


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 64] नई दिल्ली, बृहस्पतिवार, दिसम्बर 05, 2019/ अग्रहायण 14, 1941 (शक)
No. 64] NEW DELHI, THURSDAY, DECEMBER 05, 2019/AGRAHAYANA 14, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th December, 2019/Agrahayana 14, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 5th December, 2019, and is hereby published for general information:—

**THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS)
ACT, 2019**

No. 40 OF 2019

[5th December, 2019.]

An Act to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

(h) "notification" means a notification published in the Official Gazette;

(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

(j) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

(a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial of, or termination from, employment or occupation;

(d) the denial or discontinuation of, or unfair treatment in, healthcare services;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public;

(f) the denial or discontinuation of, or unfair treatment with regard to the right of movement;

(g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

CHAPTER III

RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.

Recognition of identity of transgender person.

(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.

5. A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed:

Application for certificate of identity.

Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.

6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender.

Issue of certificate of identity.

(2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

Change in gender.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

CHAPTER IV

WELFARE MEASURES BY GOVERNMENT

Obligation of appropriate Government.

8. (1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

(3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.

(4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.

(5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

Non-discrimination in employment.

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.

Obligations of establishments.

10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.

Grievance redressal mechanism.

11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.

Right of residence.

12. (1) No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.

(2) Every transgender person shall have—

(a) a right to reside in the household where parent or immediate family members reside;

(b) a right not to be excluded from such household or any part thereof; and

(c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

CHAPTER VI

EDUCATION, SOCIAL SECURITY AND HEALTH OF TRANSGENDER PERSONS

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.

Obligation of educational institutions to provide inclusive education to transgender persons.

14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

Vocational training and self-employment.

15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—

Healthcare facilities.

(a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;

(b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;

(c) before and after sex reassignment surgery and hormonal therapy counselling;

(d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;

(e) review of medical curriculum and research for doctors to address their specific health issues;

(f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;

(g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

CHAPTER VII

NATIONAL COUNCIL FOR TRANSGENDER PERSONS

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

National Council for Transgender Persons.

(2) The National Council shall consist of—

(a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, *ex officio*;

(b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, *ex officio*;

(c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, *ex officio*;

(d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources

Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, *ex officio*;

(g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;

(h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and

(i) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, *ex officio*.

(3) A Member of National Council, other than *ex officio* member, shall hold office for a term of three years from the date of his nomination.

Functions of Council.

17. The National Council shall perform the following functions, namely:—

(a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;

(b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;

(c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;

(d) to redress the grievances of transgender persons; and

(e) to perform such other functions as may be prescribed by the Central Government.

CHAPTER VIII

OFFENCES AND PENALTIES

Offences and penalties.

18. Whoever,—

(a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;

(c) forces or causes a transgender person to leave household, village or other place of residence; and

(d) harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

CHAPTER IX

MISCELLANEOUS

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.

Grants by
Central
Government.

20. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Act not in
derogation of
any other law.

21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Protection of
action taken
in good faith.

22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power of
appropriate
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which an application shall be made under section 5;

(b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section 6;

(c) the form and manner in which an application shall be made under sub-section (1) of section 7;

(d) the form, period and manner for issuing revised certificate under sub-section (2) of section 7;

(e) welfare measures to be provided under sub-section (2) of section 8;

(f) facilities to be provided under section 10;

(g) other functions of the National Council under clause (e) of section 17; and

(h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
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नई दिल्ली, मंगलवार, सितम्बर 29, 2020/आश्विन 7, 1942

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NEW DELHI, TUESDAY, SEPTEMBER 29, 2020/ASVINA 7, 1942

सामाजिक न्याय और अधिकारिता मंत्रालय

अधिसूचना

नई दिल्ली, 25 सितम्बर, 2020

सा.का.नि.592(अ).—जब कि उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 (2019 का 40) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के सामाजिक न्याय और अधिकारिता मंत्रालय ने भारत के राजपत्र, असाधारण, भाग-II, खण्ड III, उप खण्ड (i) में दिनांक 13 जुलाई, 2020 के सा.का.नि.....(ई) की अधिसूचना के तहत उक्त अधिनियम की उप-धारा (i) में यथावश्यक मसौदा नियमों को प्रकाशित करके उनसे प्रभावित होने वाले संभावित व्यक्तियों से राजपत्र में उक्त अधिसूचना की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से तीस दिन की अवधि समाप्त होने से पूर्व आपत्तियां और सुझाव आमंत्रित किए गए थे;

और जबकि, उक्त अधिसूचना की प्रतियां जनता को दिनांक 13 जुलाई, 2020 को उपलब्ध करा दी गई थीं;

और जबकि, उक्त मसौदा नियमों के संबंध में जनता से प्राप्त आपत्तियों और सुझावों पर केन्द्र सरकार द्वारा विचार किया गया है;

अब, अतः, उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 (2019 का 40) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निम्नलिखित नियम बनाती, नामतः :-

- 4) उभयलिंगी व्यक्तियों, जेंडर नॉन-कॉन्फॉर्मिंग और इंटर-सेक्स बच्चों के लिए आवासीय सरकारी स्कूलों और विश्वविद्यालयों में आवास और शिक्षा की सुविधा।
3. **आवास तक पहुंच**
- 1) किफायती आवास।
 - 2) संकटग्रस्त उभयलिंगी युवाओं के लिए आश्रय और सामुदायिक केंद्र जो पौष्टिक भोजन और परामर्श प्रदान करते हों।
 - 3) स्वच्छता सुविधाओं और सुरक्षित पेयजल तक पहुंच।
4. **कल्याणकारी उपाय**
- 1) खाद्य सुरक्षा स्कीमों और राशन कार्ड के प्रावधान के लिए सार्वभौमिक पहुंच।
 - 2) वृद्ध, अशक्त अथवा अन्य कमजोर उभयलिंगी व्यक्तियों के लिए पेंशन।
 - 3) घर से बहिष्करण की समस्या से जूझ रहे उभयलिंगी व्यक्तियों के लिए वृद्धाश्रम और विश्राम गृह।
 - 4) उभयलिंगी व्यक्तियों के लिए सार्वजनिक परिवहन में उत्पीड़न मुक्त स्थल।
5. **आर्थिक सहयोग**
- 1) जीवन बीमा का सार्वभौमिक कवरेज।
 - 2) ऋण सुविधा सहित बैंकिंग और वित्तीय सेवाओं तक पहुंच।
 - 3) मनरेगा और सभी सामाजिक सुरक्षा स्कीमों जैसी रोजगार गारंटी स्कीमों में उभयलिंगी व्यक्तियों को स्पष्ट रूप से शामिल करना।
 - 4) आजीविका कार्यकलापों के लिए स्व-सहायता समूहों का गठन।
 - 5) शून्य-ब्याज और अन्य सूक्ष्म-वित्त स्कीमों का प्रावधान।

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 25th September, 2020

G.S.R.592(E).— Whereas the draft rules in exercise of the powers conferred by section 22 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019) were published, as required by sub-section (1) of the said section vide notification of the Government of India in the Ministry of Social Justice and Empowerment, number G. S. R. 441(E), dated the 13th July, 2020 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the said Gazetted notification were made available to the public on the 13th July, 2020;

And whereas, the objections and suggestion received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 22 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019), the Central Government hereby makes the following rules namely:-

1. **Short title and commencement.** - (1) These rules may be called the Transgender Persons (Protection of Rights) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition.-** In these rules, unless the context otherwise requires,-

- (a) “Act” means the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019);
- (b) “applicant” means a transgender person who submits an application under rule 3;
- (c) “application” means the application form as provided in Form –1;
- (d) “any official documents” include all documents listed in Annexure 1, which the appropriate Government may revise, by notification in the Official Gazette;
- (e) “certificate of identity” means a certificate issued by the District Magistrate under section 6 or section 7 of the Act as in Form – 3 or Form – 4 respectively;
- (f) “form” means a form prescribed to these rules;
- (g) “identity card” means a photo identity card issued in Form – 5 to a transgender person under section 6 or issued in Form – 6 to a transgender person on change of gender under section 7 on the basis of “certificate of identity” issued by the District Magistrate or an identity card to a transgender person issued by a State authority prior to the coming into force of these rules;
- (h) “medical institution” means any medical institution whether hospital or clinic, private or public, in rural areas or urban or overseas;
- (i) “medical intervention” includes any gender affirming medical intervention undertaken by an individual to facilitate the transition to their self-identified gender, including but not limited to counseling, hormonal therapy, and surgical intervention, if any.
- (j) “section” means a section of the Act;
- (k) all other words and expressions used herein but not defined and defined in the Act shall have the same meaning assigned to them in the Act.

3. Application for issue of certificate of identity under section 6 or section 7:

(1) A transgender person desirous of obtaining a certificate of identity shall make an application as prescribed in Form –1.

(2) The application shall be submitted to the District Magistrate in person or by post till online facilities are developed by the State Government concerned and thereafter the application shall be made by online only:

Provided that the appropriate Government may undertake measures, as it deems appropriate, to facilitate the submission of applications for certificate of identity by transgender persons living in remote areas or disadvantaged conditions:

Provided further that in case of a minor child, such application shall be made by a parent or guardian of such minor child and in the case of a child in need of care and protection, by the competent authority under the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016).

(3) Transgender persons who have officially recorded their change in gender, whether as male, female or transgender, prior to the coming into force of the Act shall not be required to submit an application for certificate of identity under these rules:

Provided that such persons shall enjoy all rights and entitlements conferred on transgender persons under the Act.

4. Procedure for issue of certificate of identity:-(1) The District Magistrate shall, subject to the correctness of the applicant’s particulars, get the application processed based on the affidavit submitted declaring the gender identity of any person in Form- 2, without any medical or physical examination, and thereafter issue an identification number to the applicant, which may be quoted as proof of application.

(2) For the purpose of determination of the place of residence, the applicant shall have to reside in the area under the jurisdiction of District Magistrate as on the date of application and an affidavit to this effect shall be submitted in Form-2.

5. Issue of certificate of identity for a transgender person under section 6.- (1) The District Magistrate shall issue to the applicant, a certificate of identity in Form-3 following the procedure provided in rules 4 indicating the gender of such person.

(2) The said certificate of identity shall be issued within thirty days of receipt of duly filled in application along with the affidavit.

(3) The certificate of identity issued under sub-rule(1) shall be the basis to change the gender as well as the name and the photograph, if so necessitated, of the transgender person in all such official documents as provided in Annexure-1, in accordance with the gender specified in the said certificate of identity.

(4) The District Magistrate shall, at the time of issuance of the certificate of identity under sub-rule(1), issue a transgender identity card in Form – 5 to the applicant.

(5) The appropriate Governments shall maintain a register for the issuance of certificate of identity card and the transgender identity card.

(6) The authority that issued the official document, on an application made by an applicant under rule 3, shall change the name or gender or photograph or any of this information of the applicant in the official documents within fifteen days of making of such application.

(7) Any official document wherein gender, name and the photograph of transgender are revised based on the said certificate of identity, shall bear the same serial or reference number as in the original official document of such transgender person who seeks change in the name or gender or both in the official documents:

Provided that all benefits that a transgender person was entitled to based on an identity card, if any, issued by a State authority shall continue to be enjoyed by that transgender person based on the certificate of identity issued under these rules.

6. Procedure for issue of a certificate of identity for change of gender.-

(1) If a transgender person undergoes medical intervention towards a gender affirming procedure, either as a male or female, such person may apply in the Form – 1, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone the said medical intervention, to the District Magistrate for the issue of a revised certificate of identity.

(2) The District Magistrate shall, on receipt of an application referred to in sub-rule (1) shall verify the genuineness of the said medical certificate, which shall not include any physical examination.

(3) The applicant shall be a currently residing in the area under the jurisdiction of the District Magistrate as on the date of application and an affidavit to this effect shall be submitted along with the application in Form-1 and no additional evidence shall be called for.

7. Issue of certificate of identity under section 7- (1) The District Magistrate shall issue a revised certificate of identity in Form – 4 to the applicant seeking change in gender indicating the gender of such a person as male or female, as the case may be.

(2) The District Magistrate shall issue the revised certificate under sub-rule (1) within fifteen days of its receipt of the application.

(3) The certificate of identity issued under sub-rule (1) shall entitle the applicant to record or change the gender, as well as photograph and name, if so necessitated of transgender person in all such official documents provided in Annexure – 1, in accordance with the gender specified in the said certificate of identity as male or female, as the case may be.

(4) The District Magistrate while issuing the certificate of identity for change of gender shall simultaneously issue an identity card in Form – 6 to the applicant.

(5) The authority that issued the official document, on an application made by an applicant under sub-rule (3), shall change the name or gender or photograph or any of this information of the applicant in the official documents within fifteen days of making of such application.

(6) Any official document wherein gender, name or photograph of transgender person is revised based on the said certificate of identity shall bear the same serial or reference number as in the original official document of such transgender person who seeks change in the name or gender or both in the official documents.

8. Communication of rejection of application- (1) In case of rejection of application made under rule 3, the District Magistrate shall inform the applicant the reason or reasons for such rejection within thirty days from the date of receipt of such application.

(2) The District Magistrate may review the decision of rejection of the application based on the reply submitted by the applicant regarding the reason for rejection communicated in sub-rule (1) of rule 8 within sixty days from the date of such rejection.

9. Right to appeal-The applicant shall have a right to appeal, within ninety days from the date of intimation of the rejection of the application, to the appellate authority as designated by the appropriate Government by notification for a final order.

10. Welfare measures, education, social security and health of transgender persons by appropriate Government-

(1) The appropriate Government shall constitute a welfare board for the transgender persons for the purpose of protecting their rights and interests of, and facilitating access to schemes and welfare measures framed by the Government.

(2) The appropriate Government shall review all existing educational, social security, health schemes, welfare measures, vocational training and self-employment schemes to include transgender persons to protect their rights and interests and facilitate their access to such schemes and welfare measures framed by that Government

(3) The appropriate Government shall formulate educational, social security, health schemes and welfare schemes and programmes as specified in Annexure-II in a manner to be transgender sensitive, non-stigmatising and non-discriminatory to transgender persons.

(4) The appropriate Government shall take adequate steps to prohibit discrimination in any Government or private organisation, or private and public educational institution under their purview, and ensure equitable access to social and public spaces, including burial grounds

(5) The appropriate Government shall create institutional and infrastructure facilities, including but not limited to, rehabilitation centre referred to in sub-section (3) of section 12 of the Act, separate human immunodeficiency virus sero-surveillance centres, separate wards in hospitals and washrooms in the establishment, within two years from the date of coming into force of these rules to protect the rights of transgender persons.

(6) The appropriate Government shall carry out an awareness campaign to educate, communicate and train transgender persons to avail themselves of the benefits of welfare schemes, educate and train transgender persons on their rights; eradicate stigma and discrimination against transgender persons and mitigate its effects.

(7) The appropriate Government shall also provide for sensitisation of institutions and establishments under their purview, including:-

- (a) sensitization of teachers and faculty in schools and colleges, changes in the educational curriculum to foster respect for equality and gender diversity;
- (b) sensitization of healthcare professionals;
- (c) sensitization programmes in workplaces;
- (d) sensitization programmes for complaints officers.

(8) All educational institutions shall have a committee which shall be accessible for transgender persons in case of any harassment or discrimination, with powers to ensure that transgender students do not have to be affected by the presence of the persons bullying them, including teachers.

(9) The appropriate Government shall create institutional and infrastructure facilities, including but not limited to, temporary shelters, short-stay homes and accommodation, choice of male, female or separate wards in hospitals and washrooms in the establishment within two years from the date of coming into force of these rules to protect the rights of transgender persons.

11. Provisions for non-discrimination.- (1) The appropriate Government shall take adequate steps to prohibit discrimination in any Government or private organisation or establishment including in the areas of education, employment, healthcare, public transportation, participation in public life, sports, leisure and recreation and opportunity to hold public or private office.

(2) The appropriate Government shall within two years from the date of coming into force of these rules, formulate a comprehensive policy on the measures and procedures necessary to protect transgender persons in accordance with the provisions of the Act.

(3) The policy formulated under sub-section (2) shall include preventative administrative and police measures to protect vulnerable transgender communities.

(4) The appropriate Government shall be responsible for the supervision of timely prosecution of individuals charged under section 18 of the Act, or under any other Law for similar offences committed against the transgender persons.

(5) Every State Government shall set up a Transgender Protection Cell under the charge of the District Magistrate in each District and under Director General of Police in the State to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences.

12. Equal opportunities in employment.- (1) Every establishment shall implement all measures for providing a safe working environment and to ensure that no transgender person is discriminated in any matter relating to employment including, but not limited to, infrastructure adjustments, recruitment, employment benefits, promotion and other related issues

(2) Every establishment shall publish an equal opportunity policy for transgender persons.

(3) The establishment shall display the equal opportunity policy, including the details of the complaints officer, preferably on their website, failing which, at conspicuous places in their premises.

(4) The equal opportunity policy of an establishment shall, inter alias, contain details of-

(a) infrastructural facilities (such as unisex toilets), measures put in for safety and security (transportation and guards) and amenities (such as hygiene products) to be provided to the transgender persons so as to enable them to effectively discharge their duties in the establishment.

(b) applicability of all rules and regulations of the company regarding service conditions of employees;

(c) confidentiality of the gender identity of the employees;

(d) complaint of the officers.

13. Grievance redressal.- The appropriate Government shall ensure that every establishment designates a complaint officer in accordance with section 11 within thirty days from the date of coming into force notification of these rules.

(2) The complaint officer shall enquire into the complaints received within fifteen days from the date of receipt of such complaints.

(3) The head of the establishment shall take action on the enquiry report submitted by the complaints officer within fifteen days from the date of submission of the report.

(4) The head of the establishment shall take action forthwith in all cases where action has not been taken in

accordance with the above time limits.

(5) The appropriate Government shall also set up within one year a grievance redressal mechanism, operating through a helpline and outreach centres, for ensuring proper implementation of the provisions of Chapter V of the Act with special reference to sub-sections (1) and (2) of section 12.

(6) The grievance redressal system shall ensure resolution of grievances within thirty days from the date of bringing of such grievance to the helpline, and imposing of penalties as laid down in section 18.

(7) The appropriate Government shall put in place a monitoring system for tracking the number of complaints filed, enquired and action taken of all the establishments in their jurisdiction.

14. National Council – (1) The National Council shall perform the functions as per Section 17 of the Act.

(2) National Institute of Social Defence shall give secretarial assistance to the National Council in conduct of its meetings and facilitate in the discharge of the functions of the National Council.

[F.No. 17-2/2019-DP-II]

RADHIKA CHAKRAVARTHY, Jt. Secy.

Form – 1

[See rules 2(d), 3(1) and 6(1)]

Application form for issue of transgender certificate of identity under Rule Transgender Persons (Protection of Rights) Rules, 2020 read with Section 6* / 7* of the Transgender Persons (Protection of Rights) Act, 2019

* Strike out whichever is not applicable

State Emblem State Government of (name of the State) Office of the District Magistrate		
Application form for issue of a transgender certificate of identity under Rule Transgender Persons (Protection of Rights) Rules, 2020 (read with Section 6* / 7* of the Transgender Persons (Protection of Rights) Act, 2019 * Strike out whichever is not applicable)		
1	Name	
(i)	Given name (in capital letters)	
(ii)	Changed/Chosen name (in capital letters)	
(iii)	Out of (i) and (ii), name to be printed in the certificate of identity and in the identity card	
2	Gender	
(i)	Assigned at birth	
(ii)	Requested in the application	
3	Date of birth	dd/mm/yyyy
4	Educational qualification	
5	Present address	
6	Permanent address	
7	If there is a source of income, the annual income:	
(i)	Under Rs 1,00,000	YES / NO

(ii)	Between Rs 1,00,001 and 3,00,000	YES / NO
(iii)	Above Rs 3,00,000	Please specify the amount:
8	Do you have any of the following documents? If so, please submit self- attested photocopies of the certificates stated below.	
(i)	Date of birth certificate	YES / NO
(ii)	Aadhaar card	YES / NO
(iii)	PAN card	YES / NO
(iv)	Election Voter Identity Card	YES / NO
(v)	Ration card	YES / NO
(vii)	Passport	YES / NO
(viii)	Bank passbook	YES / NO
(ix)	MNREGA Card	YES / NO
(x)	Caste certificate (SC/ST/OBC/Others)	YES / NO
9	Medical history (for those applying under section 7 of the Transgender Persons (Protection of Rights) Act, 2019	
(i)	Have you undergone any medical intervention in the context of transgender transition?	YES / NO
(ii)	Please give details	
(iii)	Name and complete address of the Hospital or medical institute	
(iv)	Name of the issuing authority along with the date	
(v)	Any other medical status you would like to share	
(vi)	Have you been issued any certificate of identity under Section 6 and Section 7 under the Act, or any other ID Card issued by the State Authority before the commencement of these Rules? If so, enclosed the same.	
10	Any other information you would like to give	
11	Have you attached affidavit prescribed in Form – 2 of the Transgender Persons (Protection of Rights) Act, 2019 under Rule--Transgender Persons Protection of Rights) Rules, 2020	
12	Have you attached the passport size photographs?	Yes/No

Enclosed:_____documents as mentioned in the application

Declaration

1. I declare that the particulars furnished by me are true and correct.
2. Information provided in this application will be treated as confidential and shall not be shared with any person or organisation save the Central and / or State security agencies, any other agency as provided by Law; and for statistical and policy framing purposes.

Place:	Signature or left hand thumb impression of the applicant given name of the applicant
Date:	

Form – 2**[See rules 2(b) and 4(1)]****Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Rule 4 of the Transgender Persons (Protection of Rights) Rules, 2020 read with Section 6 of the Transgender Persons (Protection of Rights) Act, 2019**

(Affidavit should be on Non-judicial stamp paper of Rs.10/-) Competent Notary
Civil, District (Name of the District), (Name of the State)

I, (Name), son/daughter/ward/spouse of (name of the parent/guardian/husband), aged

(in completed years), residing at (address), (Tehsil), (District), (State) (Pin code) do hereby solemnly affirm and declare as under:

1. I am currently residing in the above address.
2. I perceive myself as a transgender person whose gender does not match with the gender assigned at birth.
3. I declare myself as transgender.
4. I am executing this affidavit to be submitted to the District Magistrate for issue of certificate of identity as transgender person under Section 6 of the Transgender Persons (Protection of Rights) Act, 2019 under Rule Transgender Persons (Protection of Rights) Rules, 2020.

. * strike out whichever is not applicable.

Deponent

(Signature of the Applicant)

Verification

I, (Name), hereby state that whatever is stated here in above serial Nos. 1 to 4 are true to the best of my knowledge.

Deponent

(Signature of the
Applicant)

Tehsil

Date

Identified by me

Advocate

Public

Before Me

Notary

Form – 3**[See rules 2(e) and 5(1)]****Form of certificate of identity to be issued by District Magistrate under Rule 5 Transgender Persons (Protection of Rights) Rules, 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019**

**Photograph of the
certificate holder
District
Magistrate to attest
the photograph**

- 1 On the basis of the application dated dd/mm/yyyy to the undersigned it is certified that Shri / Smt./ Km/ Ms (name) son / daughter / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) is a transgender person.
- 2 His / her birth name is _____.
- 3 This certificate is issued in terms of the provisions contained under Rule 5 Transgender Persons (Protection of Rights) Rules, 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019.
- 4 It is also certified that Shri/Smt/Km/Ms. _____ is ordinarily a resident at the address given above.
- 5 This certificate entitles the holder to change name and gender in all official documents of the holder.

Date

Place

Signature of the District Magistrate

Seal

Form – 4

[See rules 2(e) and 7(1)]

Form of certificate of identity for change of gender to be issued by District Magistrate under Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020 read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019

**Photograph of
the certificate
holder District
Magistrate to
attest the
photograph**

- 1 On the basis of the application submitted to the undersigned along with a medical certificate from the Medical Superintendent or Chief Medical Officer (name of the Hospital and complete address), it is to certify that Shri / Smt./ Km/ Ms. (name) son/ daughter / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) has undergone medical intervention to change gender.
- 2 His/ Her birth name is _____.
- 3 This certificate is issued in terms of the provisions contained under Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020 read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019.
- 4 It is also certified that Shri / Smt/ Km/ Ms. is ordinarily a resident at the address given above.
- 5 This certificate entitles the holder to change name and gender in all official documents of the holder.
- 6 Such change in name and gender and the issue of this certificate shall not adversely affect the rights and entitlements of the holder of this certificate.

Date

Signature of the District Magistrate:

Place

Seal

Form – 5**[See rules 2(g) and 5(4)] Form of Identity Card Front side of identity card**

State Emblem

State Government of (name of the State) Office of the District Magistrate

Transgender Identity CardIdentity
card
number

Photograph of the Card holder

Name

Mother's name@

Father's or Guardian's name @

Gender

Transgender

Date of birth or

dd/mm/yyyy

Age as on the date of application for issue of
Identity card

___years

Reference number of certificate of
authority on the basis of which this
card is issued**Back side of the identity card**

Present address

Card issue date

Signature of the issuing
authority Designation

Seal of the issuing authority

Issued under Section 6*/ 7* of the Transgender Persons (Protection of Rights) Act, 2019 and under Rule _____ of Transgender Persons (Protection of Rights) Rules, 2020*** Strike out whichever is not applicable**

@ only in case the applicant is a minor child

Form – 6**[See rules 2(g) and 7(4)] Form of Identity Card Front side of identity card**

State Emblem

State Government of (name of the State) Office of the District Magistrate

Identity Card

Identity card number

Photograph of
the Card
holder

Name

Mother's name@

Father's / Guardian's name@

Gender

Male /Female

Date of birth or

dd/mm/yyyy

Age as on the date of application for issue of

___years identity card

Reference number of certificate of
authority on the basis of which this
card is issued

Back side of the identity card

Present address

Permanent address

Card issue date

Signature of the
issuing authority

Designation

seal of the issuing authority

@ only in case of a minor child

Annexure- 1

Illustrative list of official documents referred to in_____

S No	Name of the official document
(1)	Birth certificate
(2)	Caste/ Tribe certificate
(3)	Any education certificate issued by a school, board, college, university or any such academic institution
(4)	Election Photo Identity Card
(5)	Aadhaar Card
(6)	Permanent Account Number (PAN)
(7)	Driving Licence
(8)	BPL ration card
(9)	Post Office bank/ Bank Pass book with photo
(10)	Pass port
(11)	Kisan Pass book
(12)	Marriage certificate
(13)	Electricity / water/ gas connection paper
(14)	property papers,
(15)	vehicle registration
(16)	service book, employment papers
(17)	identity card related to bar,
(18)	policy papers

Annexure - II**Suggested list of welfare schemes to be considered:****1. Access to health**

- a) At least 1 government hospital in every State shall be equipped to offer safe and free gender affirming surgery, counseling and hormone replacement therapy to the transgender community, including all Male to Female (MTF) and Female to Male (FTM) procedures.
- b) State medical insurance shall cover procedures of SRS, hormonal therapy, laser therapy, counselling and other health issues of transgender persons at private hospitals
- c) medical insurance/arogyashri cards,
- d) All healthcare facilities should ensure that there are separate wards for transgender persons

2. Access to education

- a) Scholarship for transgender students
- b) Inclusive and equitable quality education in schools that fosters respect for equality and gender diversity
- c) Protection against ragging in the educational institutions with provisions for grievance redressal
- d) Facilitation of accommodation and schooling for transgender, gender non conforming and intersex children in residential government schools and universities

3. Access to housing:

- a) Affordable housing
- b) Shelters and community centres for at risk transgender youth that provide nutritious food and counselling.
- c) Access to sanitation facilities and safe drinking water

4. Welfare measures

- a) Universal access to Food security schemes and provision of ration cards,
- b) Pension for aged, disabled or other vulnerable transgender persons
- c) Old age and retirement homes for transgender persons facing housing exclusion
- d) Public transport to have harassment-free zones for transgender persons

5. Economic support

- (1) Universal coverage of Life Insurance
- (2) Access to banking and financial services including loans
- (3) Explicit inclusion of transgender persons in employment guarantee schemes such as Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and all social security schemes,
- (4) Formation into self help groups for livelihood activities
- (5) Provisions of zero-interest and other micro-finance schemes