



BIHAR STATE LEGAL SERVICES
AUTHORITY'S
Scheme for Integration of
Transgender-person And their
Rehabilitation and providing
Access to Justice, 2023
(SITARA,2023)

STATEMENT OF OBJECT AND REASON

Preamble of the Legal Services Authorities Act, 1987, reads as “An Act to constitute Legal Services Authorities to provide free and competent Legal services to the weaker sections of the society to ensure that opportunities for securing Justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalat to secure that the operation of the legal system promotes justice on a basis of equal opportunity.”

Very often intended beneficiaries of social security measures are unable to access the benefits due to severe lack of capabilities, social structures, economic

marginalisation and exploitation, discrimination with transgender person, social values, cultural norms, etc. In this context, the role of legal services authorities must be a proactive one where measures designed to eradicate discrimination with transgender person must be brought to the attention of the intended beneficiaries. Therefore, this scheme lays down a mechanism for identification of social security measures for eradicating discrimination with transgender person, a framework for facilitating access to such measures by intended beneficiaries and a model for effective review of these processes. This scheme has been framed keeping in view that discrimination with transgender person is a social evil. Multidimensional concern include issues like health (including mental health), housing, nutrition, employment, pension, mortality, access to education, access to Justice, sanitation, subsidies and basic services, social exclusion, discrimination, etc. Bihar State Legal Services Authority is cognizant of the fact Transgender community is the one of the most vulnerable and marginalised groups of society.

Therefore, in order to monitor the proper implementation of Transgender Person (Protection of Rights) Act, 2019, Transgender Person (Protection of Rights), Rules, 2020 and to take initiatives for the overall welfare of the Transgender Persons, Bihar State Legal Services Authority (BSLSA), took initiative to formulate a Scheme for the State/ District Legal Services Authorities of Bihar to work in a appropriate manner, so that, all the stake holders may understand their role and responsibilities and work accordingly.

1. NAME OF THE SCHEME:

- (i). The Scheme shall be called the BSLSA (**Scheme for Integration of Transgender-person And their Rehabilitation and providing Access to Justice), 2023. (in short –SITARA, 2023)**
- (ii). This Scheme shall extend to entire Bihar State.
- (iii). It shall be effective from the date of notification by Bihar State Legal Services Authority.

2. STATUTORY PROVISIONS/PRECEDENTS/MINUTES

- (i). Article 21: Protection of life and personal liberty: -No person shall be deprived of his life or personal liberty except according to procedure established by law.
- (ii). Article 39A: Equal Justice and Free Legal Aid: - The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- (iii). Guidelines of Hon'ble Supreme Court in National Legal Services Authority vs. Union of India and Others (2014) 5 SCC 438; ¶
- (iv). Clause 19 of Bihar State Legal Services Authority Regulations, 1998 vide amendment 2017 wherein Transgender person has been included in the category of person who are entitled for free Legal Services.
- (v). Transgender Protection Act, 2019;
- (vi). Transgender Protection Rules 2020; and
- (vii). Meeting dated 18.08.2023 was held under the chairmanship of Hon'ble Executive Chairman, BSLSA with Addl. Chief Secretary, Department of Industries, Secretary and Director, Social Welfare Department, Inspector General, Prison, National Skill Development Corporation, Bihar Skill Development Mission and Member Secretary, BSLSA. The issue no. 1 was "Protection Of Rights Of Transgender Persons And Their Welfare" and it was resolved that:-
 - Social Welfare Department will call and procure the models for residence of Transgender Persons in Bihar;
 - Social welfare Department will conduct a state-wide survey for identification of Transgender Persons in Bihar to be completed within 2 months in a time bound manner and will share the interim reports fortnightly in the meanwhile with BSLSA;
 - One Unit of small-scale industry for Transgender Person will start in Industrial Area in Patna and Muzzaffarpur districts each within

4 weeks. Space and financial support will be provided by the Department of industries, Govt. of Bihar; and

- The Social welfare Department will further work on resolving the issues of discrepancies etc. of Gender Identity for transgender Persons in Birth Certificates while filing application forms for different purposes after going sex assignment surgery etc.

3. DEFINITIONS

- (i). “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
- (ii). “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Sub-divisional Legal Services Committee, as the case may be;
- (iii). “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8 of the NALSA (Free & Competent Legal Services) Regulations 2010;
- (iv). “Para-Legal Volunteer” means a Para-legal volunteer trained under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;
- (v). “Secretary” means the Secretary of the Legal Services Institution;
- (vi). “Transgender Person” as defined under The Transgender Persons (Protection of Rights) Act, 2019.

4. STATE LEVEL CORE COMMITTEE FOR TRANSGENDER PERSON.

- (i). There shall be a State Level Core Committee for Transgender Person for policy decisions as well as monitoring and mentoring purpose. The State Level Core Committee for Transgender Person, under the Chairmanship of Hon’ble Executive Chairman, BSLSA may consist of officials/nominee of following departments:-
 - i. Principal Secretary, Social welfare Department;
 - ii. ADGP Weaker Section;
 - iii. I. G., Prison Department;
 - iv. Department of Industry;
 - v. Education Department;
 - vi. Skill Development Corporation/Mission
 - vii. Health Department

- viii. BSACS
 - ix. Labour Department
 - x. Representatives of Transgender Person.
 - xi. Member Secretary, BSLSA
- (ii). The State Level Core Committee for Transgender Person shall convene meeting either in physical or virtual mode, every three months, review the implementation of resolutions, and take decisions for the welfare of Transgender Person and their inclusivity in mainstream.
- (iii). The Member secretary shall place the consolidated quarterly report based on monthly reports district-wise received from District Legal services Authorities on the following matters (Annexure –A):
- Number of Transgender Person identified;
 - Housing/residence provided to Transgender Persons;
 - Number of Identity Cards prepared under Transgender Person (Protection of Rights) Act, 2019;
 - Number of FIR/Criminal Complaint filed by Transgender Person;
 - Number of Transgender Person admitted in Educational institutions of all level;
 - Number of Transgender Person received vocational training/skill development;
 - Number of Transgender Person given employment;
 - Number of Transgender Person undergone sex replacement surgery;
 - Number of Awareness programs conducted;
 - Number of beneficiaries
 - Any Specific problem to be placed before State Level Committee.
- (iv). Bihar State Legal Services Authority shall prepare the digital platform for uploading the reports and other programs by the District Legal Services Authority.

5. DISTRICT LEVEL WORKING COMMITTEE FOR TRANSGENDER PERSON

- (i). There shall be District Level Working Committee for Transgender Person under the Chairmanship of District & Sessions Judge -cum-Chairman, the District Legal Services Authority for implementation of directions of State Level Core Committee for Transgender Person. Its primary duty would be to bring about coherence and cooperation amongst the various departments and functionaries for optimal result.
- (ii). The District Legal Services Authority's Chairman shall be the Chairman of District Level Working Committee for Transgender Person and other members may shall include:
 - 1) District Magistrate
 - 2) Suptd.of Police
 - 3) Jail Suptd.
 - 4) Distt. Social Welfare Department
 - 5) Distt. Industry Department
 - 6) Distt. Education Department
 - 7) Skill Development Corporation/Mission
 - 8) Civil Surgeon
 - 9) Distt. Labour Department
 - 10) Representatives of Transgender Person.
 - 11) Secretary, the District Legal Services Authority;
- (iii). It shall meet on monthly basis on time and date fixed by the District Level Core Committee. District Level Core Committee shall send progress report on monthly basis to Bihar State Legal Services Authority for placing before the State Level Core Committee for Transgender Person for further needful.

6. FUNCTIONS OF LEGAL SERVICES INSTITUTIONS UNDER SCHEME

The main functions under the Scheme are as follows:

- (i). To ensure access to basic rights and benefits afforded to Transgender Person;
- (ii). To strengthen legal aid and support services at the state, district and taluka/sub-divisional levels for persons belonging to Transgender Person in accessing welfare Schemes;

- (iii). To spread awareness about the welfare schemes through the members of the Legal Services Institutions with the help of panel of lawyers, social workers, Para-legal volunteers, and students in legal aid clinics/ Literacy clubs;
- (iv). To create a database of all the existing central or state schemes, policies, regulations, policy directives, conventions, rules, and reports available concerning welfare of Transgender Person;
- (v). To develop effective coordination and interface with all government bodies or functionaries, institutions, authorities, NGOs and other organisations concerning or entrusted with the responsibilities relating to welfare of socially/ economically weaker sections of the society.

7. TRAINING PROGRAMME/WORKSHOP FOR PANEL ADVOCATES and PARA LEGAL VOLUNTEERS

Bihar State Legal Services Authority /District Legal Services Authority shall coordinate with Social Security Department & Social Welfare Department to undertake and organise training and orientation programs at State Level, District level, Block/Village level for panel lawyers, Para-legal volunteers, officers of departments dealing with welfare schemes, student volunteers in legal aid clinics/ literacy Club for their skill enhancement and for developing a sense of deeper engagement amongst them for implementing this Scheme.

8. COURT BASED LEGAL SERVICES

- (i). Bihar State Legal Services Authority shall endeavour to provide legal aid to Transgender Person. The Patna High Court Legal Services Committee/ District Legal Services Authority shall ensure that timely Legal Aid is provided to any Transgender Person.
- (ii). Every District Legal Services Authority shall maintain proper register and case monitoring of the cases relating to Transgender Person.
- (iii). Every District Legal Services Authority shall ensure that early access to justice should be provided to Transgender Person so that they can

approach the Police if any offence is committed and transgender Person is the victim.

9. DEDICATED HELPLINE NUMBER AND EMAIL

- (i). Bihar State Legal Services Authority shall issue one dedicated Helpline number and E-mail for the Transgender Person.
- (ii). The helpline number shall be manned by Transgender person and the roster of duty shall be prepared by District level Working Committee for Transgender Person.
- (iii). The dedicated e-mail shall be created by Bihar State Legal Services Authority and any grievance received by any Transgender Person. The e-mail shall be considered by Bihar State Legal Services Authority and concerned the District Legal Services Authority shall be directed to take immediate action and provide action Taken report.

10. AWARENESS / PROPAGATION ABOUT THE SCHEME

- (i). Bihar State Legal Services Authority shall propagate this Scheme through Print and Electronic medium including Doordarshan, Channels, Radio and FM Channels. District Legal Services Authority shall take every endeavour for wide publicity of this Scheme so that no person in need of the benefit under the Scheme may remain unaware and unattended.
- (ii). State Level Core Committee for Transgender Person shall direct the concerned department to prepare pamphlets; promotional material, audio-video awareness material and same shall be sent to all the District Legal Services Authority for proper awareness.

Annexure A

Report to be submitted on monthly basis by the District Legal Services Authority on District Level Working Committee for Transgender Person

- i. Number of Transgender Person identified;
- i. Housing/residence provided to Transgender Persons;
- ii. Number of Identity Cards prepared under Transgender Person (Protection of Rights) Act, 2019;
- iii. Number of FIR/Criminal Complaint filed by Transgender Person;
- iv. Number of Transgender Person admitted in Educational institutions of all level, scholarships and hostel facility, if provided;
- v. Number of Transgender Person received vocational training/skill development;
- vi. Number of Transgender Person given employment;
- vii. Number of Transgender Person undergone sex replacement surgery;
- viii. Number of Awareness programs conducted;
- ix. Number of schemes under Central/State Government and Other Local bodies for transgender person and the number of beneficiaries;
- x. Any Specific issue to be placed before State Level Committee.

Sd/-

Secretary

District Legal Services Authority.