



RULES

ON

ASSAM POLICY FOR TRANSGENDER

ASSAM STATE POLICY FOR TRANSGENDERS VIDE NOTIFICATION NO : SWD.128/2019/82

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1.0 DEFINITION

For the rules, the definition of “Transgender” shall be in accordance with the The Transgender Persons (Protection of Rights) Act 2019, which has been passed by both the houses of the parliament, and has received the assent from our Hon’ble President of India on 5th Dec’2019, and the Act came into force from 10th Jan’2020 vide **Gazette Notification No S.O. 135(E), dated : 10/01/2020** are as follows:

“ Transgender Persons ” means a persons whose gender does not match with the gender assigned to that persons at birth and includes trans-man or trans-women(whether or not such persons has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), persons with intersex variations, gender queer and persons having such socio cultural identities as Kinner, Hijra, aravani and jogta.

2.0 POWERS OF THE STATE TRANSGENDER WELFARE BOARD :

2.1 The State Transgender Welfare Board, will have the Supervisory Jurisdiction throughout the territory of the state, and shall have the following powers :

- a) Directions & orders to any individuals, persons or appropriate authority, including the government (in appropriate cases),
- b) Calling for returns from any Govt. offices,
- c) Prescribe forms in which books, entries and accounts be kept by the officers of the District Committee on Transgender,
- d) Settle tables of fees to be allowed to the sheriff and all clerks and officers of the Transgender Welfare Board,
- e) To inspect any records of procedures in any Government offices,
- f) To inspect any proposal of any NGO’s or CBO’s (Community Based Organization),
- g) And as such other administrative powers.

2.2 Further, in case of any discrimination, sexual assault, rape, murder, lynching, etc., towards any Transgender Persons, the Board will have the Quasi Judicial Powers, Such as:

- a) Enquiry,
- b) Field visit,
- c) Show cause,
- d) Investigation,

- e) Taking Immediate action against any individuals, persons or appropriate authority, including the government (in appropriate cases),
- f) Arrest, and
- g) Taking *suo moto* complaints against any individuals, persons or appropriate authority, including the government (in appropriate cases) irrespective of its powers, status or designation consigned or conferred upon him.

Explanation :- In terms of the power of arrest, the State Transgender Welfare Board will exercise the powers under section 43(1) of the **Code of Criminal Procedure 1973**.

3. Functions of the Transgender Welfare Board

The Transgender Welfare Board shall—

- a. identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with the Assam Transgender Policy and recommend necessary corrective steps;
 - b. inquire, suo motu or otherwise, deprivation of rights of transgender persons and safeguards available to them and take up the matter with appropriate authorities for corrective action;
 - c. Review the factors that inhibit the enjoyment of rights of trans persons and recommend appropriate remedial measures;
 - d. Undertake and promote research in the field of the rights of transgender persons
 - e. Promote awareness of the rights of transgender persons and the safeguards available for their protection;
 - f. Monitor implementation of the provisions of the Assam Transgender Policy and the Transgender Persons Protection of Rights Act and schemes and programmes meant for transgender persons
 - g. monitor utilisation of funds disbursed by the State Government for the benefit of transgender persons
4. The Transgender Welfare Board shall, for the purpose of discharging its functions and in cases of any complaints of discrimination received from transgender persons, it shall have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of witnesses;
 - (b) requiring the discovery and production of any documents;
 - (c) requisitioning any public record or copy thereof from any court or office;
 - (d) receiving evidence on affidavits; and
 - (e) issuing commissions for the examination of witnesses or documents.

3.0 For the Section 5.0, sub section 5.1, 5.2, 5.3 of the (*Assam State Policy for Transgender*), the Board will exercise its powers as described below :-

- a) To inspect educational institutions such as Primary & High schools, Colleges, Universities etc. and to review their policies to ensure Trans Friendly Environment.
- b) To hold meetings and sensitization programs with the administration and officials of Primary & High schools, Colleges, Universities etc., to review the Trans Friendly

Environment.

- c) To hold meetings with Primary & High schools, Colleges, Universities etc., to ensure equal admission opportunities to Transgender persons and to review the working of reservations for transgender persons in educational institutions.
- d) To ensure that scholarship opportunities are being provided to transgender persons at all level of education.
- e) To inspect all Government Departments and Recruitment board, and advertisements and notifications in regards to the Transgender employment, and hold meetings with the appropriate authority to ensure the equal employment opportunities and reservations for Transgender persons in all establishments.
- f) To direct or pass order/orders in complaints of discrimination towards any Transgender Persons in educational institutions or any discrimination in employment at any establishment, public or private, including discrimination in recruitment .
- g) To review and hold meetings with the law enforcement agencies from time to time to ensure that there is no discrimination, illegal arrest or harassment towards Transgender Persons
- h) To hold sensitization meetings with the law enforcement agencies from time to time such as weekly, monthly, quarterly, half yearly or yearly, as the State Transgender Welfare Board may deem fit or proper.

3.1 In regards to any discrimination in any form as prescribed and discuss in sub section 5.2, 5.3 of Section 5.0 of the *(Assam State Policy for Transgender)*, the Assam State Transgender Welfare Board will exercise its power conferred in Rules 2.2 of Rule 2.0.

3.2 The Transgender Welfare Board shall conduct encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of transgender persons are protected

4.0 For the **Section 7.0 sub section 7.1 clause 7.1.1, 7.1.2**, of *Assam State Policy for Transgender*, all Transgender persons are exempted from disclosures of any proof in regards to the identification of his/her / their self recognized gender. A self-declaratory affidavit of gender identity given by the applicant as male, female or transgender shall be sufficient for issuing certificate of identity by the TSU under the Policy.

5.0 Further, for **Section 7.0, sub section 7.1, clause 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8** of *Assam State Policy for Transgender*, the Vice – Chairperson and the Associate Vice Chairperson shall be empowered with the powers that of a District Magistrate, limiting to the issuing of a certificate of Identity and revised certificate of Identity to the Transgender Persons.

The Prescribed format of the application to apply for Gender ID Cards is enclosed as **ANNEXURE-I**.

An Applicant can submit a self-declaration affidavit that has been notarized, declaring their gender identity as male, female or transgender, and this shall be sufficient for issuing the

certificate of identity.

6.0 For the **Section 7.2, and sub section 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5**, of *Assam State Policy for Transgender*, the State Transgender Welfare Board will exercise its function accordingly such as :-

- a) To ensure, Trans Friendly environment in Public Places such as :- Airports, Railway Stations, Bus Stations, Malls, etc., regarding which, the State Transgender Welfare Board will take up this issue with the **appropriate authority**.
- b) Time to time inspection in the shelter homes of the Transgender persons to look after the Trans Friendly Environment, Cleanliness, hygiene etc., been run by **NGO's/Guru's**.
- c) To ensure that Trans Students are provided with the benefits of fee waiver, free textbooks, free hostel accommodation and other facilities at subsidized rates. Moreover, schools' curriculum will be revised so as to include basic information about Transgender persons as a part of sensitization initiative. The State Transgender Welfare Board will take up this issue with the **Education Department, Govt. of Assam**.
- d) To ensure, regular or customized health screening, free medical treatment, free laser therapy, sex reassignment surgeries etc., free medicine and inclusion of the Transgender Persons under the Centre's & State's health schemes. The State Transgender Welfare Board will take up this issue with the **Health & Family Welfare Department, Govt. of Assam**.
- e) To ensure, free HIV/AIDS treatments and medicines to the Transgender Community. The State Transgender Welfare Board will take up this issue with the **Assam State Aids Control Society**.
- f) To ensure Trans Friendly medical environment in all Govt. Hospitals, and separate wards for Transgender persons in the same, including free psychiatrist treatment and free clinical psychological counselling.
- g) To ensure free training of skills under Skill Development Program Schemes of the Centre and the State. The State Transgender Welfare Board will take up this issue with the **Ministry of Skill Development, Govt. of India and State's Skill Development Department, Govt. of Assam**.
- h) To ensure, the Employment Exchange Offices register transgender persons without any discrimination and these exchanges will forward names of Transgender Persons for various government jobs. The State Transgender Welfare Board will take up this issue with the Skill, **Employment & Entrepreneurship Department, Govt. of Assam**.
- i) To ensure, emergency centres for proving relief and services. And for this, the State Transgender Welfare Board will made it available in the existing infrastructure of **Shelter homes been run by NGO's**.

Explanation :- in case of any violence against Transgender persons in course of time, such as Violence at home, social humiliation, ragging, rape, attempt to murder etc.,

- j) To ensure Help Desk Offices for Transgender Persons in the office of Police Commissionerate and in the offices of all District Police Superintendents. And for which the State Transgender Welfare Board will take up this issue with the Director General of Police, Assam Police Headquarters.
- k) To ensure trans friendly environment while travelling in buses, trains, and air buses. The State Transgender Welfare Board will take up this issue with the **Transportation Department, Govt. of Assam**, and other appropriate authority.
- l) In case of death of Transgender, whose immediate next of kin is not available, the Municipal Authorities will be responsible for the funeral of Transgender as per rites specific to the religion of the Transgender. The State Transgender Welfare Board will take up this issue with the **Municipal Authorities** of every District on being information received from the Transgender community in regards to the deceased.

7.0 For **Section 7.2, sub section 7.2.2**, the State Transgender Welfare Board will exercise its powers conferred in rule **3.0(a), 3.0(b), 3.0(c), 3.0(f)**., and take immediate steps to upheld and necessary compliance of the **Section 7.2.7**, prescribed in the *Assam State Transgender Policy*.

8.0 FUNCTIONS OF THE STATE TRANSGENDER WELFARE BOARD (in regards to Employment, Livelihood and Sustenance):

- a) To ensure the proper implementation of the *Assam State Transgender Policy* in letter and spirit.
- b) To ensure free vocational training, to the Transgender through NGO's or any other Vocational Training Institute.
- c) To provide Ration Card/BPL Card to the Transgender Community.
- d) To provide financial assistance in the form of monthly pension to those Transgender, who are illiterate, destitute, surviving on alms or elderly.
- e) To provide material support like sewing machines upto a value of Rs 10,000/- per transgender beneficiaries, who propose to use such support for income generation.
- f) To ensure self-employment grants upto a maximum of Rs 25,000/- will be made available for small business entrepreneurship from the Transgender Community, who have undergone Vocational training.
- g) To review, grant and allow the various proposals been submitted by NGO's and provide grants for carrying out empowerment and support with the transgender community.

- h) To review and seek reports from the District Committee on Transgender from the District Administration, Police Commissionerate Offices, District Police Superintendents offices in proper implementation of *Assam State Transgender Policy*.
- i) To visit District and hold meetings with the officials to review the ongoing implementation of the *Assam State Transgender Policy*.
- j) To assess, recheck and verify the utilization reports of the funds sanctioned to the Districts Administration offices, NGO's in consistence with the proper implementation of *Assam State Transgender Policy*.
- k) To issue identity certificates, on the basis of requisition received from the District Committee on Transgender.
- l) The Board will continue its official function regularly for proper implementation of the *Assam State Transgender Policy*, and will meets atleast once every three months with all its members to review of the same.
- m) **Delegation of Powers:-** In absence of Chairperson and Vice Chairperson, the Associate Vice – Chairperson will have the power of (In –charge), and will act accordingly to that of Chairperson or Vice – Chairperson conferred with.

Explanation: If the Chairperson or the Vice Chairperson isunable to perform the duty or work in regards to illness, not well, transfer from one department to another, or change of departments or ministry etc.,. In such a case, the Associate Vice Chairperson will take over the charge of the Board, and will act accordingly.

9.0 The Board reserves the rights to publish advertisement, appointments of officials and staff and extension of the tenure of the Non Official Members, and empowering the Non Official Members into permanent, as may be necessary to carrying out the purpose of the *Assam State Transgender Policy*.

9.1 For rest other Sections, the Policy stands as it is. And the State Transgender Board reserves the rights to modify the rules as and when required for the proper implementation of the *Assam State Transgender Policy* by notifying the same from time to time.

9.2 The State Government shall from time to time, after due appropriation made by the Social Welfare Department, Govt. of Assam by law in its behalf, credit such sums to the Assam State Transgender Welfare Board as may be necessary for carrying out the purpose of the *Assam State Transgender Policy*.



सत्यमेव जयते
Government of Assam

ANNEXURE - I

**ASSAM STATE TRANSGENDER WELFARE BOARD
SOCIAL WELFARE DEPARTMENT**

APPLICATION FORM

(Rule 5.0)

1. NAME(In Block Letter's) : _____
(assigned at birth)
2. Preferred Name : _____
3. Father's Name : _____
4. Mother Name : _____

Photo
Or
Left thumb
impression

5. Preferred Category : (Under the definition of Transgender, been recognized under NALSA Judgment (Supra), Please Tick (√) :- Male, Femal, Transgender, Other

KINNER/HIJRA (SIBREE)		JOGAPPAS		SHIV SHAKTIS	
ARAVANI		THIRUNANGI		KOTHI	
JOGTAS		TRANSWOMEN		TRANSMAN	
TRANSSEXUAL		GENDERQUEER		KINNER/HIJRA (AKAU or AKUA)	

6. Permanent Address :

PIN _____ DIST _____

7. Present Address: _____

PIN _____ DIST _____

8. Gharana Details (In Case of Kinner/Hijra) _____

PIN _____ DIST _____ STATE _____

9. Do you have any of the following documents ? if “YES”, Tick (✓) & submit a copy of the same :

SL No.	Documents	Please tick (✓) and furnish the same.			
1.	BIRTH CERTIFICATE	YES		NO	
2.	ELECTION VOTER IDENTITY CARD	YES		NO	
3.	PAN CARD	YES		NO	
4.	ADHAAR CARD	YES		NO	
5.	RATION CARD/BPL CARD	YES		NO	
6.	BANK PASSBOOK	YES		NO	
7.	MNREGA CARD	YES		NO	
8.	PASSPORT	YES		NO	
9.	HIGH SCHOOL LEAVING CERTIFICATE	YES		NO	
10.	H.S PASSED CERTIFICATE	YES		NO	
11.	GRADUATION PASSED CERTIFICATE	YES		NO	
12.	NAME CHANGED AFFIDAVIT	YES		NO	
13.	ATAL AMRIT ABHIYAN CARD	YES		NO	
14.	PMJAY CARD	YES		NO	

10. QUALIFICATION (if any), furnish details & submit a copy of the same :

SL No.	Name of the School/College/University	Passing Year	Please (✓)			
			Yes		No	
			Yes		No	
			Yes		No	
			Yes		No	

11. Other Qualification (if any, then Please Tick (✓), furnish details) : YES _____ NO _____

12. Whether Name or Gender Changed in documents (if “YES”, please furnish details) :

13. Details of Guru (In case, if you are under the shelter of Guru) :

Name : _____ Address : _____
 _____ Pin _____ Dist. _____

14. Source of Income : Please Tick (✓), and furnish details :

Begging _____ Sex Work _____ Employed in any Organization _____ Badhai _____

15. Age :

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(dd/mm/yyyy)

16. Date of Birth (as per birth certificate) : _____

17. Phone No : _____

18. Are you been a victim of any of the following matter, if "YES" Please Tick (✓) any of the following, and furnish details :

Bullying		Police Harassment (in any form)		Discrimination from any Authority(in any establishment or public places		Family or Social torture.	
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SELF - DECLARATION

I do hereby certify that, this my declaration, furnish above are true and genuine, and to the best of my knowledge, and nothing has been concealed.

**Signature of the Applicant or
Left thumb impression**