

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, 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) 'applicant' means a transgender person who submits application as defined in rule 2 (d).
- (d) 'application' means application-cum-enumeration form as in **form – 1** of these rules.
- (e) 'certificate of identity' means a certificate issued by the District Magistrate under section 6 or 7 of the Act as in **form – 3** or **form – 4** of these rules;
- (f) 'identity card' means a photo identity card in **form – 5** issued to a transgender person under section 6 or in **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 coming into force of these rules;
- (g) 'procedure' means procedure laid in **annexure – 1** to be adopted by District Magistrate for issue of certificate of identity under section 6 or 7;
- (h) 'rule' means a rule under these rules;
- (i) 'section' means section of the Act;
- (j) All other words and expressions used herein but not defined herein or/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 7:

(1) A transgender person desirous of obtaining a certificate of identity shall make an application-cum-enumeration, hereinafter called application, as 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, thereafter application may also be made online.

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

4. Procedure for issue of certificate of identity under section 6:

(1) The District Magistrate shall based on the application, the affidavit and the report of a psychologist of a hospital of appropriate Government attached therewith, verify the correctness of the said report of psychologist and the place of residence of the applicant, but without any medical examination, except for issue of certificate of identity under Section 7 of the Act, the procedure for which is prescribed in rule 6.

(2) For the purpose of determination of the District Magistrate concerned, the applicant must have been a resident of the area under the jurisdiction of the District Magistrate for a continuous period of one completed year as on the date of the application, so as to protect the interests and facilitate inclusive development of transgender persons.

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 said certificate of identity shall be issued within 60 days of receipt of duly filled in application along with the affidavit and the report of psychologist by the District Magistrate.

(3) The certificate of identity issued under sub-rule (1) shall entitle the applicant to record or change the gender as well as name, if so necessitated, of transgender person in all such official documents an illustrative list of which is provided in **annexure – 1** to these rules, in accordance with the gender specified in the said certificate of identity.

(4) The District Magistrate shall concurrently issue a transgender identity card in form – 5 to the applicant.

(5) Issue of the said certificate of identity and the said identity card shall be included in the Right to Public Services Act by appropriate Governments.

(6) The authority that issued the official document, on an application made by such an applicant, shall change the name or / and the gender of the applicant in the official documents within 15 days of making such an application.

(7) 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 name and/or the gender in the official documents.

Provided that all benefits that a transgender person was entitled to on the basis of 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 certificate of identity for change of gender under section 7:

(1) If a transgender person undergoes surgery to change gender either as a male or female, such a 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 the said surgery, to the District Magistrate for issue of a revised certificate of identity under section 7.

(2) The District Magistrate shall, on receipt of an application referred to in sub-rule (1) shall verify the correctness of the said medical certificate.

(3) For the purpose of determination of the District Magistrate concerned, the applicant must have been a resident of the area under the jurisdiction of the District Magistrate for a continuous period of one completed year as on the date of the application, so as to protect the interests and facilitate inclusive development of transgender persons,

7. Issue of certificate of identity under section 7:

(1) The District Magistrate shall issue to the applicant seeking change in gender under Section 7, a revised certificate of identity in **form – 4** of these rules 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 15 days of its receipt.

(3) The certificate of identity issued under sub-rule (1) shall entitle the applicant to record or change the gender as well as name, if so necessitated, of transgender person in all such official documents an illustrative list of which is provided in **annexure – 1** to these rules, 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 concurrently issue an identity card in **form – 6** of these rules to the applicant.

(5) Issue of the said certificate of identity and the said identity card shall be included in the Right to Public Services Act by appropriate Governments.

(6) The authority that issued the official document, on an application made by such an applicant, shall change the name or / and the gender of the applicant in the official documents within 15 days of making such an application.

(7) 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 name and/or the gender in the official documents:

Provided that any official document wherein gender of the applicant 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.

8. Communication of rejection of application: In case of rejection of application rule 4 (1) or under rule 6 (1), as the case may be, the District Magistrate shall inform the applicant the reason or reasons for such rejection.

9. Right to appeal: The applicant shall have a right to appeal, within 30 days from the date of intimation of rejection of the application, to the appellate authority as designated by the appropriate Government for a final order.

10. Welfare measures, education, social security and health of transgender persons by appropriate Government under sections 8, 13, 14 and 15 of the Act

(1) Ministry or Department concerned under the appropriate Government shall review all existing educational, social security, health schemes, welfare measures and vocational training and self-employment 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.

(2) 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.

(3) The appropriate Government shall review Acts, rules, regulations, codes, bye-laws, and such statutes to obviate discrimination of any kind to the transgender persons and to promote their well-being and dignity.

(4) The appropriate Government shall also take adequate steps to prohibit discrimination in any Government or private organisation or establishment.

(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, separate human immuno deficiency virus sero surveillance centre, separate wards in hospitals, wash rooms in 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 awareness campaign to educate, communicate and train transgender persons to avail themselves of the benefits of welfare schemes.

(7) The appropriate Government shall also provide training and education to other stakeholders in developing appropriate change in behavior towards transgender persons

11. National Council: (1) National Institute of Social Defence shall act as the secretariat to the National Council to facilitate it in discharge of its functions

(2) The Central Government shall provide grant-in-aid to National Institute of Social Defence to provide such a secretariat assistance.

12. Penalty: In case an applicant makes an application under rule 3 with an intention falsely to obtain status of a transgender person such an applicant shall be liable for prosecution under penal laws of the country.

[F No _____]

(Joint Secretary to the Government of India)

Application – cum – enumeration 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		
<p>Application – cum – enumeration 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</p> <p>* Strike out whichever is not applicable</p> <p>Note:</p> <ol style="list-style-type: none"> 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)	
(iii)	Out of (i) and (ii), name to be printed in the certificate of identity and in the identity card	
2	Mother’s name	
3	Father’s name	
4	Guardian’s name	
5	Gender	
(i)	Assigned at birth	
(ii)	Requested in the application	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 prior to the date of application)	
14	Whom do you stay or live with?	
(i)	Mother	YES / NO
(ii)	Father	YES / NO
(iii)	Both Mother & Father	YES / NO
(iv)	Guardian	YES / NO
(v)	Alone	YES / NO
(vi)	Anyone else (Please specify)	
15	Source of income	
(i)	Self-employed	YES/ NO
(ii)	Please specify the nature of employment	
(iii)	Employed with	Non-Government Organisation*/ Self-Help Group*/ Other Private organisation*/ Central* or State* Government or Union Territory Administration* office/ Any other* (Please specify: _____) * Strike out whichever is not applicable
16	If you have a source of income, state your annual income:	
(i)	Under Rs 1,00,000	YES / NO
(ii)	Between Rs 1,00,001 and 3,00,000	YES / NO
(iv)	Above Rs 3,00,000	Please specify the amount:
17	Do you have any of the following documents?	
(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)	Any other (Please specify)	YES / NO

18	Medical history (for those applying under section 7 of the Transgender Persons (Protection of Rights) Act, 2019	
(i)	Have you undergone any medical surgery in the context of transgender transition?	YES / NO
(ii)	Please give details of 18(i)	
(iii)	Name and complete address of the hospital or medical institute	
	Name of the issuing authority along with date	
(iv)	Any other medical status you would like to share	
(v)	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

Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Rule ____ 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 a resident of 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 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 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 dated dd/mm/yyyy to the undersigned it is certified that Shri / Smt / Km/ Mx (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/ Mx _____ 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

Signature of the District

Magistrate:

Place

Seal

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 certified that Shri / Smt / Km/ Mx (name) _____ son / daughter / ward of Shri/ Smt (name of the parent or Guardian) of (complete residential address of the applicant) has undergone surgery 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/ Mx 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

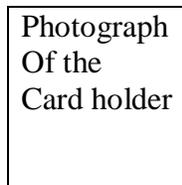
Seal

Form of Identity Card

Front side of identity card

State Emblem
State Government of (name of the State)
Office of the District Magistrate
Transgender Identity Card

Identity card number



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

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**

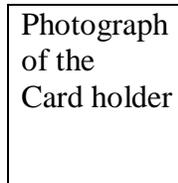
@ only in case the applicant is a minor child

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



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

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

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