A Short Guide to THE PROCESS AND BENEFITS OF TRANSGENDER CERTIFICATE

A guide for queer-trans persons in India on the legal provisions and procedures for obtaining the Trans Identity Card, and changing identity documentation, as specified under The Transgender Persons (Protection of Rights) Act, 2019

PROCESS OF APPLICATION

BENEFITS OF TRANSGENDER CERTIFICATE

GRIEVANCE REDRESSAL MECHANISMS
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About The YP Foundation

The YP Foundation (TYPF) is a youth-led and focused organisation that facilitates young people’s feminist and rights-based leadership on issues of health equity, gender justice, sexuality rights, and social justice. TYPF ensures that young people have the information, capacity, and opportunities to inform and lead the development and implementation of programmes and policies that impact their lives and are recognised as skilled and aware leaders of social change.

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Hello!
We’re excited to invite you for a short discussion on the application process and benefits of the Transgender Certificate. Please do share the message with community members. Thank you!

That’s wonderful! Looking forward to the session.

We hope to take the conversation on the rights of queer-trans persons forward, through this short guide. Thank you for joining us today!
The Transgender Persons (Protection of Rights) Act, 2019 states provisions for protection of the rights of Transgender Persons in India, and guidelines for welfare. **This law is applicable to the whole of India**

Under the judgement, NALSA vs. Union of India & Ors, transgender persons are legally recognized as the 'third gender', and excercise all the fundamental rights guaranteed under the constitution. In 2020, the parliament legally recognized 'transgender' as an official gender in India.

**Who is a 'transgender person' under the law?**

Under the law, a Transgender Person is a person whose gender does not match with the gender assigned to them at the time of birth, and includes*:

- Trans man
- Trans woman
- Person with inter-sex variations
- Gender-queer persons
- Persons with socio-cultural identities such as kinner, hijra, aravani and jogta

* (whether or not such person has undergone gender affirming surgery, hormone therapy, laser therapy or any such other therapy)
WHAT IS THE PROCESS FOR RECORDING GENDER IDENTITY UNDER THE ACT?

The Trans Act 2019 mandates that all applications for the issue of a 'Transgender Certificate' and subsequent change of gender in Identity documentation are to be made **online only**.

The official portal can be accessed through **transgender.dosje.gov.in**

The application is divided under two categories:

- **Transgender Identity Certificate (Section 6)**
  - Application for the issue of 'Transgender Certificate' by the District Magistrate

- **Revised Certificate of Identity (Section 7)**
  - Application for gender change to male/female in identity documentation (optional)
Application Portal

3.1 New Application

This page will appear as you begin your application. You can select your application for the TG certificate, or the revised certificate of identity from the drop-down menu list.

3.2. My Activity log

After the completion of the application form, the portal will reflect the status of application through the activity log.
HOW TO APPLY FOR A TRANSGENDER IDENTITY CERTIFICATE?

Application for 'Transgender Certificate' is to be made through the official online portal (Form 3). When the concerned District Magistrate approves the application, the applicant will receive a certificate and identity documents recording their gender as 'transgender'.

Step 1: Make an online application to the DM. For a minor, the application should be made by the parent or legal guardian of the child.

Step 2: The District Magistrate is required to issue a certificate of identity within 30 days of submission of application.

There is NO requirement of a medical certificate or physical examination for the certificate.

The application should be submitted along with:

- Gender and residential affidavit on 10 Rs. stamp paper
- ID Proof
- Current residential proof (rental agreement/electricity bill)
Affidavit Format

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.

* 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 Before Me
Advocate Notary
Public

The gender and residential affidavit should be declared on a stamp paper issued by a notary
CERTIFICATE

Form - 3

Form of certificate of identity to be issued by District Magistrate under Rule 5 of the Transgender Persons (Protection of Rights) Rules 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019

1. On the basis of the application dated 14/12/2021 to the undersigned, it is to certified that Shri / Smt. [Name] son / daughter / ward of Shri / Smt. [Name] is a transgender person.

2. His / Her birth name is [Name].

3. The 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. [Name] 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.

Certificate Number: [Number]

Date: 03/06/2022

Place:

Signature of the District Magistrate

Deputy Commissioner
Dibrugarh District

(sample)
TRANSGENDER IDENTITY CARD

Identity Card Number: [Redacted]
Name: [Redacted]
Parent/Guardian: [Redacted]
Gender: Transgender
Date of Birth: [Redacted]
Age as on the date of application for issue of Identity card:
Reference number of certificate of authority on the basis of which this card is issued: [Redacted]

Back side of the Identity Card

Address for Correspondence: [Redacted]
Card Issue Date: 03/06/2022

Signature of the Issuing Authority Designation:

Seal of the Issuing Authority

Issued under Section 6(7) of the Transgender Persons (Protection to Rights) Act, 2019 and under Rule 7 of Transgender Persons (Protection of Rights) Rules, 2020

* Strike out whichever is not applicable

@ only in case the applicant is a minor child.
HOW TO APPLY FOR REVISED IDENTITY DOCUMENTS FOR CHANGE OF GENDER?

The revised certificate is an optional step after the issue of the Transgender Certificate. It is for the change of gender in identity documents to the binary male or female categories.

**Step 1:** Make an online application to the DM through form 4, with the required documents.

**Step 2:** The DM is required to issue the revised certificate of identity within 15 days from the date of application.

This process requires a **proof of medical intervention.** These interventions can either be psychological counselling, hormone therapy, or surgical intervention.

The applicant is required to obtain a certificate from the Chief Medical Officer or the Medical Superintendent.

Supporting documents:
- Gender and residential affidavit
- ID proof
- Medical certificate

There is NO physical examination, but the DM would check the authenticity of the medical certificate.
Medical Certificate

Dr. [Name]
MBBS, MD, DPM, FAPA

Consultant Psychiatrist

Name: [Name]
Age: 27
Sex: M

Adm. - Psychodiagnostic evaluation

T. [Name]
Clinical Psychologist

10-02-97

Psycodynamic diagnosis made in two settings on 10-02-97 and 24-02-97. Reg. ad. confirmed on 23-03-97

T. [Name]
Clinical Psychologist

04-12-97

Professor of Psychiatry

(sample)
Revised Certificate of Identity (Form 4)

CERTIFICATE

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

1. On the basis of the application submitted to the undersigned along with a medical certificate from the Medical Superintendent of Chief Medical Officer _shanti multi speciality hospital (Dezire clinic) - Mumbai, BANDRA MH Mumbai_ 400050, it is to certify that Shri / Smt. / Km / Ms. ____________ son / daughter / ward of Shri / Smt. ____________ of ____________ 786007 has undergone medical intervention to change gender.

2. His / Her birth name is ____________

3. The 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.

CERTIFICATE NUMBER : ____________

Date : 25/08/2022

Place : 

Signature of the District Magistrate

Seal

(sample)
Identity Card with Revised Gender Identity

State Government of Assam Office of the District Magistrate

IDENTITY CARD

Identity Card Number: AS/Dib/2022/15948
Name:
Parent/Guardian:
Gender: Male
Date of Birth: 04-04-1995
Age as on the date of application for issue of Identity card:
Reference number of certificate of authority on the basis of which this card is issued:

Back side of the Identity Card

Address for Correspondence:
Permanent Address:

Card issue date: 25/08/2022

Signature of the Issuing authority
Designation

Seal of the Issuing authority

@ only in case the applicant is a minor child.
HOW CAN ONE REGISTER A COMPLAINT OR SEEK REDRESSAL UNDER THE ACT?

The act provides a few avenues for trans persons to register complaints and seek redressal. Some of these are as follows:

- The applicant can file a concern through the grievance section of the application form.
- They can approach the nearest office of the Department of Social Welfare to file a complaint. The applicant can also approach DSW if they require any assistance in filling the application form.
- The National Council for Transgender Persons was set up under the Trans Act 2019 for addressing grievances. The complaint can be filed through the National Transgender Portal (https://transgender.dosje.gov.in).
- If the applicant wishes to approach the court directly, they can approach the nearest District Legal Services Authority to seek legal aid.
BENEFITS UNDER THE PROVISIONS OF THE TRANSGENDER CERTIFICATE

- Educational Scholarships
- Medical Benefits & Health Insurance
- Shelter Homes (Garima Greh)
- Skill Development

Details and application form for the welfare schemes can be accessed through the official portal transgender.dosje.gov.in
EDUCATIONAL BENEFITS

Educational Scholarships mandated for Trans students in:
- Secondary school (9th & 10th)
- Senior secondary (11th & 12th)
- College (Undergraduate/Diploma)
- College (Post-graduation)

MEDICAL BENEFITS

Health Insurance coverage to all Transgender persons living in India to improve their health condition through proper treatment including gender affirming surgeries as well as medical support.

Health insurance in the form of Ayushman Bharat TG Plus shall be available for Transgender persons inclusive of gender affirmation surgery in the health benefit package. Each transgender person shall receive an insurance cover of Rs. 5 Lakh per year under the scheme.

The Comprehensive Package would cover all aspects of transition related healthcare for Transgender persons. It shall also provide coverage for hormone therapy, gender affirming surgery inclusive of post operation formalities which can be redeemed at all private and government healthcare facilities.
SHELTER HOME (GARIMA GREH)

Government has initiated 12 pilot shelter homes namely “Garima Greh” for Transgender Persons. The MoSJ&E provides financial assistance to Community based Organizations for the setting up & maintenance of the shelter homes.

Garima Greh provides basic amenities like food, medical care, recreational facilities and also conducts capacity-building/skill development programmes for transgender persons.

Currently, there are 12 Garima Grehs in cities such as New Delhi, Chennai, Raipur, Mumbai, Bhubaneswar, Patna, Thane, Panvel, Kolkata, Vadodara and Jaipur, and more are being made.

SKILL DEVELOPMENT

- Short Term Training Programmes (up-to 6 months)
- Long Term Training Programmes (5 months and above and usually up-to 1 year)
- Stipend at Rs. 1000 per month per trainee in case of Non-residential training
- Post placement assistance shall be provided to the transgender candidate based on achievement of 80% attendance in the skill training programme.
Is there any procedure for filling the application form offline?

There is NO process for filling an offline application for identity certificates. Under the Trans Act 2019, all procedures have been made online.

However, the applicant can visit the nearest office of the Social Welfare Department for further information and assistance for filling the application form. They can also approach local government boards, or independent social workers and organizations to seek help in filling the online application form.
What is the applicability of these provisions under the Trans Act, for queer-trans persons who have recorded the change in their gender before 2019?

Persons who have already recorded their legal change in gender identity prior to 2019 (for example, if they were issued a certificate in 2016, under NALSA) - such persons need NOT apply again under the Trans Act 2019.

Such persons will also be entitled to all the schemes/benefits that fall under the provisions of the Act.

What happens if the application for the certificate is rejected?

If the application for the certificate is rejected, the DM must inform the applicant within 30 days, along with the valid reasons.

The applicant can thereafter file an appeal with the DM within 30 days after rejection.
As a trans non-binary person, can I register my gender through a self-identified marker, such as 'non-binary', in my identity documentation?

Unfortunately, no. Non-binary persons can apply for the TG Certificate, but legally, their certificate and IDs will only hold 'transgender' or 'male/female' (in case of revised certificate), as their gender marker.

Are there any reservations for transgender persons?

Yes, under the Transgender Persons (Protection of Rights) Rules, 2020, Central and State governments can classify them as ‘Other Backward Classes’ for the purposes of vertical reservation.
For Administrative Assistance
011-20893988
satvik.nisd@gmail.com

For Technical Assistance
91-7923268299
tghelp@mail.inflibnet.ac.in

For support with the application form, or other grievances the applicant can also visit the nearest office of the Department of Social Welfare

They can also approach non-governmental organizations and social welfare organizations such as Tweet Foundation, Sappho for Equality, Raahi, among others