

The Transgender Persons (Protection of Rights) Rules, 2020



Government of India
Ministry of Social Justice and Empowerment
Notification

New Delhi, dated the

G.S.R No ___ In exercise of the powers conferred by sub-section (1) and (2) of Section 22 the Transgender Persons (Protection of Rights) Act, 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 such date as the Central Government may, may by notification in the Official Gazette, appoint.

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

- (a) 'Act' means the Transgender Persons (Protection of Rights) Act, 2019;
- (b) 'affidavit' means affidavit in **form – 2** to be submitted by an applicant seeking certificate of identity;
- (c) 'application' means application-cum-enumeration form as in **form – 1** of these rules.
- (d) 'certificate of identity' means a certificate issued by the District Magistrate under sections 5 and 6 or 7 of the Act as in **form – 3** or **form – 4** of these rules;
- (e) 'identity card' a photo identity card in **form – 5** issued to a transgender person under section 6 or **form - 6** issued 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 commencement of these rules;
- (f) 'procedure' means procedure laid in **annexure – 1** to be adopted by District Magistrate for issue of certificate of identity under section 6 or 7.
- (g) 'section' means section of the Act

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

(1) Any transgender person desirous of obtaining a certificate of identity shall make an application, in **form – 1** of this rule.

(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 application may also be made online.

4. Procedure for issue of certificate of identity (section 6):

(1) The District Magistrate shall, based on the application, the affidavit attached therewith and the report of psychologist, without any medical examination, issue the certificate of identity.

(2) The said certificate of identity shall be issued within 30 days of receipt of duly filled in application along with the affidavit and the report of psychologist.

5. Issue of certificate of identity for transgender person under section 6:

(1) The District Magistrate shall issue to the applicant following the procedure under rule 4, a certificate of identity in **form – 3** of these rules, indicating the gender of such person as transgender.

(2) The certificate of identity issued under this sub-rule shall be the basis to record or change the gender as well as name, if so necessitated, of transgender person in all such official documents illustrated in **annexure – 1** to these rules, in accordance with the gender specified in the said identity card.

(3) For the purpose of determination of the District Magistrate concerned, the applicant must be a resident of the area under the jurisdiction of the District Magistrate for a period of one completed year, to protect the interests and facilitate inclusive development of transgender persons.

(4) Any official document wherein gender of transgender 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 gender and the name in the official documents.

6. Procedure for issue of certificate of identity for change of gender (Section 7):

(1) If a transgender person undergoes surgery to change gender either as a male or female, such person may apply in the **form – 1** of these rules, 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.

(2) The District Magistrate shall, on receipt of an application for change in gender under section 7 of the Act, along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and surrender of the transgender identity card issued under rule 5 or a transgender identity card issued by a State authority before the commencement of these rules, and on being satisfied with the correctness of such medical certificate, issue a certificate indicating change in gender in **form – 4**.

(4) The certificate of identity issued under sub-rule ___ shall be the basis to record the revised gender of the person in all such official documents illustrated in **Annexure – 1** to these rules, in accordance with the gender specified in the revised identity card.

(5) For the purpose of determination of the District Magistrate concerned, the applicant must be a resident of the area under the jurisdiction of the District Magistrate for a period of one completed year, to protect the interests and facilitate inclusive development of transgender persons.

(6) District Magistrate may verify with the Medical Superintendent or Chief Medical Officer to confirm the correctness or otherwise of the medical certificate.

(7) The District Magistrate shall thereafter issue the revised certificate of identity within 30 days from the receipt of application along with the certificate of the Medical Superintendent or Chief Medical Officer.

(8) In case the Medical Superintendent or Chief Medical Officer does not confirm the correctness of the certificate or does not recommend issue of revised identity card, District Magistrate shall inform the applicant of the application for issue of certificate of identity has been rejected due to non-confirmation of correctness of the medical certificate submitted by the applicant or/and non-recommendation by Medical Superintendent or Chief Medical Officer.

(9) The applicant shall have a right to appeal, within 30 days from the date of intimation of rejection of the application, to the District Magistrate who shall refer the matter to a medical board for a final decision.

(10) Any official document wherein gender of transgender 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 gender and the name in the official documents.

7. Welfare measures, education, social security and health of transgender persons by appropriate Government:

(1) The appropriate Government shall notify the general category transgender persons in 'other backward classes' so as to enable them to avail the benefits of vertical reservation provided for the other backward classes.

Provided nothing in this sub-rule shall deny the benefits to transgender persons belonging to the scheduled caste and scheduled tribe under the vertical reservation or to the persons with disability, ex-servicemen and sportspersons under the horizontal reservation.

(2) Ministry or Department concerned under the appropriate Government shall review all existing educational, social security and health schemes and welfare measures to include transgender persons so as 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 and health schemes and welfare schemes and programmes in a manner so as to be transgender sensitive, non-stigmatising and non-discriminatory to transgender persons.

(4) The appropriate Government shall review Acts, rules, regulations, codes, bye-laws, and such statutes for the rescue, protection and rehabilitation of transgender persons to address their needs and promote.

(5) The appropriate Government shall create institutional and infrastructure facilities such as separate wards in the hospital wash rooms within two years from the date of commencement of these rules to protect the rights of such persons to participate in cultural and recreational activities.

(6) The appropriate Government shall carry out awareness campaigns to enlighten and facilitate transgender persons to avail benefits of welfare schemes as well as to other stakeholders in developing appropriate change in behavior towards transgender persons.

[F No _____]

(Joint Secretary to the Government of India)

Form - 1

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

*** Strike out whichever is not applicable**

State Emblem State Government of (name of the State) Department of (name of the issuing department)

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

*** Strike out whichever is not applicable**

Note:

1. **Furnishing false information would result in cancellation of the identity card as stipulated under Rule __ of ____ Rules, apart from making you liable for penal action under the relevant Act(s) or/ and Code(s).**
2. **Information provided by you in this application will be treated as confidential and shall not to be shared with any person or organisation save the Central and / or State security agencies**

1	Name	
(i)	Birth name (in capital letters)	
(ii)	Transgender name (in capital letters)	
2	Mother's name	
3	Father's name	
4	Guardian's name	
5	Gender	Transgender
6	Date of birth or Age as on the date of application	dd/mm/yyyy __ years
7	Educational qualification	
8	Name of the School or College or University with complete address	
9	Present address	
10	Permanent address	
11	Mother tongue	
12	Place of birth	
13	Domicile (for the last 12 months)	

	surgery in the context of transgender transition?	
(ii)	Please give details of 18(i)	
(iii)	Any other medical status you would like to share	
(iv)	Is the certificate of identity issued earlier under section 6 of the Act, or under any other Act or rule of any Government, enclosed?	YES Can DM ask for this?
19	Any other information you would like to give	
20	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	Yes
21	Your signature or your left hand thumb impression	

Enclosed: ____ documents as mentioned in the application

Station:	
Date:	Signature or left hand thumb impression of the applicant

Form - 2

Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Section 6* / 7* of the Transgender Persons (Protection of Rights) Act, 2019 under Rule ____ Transgender Persons (Protection of Rights) Rules, 2020

*** Strike out whichever is not applicable**

(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 a resident of the above address.
2. I perceive myself as a transgender male/female*.
3. I declare myself as a 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* / 7* of the Transgender Persons (Protection of Rights) Act, 2019 under Rule ____ Transgender Persons (Protection of Rights) Rules, 2020.
5. I am aware that in case of false declaration to obtain certificate of identity I shall be liable to be punished under the relevant penal code of the appropriate Government mentioned under the Transgender Persons (Protection of Rights) Act, 2019.

* 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 and that I fully understand the meaning and impact of the statement at No 5.

Deponent
(Signature of the Applicant)

Tehsil
Date

Identified by me
Advocate

Before Me
Notary Public

Signature of witness

Form – 3

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 submitted to the undersigned along with an affidavit (and medical certificate)*, it is to certified that Shri / Smt / Km (name)_____ son / daughter / ward of Shri/ Smt/ Mx (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 _____ is ordinarily a resident at the address given above.

Date

Signature of the District

Magistrate:

Place

Seal

Form – 4

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

5. 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 certified that Shri / Smt / Km (name) son / daughter / ward of Shri/ Smt/ Mx (name of the parent or Guardian) of (complete residential address of the applicant) has undergone surgery to change gender.
6. His/ Her birth name is _____.
7. 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.
8. It is also certified that Shri / Smt / Km is ordinarily a resident at the address given above.

Date

Signature of the District

Magistrate:

Place

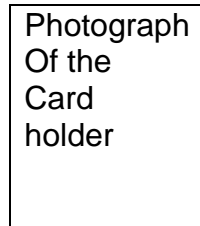
Seal

**Form of Identity Card
Front side of identity card**

State Emblem
State Government of (name of the State)
Department of (name of the issuing department)

Transgender Identity Card

Identity card number



Name

Mother's name

Father's / 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

Back side of the identity card

Present address

Permanent 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**

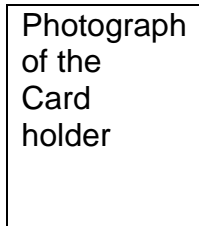
*** Strike out whichever is not applicable**

Form of Identity Card
Front side of identity card

State Emblem
State Government of (name of the State)
Department of (name of the issuing department)

Identity Card

Identity card number



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 identity card

__ years

Back side of the identity card

Present address

Permanent address

Card issue date

Signature of the issuing authority

Designation

Seal of the issuing authority

Illustrative list of official documents referred to in _____

S No	Name of the official document
1	Birth certificate
2	Caste/ Tribe certificate
3	Class (Secondary school) certificate or Class 12 (Senior Secondary School) certificate or SSLC
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