

F. No. 11034/26/2024-IS-IV
Government of India
Ministry of Home Affairs
(Internal Security-I Division)

New Delhi – 110001,
Date: 10th July, 2024

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

Subject: Advisory on law & order measures to be taken such that queer community do not face any threat of violence, harassment or coercion- reg.

Sir / Madam,

I am directed to say that several concerns have been brought to this Ministry's notice that queer persons often face harassment, including violence and discrimination, on account of their gender identity, sexual orientation etc. In this regard, with a focus on citizen-centric laws, and to ensure no discrimination against the queer persons, it is requested to issue suitable instructions to the police personnel in your State/UT on the following:


- (i) There should be no harassment of queer persons by summoning them to the police station or visiting their places of residence solely to interrogate them about their gender identity or sexual orientation;
- (ii) The police should not force queer persons to return to their natal families if they do not wish to return to them;
- (iii) When a police complaint is filed by queer persons alleging that their family is restraining their freedom of movement, the police should, on verifying the genuineness of the complaint ensure that the freedom of queer person is not curtailed;
- (iv) When a police complaint is filed by queer person(s) apprehending violence from their family, the police should verify the genuineness of the complaint and ensure due protection immediately;
- (v) Before registering an FIR against queer persons or one of the queer persons (where the FIR is sought to be registered for them being together), the police should conduct a preliminary investigation in terms of *Lalita Kumari v. Government of U.P.*, to ensure that the complaint discloses a cognizable offence. The police must first determine if the person is an adult. If the person is an adult and is in a consensual relationship with another person of the same or different gender or has left their natal home of their own volition, the police should close the complaint after recording a statement to that effect.

(vi) Confidentiality, with respect to queer status, may be maintained throughout while dealing with a queer person during investigation.

2. It is further requested to review and sensitize police, as also impart regular training for sensitization in dealing with complaints and grievances of queer person(s).

3. It is requested to acknowledge the receipt of this advisory.

Yours faithfully,



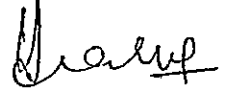
(Archana Varma)
Director (L&O)

Copy to:

1. DsGP/IsGP (all States and UTs).
2. Commissioner of Police, Delhi
3. Principal Secretary/ Secretary, Home Department (All States & UTs)

Copy also to (N.O.O):

PS-2 Secretary,
Ministry of Social Justice & Empowerment,
Shastri Bhavan, New Delhi

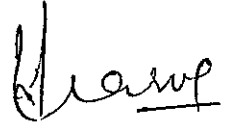


(Archana Varma)
Director (L&O)

Copy for information to (N.O.O):

1. PSO to Home Secretary, MHA
2. Sr. PPS to SS (IS), MHA — 11/10/24
3. AS (WS & For), MHA
4. SO (IT), MHA- to upload the Advisory on MHA website

soit@nic.in



(Archana Varma)
Director (L&O)

10/07/2024



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