No. EDN(SE)- H(10)-F(10)-76/2026-(Tgr. Persons)
Directorate of School Education
Himachal Pradesh.

Dated: - the Shimla 171001 May, 2026

To

All the Deputy Directors of School Education (Sec./Elem.)
Himachal Pradesh.

Subject: - **Implementation of provisions of Transgender Persons (Protection of Rights) Act, 2019 and Rules 2020 in Educational Institutions in compliance with WP(C) 1405/2023 (Jane Kaushik vs Union of India).**

Please find enclosed herewith a letter No. 4-14(1)/2016-SOM (WEL) - Transgender -Vol.-VI- 8406-8407, dated 25th May, 2026 and 8830 - 8831, dated 04.06.2026, and received from the Director, Empowerment of SCs, OBCs, Minorities & the Specially Abled, Himachal Pradesh, on subject cited above.

In this context, you are directed to examine the instructions issued by the worthy Director of Higher Education Himachal Pradesh vide letter No. EDN-HE(21)A(03)20/2023-Sexual Harassment, dated 22nd Nov., 2023 and ensure strict compliance giving top priority and personal attention under the intimation to quarter concern as well as this Directorate also.

Encls: As above

Director.
School Education, H. P.

Ends No:- Even dated Shimla-1 the March, 2026

Copy Forward:

1. The Director, Empowerment of SCs, OBCs, Minorities & the Specially Abled Himachal Pradesh w.r.t. letter referred above for information please.
2. The Nodal Officer IT Cell with the direction to upload the same on Departmental website.
3. Guard File.

Director.
School Education, H. P.

Directorate of School Education
13 JUL 2026
Himachal Pradesh, Shimla-171001

(iii) That a Transgender Protection Cell under the charge of the District Magistrate in each District and under the Director General of Police of the State be set up in each State/UT in accordance with Rule 11(5) of the 2020 Rules, in order to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences.

(iv) That all States/UTs ensure that every "establishment" designates a complaint officer in accordance with Section 11 of the 2019 Act and Rule 13(1) of the 2020 Rules respectively.

(v) In the absence of a forum before which an objection can be raised by a transgender person, who is aggrieved with the decision taken by the head of the establishment under Rule 13(3) of the 2020 Rules, the State Human Rights Commission (SHRC) shall be designated as the appropriate authority to look into such objections.

(vi) A dedicated nation-wide toll-free helpline number be set up to address the contravention of any provision of the 2019 Act and the 2020 Rules respectively. If any such information regarding the violation of the provisions of the 2019 Act and 2020 Rules respectively, is received by the helpline, it shall immediately

report such information to the Transgender Protection Cells under the charge of the District Magistrate in each District and under the Director General of Police of the State, as the case may require. This nation-wide toll-free helpline number would have a wider scope than the grievance redressal mechanism envisioned under Rule 13(5) of the 2020 Rules.

200. The Union of India and all the State respectively shall ensure that the aforesaid directions are strictly complied with within a period of three months from the date of the pronouncement of this judgment.

G. ADVISORY COMMITTEE TO ADDRESS THE CONCERNS OF THE TRANSGENDER COMMUNITY

201. We are also conscious of the polyvocal nature of the issue at hand. Although, we have issued some binding directions along with broad guidelines, yet we are acknowledge this Court's limitations to address issues which may have a largely legislative or policy dimension. We remain cognizant that the issue at hand requires a more incisive study by a dedicated committee, well-equipped to recommend a viable equal opportunity policy that ought to be introduced by the Union and State governments as well as provide insightful suggestions on other aspects affecting the lives of the transgender community. In such view of the

matter, we direct the formation of an Advisory Committee comprising of the following members:

i. Hon'ble Ms. Justice Asha Menon, Former Judge of the Delhi High Court, as the Chairperson;

ii. Ms. Akkai Padmashali, Karnataka based Trans-rights Activist;

iii. Ms. Grace Banu, Dalit rights and Trans-rights Activist;

iv. Ms. Vyjayanti Vasanta Mogli, Telangana based Trans-rights Activist;

v. Mr. Sourav Mandal, Associate Professor, Jindal Global Law School, Sonepat;

vi. Ms. Nithya Rajshekhar, Senior Research Associate, Centre for law and Policy Research, Bengaluru;

vii. Air Cmde (Dr.) Sanjay Sharma (Retd.), Chief Executive Officer, Association for Transgender Health in India, Gurugram; and

viii. Ms. Jayna Kothari, Senior Advocate, as *Amicus Curiae*.

202. The following shall be the *ex-officio* members of the Committee:

i. Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment, Government of India;

ii. Secretary, Ministry of Women and Child Development, Government of India;

iii. Secretary, Ministry of Health and Family Welfare, Government of India;

iv. Secretary, Ministry of Education, Government of India;

v. Secretary, Ministry of Labour and Employment, Government of India;

vi. Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India; and

vii. Secretary, Department of Legal Affairs, Ministry of Law and Justice, Government of India.

203. The Joint Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment, shall act as the convenor of the Advisory Committee. The Committee is tasked with formulating a practical policy draft and/or a report for the consideration of the Union of India, so as to further the transgender rights discourse and give effect to the beneficial provisions of the 2019 Act.

204. We direct the MoSJE to fund the Committee we have constituted. We request the Committee to come up with a reasonable quotation of funds, which it deems would be requisite to perform such exercise. We also request the Committee to complete its deliberations and submit the draft policy or the report, as it deems appropriate, within a period of 6 months from the date of the pronouncement of this judgment. Further, the Union of India, after due consideration of the policy recommendation or the

report so received from the Committee, is directed to come up with its own draft subsequent thereto. We find it apposite to mention that the Union ought to take a firm policy decision in this regard preferably within a further period of 3 months from the date on which the report is submitted by the Advisory Committee to this Court.

205. With a view to obviate any confusion, we clarify that the *ex-officio* members shall have only advisory jurisdiction in the Committee, in so far as the contents and scope of the report/policy draft are concerned.

206. The remit of the Committee shall be to prepare a comprehensive report and/or policy draft addressing the following major points:

i. **Formulation of an Equal Opportunity Policy**: The Committee is tasked with formulating a viable and comprehensive equal opportunity policy for the transgender community in the arenas of employment and education which may serve as a model for adoption by all establishments.

ii. **Study of the 2019 Act and 2020 Rules**: The Committee should highlight gaps in the 2019 Act and 2020 Rules respectively and also suggest adequate measures to best address such lacunae.

iii. **Reasonable Accommodation**: What best can be done to accommodate transgender persons reasonably in public spaces and workplaces, without them being forced to keep their identity a secret.

With such accommodations we would also need to keep in mind that this should not act as measures which reveal the identity of the person, violating their right to privacy.

iv. **Grievance Redressal Mechanism**: The Committee must explore what can be a proper mechanism, starting from registration of complaints to the scope for appeals.

v. **Gender and Name Change**: The Committee must identify what are the various documents that require changes in record, and as to how the mechanism for this change can be created, so that no humiliation is caused to the persons seeking changes.

vi. **Inclusive Medical Care for Transgender and Gender Diverse Persons**: The Report must also deliberate upon how hospitals and places of medical aid can be made inclusive for transgender persons.

vii. **Protections for Gender Non-Conforming and Gender Diverse Persons**: The 2019 Act focuses on the aspect of "medicalisation" of gender, and does not give preponderance to the right to self-perceived identity. The Commission must look into how the State, without excessive bureaucratization, can guarantee rights provided under the 2019 Act to genderqueer and non-binary persons, especially those who do not undergo gender affirmative surgeries.

207. Though these points must be addressed, yet the Committee shall be at a liberty to make further recommendations beyond the specified mandate wherever necessary, to ensure a holistic and effective approach towards addressing the issues faced by the transgender and genderqueer community. The Committee is requested to take into account the views and concerns of stakeholders. To do so, it may consider obtaining the views of the different stakeholders by way of circulating a questionnaire and seeking written responses thereupon.

208. The Committee is also requested to seek representation from and consult the governments of all the States and Union Territories. To facilitate the same, we direct the Chief Secretaries of all the States/Union Territories to nominate a high ranking officer, not below the rank of Joint Secretary in the Department of Social Justice & Empowerment of the respective State/Union Territory, to act as the nodal officer on behalf of the respective State/Union Territory. We further direct all the concerned departments/authorities of the respective State/Union Territory to cooperate with the nodal officer concerned and furnish necessary information, data and assistance as may be sought by such nodal officer.

209. The Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment; the Secretary, Ministry of Women and Child Development; the Secretary, Ministry of Health and Family Welfare;

the Secretary, Ministry of Labour and Employment; the Secretary, Ministry of Education; the Secretary, Department of Personnel and Training, Ministry of Personnel; and the Secretary, Department of Legal Affairs, Ministry of Law and Justice, Government of India, shall collaborate with the Advisory Committee and extend full cooperation by providing all the necessary information, documents, and resources required by the Committee to effectively carry out its mandate.

210. The Ministry of Social Justice & Empowerment, Government of India, shall be responsible for providing all necessary logistical support to facilitate the functioning of the Committee. This shall include making arrangements for travel, accommodation, and secretarial assistance, as well as covering all related expenses that the Committee members may incur. The Ministry shall provide a sufficiently large office space to the Committee for holding its meetings and also to enable the officials to carry on its day-to-day activities. Additionally, the Ministry shall provide an appropriate honorarium to the members in recognition of their contributions.

211. We further reiterate and direct that the Central Government and the Governments of all the States/Union Territories and agencies thereof, shall extend their full and meaningful cooperation to the Committee and provide the requisite data, information and assistance, as may be necessary. In case of any delay, reluctance or neglect on the part of the

aforesaid bodies, the Committee will be at liberty to approach this Court through the *amicus curiae* seeking remedial actions.

212. The Chairperson of the Advisory Committee shall be at liberty to engage the services of any person for the purpose of providing secretarial assistance in coordinating with the other members of the Committee, preparation of the policy draft and/or final report and for the smooth and effective discharge of any other responsibilities as may arise during the course of carrying out the remit of the Committee. This shall include the engagement of services of Data Analysts and Research Assistants as may be necessary for the effective discharge of the mandate of the Committee.

213. We direct the Union of India to deposit an amount of Rupees Ten Lacs (Rs 10,00,000/-) with the Registry within two weeks from the date of this order as an outlay for the initial operations of the Committee. The amicus curiae shall be at liberty to move an appropriate application seeking orders for disbursement of any additional funds, whenever necessary. We clarify that this amount shall be in addition to the financial and administrative responsibility of the Ministry of Social Justice & Empowerment as described aforesaid.

H. CONCLUSION

214. In the result, the petition stands disposed of in the following terms:

i. The respondent nos. 1, 2 and 3 respectively are directed to pay Rs 50,000/- each by way of compensation to the petitioner for their inaction and lethargy which resulted in lack of redressal mechanisms for the petitioner to avail.

ii. The respondent no. 4 is directed to pay Rs 50,000/- as compensation to the petitioner.

iii. These payments of compensation are directed to be made within four weeks from the date of pronouncement of this judgment.

215. The respondent no. 1 is also directed to deposit a sum of Rs 10,00,000/- with the Registry of this Court within two weeks from the date of pronouncement of this judgment, for the initial operations of the Committee.

216. The Committee is requested to prepare its report and/or draft policy, as the case may be, within six months from the date of pronouncement of this judgment. The Chairperson, after consultation with the members of the Committee, shall be at liberty to request the *amicus* to put an application praying for extension of the time period in which the report/policy draft has to be submitted.

217. The Union of India shall bring forth its own Equal Opportunity Policy in place, within three months from the date the Committee submits its report

and/or policy draft. In case, any establishment does not have a policy of its own, the policy that the Union would be bringing in place shall be enforceable at such an establishment.

218. Considering the nature of the case, the Union will have to satisfy us on substantial compliance. In this regard, we, therefore, issue a continuing *mandamus*. The Union shall also ensure upon the compliance of our directions and guidelines in all States. It will be for the Union to also apprise us on the compliance by all the States.

219. Pending applications, if any, stand disposed of.

220. Registry shall circulate one copy each of this judgment to the following:

I) All the High Courts.

II) Secretary, Ministry of Social Justice & Empowerment, Union of India

III) All State Governments through Secretary, Department of Social Justice & Empowerment.