच महाविद्यालयांनी त्यांना वेगळी वागणूक न देता सर्वसमावेशक शिक्षणपध्दतीचा अवलंब करावा तसेच अशा व्यक्तींसाठी स्वतंत्र स्वच्छतागृहांची निर्मिती करावी जेणेकरून अशा व्यक्ती/विद्यार्थ्यांना वैयक्तिक अपमान व अडचणी ना वारंवार तोंड द्यावे लागणार नाही व त्यांना शिक्षणाकडे अधिक लक्ष पुरविणे शक्य होईल.

(डॉ. धनराज माने)

शिक्षण संचालक (उच्च शिक्षण)
महाराष्ट्र राज्य, पुणे -१

- सोबत - १. मा. सुप्रिम कोर्टाचे आदेश दि. १५.४.२००१ ची प्रत.
२. केंद्र शासनाचे राजपत्र दि. ५.१२.२०१९ ची प्रत.

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AIR 2014 SUPREME COURT 1863

Supreme Court Of India

HON'BLE JUDGE(S): K. S. RADHAKRISHNAN, A.

K. SIKRI, JJ

National Legal Services Authority v. Union of
India

Writ Petition (Civil) No. 400 of 2012 with 604 of
2013,, decided on 15/04/2014

**(A) Constitution of India , Art.253, Art.51—
International Law and treaties - Implementation
by Municipal Courts - Permissible when
domestic laws is not in conflict - Or when there
is void in domestic law.**

Article 253 of the Constitution of India states that the Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention. Generally, therefore, a legislation is required for implementing the international conventions, unlike the position in the United States of America where the rules of international law are applied by the Municipal Courts on the theory of their implied adoption by the State, as a part of its own Municipal law. Art. 51 which enjoins State to foster respect for international law and treaty obligation has to be read along with Article 253 of the Constitution. If the parliament has made any legislation which is in conflict with the international law, then Indian Courts are bound to give effect to the Indian Law, rather than the international

law. However, in the absence of contrary legislation, municipal courts in India would respect the rules of international law.

(Para 50, 53)

**(B) Constitution of India , Art.14, Art.15, Art.19, Art.21, Art.253, Art.51—
Fundamental rights -
Enlargement of scope and content of
constitutional guarantees by reading therein
international covenants - Permissibility.**

Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into those provisions, e.g., Articles 14, 15, 19 and 21 of the Constitution to enlarge the meaning and content thereof and to promote the object of constitutional guarantee.

(Para 53)

**(C) Constitution of India , Art.21—
Protection of Human Rights Act (10 of 1994) , S.2(d)—
Human rights of transgender community -
Absence of Municipal law protecting their rights -
International conventions have to be recognized
and followed to protect them from
discrimination.**

Indian Law, on the whole, only recognizes the paradigm of binary genders of male and female, based on a person's sex assigned by birth, which permits gender system, including the law relating to marriage, adoption, inheritance, succession and taxation and welfare legislations. Unfortunately we have no legislation in this country dealing with the rights of transgender community. Due to the absence of suitable legislation protecting the rights of the members of the transgender community, they are facing discrimination in various areas and hence it is necessary to follow the International Conventions to which India is a party and to give due respect to other non-binding International Conventions and principles. Constitution makers could not have envisaged that each and every human activity be

within the fold of aforesaid rights recognized in respect of other classes falling in the marginalized group. This is the minimum riposte in an attempt to assuage the insult and injury suffered by them so far as to pave way for fast tracking the realization of their human rights.

128. The aforesaid, thus, are my reasons for treating TGs as 'third gender' for the purposes of safeguarding and enforcing appropriately their rights guaranteed under the Constitution. These are my reasons in support of our Constitution to the two issues in these petitions.

129. We, therefore, declare:

(1) Hijras, Eunuchs, apart from binary gender, be treated as "third gender" for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State Legislature.

(2) Transgender persons' right to decide their selfidentified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.

(3) We direct the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.

(4) Centre and State Governments are directed to operate separate HIV Sero-surveillance Centres since Hijras/ Transgenders face several sexual health issues.

(5) Centre and State Governments should seriously address the problems being faced by

Hijras/Transgenders such as fear, shame, gender dysphoria, social pressure, depression, suicidal tendencies, social stigma, etc. and any insistence for SRS for declaring one's gender is immoral and illegal.

(6) Centre and State Governments should take proper measures to provide medical care to TGs in the hospitals and also provide them separate public toilets and other facilities.

(7) Centre and State Governments should also take steps for framing various social welfare schemes for their betterment.

(8) Centre and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and be not treated as untouchables.

(9) Centre and the State Governments should also take measures to regain their respect and place in the society which once they enjoyed in our cultural and social life.

130. We are informed, an Expert Committee has already been constituted to make an in-depth study of the problems faced by the Transgender community and suggest measures that can be taken by the Government to ameliorate their problems and to submit its report with recommendations within three months of its constitution. Let the recommendations be examined based on the legal declaration made in this judgment and implemented within six months.

131. Writ Petitions are, accordingly, allowed, as above.

Petitions Allowed

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 64] नई दिल्ली, बृहस्पतिवार, दिसम्बर 05, 2019/अग्रहायण 14, 1941 (शक)
No. 64] NEW DELHI, THURSDAY, DECEMBER 05, 2019/AGRAHAYANA 14, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th December, 2019/Agrahayana 14, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 5th December, 2019, and is hereby published for general information:—

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

No. 40 OF 2019

[5th December, 2019.]

An Act to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

(h) "notification" means a notification published in the Official Gazette;

(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

(j) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

18 of 2013.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

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(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

(j) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

(a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial of, or termination from, employment or occupation;

(d) the denial or discontinuation of, or unfair treatment in, healthcare services;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public;

(f) the denial or discontinuation of, or unfair treatment with regard to the right of movement;

(g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

CHAPTER III

RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.

Recognition of identity of transgender person.

(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.

5. A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed:

Application for certificate of identity.

Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.

6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender.

Issue of certificate of identity.

(2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

Change in
gender.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

CHAPTER IV

WELFARE MEASURES BY GOVERNMENT

Obligation of
appropriate
Government.

8. (1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

(3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.

(4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.

(5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

Non-
discrimination
in
employment.

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.

Obligations of
establishments.

10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.

Grievance
redressal
mechanism.

11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.

Right of
residence.

12. (1) 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.

(2) Every transgender person shall have—

(a) a right to reside in the household where parent or immediate family members reside;

(b) a right not to be excluded from such household or any part thereof; and

(c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

CHAPTER VI

EDUCATION, SOCIAL SECURITY AND HEALTH OF TRANSGENDER PERSONS

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.

Obligation of educational institutions to provide inclusive education to transgender persons.

14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

Vocational training and self-employment.

15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—

Healthcare facilities.

(a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;

(b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;

(c) before and after sex reassignment surgery and hormonal therapy counselling;

(d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;

(e) review of medical curriculum and research for doctors to address their specific health issues;

(f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;

(g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

CHAPTER VII

NATIONAL COUNCIL FOR TRANSGENDER PERSONS

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

National Council for Transgender Persons.

(2) The National Council shall consist of—

(a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, *ex officio*;

(b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, *ex officio*;

(c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, *ex officio*;

(d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources

Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, *ex officio*;

(g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;

(h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and

(i) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, *ex officio*.

(3) A Member of National Council, other than *ex officio* member, shall hold office for a term of three years from the date of his nomination.

Functions of Council.

17. The National Council shall perform the following functions, namely:—

(a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;

(b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;

(c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;

(d) to redress the grievances of transgender persons; and

(e) to perform such other functions as may be prescribed by the Central Government.

CHAPTER VIII

OFFENCES AND PENALTIES

Offences and penalties.

18. Whoever,—

(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,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

CHAPTER IX

MISCELLANEOUS

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.

Grants by
Central
Government.

20. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Act not in
derogation of
any other law.

21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Protection of
action taken
in good faith.

22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power of
appropriate
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which an application shall be made under section 5;

(b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section 6;

(c) the form and manner in which an application shall be made under sub-section (1) of section 7;

(d) the form, period and manner for issuing revised certificate under sub-section (2) of section 7;

(e) welfare measures to be provided under sub-section (2) of section 8;

(f) facilities to be provided under section 10;

(g) other functions of the National Council under clause (e) of section 17; and

(h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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