

**Support for Marginalized Individuals for
Livelihood and Enterprise
(SMILE)**

GUIDELINES

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
DEPARTMENT OF SOCIAL JUSTICE
AND EMPOWERMENT
(w.e.f. 12th February 2022)**

The Ministry of Social Justice and Empowerment has formulated an umbrella scheme “**SMILE - Support for Marginalized Individuals for Livelihood and Enterprise**”, which includes two sub-schemes - ‘Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons’ and ‘Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in the act of Begging’. This umbrella scheme would cover several comprehensive measures including welfare measures for both transgender persons and persons who are engaged in the act of begging with focus extensively on rehabilitation, provision of medical facilities, counseling, education, skill development, economic linkages etc with the support of State Governments/UTs/Local Urban Bodies, Voluntary Organizations, Community Based Organizations (CBOs) and institutions and others.

This scheme will be implemented across the country.

Implementing Agency for SMILE Scheme:

The position of National Coordinators along with a suitable team for implementing the SMILE scheme will be created in the Ministry. The qualifications of the National Coordinator, emoluments, powers and functions and line of command will be as prescribed by the Department.

1. Comprehensive Rehabilitation for the Welfare of Transgender Persons

1.1. Background

(a)Article 14 of the Indian Constitution guarantees equality for all people before the law or equal protection of the laws within the territory of India. This principle is further extended in Article 15, which prohibits discrimination on various grounds including race, sex, caste or place of birth.

(b)Article 41 of the Constitution of India enjoins the States to make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want within the limit of its economic capacity and development.

(c)In a landmark judgment dated 15.04.2014 delivered by Hon'ble Supreme Court in WP No. 400/2012 filed by National Legal Services Authority (NLSA) vs UOI, along with other directions the Court directed that 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.

(d)The work relating to the welfare of Transgender Persons has been allocated to this Ministry in the Government of India (Allocation of Business Rules), 1961 vide notification dated 21.5.2016.

(e)The Ministry of Social Justice and Empowerment has enacted “The Transgender Persons (Protection of Rights) Act, 2019” from 10.01.2020. The Act, inter alias, have provision for identification of Transgender Persons, Non-discrimination against a Transgender Person in educational institutions, employment, healthcare services etc. Therefore, provisions have been made for formulation of welfare schemes and programmes for education, social security and health of Transgender Persons.

(f)The Ministry has enacted “The Transgender Persons (Protection of Rights), Rules, 2020” for implementation of the provisions of the Act. These rules will help in recognition of identity of Transgender persons and thus will provide the actual figures of transgender persons in the country.

(g)As per RGI during census- 2011 for the collection of data on sex during Population Enumeration, three codes were provided i.e. Male - 1, Female - 2 and other - 3. In case the respondent wished to record neither ‘1’ nor ‘2’ , then enumerator was instructed to record sex as ‘Other’ and give code ‘3’. Therefore, the category of ‘Other’ would not only include ‘Eunuchs’/‘Transgender’ but also any person who desires to record sex under the category of ‘Other’. It is also possible that “Eunuchs’/‘Transgenders’ would have returned themselves either male or female depending upon their choice. According to the 2011 census, 4,87,803 Persons have been classified as ‘others’.

(h)During upcoming census, the Ministry has asked RGI to include Transgender persons as a separate category for population enumeration.

1.2. The Scheme includes following components

1.2.1. Scholarships for Transgender Students

1.2.2. Skill Development and Livelihood for the empowerment of transgender community

1.2.3. Composite Medical Health for Transgender persons

1.2.4. Housing in the form of 'Garima Greh' for Transgender Persons

1.2.5. E-Services (National Portal & Helpline and Advertisement)

1.2.6. Provision of Transgender Protection Cell

1.2.7. Other Welfare Measures

1.2.1. Scholarships for Students who identify as Transgender Persons (IX and above)

1.2.1.1. Background

Article 14 guarantees to all persons' equality before law. Article 19(1) ensures for all citizens freedom of speech by expression. Article 21 guarantees a life of dignity to all persons. Article 15(1), 15(2), and 16(2) in express terms prohibit discrimination on the ground of sex. In view of the above education is common to all which is to be made available to all sex including Transgender. Hence, educational scholarship to Transgender children who are living in different parts of the country has been planned.

1.2.1.2. Scope

Scholarships will be available for studies in India only and will be awarded by the Ministry to Transgender students studying in classes IX and above (Prematric & Postmatric stage) to support parents of Transgender Children and to provide financial assistance to the Transgender students studying in classes IX and X, and at post matriculation or post-secondary stage and beyond

that till post-graduation to reduce the incidence of drop-out and aid the transition from the elementary to the secondary stage. The self-perceived gender identity of the Transgender persons up to the age of class 8th remains ambiguous to large extent and therefore the transgender identity of the children may not be established.

1.2.1.3. Objectives

(a)The objective is to provide financial assistance to the Transgender students studying in IX and above to enable them to complete their education.

(b)To support Transgender students to study further in order to prepare themselves to earn their livelihood and to find a dignified place for themselves in the society as they face several barriers physical, financial, psychological, mental in pursuing studies and living with dignity. At times such students are deprived of harnessing their latent skills and thereby miss the opportunity.

(c)The scholarship shall be awarded to students studying in a government or private higher secondary school/college/university, including such residential institutes of the Government and eligible private institutes selected and notified in a transparent manner by the State Government/Union Territory Administration concerned. It will also cover technical and vocational courses in Industrial Training Institutes/ Industrial Training Centres affiliated with the National Council for Vocational Training (NCVT) of classes XI and XII level including Polytechnics and other courses (any course of less than one year duration is not covered under this scheme; Certificate courses are also not covered.

(d)All Graduate Degree & Post-graduate degree/Diploma /Diploma courses recognised by UGC/ AICTE shall all be covered.

(e)Enrolling vagrant children and youth who identify as transgender persons, gender non-conforming and intersex children to government school and institutions through identification so that they could avail the right of education with the help of local organizations, CBO's, NGO's etc.

1.2.1.4. Conditions of Eligibility

The general conditions of eligibility for availing scholarship are given below:

(a)The scholarships are open to Nationals of India only.

(b)The student should have a Transgender Certificate issued through the National Portal for Transgender person of the Ministry of Social Justice & Empowerment.

(c)The candidate should not be receiving any other central or state government funded Scholarship. No scholarship will be paid to the students under this scheme from the date they accept another scholarship/stipend. The candidate can however, accept free lodging or a grant or ad-hoc monetary help from the State Government or any other source for the purchase of books, equipment or for meeting the expenses on board and lodging in addition to the scholarship amount paid under this scheme.

(d)The candidate should be a regular, full time student studying in a Government School or in a School recognized by Government or a Central/State Board of secondary education.

(e)In case of migration of students from one school/institute/university to another, the student shall submit a certificate from the competent authority.

(f)Scholarships for studying in any class will be available for only one year. If a student has to repeat a class, the candidate would not get a scholarship for that class for a second (or subsequent) year.

(g)These scholarships will be given for the study of all recognized post-matriculation or post-secondary courses pursued in recognized institutions.

(h)Students, who pursue their studies through correspondence courses, are also eligible. The term correspondence includes distant and continuing education recognised by the Ministry of Education or state government.

(i)Candidates who after passing one stage of education or studying in the same stage of education in a different subject e.g. B.Com after B.A in other subjects will not be eligible.

(j)The regulations can be changed at any time at the discretion of the Government of India.

1.2.1.5. Selection of candidates

(a)As the number of scholarships for Transgender persons available in a year is fixed and limited, the selection of application would be on the basis of total marks achieved in the previous academic year as reflected in the marksheet.

(b)In the Scholarship, students applying for Postmatric shall be given preference over Prematric Scholarship.

(c)The final selection of the scholarship would be made by the online system and the list of selected candidates would be displayed on the portal at a specified date considering, inter alia, the number of slots available for the scholarship.

(d) Fresh cases of Scholarships- In case of the same merit, preference shall be generated from 'Date of Birth' criteria of the applicant (senior is preferred) and based on the availability of the slots.

(e) Renewal- There is no merit list generation for renewal cases. Renewal applicants will get the scholarship if one has obtained qualifying marks in their previous year's examinations, and if their application is verified by all authorities.

1.2.1.6. Duration and Renewal of Awards

(a) The award once made will continue subject to good conduct and regularity in attendance.

(b) If the number of applicants is more than the slots available, then those who didn't receive the scholarship for a particular academic year for which they had applied will be prioritized for the successive academic year in the next financial cycle based on submission of application form and mark sheet.

1.2.1.7. Payment of Scholarship

(a) A sum of Rs. 13,500 shall be given as postmatric/prematric scholarship to eligible transgender students.

(b) Scholarship shall be given in bulk once every academic year from 1st April or from the month of admission, whichever is later, to the month in which the examinations are completed, at the end of the academic year (including scholarship during holidays), provided that if the scholar secures admission after the 20th day of a month, the amount will be paid from the month following the month of admission.

(c)In case of renewal of scholarship, it will be paid from the month following the month up to which scholarship was paid in the previous year.

(d)Students shall be encouraged to have Aadhar linked bank account to facilitate payments through Aadhar Payment Bridge while applying for the scholarship which should have the same name as stipulated in the transgender certificate issued through the National Portal for Transgender person of the Ministry of Social Justice & Empowerment.

1.2.1.8. Conditions for continuation of the Award

(a)The scholarship is dependent on the satisfactory progress and conduct of the Transgender student. If it is reported by the Head of the Institution/School at any time that the student has by reasons of their own act of default failed to make satisfactory progress or has been guilty of misconduct such as resorting to or participating in strikes, irregularity in attendance without the permission of the authorities concerned etc., the authority sanctioning the scholarship may either cancel the scholarship or stop or withhold further payment for such period as it may deem fit.

(b)If a student violates school discipline or any other terms and conditions of the scholarship, scholarship may be suspended or cancelled.

(c)If a student is found to have obtained a scholarship by false statement, his/her scholarship will be cancelled forthwith and the amount of the scholarship already paid will be recovered by the Ministry along with penal interest as per applicable rules. The student concerned will be blacklisted and debarred for future scholarship in any scheme forever.

(d)A transgender student is liable to refund the scholarship amount, if during the course of the year, the studies for which the scholarship has been awarded, is discontinued by the student.

1.2.1.9. Application procedure for fresh and renewal cases of scholarship

(a)The scholarship can be availed by registering/applying on the National Portal for Transgender Person through a login ID and Password used to issue the Transgender Certificate & Identity card. The students can follow-up or monitor the status of their application after submission.

(b)The applicants should submit their application through the on-line system within the last date prescribed for receipt of applications. All requisite documents such as photograph, proof of age, Transgender identity certificate, last academic qualification certificate, etc. duly filled in the prescribed format are required to be uploaded in the on-line system.

(c)Institutions will be responsible for verifying credibility of the requisite certificates furnished by the candidates in order to eliminate the possibility of students availing the Scholarship on fake certificates shall rest with concern. The University/Institute will not charge any fee for verification.

Following copies of documents have to be kept ready while applying for fresh scholarship:

Fresh Application for Scholarship	Renewal of scholarship
(a) Self attested passport size photograph of the student	(a) Certificate of previous academic score not less than qualifying marks attested by institute.
(b) Transgender Identity Certificate	

issued through National portal for transgender person of the Ministry of Social Justice & Empowerment.

(c) A declaration by the parents/guardians, stating that their ward is not availing such scholarship in any other scheme of Centre/ State Government for education.

(d) Certificate of previous academic year's mark sheet attested by Institute.

(e) Self attested copy of Aadhar Card

(f) Transfer certificate in case the student has migrated to another

(g) Institute verification form duly attested by the school/ college/ institute.

1.2.1.10. Convergence with Samagra Shiksha Scheme

Samagra Shiksha scheme of D/o School Education & Literacy does not specifically indicate for providing scholarships for Transgender children. Samagra Shiksha scheme focuses on need to address the education of Transgender children as they face stigma and discrimination. They face conflicting pressures to conform to gender normative behaviour and the expectations of the society which they are unable to do so. There is a need to create and develop a reliable national database on Transgender children. The schools

should create a safe supportive school environment which does not violate their constitutional rights. In this context, the Schools need to develop a plan with students who identify as Transgender Persons and their parents regarding the use of their names, access to rest rooms and other spaces corresponding to their gender identity. The curriculum and textbooks must address the issues and concerns of Transgender persons as well as the teachers need to be sensitized about their problems through continuous teacher training programmes.

1.2.1.11. Implementing Agency

The Scholarships for Transgender Students would be implemented by the Ministry of Social Justice & Empowerment and the scholarship amount would be remitted directly to the beneficiaries through Direct Benefit Transfer (DBT).

1.2.1.12. Announcement of Scheme

The scheme will be announced by this Department well in time, by giving advertisements in the leading language newspapers and local dailies/vernacular and by using other suitable publicity media as well as on the website of Ministry of Social Justice & Empowerment.

1.2.1.13. Mode of Applying

The scheme would be implemented through the National Portal for Transgender Persons. It is mandatory for interested Transgender students to apply online on the website.

1.2.1.14. Value of Scholarship

The rates of scholarship will be as follows:

Intervention	Unit cost per year	Numbers	Cost for 5 years (Rs lakhs)
Prematric/Postmatric scholarships	Rs. 13,500/-	22,500	3,037.5

1.2.1.15. Monitoring & Evaluation

The scheme will be monitored at regular intervals by the Ministry including Project Monitoring Unit (PMU) or any other agency/unit appointed by the Ministry of Social Justice & Empowerment. Evaluation of the scheme will be done with the help of 3rd party organization as deemed necessary.

1.2.2. Skill Development & Livelihood for Empowerment of Transgender Community

To provide funds for taking up skill development and livelihood activities which may include welfare measures such as developing entrepreneurship skills among transgender persons to improve the educational and socio-economic conditions of the community, with a view to upgrade skill to enable them to start income generating activities on their own or get gainfully employed in some sector.

1.2.2.1. Objectives

(a) The main purpose is to provide employment opportunities to the person belonging to transgender person community by providing them market-oriented skills. Areas for imparting skill training shall be chosen after careful consideration by the training partners. The

skill should provide ample scope for employment with dignity to the person enrolled.

(b)To provide funds for taking up skill development and livelihood which may include welfare measures to start own business to transgender persons to improve the educational and socio-economic conditions of the community, with a view to upgrade skill to enable them to start income generating activities on their own or get gainfully employed in some sector.

(c)The Skill development training is to be imparted to the Transgender persons through PM-DAKSH as part of their existing programmes duly following the common norms of the Ministry of Skill Development and Entrepreneurship.

(d)National Skill Development Corporation (NSDC) and Sector Skill Councils (SSCs) will help in course curriculum as per the industry requirement. Indian Institute of Entrepreneurship (IIE) and National Institute for Entrepreneurship and Small Business Development (NIESBUD) will assist in entrepreneurship training.

(e)The programme will be linked with PM-DAKSH IT platform and National Portal for Transgender Persons.

1.2.2.2. Target group and eligibility criteria

The Transgender persons will be selected as per criteria indicated below:-

(a)The beneficiaries should belong to the Transgender community as notified by the Government of India.

(b)The beneficiaries should not be receiving such benefits from any other Centre/ State scheme.

(c)The Beneficiary shall hold a Transgender Certificate issued by the National Portal for Transgender Persons, Ministry of Social Justice & Empowerment.

1.2.2.3. Scope

(a)The scheme shall supplement the support of various schemes being run by the Central and State Governments, and other programs that have goals similar to the scheme for generation of livelihood opportunities for the candidates wherever necessary.

(b)Create an ecosystem for the youth to make informed choices on the available skilling avenues.

(c)Provide support to youth for skill training and certification.

(d)Assistance under the scheme shall be provided for small business, which may equip the Transgender persons by upgrading their skills to enable them to start income generating activities through self-employment.

(e)All the welfare measures such as loans, assistance to self-help groups and skill development programmes being run by the Transgender welfare boards of the state shall be subject to Social Audit.

1.2.2.4. Extent of Assistance

The Government of India will fund 100% of the approved expenditure. Skill development training will be provided under the PM-DAKSH scheme or by NSDC for which the Ministry will provide the funds.

Intervention	Numbers	Cost for 5 years (Rs. in lakhs)
Skill Development & Livelihood	21,000	6,580.00

1.2.2.5. Mode of Implementation

(a) Skill development shall be provided in the form of Short term courses as stipulated in National Occupational Standards (NOS), long term courses and Recognition of Prior Learning through the PM-DAKSH Portal.

(b) The interested candidate shall apply using their Transgender person's certificate number from the National Portal for Transgender persons to avail this benefit. After selection of courses by the candidate as per their interest area, verification of documents would be done by the institutes after which the candidate will be enrolled in the course for skill development.

(c) The candidate after successfully completing their course shall be eligible for placement, the institution shall take follow-ups with the candidate to ensure non-discrimination of transgender persons in workplaces.

(d) Tying with CSR companies working for skill development and entrepreneurship training of Transgender communities and linking them to Garima Greh so that they can absorb such candidates in their programmes will also be done under the scheme.

(e) Building the capacity of training institutes by empanelling CBO's/NGOs working for the welfare of Transgender Persons.

(f) Workshops and job fairs in the form of "Job Mela" for Transgender welfare shall be conducted.

1.2.2.6. Extent of Assistance

The Government of India will fund 100% of the approved expenditure.

1.2.3. Composite Medical Health for Transgender persons

1.2.3.1. Objective

The objective of the scheme is to provide health Insurance coverage to all Transgender persons living in India to improve their health condition through proper treatment including sex re-assignment surgeries as well as medical support. The scheme would cover all Transgender persons not receiving such benefits from other centre/state sponsored schemes.

1.2.3.2. Target group and eligibility criteria for Transgender Persons

The Transgender persons will be selected as per criteria indicated below:-

- (a)**The beneficiary should be a Transgender person as notified by Government of India holding a Transgender Certificate & Identity Card issued by the National Portal for Transgender Persons.
- (b)**The beneficiary should not be availing similar benefits from any other schemes of Centre or state government.

1.2.3.3. Scope

(a)Health insurance in the form of Ayushman Bharat Plus shall be available for Transgender persons inclusive of gender reaffirmation surgery in the health benefit package under Ayushman Bharat Yojana. Each transgender person shall receive an insurance cover of Rs. 5 Lakh per year under the scheme.

(b)The Comprehensive Package would cover all aspects of transition related healthcare for Transgender persons. It shall also (not exhaustive) provide coverage for hormone therapy, Sex Re-assignment surgery inclusive of post operation formalities which can be redeemed at all private and government healthcare facilities.

(c) Those Transgender persons who have already received their certificates from the National portal for Transgender persons would be automatically eligible to receive the insurance.

(d) The scheme shall supplement the support of various schemes being run by the Central and State Governments, and other similar programs which focus on providing medical intervention and support to transgender persons or wherever, such individuals could avail benefits of such schemes. Transgender Certificate issued by the Transgender portal being run by the Ministry of Social Justice & Empowerment to be considered as a valid document of proof for availing the benefits.

(e) Hospitals shall be identified from the empanelled list of institutions under the Ayushman Bharat Scheme to provide Sex-Reassignment Surgeries for Transgender Persons, such hospitals and institutions shall open dedicated medical cells to conduct psychological care and sex reassignment surgeries inclusive of post operation care.

1.2.3.4. Implementation protocol

(a) Transgender person certificate issued by the portal is a mandatory document to avail the health insurance package.

(b) The beneficiary possessing the registration ID/Transgender person's certificate serial number from the National Portal for Transgender persons would be authorized to access and avail the benefits of the composite medical health package.

(c) The Transgender beneficiary/applicant possessing the Transgender certificate from the National Portal can visit the empanelled hospital/CSE and get their details entered/verified on a

real time basis following the current BIS procedure of PMJAY beneficiaries.

(d)Such Transgender persons not having a transgender certificate issued by the National portal shall be redirected to the website to obtain the certificate so as to become eligible for the Ayushman Transgender health package.

(e)After the verification process of the Transgender certificate, the eligible applicant will be issued with the Ayushman Transgender Health card.

1.2.3.5. Protocols for empanelled hospitals

(a)Create or designate unisex or singlest all restrooms. Patients whose appearance might not conform to gender stereotypes may feel more comfortable and safe in a single-stall or unisex restroom. Design or clearly identify at least one such restroom. These single-stall or family restrooms can also serve parents caring for opposite-sex children, disabled people accompanied by opposite-sex caregivers, and any other patients wishing to use them.

Note: Although making a unisex restroom available is an important signal of acceptance, patients should be permitted to use restrooms that comport with their gender identity and should not be required to use the unisex restroom.

(b)Each hospital should post a non-discrimination policy; this policy should articulate that equitable care will be provided regardless of a patient's sexual orientation, gender identity, or expression. Posting the non-discrimination policy in registration, waiting, or other high-traffic areas can demonstrate the hospital's commitment to equitable care for Transgender patients.

(c)“We Treat Everyone the Same Here”

This is a common statement yet does not necessarily indicate inclusive treatment and services for Transgender patients and families. Instead, it can imply that there is no need to acknowledge individual differences. It is important to indicate that patients can expect to be treated fairly and without discrimination, but also that their sexual orientation and gender identity will be taken into account, when appropriate, within the delivery of health care.

(d)All forms should contain inclusive, gender-neutral language that allows for self-identification. Admitting, registration, and all other patient forms should provide options that are inclusive of Transgender patients and families and should allow Transgender patients to self-identify if they choose to do so.

Utilize the hospital web site to communicate information about available services, programs, and initiatives to meet unique Transgender patient and family needs.

(e)A Comprehensive Guideline/Standard of Care shall be prepared by a panel of specialist having extensive experience in the field of gender dysphoria and Transgender welfare which shall serve the purpose of guiding stakeholders (Health care service providers such as surgeons, psychologists, psychiatrists etc., patients, hospitals) for conducting gender reaffirmation surgery on par international standards pan India.

(f)The guidelines shall be used as a legal document for all issues arising for gender reaffirmation surgeries.

1.2.3.6. Types of treatment covered

Under the scheme, funds for medical support, health and gender reaffirmation surgeries for Transgender persons will be released to National Health Authority (NHA) in the form of **trust mode** subject to submission of utilisation certificate. It shall be a cashless

treatment for the beneficiary and the hospitals shall be submitting the bills for cost of treatment to NHA. A MoU will be signed with NHA for the same purpose.

1.2.3.7. Extent of assistance

The Government of India will provide for 100% of the approved expenditure for Transgender persons.

1.2.4. Housing in the form of ‘Garima Greh’ for Transgender Persons

To provide funds for setting up and running of ‘Garima Greh’ for Transgender Persons. The Garima Greh will provide shelter to transgender persons with basic amenities like food, medical care, and recreational facilities. Besides, it will provide support for the capacity-building/skill development of Transgender Persons.

1.2.4.1. The need for Garima Greh

(a)As per the Fifteenth Five Year Plan (2019-20 to 2024-25), inclusiveness as group equality is the way forward for the growth and socio-economic development of society. The Fifteenth Plan also proposes the empowerment of the transgender community by advocating that Ministries support their education, housing, access to healthcare, skill development, employment opportunities and financial assistance.

(b)Shelter homes will not only ensure that the community has access to a safe and secure environment, it will also go a long way in the empowerment of Transgender Persons. Presently, there are many welfare schemes for the vulnerable groups, but a huge section of the community doesn't have access to above facilities including proper housing facilities. There is an urgent need to start the shelter home facility with inbuilt provision of skill development.

This will unburden the Transgender community of the problem and facilitate more success stories from them.

1.2.4.2. Aims and objectives of Garima Greh

The main aim of Garima Greh's is to provide shelter to Transgender persons with basic amenities like shelter, food, medical care and recreational facilities. Besides, it will provide support for the capacity-building/skill development of Transgender persons.

(a) To ensure the shelter home with facilities of lodging and boarding, clothing, recreation, medical and counselling.

(b) To maintain the uniformity in terms of infrastructure, manpower services in the Garima Greh.

(c) To safeguard the rights of TG persons and protect them from atrocities.

(d) To confirm the prevalence of congenial atmosphere in the Garima Greh by adopting uniform rules and regulations suitable to be followed by all TG persons.

(e) To empower a TG person through skill-development and skill upgradation programmes.

1.2.4.3. Structure of Garima Greh

The shelter home will be managed and executed by the Project Management Committee (PMC) headed by the Secretary of the organisation running the Garima Greh. The committee consists of four members including two Transgender experts, a retired government employee not below the rank of Group B officer and one inmate. The Secretary of the organization running the Garima Greh must be a person from the Transgender community who is

the Project Director. The Committee shall be expected to meet every month and record the minutes of the meeting.

Project Management Committee (PMC)		
1	District Magistrate or equivalent	Chairperson
2	Representative from NGO/CBO*	Member
3	Doctor*	Member
4	Expert in Transgender Welfare & Issues*	Member
5	President/Secretary of GarimaGreh (Project Director)	Member Secretary

*to be nominated by District Magistrate/District Collector

1.2.4.4. Staff positions

The following staff should be appointed for maintaining Garima Greh with 25 residents

S.No	Staff Position	Nos
1	Project Director	1
2	Project Manager	1
3	Accountant assistant	1
4	Bridge Course Coordinator	1
5	Counsellor	1
6	Cook	1
7	Assistant Cook	1
8	Multi task worker	1
9	Sweeper	1
10	Watchmen	3
	Total	12

1.2.4.5. Infrastructure

A. Physical Standards

(a)The Garima Greh should be located in a reasonably quiet and residential locality, so that there are no unscrupulous elements to disturb the residents.

(b)The centre should be easily accessible and connected through public transport.

(c)The centre should be properly ventilated, well-lit and maintained in a clean manner.

(d)Safety of the residents to be ensured.

(e)Name of the home with complete address and supported by which scheme should be displayed prominently.

(f)Space Requirements: The Garima Greh shall, as far as possible, have a minimum area per resident as per the following norms.

(g)Computerization of all the records should be made mandatory, Space to be provided to store records of patients to ensure confidentiality and a system of easy retrieval.

(h)Bio-metric systems should be followed for attendance.

(i)CCTV should be linked to the website/Garima Greh Portal.

Built up & non-built up area for transgender shelter home (approx.)		
Rooms or dormitory for individual	25 person required area each person 50 sq feet	1250 sqft
medical cum counselling room		200 sq feet
recreational place		500 sq feet
stock room		100 sq feet
bathroom		200 sq feet
toilets		200 sq feet
office room		150 sq feet
staff room		100 sq feet
caretaker cum bridge course coordinator		200 sq feet
social security office		100 sq feet
	total built up space	3000 sq feet

B. Kitchen with attached store Room

(a) Kitchen must have a minimum two Gas cylinders-attached stoves and suitable arrangement for keeping cooked food.

(b) There must be different sizes of containers for storing food grains and superscripted with respective items' names.

(c) Store room needs to be located near the Kitchen

(d) Glasses and plates to be provided separately to each resident.

(e) Stock register for food items needs to be maintained

(f) Safe Drinking Water and enough water for other purposes to be provided. Hot water may be provided depending on individual needs for drinking and washing purposes. RO water is suggested.

C. Other Facilities:

In addition to above facilities, following amenities should also be provided:

- (a) Emergency lamps with generator facilities
- (b) Fans in each room
- (c) Television/Radio in common hall/area
- (d) Telephone facilities, including one for inmates, may be arranged
- (e) Refrigerator
- (f) Cooking and heating arrangement
- (g) Washing machine/Make use of Dhobi for washing Bed sheets/ bed covers
- (h) UPS, geysers for hot water for bathing, storage cupboards
- (i) Laptop/Computer.
- (j) For specially abled Transgender persons, the institution should have toilet facilities with reference to the Disabilities Act.

1.2.4.6. Eligibility Criteria

The following are selection criteria for residents of Transgender Person:

- (a) Transgender persons having a Transgender persons certificate issued by the National Portal for Transgender persons and preferably living below the poverty line.
- (b) Transgender persons who are abandoned and aged above 18 years.
- (c) TGs should not be engaged in sex work and beggary
- (d) Transgender persons who are stigmatized and discriminated

1.2.4.7. Services

The under mentioned services should be provided at the Garima Greh:

(a)Food: Three meals (breakfast, lunch and dinner) and two tea/coffee & snacks should be provided at the home.

(b)Recreational: Recreational facilities such as books, magazines and newspapers, (national dailies as well as newspapers in Local languages) indoor games, radio/transistor, television etc. should be available in dormitory.

(c)Activities should be designed for get-together and interaction between the residents. (Volunteers from schools and colleges from localities can be asked to organise such activities.)

(d)Productive Activities: The residents should be involved in various productive activities.

(e)Hobbies: The inmate should be encouraged to pursue their hobbies like reading, writing, playing indoor/outdoor games, singing etc.

(d)Yoga, Meditation/Prayers: The inmates should be regularly engaged in meditation and prayers in the morning and evening.

(e)Physical fitness: The inmates should be involved in physical exercises, including yoga. Games should be played in the evening. Singing songs and other past-time activities may be designed depending on the age category of the inmates.

(f)Library facilities need to be arranged with sufficient books and magazines

(g)Expertise: Their knowledge and experience need to be utilised for social development. Hence, they may be encouraged to be part of local staff Govt. advisory committee, expert committee etc.

1.2.4.8. Convergence Services

Shelters will be a space for convergence and provisions of various entitlements of social security, food, education and health care systems. All homeless persons in the shelters should be given priority under various schemes, and government programmes. A list where such convergence desirable is given below:

- (a)**Identity Card & Elector's Photo Identity Card (EPIC) etc.
- (b)**Old age and disability benefits
- (c)**BPL cards, ration cards, etc.
- (d)**Access to food security schemes
- (e)**Bank or post office accounts
- (f)**Rashtriya Swasthya Bima Yojana
- (g)**Admissions to public hospitals for healthcare
- (h)**Linkage to Atal Awas Yojna
- (i)**Free Legal Aid services
- (j)**Skill development training programs implemented by NSFDC
- (k)**Pradhan Mantri Nidhi Yojna & other livelihood development scheme linkages
- (l)**Any other facilities deemed fit and beneficial
- (m)**Transgender persons who require special assistance in terms of substance use disorders or elderly care may be referred to the other facilities provided by the Ministry of Social Justice & Empowerment such as Outreach & Drop-centre, Integrated Rehabilitation Centre for Addicts, District De-addiction Centres, Addiction treatment facilities, senior citizen homes with the assistance of Garima Greh Staff.

1.2.4.9. Health and Medical Facility

A. The following activities are expected to be done by the management of shelter homes.

(a) Brief medical history of the residents should be maintained. The record should consist of photo, age, height, weight, blood group, allergies and ailments suffered by the TG persons and medicines taken.

(b) Regular doctor visit to be ensured. Regular medical check-up should be done.

(c) Haircut and shave at regular interval should also be ensured to the inmates

(d) The Medical Officer should visit the home at least once a week with adequate medical equipment.

(e) Transgenders who are in need of major medical support/ assistance will be helped to get such services.

B. Medical facilities

Certain basic medical facilities need to be maintained at all times positively. They include

(a) First aid box (dressing materials, Betadine Solutions, Cotton, Gauze)

(b) Thermometer

(c) BP apparatus

(d) Weighing Scale

1.2.4.10. Safety and Security

(a) CCTV Cameras should be installed in all common rooms in the shelter homes.

(b) Three watchmen needs to be appointed for working three shifts in order to ensure the safety and security of the Home

(c) Residents 'entry and exit' timings need to be registered at the entry gate in a register with the inmates' signature

(d) Qualification of watchmen is matriculation.

1.2.4.11. Skill development

The purpose of the skill-development training is to enhance the livelihood skills of the Transgender community, and to create alternative livelihood opportunities for Transgenders. The activities are given below:

(a) Education, skills and prior work experience of the resident to be assessed before initiating them into vocational training. Assessment form to be maintained by the bridge course coordinator. The performance of the resident to be assessed every third month.

(b) Orientation on the importance of skill development required for the improvement of their livelihood.

(c) Identification of training institutes that provide training for skill development.

(d) Categorizing the candidates as per their interest and eligibility for suitable work such as catering, tailoring, artificial jewellery-making, beautician work, driving etc.

(e)Facilitating financial planning for improvement of alternative livelihood activities of the trained candidates either through employment or self-employment.

(f)District Magistrate should monitor that sensitization programmes are being conducted by project director, as well as support Garima Greh in getting employment opportunities by writing letters to organizations.

From the proposed training, following are the expected outcomes.

(a)Enhanced skill development of transgenders in various fields of occupation.

(b)Enhancing the livelihood of transgender persons through vocational skill development.

1.2.4.11. Registers and Records

(a)Admission Register (A photo of the beneficiary should be pasted in the register)

(b)A brief history of residents (Admission Form for Garima Greh).

(c)Visit /Inspection Register

(d)Doctor visit Register

(e)Register of assets (details of the physical assets, their number, date of procurement, replacement, etc.)

(f)Medicine stock register (including details of the equipment, Medicines, purchases, number, date of purchases, etc.) date of purchase/date of expiry.

(g)Ration and vegetable stock register (including details of the stock purchased, quantity issued balance, etc.,

(h)Residents movement register

(i)Staff attendance register

(k)Staff honorarium register (indication monthly remuneration paid to the staff with stamped receipt)

(l)Bank passbook (for the money received from grants-in-aid)

- (m)**Cash/ledger book (including details of income, expenditure, daily cash in hand, etc.,)
- (n)**Network directory (including addresses and contact number of project in charge, medical officer, hospital, district headquarters, etc.,)
- (o)**Personal belonging and other valuable items at the time of admission of the TG persons
- (p)**Visitors register
- (q)**Disaster/hazard Management plan book with details of responsibility for each staff.

1.2.4.12. Terms and Conditions

In order to ensure effective rehabilitation of residents of the Garima Greh and achieve the core objective of the project, certain conditions are deemed to be imperative.

(a)The Project Director and team is supposed to work very effectively by the way of implementing the scheme and converging the existing programs for quick rehabilitation of residents

(b)Residents may be allowed to stay for a maximum of one year in the Garima Greh. It is expected that residents of the Garima Greh will be equipped with the necessary skills and become self-reliant to lead a dignified and decent life.

(c)Garima Greh should not be used as a transit house.

(d)The Greh facility cannot be used for any Commercial activities like- sublet for functions, etc.

(e)Garima Greh needs to be in working condition within one month from the date issue of the sanction order

(f) Garima Greh should be trans-friendly and ambiance must be motivational to residents

(g) If the Ministry is not satisfied with the progress of the Project or it finds that these rules/ guidelines are being seriously violated by the implementing agencies, it reserves the right to terminate the grant-in-aid and recover the amount of grant-in-aid already sanctioned with penal interest.

(h) The grantee institution will maintain separate accounts in respect of the grant obtained from the Ministry.

(i) The Implementing Agency shall provide a package of facilities to the residents which shall be specified in the proposal and which shall not be varied to the disadvantage of the residents without the prior approval of the MSJE

(j) The Grantee organizations shall maintain separate joint/current account in the name of the President / Secretary of the organization, in respect of the grants received under this programme.

(k) The Grantee institution/NGO should be registered with NGO Darpan Portal of Niti Aayog.

(l) Selected NGOs may be given one-month of preparatory time for arranging all the infrastructure, manpower, services, selection of residents, safety security, medical, convergence services, communication, internet, etc. The second month onwards, full-pledged Garima Greh has to start functioning with facilities as specified in guidelines.

1.2.4.13. Selection procedure

A. Pilot Garima Greh

EoI was invited from NGOs/CBOs for setting up Garima Greh. The proposals were scrutinized by NISD on various parameters like Registration of the organization, Annual Report/Audit Report, Darpan Registration, Pan Card, Working Experience with Transgender persons (in years), Working Experience in any other social sector (in years), CBO/NGO, Space required available or to be acquired, Organizational Strength including Transgender staff, Area of Intervention, Running any project for Transgenders or S.H or both. Currently, 12 Garima Greh are operational on pilot basis.

B. Fresh/New Cases

Proposals for fresh/new cases for setting up of Garima Grehs shall be invited on e-Anudaan as per the provisions followed by the portal for selection of agencies to run Grant in Aid. This process will be followed for the pilot Garima Greh projects.

Calls for fresh proposals will be invited from eligible NGOs/CBOs on the e-Anudaan portal. Grant would be disbursed in two installments. As every state/UT has transgender population, It is important to have one Garima Greh in each state/UT for their well being. After setting up Garima Greh in each state/UT, the pattern for need based approach on the basis of population shall be applied for future proposals.

1.2.4.14. Eligibility conditions for assistance

A. The following organizations / institutions are eligible for assistance under this scheme:

(a) A society registered under the Societies' Registration Act (XXI of 1860) or any relevant Act of the State Governments / Union Territory or under any State law relating to registration of literary, scientific and charitable societies.

(b) A registered public Trust

(c) A Company established under Section 25 of the Companies Act, 1956

B. In addition, the registered organizations to have the following characteristics:

(a) It should have a properly constituted managing body with its powers, duties and responsibilities clearly defined and laid down in writing.

(b) It should have resources and facilities and experience for undertaking the programme.

(c) It is not run for profit to any individual or a body of individuals.

(d) It should not discriminate against any person or group of persons on the ground of sex, religion, caste or creed.

1.2.4.15. Quantum of Assistance:

Intervention	Unit Cost	Cost for 5 years (Rs. In Lakhs)
Garima Greh	36,46,500	4,480.72

1.2.4.16. Utilization Certificates (UCs)

Every organization/institution receiving funds under this component shall submit Utilization Certificates (UCs) in the prescribed format (Performa attached at Annexure-XII), as per provisions of GFR 2017, which will indicate the three items in the heading –

(a)Project specific ID given by DoSJE,

(b)Name and location of the project, and

(c)Name of the NGO/Org. Further, as per provisions of rule 230(8) of GFR, 2017, all interest or other earnings against Grants-in-aid or advances released to any grantee institution should be mandatorily remitted to the Consolidated Fund of India immediately after finalization of accounts.

1.2.4.17. Mode of Grant

A. Pilot Project

The grants may be released 40% at the initial stage, 40% after the six months of the operation, and 20% at the end of the financial year. Before releasing the money, the following documents may be verified and the release of grants may be considered:

(a)Quarterly/Annual reports

(b)List of Residents with Aadhar Card number and Mobile Number

(c)Utilization Certificates

(d)Photos

(e) Feedbacks of participants

(f) Inspection Reports

B. Fresh/New Proposals

The grants may be released in two installments 50% at the initial stage and 50% at the end of the financial year. Before releasing the money, the following documents may be verified and the release of grants may be considered:

(a) Quarterly/Annual reports

(b) List of Residents with Aadhar Card number and Mobile Number

(c) Utilization Certificates

(d) Photos

(e) Feedbacks of participants

(f) Inspection Reports

1.2.4.18. Budget of the Garima Greh: A shelter Home for Transgender is given below:

S.No	Particulars	Amount in Rs
1	I.Non-Recurring This is a one-time cost for purchasing furniture fixtures, dining table with chairs, 25 beds, mattress, and pillow along with Pillow cover, boxes and welcome kits to each inmate. Applicable only to new Garima Greh as one-time cost. The procurement procedure to be followed and the document should be available in the Project Office.	Rs. 1,50,000/-
2	Computer Peripherals for the Office	Rs, 50,000/-
3	Equipment's for Garima Greh This would be used for the purchase of audio visual equipments for Garima Greh (e.g. CCTV,	Rs. 1,30,000/-

	T.V., inverter, DVD Player). Inverter. Fan TV Audio System. Wall clock	
4	Kitchen Items Kitchen items will be gas, cylinder, Safe drinking water, fridge, water cooler, cooking utensils, plates and glasses etc.,	Rs. 1,00,000/-
5	Safety Equipment's	Rs. 22,500/-
6	Skill development-related equipment's (Approx) Amount may be used to purchase equipment of locally popular trades.	Rs. 50,000/-
	Total Cost under Non-Recurring Budget	Rs.5,02,500/-
	II. Recurring	
7	Rent for Building per month (Rs. 40,000x12)	Rs. 4,80,000/-
8	Food includes Breakfast, lunch, Dinner, Two times Tea(Rs.100x25x12)	Rs.9,00,000/-
9	Project Manger (Rs.20,000x12)	Rs. 2,40,000/-
10	Account Assistant (Rs. 15000 x12)	Rs.1,80,000/-
11	Part Time Doctor (Rs.15,000x12)	Rs,1,80,000/-
12	Counsellor (Rs.15000x12)	Rs.1,80,000/-
13	Multi Task staff (Rs.10,000x12)	Rs.1,20,000/-
14	Bridge Course Coordinator (15,000x12)	Rs.1,80,000/-
15	Cook (Rs.12000x 12)	Rs.1,44,000/-
16	Sweeper (Rs.8,000x12)(Part Time)	Rs.96,000/-
17	Watchman (Rs.10,000x12x3)	Rs. 3,60,000/-
18	Administrative expenses (Rs.7000x12)	Rs. 84,000/-
	Total Cost under Recurring Budget	Rs.31,44,000/-
	Grand Total I +II (Rs.5,02,500 + Rs.31,44,000)	Rs.36,46,500/-

Note: Expenses related to setting up and running of Garima Greh need to be incurred as per the GOI norm

1.2.4.19. Roles and Responsibilities of Staff

The following roles and responsibilities are expected from the functionaries appointed in the Garima Grehs for transgenders.

A. Project Director (Honorary)

(a)As a member secretary of PMC, PD shall be responsible for conducting all the meetings with the approval of the PMC chairs and providing all the information supported by the PMC

(b)To coordinate and monitor all the activities of the Garima Greh as per rules and regulations

(c)To coordinate with the staff and maintaining the database of the enrolled transgenders in the Garima Greh to collect and compile required information on nearby resources/ stakeholders

(d)To encourage transgenders to participate in all matters pertaining to their welfare and rehabilitation

(e)To plan and organize awareness-generation programmes in the catchment area with the help of outreach workers

(f)To coordinate and liaise with Govt. and NGOs working in the area of health, education, training and transgender protections, the Project Director shall submit a quarterly report once in three months to the Nodal Ministry

(g)To ensure that the Participants are selected after a proper Personal interview by the Committee in the light of eligibility criteria

(h)Stock & inventory shall be examined on regular intervals and acknowledged on relevant files

(i) Project Director shall get his Garima Greh inspected by the local authority once in a year, but not below the rank of DSWO/ BDO and report need to be submitted to nodal Ministry

(j) To get carried out to ensure post-rehabilitation visits of transgender who have been rehabilitated or moved out from the shelter in order to keep a track of their normal well being,

(k) To extend possible to support the residents in operating Adhar card, Electors Photo Identity Card etc., and other facilities under various Govt. schemes and programs.

B. Project Manager

(a) To maintain and oversee standards of care & protection in the Garima Greh as per the guidelines day to day basis

(b) To assist the project director in preparing an individual care plan followed by a quarterly progress report of transgenders

(c) To ensure proper screening of residents and filling up of enrolment forms before being admitted

(d) To liaise and coordinate with other agencies and individuals for all-round development of the transgender enrolled in the shelter

(e) To conduct regular feedback meetings with Garima Greh staff, beneficiaries to discuss and sort out important issues pertaining to the smooth functioning of the programme and well being of the residents

(f) Maintain a suggestion box in the centre for issues

(g) To identify the skill and capabilities of residents, and introduce age-appropriate education, vocational training, recreational activities and bridge education programmes for residents.

(h)To plan and organize exposure/ excursion visits for transgender (if, needed)

(i)To fulfill the basic nutrition and health requirements of residents Daily menu shall be prepared a week in advance and displayed in the notice board, accordingly provisions to be procured.

(j)To ensure and maintain congenial environment in the shelter networking with other departments like education, health, police, transports, etc. and with NGOs to avail of necessary services when and where required

(k)The Project Manager has to report from the Doctor, and action will be taken accordingly to maintain the daily schedule of the Garima Greh, to the extent possible

C. Counselor

(a)To build a relationship of trust and respect with the residents

(b)Listen and help the transgender to understand themselves and cope with their issues

(c)To encourage the transgender to choose the direction they wish to take in resolving issues.

(d)To develop IEC material/ success stories and progress reports as and when required.

(e)Help transgender to define goals, plan action and gain insight

(f)Take a holistic (mind and body) approach to health care

(g)To undertake counseling and guidance session with transgender (if, needed).

D. Bridge course coordinator

(a) To work towards creating and ensuring congenial environment at the shelter.

(b) To ensure participation of transgender in productive activities and assist the transgender in their studies

(c) To access the interest and provide life skill training to the enrolled residents of the Garima Greh to develop teaching aids & material for transgender for the skill development activities

(d) To resolve general issues of transgender by taking a trans-friendly approach.

(e) To ensure equal access of all the resources of the shelter to all the residents

(f) To make regular visits to the school and vocational training institutes and apprise the concerned officials about the needs of Garima Greh

(g) Networking with the other institutions, Govt. and Non-Govt. organization, those are providing skill development training and facilitates residents to get enrolled in the area of their interest.

(h) To report the misconduct of any transgender to the project Manager.

(i) To do career counselling that can help in placements/connect with agencies who can help in placements post.

E. Account Assistant

(a) The Account Assistant is supposed to maintain the accounts of Garima Greh on a daily basis

(b) To maintain separate bank account in the name of Garima Greh

(c)To verify and scrutinize the vouchers/bills related to purchasing of all procurement

(d)To release the money and meet the expenses with approval of the competent authority i.e. Project Director

(e)All the accounts need to be facilitate and audited by the authorized auditors

(f)The accounts related to expenses shall be examined and certified by the Project Manager in the respective register

F. Multi-task worker

(a)To coordinate with the other staffs and find out the requirements of the Garima Greh

(b)Multi-task worker is suppose to play multiple roles in the Garima Greh including the purchase of food grains, groceries, furniture etc. as per the requirements after the approval of the competent person.

(c)The bills/vouchers/receipts of all the purchases along with the approval need to be compiled and handed over to the Accounts Assistant.

(d)To facilitate for all meetings, programmes, games, activities etc. in due consultation with doctors, counselors and bridge course coordinator

(e)To assist the Project Manager in preparation of the weekly schedule and food menu for the every week.

(f)The Multi-task worker should look into day -to -day affairs of the Garima Greh and help TGs like a friend and ensures that all welfare

and recreational activities are conducted in the right way so that the purpose is achieved desirably.

(g)This means each effort leads to enrichment of the TG experience and learning. Needs to be available at the Garima Greh at night besides the watchmen.

1.2.4.20. Eligibility Criteria for Personnel of Garima Greh Project

Sno	Post	Criteria
1	Project Director	Honorary
2	Project Manager	<ol style="list-style-type: none"> 1. MA in social Work 2. Minimum 5 years Experience in social Sector. 3. Desirable: Transgender person with Minimum 2 year experience in running home
3	Accountant assistant	<ol style="list-style-type: none"> 1. B.com 2. Minimum 3 year experience in maintenance of office accounts
4	Bridge Course Coordinator	<ol style="list-style-type: none"> 1. BA in social science 2. Minimum 2 years Experience in the Social Sector. 3. Desirable: Transgender person with Minimum 1 year experience in skill development programs
5	Counsellor (Part-Time)	<ol style="list-style-type: none"> 1. MA in social Science 2. Minimum 3 years Experience in Counselling 3. Desirable: Transgender person with Minimum 1 year experience in Counselling

6	Doctor (Part-Time)	<ol style="list-style-type: none"> 1. MBBS qualified 2. Willing to visit at least twice a week
7	Cook	<ol style="list-style-type: none"> 1. 12th Pass 2. Minimum 3 years in cooking 3. Maintain Hygienic in kitchen and related work
8	Multi-Task Worker	<ol style="list-style-type: none"> 1. BA Pass 2. Minimum 1 year Experience in office work
9	Sweeper	<ol style="list-style-type: none"> 1. 10th Pass 2. Minimum 1 year in office work
10	Watchmen	<ol style="list-style-type: none"> 1. 10th Pass

1.2.5. E-services etc. (National Portal, Helpline and advertisement etc.)

Interventions for the advancements of e-services shall be encouraged from organizations, agencies for the welfare of Transgender persons.

Addition of new services to the National Portal for Transgender Persons such as:

- (a)** Disbursement of scholarships to the beneficiaries
- (b)** Convergence with the National Health authority IT system for health insurance scheme
- (c)** Convergence with PM-DAKSH IT system for skill development
- (d)** Setting up of Helpline, call centres for Transgender persons
- (e)** Improving the online monitoring system of Garima Greh

(f)Improving the efficacy of providing transgender persons certificate & identity cards

(g)Any other requirement, additional support to be provided on the portal or any other e-services required shall be taken up under this component.

National Portal for Transgender Persons:

The automation/computerization of activities and processes of DoSJE's activities i.e. "National Portal for Transgender Persons" is required for effective and efficient functioning especially for the transgender community. The INFLIBNET, Gandhinagar has been identified as the technical partner for the development of the all processes and activities on the National Portal for Transgender Persons.

1.2.6. Provision of Transgender Protection Cell

Under section 18 of the Transgender Persons (Protection of Rights) Act 2019, it is a punishable offence in case if anyone forces a transgender person to do:

(a)Bonded/forced labour

(b)Denies the rite 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.

According to Transgender Persons (Protection of Rights) Rules, 2020, grievance redressal mechanism has to be put in place for monitoring and tracking of complaints. Rule 11 provides for adequate measures to be taken to prevent discrimination of transgender persons, including setting up of Transgender Protection Cell under the charge of the 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 offenses.

1.2.6.1. Implementing agencies

The Ministry of Social Justice & Empowerment (MoSJE) shall be implementing this initiative with the Ministry of Home Affairs (MHA). The MoSJE will be implementing this initiative with MHA and is committed to work on the issue of violence against transgender persons. The MoSJE is confident that transgender persons will get the required assistance from trained personnel located in the Transgender Protection Cells at the district and state level under the aegis of MHA.

1.2.6.2. Scope of Intervention

(a)Rebuilding transgender persons' self-esteem, self-worth and dignity.

(b)Offering the transgender person immediate services, based on their needs, such as carrying out counselling, arranging for shelter or medical aid, providing information on laws and their rights, harnessing police support.

(c) Monitor cases of offences against transgender persons and ensure timely registration, investigation of crime and prosecution of such offenses and monitoring of status

(d) Creating awareness in the community on the issue of violence against transgender persons.

(e) Providing safety from violation of human rights in the form of quick grievance redressal and follow-up on the matter.

1.2.6.3. Composition

(a) State level protection cell

The state level protection cell will work directly from the office of the Director-General of Police and prevent crimes against transgender persons. The department will be a team of six people, including a police inspector, a sub-inspector, two constables, psychological counsellor and a data entry operator.

(b) District level protection cell

At the district level, this cell will work under the District Magistrate and will consist of a five member team namely of a Police Inspector, sub inspector, two constables, and a counsellor/ Social Worker.

The team will also coordinate between the State Level Transgender Welfare Justice Board and the District Transgender Welfare Committees.

1.2.6.4. Objectives of the Transgender protection cell at state and district level

(a) To rebuild self-esteem, self worth and dignity of transgender persons

(b) Offer immediate services: crisis counseling, referrals to medical, psychiatric, educational and vocational services; police assistance; placement in institutions; legal aid

(c) Be a liaison between police and organizations for transgender persons

(d) Create critical awareness in the community about their rights, among professional groups, and general public of the atrocities committed against transgender persons

(e) Document the work of the Special Cell for critical review, reflection for further work.

(f) To deal with violence and discrimination against transgender person in variety of situations. This includes violence in the family, Hijra/Kinnar Gharana system, workplace and on the streets. The work requires interaction with the Criminal Justice System and a wide range of people and professions.

(g) Focused work on Violence and Discrimination faced by transgender persons in accordance to the Protection of Transgender Persons Act 2019

(h) Facilitating spaces for transgender persons within the Criminal Justice System specifically the Police system

(i) Working with Police at structural and individual level to deal with violence and discrimination - including Training, Research, Documentation on the subject

(j) Dealing with a large number of potentially socio-legal cases of Violence against transgender persons

Thus, the physical location of the Transgender protection Cell within the premises of the Police system serves as a vantage point to fulfil these objectives.

1.2.6.5 Administrative Structure

(a)Space is to be provided within the police structure for social workers/counsellors. Administrative and Infrastructure support is provided by the police in the following ways:

- Furniture (tables-chairs, cupboards, benches, shelves)
- Stationary (paper, police telephone diaries, envelopes, typewriter, typing material and postage)
- Infrastructure: telephone, jeep for visits (preferable to have fixed days), electricity, access to 7 STD (Control Room), fax and wireless v Personnel (a constable to help in the administrative work)
- Trained social workers/ counsellors in the Transgender protection cell help transgender persons by providing them with emotional support, assisting them in negotiations to stop violence, linkages to livelihood opportunities and providing them with legal knowledge. The processes are aimed towards achieving a violence free life for the transgender persons.

(b)The Transgender Protection Cell is responsible and accountable to the Director General of Police at the state level and District Magistrate at the district level. The transgender protection cell shall also be accountable to the Ministry of Social Justice & Empowerment in terms of cases pending, resolved and action taken against crimes against transgender person.

(c)A detailed report shall also be sent to the Ministry of Social Justice & Empowerment and Ministry of home affairs bi-annually by the state level protection cell for monitoring and evaluation of crimes against transgender persons nationally.

(d) Quarterly meetings are to be held with the Commissioner of Police/ Superintendent of Police, where a brief report of the work done, the highlights in that period, administrative clearances and future planning shall be discussed.

(e) An Authority Letter from Commissioner of Police/ Superintendent of Police granting permission to visit police stations, examining records, visiting police lock-ups etc. This letter is the closest to the Special Officer status in the district police.

1.2.7. Other Welfare Measures

The Transgender Persons (Protection of Rights) Act, 2019 states that the appropriate Government shall take steps to secure full and effective participation of transgender persons and formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory. Therefore, all concerned Ministries/Departments of Government of India and State Governments have to formulate policies, programmes and schemes or modify already existing schemes for Transgender persons.

The appropriate Government shall constitute a welfare board for the transgender persons for the purpose of protecting their rights and interests of, and facilitating access to schemes and welfare measures framed by the Government, in order to provide assistance to various projects from departments, NGOs, state government for creating trans-safe toilets, region specific programmes, the Ministry shall provide funds for such projects after careful consideration of the proposals and wherever necessary.

1.2.7.1. Sensitization and Awareness Generation for Transgender persons welfare

(a) Schools should be more gender sensitive and have an option to select transgender/others as a gender preference which may be kept confidential between the parents and school administration

while filling forms or re-registering everywhere for inclusivity and providing them a space to be acknowledged

(b) Teachers should help parents of such children get acclimated to the needs of their child by creating a support group. (Parents support group) which can be done through parent teacher meetings and also monitored by school welfare committees

(c) Such parents can be provided parenting programmes, help in availing assistance from the state and central ministry, these documents and support groups can be monitored by school welfare committees and reports could be sent to the Ministry monthly

(d) Existing forums such as the Anganwadi Centres, Self-Help Groups may be oriented on transgender issues, and involved in providing information to parents of transgender youth

(e) Nationwide workshops and sensitization programmes for school teachers, administrative officials and stakeholders in the education sector to aware them about the plight of issues pertaining to transgender welfare

(f) Preparing transgender sensitive IEC material to be distributed in workplaces, colleges, schools and other institutions

(g) Awareness workshops in government offices, private institutions, schools and colleges by National Institute of Social Defence. The National Institute of Social Defence has to prepare an annual action plan and submit it to the Ministry by March positively with a proper budget

(h) Constitution of a committee in all educational organizations for transgender persons to deal with cases of any harassment or discrimination