Recommendations on the Draft Delhi Transgender Persons (Protection of Rights) Rules, 2025

VIDH | Centre for Legal Policy

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Recommendations
Draft Delhi Transgender Persons (Protection of Rights) Rules, 2025

Background

India's legal framework for transgender persons' rights took shape with the Supreme Court's 2014 judgement in *National Legal Services Authority (NALSA) v Union of India*.[1] The Court recognised that transgender persons have fundamental rights under the Constitution, including the right to chosen gender identity, and directed the State to recognise such a right and provide reservations to the transgender community in public employment and education.

The Parliament responded with the Transgender Persons (Protection of Rights) Act, 2019 ('2019 Act'), and the Transgender Persons (Protection of Rights) Rules, 2020 ('2020 Rules').[2] The 2019 Act and 2020 Rules prohibit discrimination, provide for welfare schemes, and create a two-step certification process: an identity certificate under section 6 and a gender-change certificate under section 7. Any person can apply for a 'Transgender Identity Card' ('identity card') under section 6 without requiring any documentary or medical proof of their self-affirmed gender identity. This identity card reaffirms their identity as a transgender person. However, if any transgender person wishes to identify with a specific gender identity, within the binary of male or female, then section 7 mandates proof of medical intervention in the form of sex reassignment surgery. The 2020 Rules however dilute the requirement of surgery by providing for a requirement of proof of medical intervention.[3] 'Medical intervention' is defined as any gender affirming medical intervention and includes 'counseling, hormonal therapy, and surgical intervention'. While this is a welcome shift away from surgery, such a requirement is still in violation of *NALSA* which recognises the right to gender identity,

[1] *National Legal Services Authority (NALSA) v Union of India*, AIR 2014 SC 1863 (Hereinafter referred to as *NALSA*).
[2] Transgender Persons (Protection of Rights) Act, 2019.
[3] Rule 2(i), Transgender Persons (Protection of Rights) Rules, 2020.

independent of any form of medical procedure.[4] Further, despite the Supreme Court's direction to provide reservations,[5] the 2019 Act is silent on the issue, thus weakening *NALSA's* mandate.

The Draft Delhi Transgender Persons (Protection of Rights) Rules, 2025 ('Draft Rules') provide the Government of NCT of Delhi ('NCT Government') a critical opportunity to ensure compliance with the mandate of the *NALSA* judgement, progressive High Court judgements on rights of transgender persons, and to strengthen rights and protections available to the transgender community. Towards this end, the Vidhi Centre for Legal Policy ('Vidhi') has provided recommendations on the Draft Rules.

Consultations

The recommendations are informed by inputs received in the course of consultations carried out with several transgender persons, civil society organisations, activists and lawyers. Vidhi, in partnership with the Keshav Suri Foundation ('KSF') made submissions to the Union Government's High Powered Committee, constituted following the Supreme Court's judgment in *Supriyo @ Supriya Chakraborty v. Union of India*.[6] These submissions comprised suggestions on the legislative and executive measures required to make laws and policies queer-inclusive.[7] In order to ensure that the recommendations were consultative and based on community participation and demands, Vidhi and KSF conducted hybrid public consultations in 2024 and 2025. The consultations—held in New Delhi, Bombay, and Jaipur—brought together more than 150 participants, including members of the LGBT+ community including transgender activists, civil society representatives, lawyers, and other stakeholders. Discussions spanned issues of legal recognition, non-discrimination, healthcare access, and protection from violence, providing a grounded understanding of the lived realities, needs, and priorities of queer and trans persons.[8] Key issues brought up by transgender persons at these consultations include:

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[4] *NALSA*, Para 76, 129.
[5] *NALSA*, Para 129.
[6] *Supriyo @ Supriya Chakraborty v. Union of India*, 2023 INSC 920.
[7] Vidhi Centre for Legal Policy, 'Queering the Law: Beyond Supriyo' available at https://vidhilegalpolicy.in/research/queering-the-law/
[8] Vidhi Centre for Legal Policy and Keshav Suri Foundation, 'Submissions to the High-Powered Committee set up in pursuance of the Supreme Court's judgment in Supriyo @ Supriya Chakraborty v Union of India' (2024) https://vidhilegalpolicy.in/research/queering-the-law/.

- The challenges in accessing identity documents under the 2019 Act despite clear procedure and timelines
- The pathologisation of their gender identity by the 2019 Act and 2020 by demanding proof of medical intervention
- Lack of effective measures to combat discrimination in the private sector, including in accessing goods and services such as housing, education and employment
- Non-provision of horizontal reservations in matters of public education and employment
- Weak grievance redressal mechanisms for the purpose of addressing discrimination, and
- Lack of sensitisation and training of government officers responsible for implementation of the 2019 Act.

Further, Vidhi conducted individual consultations with the Keshav Suri Foundation, Vinshi from the TWEET Foundation, and Advocate Raghavi Shukla, specifically on the Draft Rules. Key insights include:

- All the consultees called attention to significant delays in the processing of applications for certificate of identity and for change in gender, especially in the National Capital Territory of Delhi. It was recommended that a complaint mechanism be put in place to raise complaints relating to delays.
- It was also pointed out that applicants face several accessibility issues in making the application due to gaps in knowledge and access to resources and may require additional assistance to navigate bureaucratic processes. It was suggested that para-legal volunteers may be employed to provide assistance to all applicants as needed. This would also ease the burden on the concerned department dealing with the applications and address delays.
- Consultees also pointed out that at the administrative level, additional onerous requirements beyond the scope of law are thrust upon the applicants making the application process difficult and inaccessible. It was recommended that appropriate safeguards may be laid out prohibiting officials from asking for extra documentation or procedures that are not prescribed in the 2019 Act or 2020 Rules.
- All consultees agreed that self-declaration must be considered sufficient proof of medical intervention for the purposes of an application under section 7 of the Act, since stringent requirements of production of certificates from medical establishments are not only onerous but also undermine the dignity of the person applying for the certificate.

- It was highlighted that the Transgender Persons' Welfare Board must be a functioning body with sufficient powers and functions to be able to promote welfare of transgender persons and effectively provide help and guidance based on the needs of the community.
- Consultees also brought up the fact that many transgender persons do not have access to housing and shelter or may not have appropriate documentation for their housing or shelter. In such scenarios it becomes difficult to identify the appropriate office in relation to their area of residence and to provide proof of residence. Accordingly, provisions for transfer of applications to appropriate jurisdiction must be considered where needed.
- There is a significant need for sensitisation and training for all implementing authorities and such sensitisation and training must be regularly conducted.

For further details, please refer to **Annexure 1**.

Key Recommendations

The following are the key principled recommendations for the Draft Rules. It is critical to note that these recommendations have been informed by the expansive body of work and advocacy carried out by the transgender community, civil society, activists and lawyers, and inputs received in the course of consultations with the transgender community. The key recommendations are followed by clause-by-clause recommendations.

(a) Community Consultations: It is critical to ensure that impacted communities are consulted on law and policy measures designed to realise their rights and entitlements. A 2014 circular issued by the Ministry of Law and Justice states that all Ministries, Departments and Authorities must carry out pre-legislative consultations, which includes making the draft available in the public domain, and ensuring that such draft is publicised to affected groups.[9] The circular states that this must also apply to subordinate legislation, which includes rules. It is recommended that the NCT Government carry out consultations with the transgender community on the Draft

[9] Ministry of Law and Justice, Legislative Department, Pre-legislative consultation policy, available at https://regulatoryreform.com/wp-content/uploads/2015/03/India-Pre-legislative-consultation-policy-2014.pdf

Rules to solicit their inputs and identify how they can be modified and implementation gaps addressed for effective realisation of the rights of the community.

(b) Inclusive and Correct Language: Language pertaining to transgender individuals, has been modified to be sensitive and respectful. The term "transgender" must be used consistently as an adjective and not a noun. For example, 'protecting the rights of transgender persons' instead of 'protecting the rights of transgenders'. This will ensure that the term is used to describe a person's gender identity without reducing them solely to this aspect of their identity or personhood.

(c) Identity: The *NALSA* judgment recognises and upholds the right to self-identified gender identity as male, female or a transgender person in absolute terms.[10] The Supreme Court in *NALSA* notes, "Gender identity as already indicated forms the core of one's personal self, based on self-identification, not on surgical or medical procedure."[11] Further, in its binding directions, it states, 'any insistence for SRS ('sex reassignment surgery') for declaring one's gender is immoral and illegal'.[12] The 2019 Act, specifically section 7, dilutes this right by requiring that a person undergo surgery to be eligible to identify within the binary of male and female.[13] The 2020 Rules moves away from the 2019 Act by replacing surgery with the requirement of 'medical intervention'[14] which is a more inclusive term. However, a medical intervention continues to be a pre-condition for identifying within the binary of male and female genders. Section 7 of the 2019 Act has been challenged before the Supreme Court,[15] on the ground that it violates *NALSA* and the fundamental right to chosen gender identity (recognised as a part of Article 19 and Article 21 of the Constitution).[16] The High Court of Madras, taking note of *NALSA*, in *Sivakumar*

[10] *NALSA*, Para 129.
[11] *NALSA*, Para 76.
[12] *NALSA*, Direction 5, Para 129.
[13] Section 7(1), Transgender Persons (Protection of Rights) Act, 2019.
[14] Rule 2(i), Transgender Persons (Protection of Rights) Rules, 2020.
[15] *Swati Bidhan Baruah v Union of India*, WP(C) 51/2020. For more information please see: https://www.scobserver.in/cases/swati-bidhan-baruah-union-of-india-challenges-to-transgender-persons-act-case-background/
[16] *Swati Bidhan Baruah v Union of India*, WP(C) 51/2020. For more information please see: https://www.scobserver.in/cases/swati-bidhan-baruah-union-of-india-challenges-to-transgender-persons-act-case-background/

v. *State of Tamil Nadu*[17] has ruled that while a transgender identity card may be necessary for availing social welfare schemes, such a card cannot be demanded for the purpose of name and gender change in the official gazette. The Tamil Nadu Government has also removed the requirement for medical intervention for identifying as per one's chosen gender identity. Thus, the position of law in Tamil Nadu is that self-declaration of one's gender identity whether male, female or transgender is sufficient for change of name and gender in the Tamil Nadu Official Gazette. Such a position wherein a medical intervention is not a pre-requisite for identifying within the binary of male and female genders must be adopted in the Draft Rules.

(d) Access to Identity Documents: Transgender persons have time and again outlined the onerous process for accessing identity documents under the 2019 Act and commensurate rules.[18] Despite clear procedure and prescribed timelines, at the level of implementation, transgender persons face tremendous hardship in accessing identity documents based on their chosen gender identity.[19] Officers responsible for implementation are not aware of the rights of the community, and do not adhere to their statutory functions.[20] It is thus critical to ensure that an affirmative duty is placed on the District Magistrate to assist transgender persons in exercising their rights when they are applying for their identity documents. Towards this end, affirmative obligations including the duty to communicate errors and directions for rectification in the event of submission of an incomplete or erroneous affidavit, transferring the affidavit to the correct jurisdiction and notifying the applicant, and proactively assisting transgender persons in filling out their applications has been placed on the District Magistrate/officers authorised by them. Similar duties have been placed on officers of the State Legal Services Authority and the Transgender Persons' Welfare Board. A duty to sensitise and train all officers and employees of the NCT Government on the rights of transgender persons has also been explicitly provided for. The transgender identity card should not be

[17] *Sivakumar v. State of Tamil Nadu*, W.P No.31702 of 2019.
[18] Vidhi Centre for Legal Policy and Keshav Suri Foundation, 'Submissions to the High-Powered Committee set up in pursuance of the Supreme Court's judgment in Supriyo @ Supriya Chakraborty v Union of India', available at https://vidhilegalpolicy.in/wp-content/uploads/2025/07/Vidhi_KSF_Submissions-to-Supriyo-HPC-1.pdf. Pages 107-113.
[19] Jaspreet Singh, 'Why does it take months to get a transgender identity certificate?', India Development Review, available at https://idronline.org/ground-up-stories/why-does-it-take-months-to-get-a-transgender-identity-certificate/.
[20] Jaspreet Singh, 'Why does it take months to get a transgender identity certificate?', India Development Review, available at https://idronline.org/ground-up-stories/why-does-it-take-months-to-get-a-transgender-identity-certificate/.

mandatory to make a claim of discrimination, or to file a complaint against offences, and should be relevant only for the purpose of accessing welfare benefits and reservations.

(e) Expanding Functions of the Transgender Person's Welfare Board: The Transgender Persons' Welfare Board ('Board') under the Draft Rules have functions which are limited to advisory, monitoring and review. The functions are drafted in a vague and open-ended fashion thus leading to absence of clarity and accountability for the Board. The Board can play a critical role in ensuring the implementation of *NALSA*, the 2019 Act and the Draft Rules, thus ensuring the realisation of rights of the transgender community. This can be enabled by prescribing clear and targeted functions across advisory, sensitisation, assistance to the community, affirmative measures for protection of rights of the community, and grievance redressal. Towards this end, a list of comprehensive functions has been recommended for the Board.

(f) Horizontal Reservations: The Supreme Court in *NALSA* issued a binding direction to the State to provide reservations for transgender persons in matters of public employment and education.[21] The 2019 Act is however silent on reservations. A petition has been filed in the Supreme Court challenging the 2019 Act for its failure to provide reservations to the community,[22] and a demand for horizontal reservations, which accounts for both gender and caste in matters of granting reservations, has been made before the Court.[23] Further, several High Courts have directed State Governments across the country to provide horizontal reservations to transgender persons.[24] The State of Karnataka has implemented horizontal reservations for the transgender community by passing the Karnataka Civil Services (General Recruitment) (Amendment) Rules, 2021.[25] As horizontal

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[21] *NALSA*, Para 129.

[22] *Swati Bidhan Baruah v Union of India*, WP(C) 51/2020. For more information please see: https://www.scobserver.in/cases/swati-bidhan-baruah-union-of-india-challenges-to-transgender-persons-act-case-background/

[23] Supreme Court Observer, Writ Petition Summary: Grace Banu, available at https://www.scobserver.in/reports/swati-bidhan-baruah-union-of-india-challenges-to-transgender-persons-act-writ-petition-summary-grace-banu/

[24] See, *Sangama v. State of Karnataka*, W.P. No.8511/2020 (High Court of Karnataka), available at https://clpr.org.in/litigation/sangama-anr-v-state-of-karnataka/ ; Gursimran Kaur Bakshi, 'Calcutta High Court directs govt to implement horizontal reservation for transgender persons', The Leaflet, available at https://theleaflet.in/affirmative-action/calcutta-high-court-directs-govt-to-implement-horizontal-reservation-for-transgender-persons; SCC Times, 'Madras High Court urges State to act on horizontal reservation for transgender and intersex persons', available at https://www.scconline.com/blog/post/2025/08/11/madras-hc-seeks-decision-on-horizontal-reservation-for-transgender-intersex-persons/.

[25] Karnataka Civil Services (General Recruitment) (Amendment) Rules, 2021, available at https://dpar.karnataka.gov.in/storage/pdf-files/KCS%20(DIRECT%20RECRUITMENT)%20(GENERAL)%20RULES,%202021-%20GAZETTE%20(KANNADA%20&%20ENGLISH).pdf

reservations are one of the pressing demands of the transgender community, it is recommended that the NCT Government follow Karnataka's precedent and implement the same through appropriate legislative measures.

Clause by Clause Recommendations

The following are the clause-by-clause recommendations on the Draft Rules. These recommendations are informed by independent interdisciplinary legal research, consultations with the transgender community, and Vidhi's prior work in this area.[26] All of Vidhi's work on transgender law and rights are informed by partnership, consultation and inputs from transgender civil society organisations and the community. It is key to note that the transgender community's demands must be central to informing laws and policies impacting them.

S. No.	Clause	Clause Text	Comment	Recommended Clause
1.	Insert New Clause	(-)	Rule 5(6) uses the phrase 'the authority that issued the official document'. The term is unclear and may be subject to interpretational challenges. To address this, the term has been changed to 'appropriate issuing authority' and a reference has been made to Annexure 1 which lists out the identity documents which carry the gender identity of a person. Addition of such a definition adds clarity by	"Appropriate issuing authority" means the authority that issues the documents mentioned in Annexure 1 of these rules.

[26] See the following Vidhi publications: Comments on the Transgender Persons (Protection of Rights0 Bill, 2016, available here https://vidhilegalpolicy.in/research/submissions-to-the-standing-committee-on-the-transgender-protection-of-rights-bill-2016/ ; Comments on the Draft Transgender Persons (Protection of Right) Rules, 2020, available here https://vidhilegalpolicy.in/wp-content/uploads/2020/05/200513_Vidhi-Comments-on-the-Transgender-Persons-Protection-of-Rights-Rules-2020.pdf ; The Law Isn't Straight: A Queer Person's Guide to Accessing Rights, available here https://vidhilegalpolicy.in/wp-content/uploads/2020/06/180514_TheLawisntstraight-web.pdf ; Queering the Law: Making Indian Laws LGBT+ Inclusive, available here https://vidhilegalpolicy.in/research/queering-the-law-making-indias-laws-lgbt-inclusive/ ; Queering the Law: Beyond Supriyo, available here https://vidhilegalpolicy.in/research/queering-the-law/ .

			identifying the authority that has an obligation to change the gender identity, name and photograph of a person as per these rules.	
2.	Rule 2(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;	The present definition is confusing as it references several documents as constituting an identity card. Accordingly, the definition has been re-drafted and simplified through division into parts.	"identity card" means and includes: (a) a photo identity card issued in Form – 5 under section 6, (b) a photo identity card issued in Form – 6 under section 7, and (c) any other identity card issued to a transgender person by a State authority prior to the coming into force of these rules;
3.	Rule 2(h)	"medical institution" means any medical institution whether hospital, private or public.	Replace 'medical institution' with 'clinical establishment' as defined under the Clinical Establishments (Registration and Regulation) Act, 2010 as the definition is broader and encompasses all categories of medical and healthcare institutions.	'Medical institution' means a clinical establishment as defined under section 2(c) of the Clinical Establishments (Registration and Regulation) Act, 2010.
4.	Rule 2(i)	"medical intervention"	The *NALSA* judgment recognises	***Draft One:***

		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.	and upholds the right to self-identified gender identity as male, female or transgender in absolute terms.[27] The judgment notes that a medical intervention is not a prerequisite for the exercise of such right.[28] Specifically, the Court states, 'Gender identity as already indicated forms the core of one's personal self, based on self-identification, not on surgical or medical procedure.[29] While the Draft Rules are an improvement on the 2019 Act by not mandating surgery as a prerequisite for transgender persons to identify within the binary of male and female, it still pathologises transgender persons by demanding proof of medical intervention for the purpose of identifying within the binary of male and female. **Legal Precedent:** Such a requirement violates *NALSA* which recognises the right to self-	"medical intervention" includes any form of gender affirming process undertaken by an individual to facilitate the affirmation of their self-identified gender identity, and includes but is not limited to counseling, hormonal therapy, and surgical intervention, if any. **Explanation:** A self-declaration made as per form x[32] that one has sought a medical intervention constitutes sufficient proof of such intervention. ***Draft Two:*** "medical intervention" includes any form of gender affirming process undertaken for the affirmation of their self-identified gender identity, and includes but is not limited to counseling, hormonal therapy, and surgical intervention, if

[27] *NALSA*, Para 129
[28] *NALSA*, Direction 5 (Para 5), Para 34, 76.
[29] *NALSA*, Para 76.
[32] The format of such a form must be simple, accessible and compliant with the judgement in *NALSA*.

			identified gender identity without medical intervention. As of date, a petition[30] challenging sections 4, 5, 6 and 7 of the 2019 Act is pending before the Supreme Court of India. The petition argues that making self-identification contingent on medical interventions (section 7 of the 2019 Act) violates *NALSA*. It is also important to note that the Tamil Nadu Government has issued a Government Order doing away with the medical certificate endorsing sex reassignment surgery for name and gender change in the government's official gazette. Self-declaration is now sufficient basis. However, the transgender identity card issued by the Department of Social Welfare is necessary for change of name and gender in the Tamil Nadu Government Gazette. The **High Court of Madras** having taken note of this in *Sivakumar v.*	any. **Explanation:** Proof of medical intervention is not necessary for the purpose of Rule 6.

[30] *Swati Bidhan Baruah v Union of India*, WP(C) 51/2020. For more information please see: https://www.scobserver.in/cases/swati-bidhan-baruah-union-of-india-challenges-to-transgender-persons-act-case-background/

			State of Tamil Nadu[31] has ruled that while a transgender identity card may be necessary for availing social welfare schemes, such an identity card cannot be demanded for the purpose of name and gender change in the official gazette. Other documents such as Aadhaar may serve as sufficient proof. Consequently, proof of medical intervention is no longer mandatory for a person to identify within the binary of male and female. Such a policy measure is critical to align with the *NALSA* judgment and move away from a process that places onerous obligations on transgender persons to prove their gender identity within the binary of male and female, and for the purpose of seeking change in gender identity across their other documents. Consequently, two options have been presented: First, Draft One, under which a	

[31] *Sivakumar v. State of Tamil Nadu*, W.P No.31702 of 2019.

			self-declaration of medical intervention constitutes sufficient proof of such intervention. Such a requirement will ensure that the rules are aligned with the 2019 Act, while actively protecting the autonomy of transgender persons. Second, Draft Two, which removes the mandate of medical intervention for the purpose of being legally identified as within the binary genders of male and female. This is in line with the *NALSA* judgement, where the right to gender identity is not contingent on medical intervention.	
5.	Rule 2(l)	"Stakeholder department" refers to a Government Agency/ Department/ Directorate/ Municipal Bodies/ Local Bodies/ Autonomous bodies/Commission/ Board/ Council/ Authorities that has an interest or influence in a particular program, project, policy, or	To ensure respectful and transgender inclusive language is used, the term 'welfare of transgender' must be replaced with 'welfare of transgender persons'. The term 'transgender' must be used as an adjective, and not as a noun. This principle must be followed across the drafting of the rules.	"Stakeholder department" refers to a Government Agency/ Department/ Directorate/ Municipal Bodies/ Local Bodies/ Autonomous bodies/Commission/ Board/ Council/ Authorities that has an interest or influence in a particular program, project, policy, or initiative pertaining to the **welfare of transgender**

		initiative pertaining to the Welfare of Transgender. These departments may either be directly involved in the implementation or regulation of the subject matter or they may have indirect interests such as budgetary or oversight responsibilities.		**persons**. These departments may either be directly involved in the implementation or regulation of the subject matter or they may have indirect interests such as budgetary or oversight responsibilities.
6.	Rule 4	**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	In light of the *NALSA* judgement wherein the right to chosen gender identity is recognised as a fundamental right, there is an onus on the State to ensure that transgender persons are able to exercise such right. The transgender community has time and again highlighted the challenges they face in accessing identity documents under the 2019 Act and applying for change to gender identity in their existing documents. This was also reflected in the course of consultations. As the certificate of identity and identity documents are key to affirming a person's chosen gender identity and accessing several benefits, it	**4. Procedure for issue of certificate of identity:-** (1) Upon receipt of an affidavit as per Form-2 from an applicant, the District Magistrate will get the application processed based on such an affidavit, and issue an identification number to the applicant, without any medical or physical examination, within one week from the date of receipt of the affidavit, which will serve as proof of application. (2) For the purpose of sub-rule (1), no proof of medical

		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. (*If required, the District Magistrate may seek the expert opinion of the Clinical Psychologist/ Psychiatrist keeping in mind the interest and welfare of applicant)	is critical to make the process simple, accessible and just. This will ensure effective realisation of the rights recognised by the Supreme Court in *NALSA*. The following recommendations are made: ● The process for access to a certificate of identity and other identity documents must be made inclusive and accessible for transgender persons. Consequently, it is recommended that the District Magistrate be given the responsibility to assist transgender persons in their process of application in the event that the affidavit has errors or is incomplete. Similarly, an affirmative duty has been placed on the District Magistrate to transfer the application to the correct jurisdiction if the application was filed in the incorrect jurisdiction. ● To align with the *NALSA* judgement which recognises a transgender person's right to	intervention will be required. (3) In the event of errors or an incomplete affidavit submitted under sub-rule (1), the District Magistrate will issue such directions to the applicant as required to correct for such errors or complete the application. (4) The directions under sub-rule (3) will be issued in a form that is understandable to the applicant, and adequate assistance will be extended to such applicant to ensure the affidavit is filed correctly. **Illustration**: If an applicant cannot read, the instructions will be communicated by the District Magistrate, or any officer authorised by her, to the applicant orally in their preferred language. (5) The corrected affidavit submitted by the applicant

			self-identified gender identity independent of any medical intervention, the discretion vested in the District Magistrate to seek the opinion of a medical professional has been removed. Such a requirement dilutes the right to gender identity and pathologises transgender persons.	based on directions under sub-section (3) will be treated as a fresh application. (6) For the purpose of determining the place of residence, the applicant will have to reside in the area under the jurisdiction of the District Magistrate as on the date of filing of their affidavit. (7) In the event that the District Magistrate receives an affidavit over which she does not have jurisdiction, she will transfer it to the District Magistrate who has jurisdiction, within fifteen days from date of receipt of such affidavit, and notify the applicant of this.
7.	Rule 5	**5. Issue of certificate of identity for a transgender person under section 6.-** (1) The District Magistrate shall issue to the applicant, a	Aligned with the comment pertaining to Rule 4, the following recommendations are made: ● In light of the direction of the High Court of Madras in *Sivakumar v. State of Tamil*	**5. Issue of certificate of identity for a transgender person under section 6.-** (1) The District Magistrate shall issue to the applicant,

		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	*Nadu*[33] which has ruled that while a transgender identity card may be necessary for availing social welfare schemes, such a card cannot be demanded for the purpose of name and gender change in the official gazette, it is recommended that a provision be added which prescribes that identity documents other than the certificate of identity can be the basis of change of gender identity in documents provided in Annexure-1. This will ensure that transgender persons who want to affirm their gender identity across their documents can avail a simple process for this by relying on identity documents which already reflect their chosen gender identity. For instance, evidence demonstrates that transgender persons find it easiest to change their gender identity in their Aadhaar	a certificate of identity in Form-3 as per the procedure in rule 4. (2) The certificate of identity shall be issued within thirty days of receipt of the affidavit under rule 4(1). (3) The certificate of identity issued under sub-rule (1) shall be the basis to change the gender, name and photograph, as the case may be, in all documents provided in Annexure-1, in accordance with the gender specified in the said certificate of identity. (4) Despite sub-rule (4), documents listed in Annexure-3 can also form the basis of change of gender identity, name and photograph, in documents listed in Annexure-1. (5) The District Magistrate shall, at the time of issuance

[33] *Sivakumar v. State of Tamil Nadu*, W.P No.31702 of 2019.

		Form – 5 to the applicant. (5) The Revenue Department 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	card.[34] Along these lines, the High Court of Madras also recognises Aadhaar as a valid identity card for the purpose of name and gender change in the official gazette.[35] An informed and evidence based policy call may be taken by the NCT Government about which identity documents [other than the certificate of identity] can be the basis of applying for name and gender change across other documents. These documents may be added to a new annexure to the rules, namely, Annexure -3. The intent of such a policy call is to align with the intent of the *NALSA* judgement. ● Sub-rule (2) provides that the certificate of identity will be issued within thirty days of receipt of duly filled in application along with the affidavit. However, Rule 4(1) only provides for the	of the certificate of identity under sub-rule (1), issue a transgender identity card in Form – 5 to the applicant. (6) The Revenue Department shall maintain a digital register for the issuance of certificate of identity card and the transgender identity card and ensure that appropriate safeguards are in place in line with the Digital Personal Data Protection Act, 2023. (7) The appropriate issuing authority, on an application made under sub-rule 3 or sub-rule 4, shall change the name, gender and photograph of the applicant in the official documents, within fifteen days of receipt of such application. (8) Any official document where gender, name and

[34] Arijeet Ghosh, Arpita Misra, et al., 'The Law Isn't Straight: A Queer Person's Guide To Accessing Rights', The Vidhi Centre for Legal Policy, available at https://vidhilegalpolicy.in/wp-content/uploads/2020/06/180514_TheLawisntstraight-web.pdf, 11.
[35] *Sivakumar v. State of Tamil Nadu*, W.P No.31702 of 2019.

		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.	submission of an affidavit by the applicant, on the basis of which the District Magistrate processes an application. It is recommended that this sub-rule be redrafted for clarity by referencing only the affidavit. ● Sub-rule (5) provides for maintenance of registers by the Department of Revenue. It is recommended that the rule be modified and provide for the creation of a digital register for the issuance of identity and transgender identity cards. Under the Digital Personal Data Protection Act, 2023 ('2023 Act'), any information through which a person can be identified is considered to be 'personal data' [Section 2(t)]. The nature of the information collected for the purposes of issuing an identity card/transgender identity card, and the information contained in the identity card/transgender identity card as issued, as provided in the Draft Rules, both contain	the photograph of the applicant are revised as per sub-rule (7), will bear the same serial or reference number as in the original official document of the applicant. (9) All benefits that a transgender person was entitled to based on an identity card, if any, issued by a State authority, will continue to be enjoyed by them based on the certificate of identity issued under these rules.

			information through which a person is identifiable. Therefore, the digital register will contain information that qualifies as 'personal data' under the 2023 Act. Furthermore, Section 2(x) of the 2023 Act, which defines "processing" of personal data as the collection, storage, usage, recording or organisation of personal data. Therefore, by maintaining a digital register, the Revenue Department will be undertaking processing of personal data within the meaning of the 2023 Act. Accordingly, the Department will be required to comply with the 2023 Act, as per its requirements. It may be noted that the Rules under the 2023 Act are presently in public consultation. While these Draft Rules provide some compliance requirements which may apply, the NCT Government may consider additional safeguards, given the sensitive nature of	

			personal information being collected and processed.	
8.	Rule 6	**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	Aligned with the comment pertaining to rule 2(i) and rule 4, it is recommended that rule 6 be re-drafted to comply with directions and intent of the *NALSA* judgement. Similar to the recommendation for the definition of 'medical intervention' under rule 2(i), where two drafts were provided, two drafts are also provided for the purpose of rule 6. Draft One applies if self-declaration of medical intervention is deemed proof of such intervention, and Draft Two applies if proof of medical intervention is optional.	**6. Procedure for issue of a certificate of identity for change of gender. -** ***Draft One:*** (1) If a transgender person identifies as either a man or a woman, such person may apply in the Form – 1, along with a self-declaration as per form x[36] that he or she has undertaken medical intervention to affirm their self-identified gender, to the District Magistrate for the issue of a revised certificate of identity. (2) The District Magistrate will, on receipt of an application referred to in sub-rule (1), follow the procedure under rule 7 to issue a certificate. (3) For the purpose of determining the place of residence, the applicant will

[36] The format of such a form must be simple, accessible and compliant with the judgement in *NALSA*.

		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.		have to reside in the area under the jurisdiction of the District Magistrate as on the date of filing of their affidavit. (4) In the event that the District Magistrate receives an affidavit over which she does not have jurisdiction, she will transfer it to the District Magistrate who has jurisdiction, within fifteen days from date of receipt of such affidavit, and notify the applicant of this. ***Draft Two:*** (1) If a transgender person identifies as either a man or a woman, such person may apply in the Form – 1, to the District Magistrate for the issue of a revised certificate of identity. (2) For the purpose of sub-rule (1), if a transgender person has undergone a medical intervention, he or she may submit a medical certificate

				issued to that effect by the healthcare provider at a clinical establishment as per Form y.[37] **Explanation:** A medical certificate is not mandatory for the purpose of this rule and may be submitted by the applicant if he or she chooses to do so. (3) The District Magistrate will, on receipt of an application referred to in sub-rule (1), follow the procedure under rule 7 to issue a certificate. (4) For the purpose of determining the place of residence, the applicant will have to reside in the area under the jurisdiction of the District Magistrate as on the date of filing of their affidavit. (5) In the event that the District Magistrate receives an affidavit over which she

[37] The format of such a form must be simple, accessible and compliant with the judgement in *NALSA*.

				does not have jurisdiction, she will transfer it to the District Magistrate who has jurisdiction, within fifteen days from date of receipt of such affidavit, and notify the applicant of this.
9.	Rule 7	**7. Issue of certificate of identity under section 7-** ….. (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 ….. (7)Issue of the said certificate of Identity and	Aligned with the comments pertaining to rule 4 and rule 5, the following recommendations are made: ● Aligned with the judgement of the High Court of Madras in *Sivakumar v. State of Tamil Nadu*[38], it is recommended that the certificate of identity should form the basis of access to social welfare benefits and not the basis for change in name and gender identity in official gazette, it is recommended that a provision be added which prescribes that identity documents other than the certificate of identity can be the basis of change of gender identity (within binary of male and female) in	**7. Issue of certificate of identity under section 7-** …. . *Insert new clause:* (x) Despite sub-rule (3), documents listed in Annexure-3 can also form the basis of change of gender identity in documents listed in Annexure-1. *Modify clause 5:* (5) The appropriate issuing authority, upon an application made by an applicant under sub-rule (3), shall change the gender, name and photograph of the applicant in the official documents within fifteen days

[38] *Sivakumar v. State of Tamil Nadu*, W.P No.31702 of 2019.

		Change in gender certificate shall be included in the Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011.	documents provided in Annexure-1. An informed and evidence-based policy call may be taken by the NCT Government about which identity documents [other than the certificate of identity] can be the basis of applying for name and gender change across other documents. These documents may be added to a new annexure to the rules, namely, Annexure -3. The intent of such a policy call is to align with the intent of the *NALSA* judgement. ● Sub-rule (5) has been modified as it is recommended that a definition of 'appropriate issuing authority' is added to the Rules. ● Sub-rule (7) has been modified for language. This sub-rule refers to the Delhi (Right of Citizens to Time Bound Delivery of Services) Act, 2011 ('2011 Act') in order to ensure that the provisions of the 2011 Act	of making of such application *Modify clause 7*: (7) The Certificate of Identity, Transgender Identity Card and documents contained in Annexure 1 under these rules are certificates as provided in the Schedule of the Delhi (Right of Citizen to Time Bound Delivery of Services) Act, 2011.

			are applicable to the issue of certificates under these Draft Rules. The 2011 Act applies to "citizen related services" (section 3) provided in the Schedule. 'Issue of various certificates' is mentioned as a citizen related service under Serial No. 1 of the Schedule. Accordingly, language may be changed in sub-rule (7) to reflect the same.	
10.	Rule 10	**10. Welfare measures for transgender persons. -** **.....**	Additional functions have been prescribed for the government specifically in areas of sensitisation and awareness for officers and employees of the State. This will ensure that all stakeholders responsible for carrying out functions under the 2019 Act and the Rules are sensitised to the needs of the community and treat them with dignity.	**10. Welfare measures for transgender persons. -** **.....** (10) The Government will, in collaboration with the Transgender Persons' Welfare Board, carry out regular training and sensitisation of officers of the District Legal Services Authority and law enforcement on rights of transgender persons such that they can assist the transgender community in a responsible and sensitive manner.

				(11) Develop a training module, in collaboration with the Transgender Persons' Welfare Board, which will become a part of the mandatory training of all officers of the State government, law enforcement, healthcare providers in public clinical establishments, employees of public schools, officers of the District Legal Services Authority, and other identified stakeholders.
11.	Rule 11	**11. Provisions for non-discrimination. -** (1) The Govt. of NCT of Delhi 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	It is well documented that access to housing is one of the biggest challenges transgender persons face on account of the rampant discrimination they are subject to based on their gender identity.[39] This has also been noted by the Supreme Court in *Supriyo v. Union of India*. In light of this, it is recommended that housing be explicitly introduced within the ambit of this rule.	**11. Provisions for non-discrimination. -** (1) The Govt. of NCT of Delhi shall take adequate steps to prohibit discrimination in any Government or private organisation or establishment including in the areas of education, employment, healthcare, **housing,** public transportation, participation in public life, sports, leisure and recreation, and opportunity to hold public or private office.

[39] Vidhi Centre for Legal Policy and Keshav Suri Foundation, 'Submissions to the High-Powered Committee set up in pursuance of the Supreme Court's judgment in Supriyo @ Supriya Chakraborty v Union of India' (2024) https://vidhilegalpolicy.in/wp-content/uploads/2025/07/Vidhi_KSF_Submissions-to-Supriyo-HPC-1.pdf , Pages 190-205.

		recreation and opportunity to hold public or private office.		.....
12.	Rule 14	**14. Transgender Welfare Board –** ..... (3) The meeting of the board is to be convened on a half yearly basis. The term of the nominated members shall not be exceeding three years from the date of its constitution.	It is recommended that for efficient functioning of the Board, meetings be scheduled every three months, and the Chairperson be given the power to convene additional meetings for effective execution of the Board's functions. Further, sub-rule (3) has been split to ensure separate clauses governing meetings and nomination tenure.	**14. Transgender Persons' Welfare Board –** **.....** (3) The meeting of the board is to be convened every three months, and the minutes of such meetings will be recorded and published on the website of the Department of Social Justice and Empowerment. (4) If the Chairperson is of the opinion that additional meetings must be scheduled for the effective execution of the Board's functions, she may call for such a meeting and give all members adequate notice of the same. (5) The term of the nominated members shall not exceed three years from the date of

				their appointment. ....
13.	Rule 15	**15. Functions of Transgender Welfare Board:** The Transgender Board will perform the following functions namely: — (a) to advise the Govt. of NCT of Delhi 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 Organizations which are	The provision may be expanded to provide for additional core functions for the Transgender Board which are critical for addressing the pressing needs of the community. These include: training officers of the State Legal Services Authority to represent transgender persons in a responsible manner to apply for identity cards and assist them in their legal matters, assist transgender persons in filing police complaints, assist transgender persons in applying for welfare schemes applicable to them, organising regular consultations with the community to identify their needs, establish a helpline, and training and sensitising officers of the NCT Government, specifically law enforcement, etc. The Board may also be given the enabling power to collaborate with or co-opt transgender-led civil society organisations.	**15. Functions of Transgender Persons' Welfare Board:** (1) The Transgender Persons' Welfare Board will perform the following functions namely: — ..... (e) train officers of the Delhi District Legal Services Authority to assist transgender persons in applying for their certificate of identity and transgender identity card, and to represent them in a responsible manner in relation to their legal matters; (f) sensitise officers of the NCT of Delhi on the rights of and challenges faced by the transgender community; (g) sensitise law enforcement to handle complaints received

		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 Govt. of NCT of Delhi		from transgender persons in a responsible and effective manner; (h) assist transgender persons in applying for a certificate of identity and other welfare schemes that are applicable to them; (i) establish a 24/7 hotline for transgender persons which can assist them in relation to connecting to law enforcement, transgender friendly public hospitals, mental health care support, and legal aid; (j) create a database of clinical establishments including public hospitals providing transgender affirmative healthcare and publish it online; Provided that the Transgender Persons' Welfare Board will continuously review this database to ensure it is up to date and carry out regular

				audits of such establishments. (k) carry out training programmes for healthcare professionals including doctors, nurses and others in both the private and public sector to ensure they can provide gender affirmative care to transgender persons; (l) prepare comprehensive guidelines for regulation of *garima grehs* in NCT of Delhi which includes the rights of residents, duties of functionaries and details of the grievance redressal process in case of violations of the Act or the guidelines; (m) carry out regular consultations with the transgender community to identify their needs and ensure policies and measures are tailored to reflect the same; and (n) to perform such other

				functions as may be prescribed by the Govt. of NCT of Delhi. (2) The Transgender Persons' Welfare Board may onboard the services of, collaborate or partner with transgender civil society organisations to execute their functions under sub-rule (1). (3) The Transgender Persons' Welfare Board will establish a website where it will publish: (a) names and contact information of all the members of the Board; (b) details of transgender affirmative services available in NCT of Delhi including information pertaining to healthcare, education, and employment; (c) a database and information of civil society organisations representing and providing services to transgender persons; (d) Information pertaining to the helpline set up under

				sub-rule 1(i); (e) details of welfare policies, programmes and others in force in the NCT of Delhi for the benefit of transgender persons; and (f) any other information as may be deemed fit by the Board with prior approval of the Govt. of NCT of Delhi.
14.	Form 1, Clause 9 (iii) and (iv)	**Medical history (for those applying under section 7 of the Transgender Persons (Protection of Rights) Act, 2019** …… (iii) Name and complete address of the Hospital or medical institute (iv) Name of the issuing authority along with the date …..	Aligned with the comment pertaining to rule 2(i), rule 4 and rule 6, it is recommended that Form 1 be re-drafted to comply with directions and intent of the *NALSA* judgement. Similar to the recommendation for the definition of 'medical intervention' under rule 2(i) and the process under rule 6, where two drafts were provided, two drafts are also provided for the purpose of Form 1. Draft One applies if self-declaration of medical intervention is deemed proof of such intervention, and Draft Two applies if proof of medical	**Medical history (for those applying under section 7 of the Transgender Persons (Protection of Rights) Act, 2019** …… ***Draft One:*** (vii) If proof of medical intervention is based on self-declaration, have you enclosed such a declaration as per form x? ….. ***Draft Two:***

			intervention is optional.	(iii) If the applicant chooses to share information pertaining to medical intervention, please provide the name and complete address of the Hospital or clinical establishment (iv) f the applicant chooses to share information pertaining to medical intervention, please provide the name of the healthcare provider along with the date .....
15.	Form 2, Clause 3	**Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Rule 4 of the Delhi Transgender Persons (Protection of Rights) Rules, 2023 read with Section 6 of the Transgender Persons (Protection of Rights) Act,2019** **...**	Use of respectful and inclusive language.	**Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Rule 4 of the Delhi Transgender Persons (Protection of Rights) Rules, 2023 read with Section 6 of the Transgender Persons (Protection of Rights) Act,2019** **...**

		3. I declare myself as transgender. ….		3. I am a transgender person. ….
16.	Form 3, Clause 4	**Form of certificate of identity to be issued by District Magistrate under Rule 5 Delhi Transgender Persons (Protection of Rights) Rules, 2023 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. …..	Avoid use of gendered pronouns.	**Form of certificate of identity to be issued by District Magistrate under Rule 5 Delhi Transgender Persons (Protection of Rights) Rules, 2023 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019** **……** 4. It is also certified that _____ is ordinarily a resident at the address given above. …..
17.	Form 4, Clause 1	**Form of certificate of identity for change of gender to be issued by District Magistrate under Rule 6 of the Delhi**	Aligned with the recommendations on ensuring that the onerous obligation of proof of medical intervention is relaxed for transgender persons	**Form of certificate of identity for change of gender to be issued by District Magistrate under Rule 6 of the Delhi Transgender Persons**

		Transgender Persons (Protection of Rights) Rules, 2023 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 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.	who identify within the binary gender of male and female, it is recommended that the draft be changed to reflect such a policy shift. Two options are provided: Draft One is the appropriate draft if medical intervention is based on self-declaration. Draft Two is the appropriate draft if submission of proof of medical intervention is purely voluntary.	**(Protection of Rights) Rules, 2023 read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019** ***Draft One:*** 1. On the basis of the application submitted to the undersigned along with the **self-declaration of medical intervention as per form x**, , it is to certify that (name) child/ ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) has undergone medical intervention to change gender. ***Draft Two:*** 1. On the basis of the application submitted to the undersigned along with a medical certificate **from the healthcare provider** (name of the healthcare provider, name of clinical

				establishment, and complete address of clinical establishment), it is to certify that (name) child / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) has undergone medical intervention to change gender.
18.	Annexure 1	Annexure 1 will provide for the list of identity documents which carry a gender marker to which change in gender, name and photograph can be made based on the certificate of identity issued under these Rules.	It is recommended that a holistic review is carried out to identify all documents that carry a gender marker and such documents are added to Annexure-1. Key documents such as Aadhaar, passport, PAN card, voter ID, ration card, educational certificates, driving license, amongst others, are included in this Annexure.	(-)
19.	Insert New Annexure	Annexure -3	Aligned with the comment pertaining to Rule 5 and Rule 7, and the judgements in *NALSA* and *Sivakumar v. State of Tamil Nadu*, it is recommended that a list of identity documents are identified which can be used to apply for name, gender and photograph	(-)

			change for documents listed in Annexure-1. Availing such changes should not be contingent on only the certificate of identity given the onerous and time consuming process that obtaining such a certificate takes.	
20.	Insert form for self-declaration for medical intervention	Form for Self-Declaration	Aligned with the comment pertaining to rule 2(j), rule 4 and rule 6, and the *NALSA* judgement, it is recommended that a simple and accessible form be added wherein a transgender person can self-declare that they have undertaken a medical intervention. Such a form must not make onerous demands on the applicant by seeking details of the clinical establishment, or the issuing medical authority. This will make the process of applying for chosen gender identity within the binary of male and female accessible for all transgender persons, thus ensuring compliance with *NALSA*.	

Annexure 1:
Detailed takeaways from consultations with stakeholders

Consultation with Vinshi (TWEET Foundation) on the Comments on Draft Delhi Transgender Persons (Protection of Rights) Rules, 2025

6th August, 2025

Medical intervention

- There is a preference for Draft One with the explanation pertaining to self-declaration being sufficient. This is more choice-based and has larger applicability. The self-declaration could include medical intervention in the form of laser therapy, endocrinology and so on. This would be a less dysphoric experience.

Rule 4

- Addition suggested: If a person's place of residence changes, even if the same is after the application has been made, the District Magistrate must then transfer the application to the relevant DM who has jurisdiction. A common problem is that transgender people are frequently dislocated from their residences, which becomes a problem while applying for documentation. There must be a mechanism to account for changes of address.

Rule 5

- There is a need for a clearly identifiable point of contact or window at the Registrar's office specifically for transgender persons. They must be able to provide relevant information in an accessible manner. A transgender person must be appointed to head this window or desk.

Welfare Board and verification

- The Transgender Persons' Welfare Board ('Board') must have adequate representation, so that the Board is informed by lived experience. Applicants must receive assistance in the process of providing documents for the District Magistrate to sign (eg. - taking hard copies of the documents, collecting all documents in one place, etc.) These requirements, and the lack of support, often cause delays and inconvenience. The verification of documents must never be conducted in person at the applicant's place of residence.

Rule 6

- There is a preference for Draft One. Applicants may be asked to submit a self-declaration as well as medical documents if they chose to, and the concerned medical professional may be contacted via call if a verification is required, but no in-person verification should be conducted. [In a lot of cases, surgery has been undertaken by the applicant at a private hospital and the same is not accepted at the time of application].

Suggested new Rule on limited grounds for rejection

- If an application is rejected on grounds of incorrect or incomplete application, after giving the applicant the opportunity to make corrections within 15 days, there should be a specification of when the applicant may submit a fresh application.

Rule 10

- The Board may have the additional responsibility of looking into concessions and subsidies for transgender persons. Community involvement work (such as done by DLSA) may be done by sub-departments of state authorities such as lok adalats, District Magistrate's office, etc.

Rule 14

- Transgender persons' representatives and advisors to the Welfare Board must be given a permanent role. They are often brought in as advisors with very temporary roles, and are not recognised or compensated for their services. Having a permanent role would provide livelihood and ensure sustained representation.

Form 1

- Form 1 has a section on medical history, to be filled by applicants under section 7 of the Act, the form should specify that proof of medical or surgical intervention is not necessary.

Form 3

- The certificate number is generally too lengthy. This is inconvenient when there is a need to memorise the certificate number or reproduce it frequently. It would be helpful for the certificate number to be similar in length to one's PAN Card number.

Other comments

- There should be a penalty prescribed in the instance that the certificate is not issued within the prescribed time limit (30 days). This may discourage undue delays.

Consultation with KSF Representatives on the Comments on Draft Delhi Transgender Persons (Protection of Rights) Rules, 2025

7th August, 2025

Attendees: Mohul Sharma, Nishtha Nishant, Shruti Mahatre, Anjali Rao, Tanmay, and Pratik

Definition of medical intervention

- There is a preference for Draft One with the explanation pertaining to self-declaration being sufficient. This is especially because people can at times misplace or lose their documents, which makes it easier to have a self-declation system.

Rule 4

- There is agreement that it would be preferable not to allow the District Magistrate to seek the expert opinion of the Clinical Psychologist/ Psychiatrist.
- There is agreement with all of Vidhi's comments pertaining to Rule 4.

Rule 5

- A separate body or authority may be constituted, if the Welfare Board is not adequately equipped, to ensure that complaints are addressed effectively. There continues to be immense discrimination against the transgender community.
- The complainant's privacy and safety must be strictly safeguarded to protect against harassment or discrimination.

Rule 6

- The submission of a medical certificate of a CMO's certification should be optional.

Rule 14

- It may be beneficial to have allies as part of the Board. This is not to be restricted to NGOs or organisations working in the area, but also individuals who can best give voice to the interests of the community. This would help to have more holistic representation (for example, 3 NGOs and 3 allies).

Rule 15

- In agreement with Vidhi's comments, with particular emphasis on the function of conducting training for all officers.

Other comments

- The identity card (TG card) works for name change in the Aadhaar card, but not for the PAN Card, causing people to get stuck. Often, applicants are required to provide a Gazette notification/publication, the TG Card is dismissed. The TG Card must be sufficient for a change in all other documents (PAN, Aadhaar, voter ID card)
- The requirement for reservations in employment must be provided.
- There is a need for enabling and assisting the changing of educational documents such as CBSE marksheets, with the help of the TG Card alone and not the Gazette (which is very expensive).

Consultation with Advocate Raghavi Shukla on the Comments on Draft Delhi Transgender Persons (Protection of Rights) Rules, 2025

9th August, 2025

General comments

- A law should have clarity, and no gaps such that it can be interpreted in so many ways that it becomes redundant.
- The Transgender Persons (Protection of Rights) Act, 2019 also suffers from a lack of clarity which is used to deny what is rightfully prescribed within the law.

Medical intervention

- Medical intervention should be a non-exhaustive term as there might be procedures such as laser therapy which do not fall within the scope of the broader definition given in the rules which includes counseling, hormonal therapy and surgical intervention.
- The procedures covered within the definition also need more clarity. For example, what does surgery cover, whether it has to include bottom surgery, what is meant by counseling and whether it has to be with a psychiatrist.

Documentation on jurisdiction and address

- A lot of transgender persons do not have access to shelter or housing making it difficult to produce proof of residence or to identify the relevant District Magistrate's office in whose area of jurisdiction they would fall.
- Documentation on housing may not be available, or may be difficult to navigate. While this is solved to some extent with the affidavit, there needs to be more clarity.

Other documentation and procedural issues

- A lot of extra and onerous requirements are imposed on the applicants at the administrative level, which vary from office to office. An express provision must specify that additional onerous requirements cannot be imposed by any official.
- The website for applications for certificate of identity does not provide detailed updates on the processing of an application, and merely mentions 'pending' for a long period of time. The website should be updated regularly with stage-wise updates.
- Delivery of a physical copy of the certificate of identity, once generated, may be made available through the office through which the application was made since many transgender persons might not have permanent addresses for delivery of the certificate.
- There should be the option to submit one's application through efficient manual processes in addition to online applications, since many transgender persons may face accessibility issues.
- Form-1 lists out a lot of documents which a lot of applicants might not have easy access to. Keeping the process very document-heavy acts as a barrier.
- Assistance may be provided to applicants in gaining access to documents as well.

Transgender Persons' Welfare Board

- Representation from the community should be diverse and intersectional and must include a transgender man, a transgender woman and intersex persons separately, as transgender men face a lot of visibility issues, especially in North India including in NCT of Delhi.

Complaints process

- There are significant delays in the processing of applications for certificate of identity as well as change in gender in NCT of Delhi. To address these delays, it may be considered that the responsibility is taken away from the SDM/DM's office which is already overburdened.

- Responsibility can be shifted to either other departments, or drives and camps may be organised to facilitate the process with the help of paralegal volunteers.
- The complaints and appeals process is very infructuous, and a complaints procedure without proper enforcement is not beneficial. Empowering the Board to address complaints and laying out a proper procedure for the Board to address complaints would be helpful.

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