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Advisory for ensuring the welfare of transgender persons, 2.0

National Human Rights Commission

May 2026



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

To protect and promote human rights of transgender persons, the National Human Rights Commission (NHRC) issued an Advisory for Ensuring the Welfare of Transgender Persons on 15 September 2023. It is accessible at:

https://nhrc.nic.in/assets/uploads/other_advisories/1721815676_f4232eed5c613d634540.pdf

2. The Advisory received encouraging responses, with the concerned Ministries/ Departments of the Union Government and most of States and Union Territories initiated necessary action as well as submitted Action Taken Reports.

3. In order to further understand the ground realities and the effectiveness of existing institutional support mechanisms, the Commission undertook a series of field-level engagements. As part of this initiative, officials of the Commission visited all twelve Garima Greh shelters established under the SMILE Scheme of the Ministry of Social Justice and Empowerment, Government of India. Based on these visits and stakeholder interactions, the Commission prepared a comprehensive report titled 'Transgender Persons: Revamping Spaces, Reclaiming Voices – Insights from Garima Greh Shelters and Beyond' and the same is accessible at the link: <https://nhrc.nic.in/flipbook/publication/384>). Thereafter, NHRC convened a National Conference on 'Transgender Persons: Revamping Spaces, Reclaiming Voices' on 04 September 2025, bringing together policymakers, domain experts, and transgender community representatives to deliberate on emerging challenges and opportunities.

4. With the evolving needs and aspirations of transgender persons and the insights gained through these engagements, the Commission considers it timely to build upon its earlier initiative. Accordingly, the NHRC issues the following Advisory for Ensuring the Welfare of Transgender Persons, 2.0., complementing the earlier Advisory to the concerned authorities for necessary action:

1.) Integrating Gender Diversity in National Data Systems

- i.) Efforts to be made to ensure that intersex persons are explicitly recognized in all and data collection processes and are not automatically subsumed under the 'transgender persons' category. This inclusion must be accompanied by comprehensive sensitization and training of enumerators to ensure accurate and respectful data collection. In this regard,
 - a.) The competent authorities may consider including distinct categories such as '*Intersex*,' '*Transmen*,' and '*Transwomen*' in the upcoming Census of India (scheduled to commence on March 1, 2027, as per the June 2025 notification);
 - b.) A similar framework should be adopted across other national data collection mechanisms – such as the National Family Health Survey (NFHS), Periodic Labour Force Survey (PLFS), the Unified District Information System for Education Plus (UDISE+), the All-India Survey



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

on Higher Education (AISHE), and National Sample Survey Office (NSSO) surveys, to maintain consistency in gender-disaggregated data across sectors; and,

- c.) The authorities may endeavour to collect age-and gender-disaggregated data in national surveys and census.
- ii.) Efforts may be made to progressively expand data collection frameworks to also capture information on children and young people's belonging to gender-diverse categories, with a view to strengthening evidence-based and inclusive policy planning.

II.) Reviewing Laws/ Rules/ Policies to Ensure Gender Inclusivity

- i.) The *Registration of Births and Deaths Act, 1969*, along with the *Registration of Births and Deaths Rules, 1999 (Model Rules)* and corresponding State rules, should be reviewed to incorporate gender-inclusive procedures and recognition of self-identified gender.
- ii.) The *Juvenile Justice (Care and Protection of Children) Act, 2015* and its corresponding Rules may be revisited to explicitly include gender non-conforming children. The amendments should provide for gender-affirming placements, mandate sensitization and training for foster and institutional care providers and prohibit forced sex-based segregation.
- iii.) When Section VII of the *Companies Act, 2013* is next amended or updated, it should explicitly recognize the welfare of transgender persons as a separate and specific area within the scope of corporate social responsibility (CSR) or employee welfare initiatives.
- iv.) Personal and secular laws, such as the *Hindu Succession Act, 1956* and the *Indian Succession Act, 1925*, should be amended to explicitly include transgender and intersex persons within the definitions of 'son,' 'daughter,' 'heir,' and 'family, ensuring equal rights to inheritance and succession.
- v.) The *Transgender Persons (Protection of Rights) Amendment Act, 2026* revises the definition of 'transgender persons', shifting the earlier model based on self-perceived gender identification to a more medicalized framework. This development has led to concerns among certain sections of the community, particularly regarding its implications for recognition and rights. In this context, It may be appropriate for the authorities to consider revisiting these concerns with a view to ensuring that the framework remains inclusive, rights-affirming, and sensitive to diverse lived experiences.

III.) Building Inclusive Legal Framework

- i.) Training modules for law enforcement, correctional, and judicial personnel across States and Union Territories may be revised to integrate gender sensitivity and inclusion, emphasizing the rights and vulnerabilities of transgender and gender-diverse persons in





NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

accordance with the Transgender Persons (Protection of Rights) Act, 2019, and the Rules, 2020.

- ii.) Judicial academies, prosecutorial services, police, and prison departments may incorporate mandatory modules on gender identity, intersectional discrimination, and relevant international human rights standards, including the Yogyakarta Principles.
- iii.) States and Union Territories may take affirmative measures to recruit and retain transgender persons within law enforcement and correctional systems to promote representation, inclusion, and trust between the community and law enforcement agencies.
- iv.) A comprehensive Standard Operating Procedure (SOP) may be developed for police and correctional institutions to guide the treatment of transgender and gender-diverse persons during arrest, detention, search, interrogation, and imprisonment, in conformity with human rights norms and judicial directions. The SOP may address:
 - a.) Non-discriminatory and respectful conduct during arrest and custody.
 - b.) Right to be searched by an officer of the preferred gender or, where not feasible, in the presence of an independent witness.
 - c.) Safe and dignified placement in correctional facilities based on self-identified gender and informed consent.
 - d.) Access to gender-affirming healthcare, including hormonal and mental health support.
 - e.) Confidentiality of personal and medical information.
 - f.) Maintenance of gender-inclusive records and registers.
- v.) Data management systems in police, prison, and judicial institutions may be updated to include non-binary gender categories in FIRs, charge-sheets, and correctional management software to ensure accurate and inclusive recordkeeping.
- vi.) Police and prison authorities may establish gender-neutral or self-identified holding areas and adopt respectful escort and transit procedures, ensuring privacy and dignity.
- vii.) Mandatory reporting protocols may be established, requiring that all cases involving transgender or gender-diverse detainees be brought to the notice of senior officers or a designated transgender cell within the State Police Headquarters.
- viii.) Independent oversight and grievance-redressal mechanisms, such as State Human Rights Commissions or Police Complaints Authorities, may be considered to monitor, receive,



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

and act upon complaints of abuse or misconduct involving gender-diverse persons in legal custody.

- ix.) The National Legal Services Authority (NALSA) and respective State Legal Services Authorities (SLSAs) may develop dedicated legal aid cells and helplines to assist transgender and gender-diverse persons in cases of discrimination, arrest, or violence, and to facilitate access to bail, representation, and compensation.

IV.) Right to Property

- i.) Personal and secular laws (such as the *Hindu Succession Act, 1956* and the *Indian Succession Act, 1925*) may be reviewed and amended, where required, to explicitly include transgender and intersex persons within the definitions of 'son,' 'daughter,' 'heir,' and 'family'. Recognition of self-identified gender for inheritance purposes may be ensured, so that gender transition or reclassification does not affect existing or future inheritance rights.
- ii.) State Governments to ensure that transgender and intersex persons enjoy equal rights to acquire, hold, and inherit property, with non-discriminatory access to registration, tenancy, and housing schemes. No public authority shall refuse registration, mutation, or transfer of property on grounds of gender identity or expression.
- iii.) Revenue, registration, and municipal departments may issue administrative circulars and update digital property registration portals and forms to include 'Transgender' as a gender category. District Magistrates and Sub-Registrars may be directed to ensure non-discriminatory registration and mutation processes, with appropriate accountability measures for non-compliance.
- iv.) Urban development authorities, housing boards, and cooperative societies (such as DDA, MHADA, and LDA) may consider reserving a small quota or providing special-category allotments for transgender persons or collectives, particularly for first-time property owners.
- v.) Appropriate legal and policy safeguards may be strengthened to protect transgender persons, especially the elderly, from property grabbing, coercive eviction, or financial exploitation by family members, caretakers, or others.

V.) Right to Education

- i.) Free and compulsory education for transgender children up to 14 years of age may be ensured by recognizing them as a distinct category under the *Right to Education Act, 2009*. The concerned Ministry may also consider extending financial support to children



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

with diverse sex characteristics from early childhood to ensure equitable access to education.

- ii.) Educational institutions may admit transgender and gender-diverse students based on self-identified gender, without requiring medical or legal proof. The transgender certificate issued by a competent authority may be accepted as valid proof of identity, and no student may be denied admission due to mismatched or outdated documents.
- iii.) Educational institutions may consider establishing gender-neutral restrooms, hostels, and uniforms, while ensuring that students are free to choose attire consistent with their self-identified gender.
- iv.) Comprehensive gender-sensitization training for teachers, principals, administrative staff, and counsellors may be made mandatory through SCERTs, DIETs, and UGC-affiliated institutions. Teacher education curricula such as B.Ed. and M.Ed. programmes may integrate modules on gender inclusion and human rights. A *National Training Module on Gender Inclusivity in Education* may be developed jointly by the Ministry of Education and the National Council for Transgender Persons to ensure uniform sensitization standards across all levels.
- v.) Internal Complaints Committees, Student Grievance Redressal Cells, and State-level Education Monitoring Cells may be empowered to address cases of discrimination, harassment, or misgendering of transgender students and to ensure compliance with inclusion norms.
- vi.) School Education Departments and SCERTs may integrate the rights and protection of intersex children within state education policies, institutional codes of conduct, and teacher training curricula.

VI.) Healthcare

- i.) Standardized medical protocols for gender-affirming care, including hormonal therapy, surgeries, and psychological counselling, may be developed under the guidance of the National Medical Commission to ensure ethical and evidence-based treatment.
- ii.) Appropriate measures may be undertaken to standardize the cost of Sex Reassignment Surgery (SRS) to prevent the financial exploitation of transgender persons by private healthcare providers.
- iii.) It may be ensured that hospitals providing SRS services are equipped with adequate infrastructure and qualified human resources. The competent authority may consider enforcing these standards through a licensing mechanism for health institutions.



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

- iv.) Coercive or non-consensual medical procedures on intersex infants and children below 18 years may be strictly prohibited. An SOP may be developed to guide medical professionals in cases where surgical intervention becomes necessary to save life or prevent serious health complications, ensuring that such decisions are taken with due medical justification and ethical oversight.
 - v.) Health insurers and Third-Party Administrators may ensure equal coverage and non-discriminatory processing of claims related to transgender and gender-affirming healthcare.
 - vi.) Medical, nursing, and paramedical institutions may integrate modules on gender identity and inclusion in their curricula, and regular sensitization programmes may be conducted for doctors, nurses, and administrative staff.
 - vii.) Specialized training may be provided to medical professionals to handle cases where individuals experience gender-diverse or intersex characteristics during puberty. Such training may emphasize ethical considerations, long-term health implications, and caution against the unregulated use of hormone suppressants that could adversely affect physical or mental health.
- VII.) Inclusivity at Workplace**
- i.) The Internal Complaints Committee (ICC) constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) may also be empowered to address complaints of harassment or discrimination from gender-non-conforming individuals, ensuring a comprehensive and inclusive grievance-redressal mechanism.
 - ii.) Transgender person's employment should not be terminated only on the ground that prior information was not taken from their employer for taking sex reassignment surgery unless the job's nature directly turns on the person's binary gender identity.
 - iii.) Mandatory disclosures on workforce diversity should explicitly include transgender and gender-diverse persons, promoting transparency and encouraging representation at all organizational levels.
 - iv.) Inclusive workplace facilities such as gender-neutral restrooms, regular sensitization programs, scholarships, and employee resource groups may be created to foster belonging and safety.
 - v.) It is recommended to develop a Charter of Rights for Workplaces to safeguard the safety, dignity, and equal opportunity of transgender and gender-non-conforming persons. This



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

Charter should institutionalize inclusion through clear guidelines, protective mechanisms, and accountability structures.

- vi.) Human resource policies may be comprehensively reviewed to ensure that workplace systems, recruitment, and retention practices are inclusive of all gender identities.

VIII.) Safeguarding the Rights of the Children with Diverse Sex characteristics and gender identities/ expressions

- i.) The Registration of Births and Death Act and the Registration of Births and Death Rules, 1999 (Model Rules) and corresponding state laws and rules may be amended to include to *replace the single binary 'Sex' field with a short of choices and instructions to include the birth of registration of children having diverse sex characteristics and death certificates.*

Suggested wording for Form 1 — 'Sex (tick one)'

Male Female Intersex Indeterminate/ Not specified at birth Prefer not to state at birth (to be updated later)

Instructions:

- a.) If the sex of the child is not clearly identifiable at birth, the field may be left as *Indeterminate/ Not specified at birth.*
- b.) Where recorded as *Indeterminate/ Not specified*, the Registrar shall allow correction or amendment on application by the individual (upon attaining majority) or by the parent/ guardian (for a minor) through a statutory declaration and supporting documents.
- c.) This procedure shall strictly follow a non-medical correction route and shall not require any medical certification or surgical intervention.
- ii.) In cases where the sex of a child is to be recorded as other than 'male' or 'female', certification by qualified medical experts may be required to determine the child's sex using appropriate scientific methods, such as karyotyping or other suitable diagnostic procedures.
- iii.) To facilitate the implementation of the above, Standard Operating Procedures (SOPs) may be developed for hospitals and registrars, outlining protocols for recording such cases, counseling families, referring them to specialists in gender or differences-of-sex-characteristics (DSD) care when medically necessary, and completing subsequent corrections in official records. Training modules for municipal and health staff should be integrated into the roll-out process.



NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2020

- iv.) Parents of children born with diverse sex characteristics may be provided with appropriate counseling and psychosocial support. In cases where parents' express inability or unwillingness to care for the child, the State shall assume responsibility in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2015.
 - v.) It shall be ensured that no child is forcibly separated from their parents by any community-based organization. In instances where parents' express unwillingness to retain the child, such child shall be placed exclusively in a duly recognized Child Care Institution (CCI) in accordance with prevailing legal provisions.
 - vi.) Dedicated childcare institutions for children with diverse sex characteristics and gender identities may be established, with at least one pilot home in each State and Union Territory.
 - vii.) Mandatory training and certification programmes may be introduced for all Child Welfare Committees, Juvenile Justice Boards, and school counsellors to build sensitivity and competence in addressing the needs of gender-diverse children.
 - viii.) The Childline 1098 service may be upgraded with trans-affirmative and intersex-sensitive response protocols, ensuring provisions for 24/7 escort services, safe housing, legal aid, and immediate psychosocial support, within defined timelines for safe placement.
 - ix.) Non-urgent and irreversible medical procedures, including sex-assignment or 'sex-normalizing' surgeries on intersex children, should be prohibited until the individual is capable of providing informed consent, except where such procedures are necessary to preserve life. Any such necessary life-saving surgery must be preceded by the opinion of a State-level multidisciplinary panel, in line with the Kerala High Court judgment (2023).
 - x.) The competent authority may consider initiating the Pilot the revised Form 1 options in a few States / large municipalities (e.g., Delhi, Maharashtra, West Bengal) for 12 months; monitor uptake, corrections, and any administrative issues. The whole procedure should be carried out in a way that ensures strict data privacy and non-disclosure of sensitive health details.
 - xi.) States should ensure effective protection of children from mercy killings, assaults, and other harmful practices, and in instances where such acts occur, prompt investigation and prosecution shall be undertaken to ensure accountability and justice.
- IX.) Safeguarding the Rights of Elderly Transgender Persons**
- i.) Documentation and verification procedures for pension, health insurance, and other welfare schemes may be simplified to ensure the meaningful inclusion of elderly transgender persons in all senior citizen welfare programmes. Enrollment may be





NHRC Advisory for Ensuring the Welfare of Transgender Persons, 2.0

facilitated on the basis of self-identification, without subjecting applicants to intrusive or medically invasive verification processes.

- ii.) The competent authorities may consider establishing transgender-inclusive old-age homes and community shelters that uphold privacy ensure access to healthcare, and opportunities for social interaction and emotional well-being.

X.) Strengthening Garima Greh Shelters

The NHRC undertook an exercise to visit all twelve Garima Greh shelters established under the first phase of the project. Based on field insights and an extensive analysis of the existing policy framework, the Commission has prepared a report titled '*Transgender Persons: Revamping Spaces, Reclaiming Voices – Insights from Garima Greh Shelters and Beyond*'. The authorities are requested to consider the recommendations outlined in each thematic area for appropriate implementation.
