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Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

SOCIAL WELFARE AND WOMEN EMPOWERMENT DEPARTMENT

DRAFT RULES FOR THE TAMIL NADU TRANSGENDER PERSONS (PROTECTION OF RIGHTS)
RULES, 2022.

[G.O. Ms. No. 70, Social Welfare and Women Empowerment [SW-3(1)], 28th October 2022, ஐப்பசி 11,
சுபகிருது, திருவள்ளூர் ஆண்டு-2053.]

No. SRO A-19(c)/2022.

The following draft of the Transgender Persons (Protection of Rights) Rules, 2022, which the State Government proposes to make, in exercise of the powers conferred by sub-section (1) of section 22 of the Transgender Persons (Protection of Rights) Act, 2019 (Central Act 40 of 2019), is hereby published for information of all persons likely to be affected thereby, as required by sub-section (1) of the said section 22 of the said Act.

2. Notice is hereby given that the draft Rules will be taken into consideration on or after the expiry of thirty days from the date of publication of this Notification in the *Tamil Nadu Government Gazette* and that any objection or suggestion, which may be received from any person with respect thereto, before the expiry of the aforesaid period of thirty days will be considered by the Government of Tamil Nadu. Objection or suggestion, if any, should be addressed to the Additional Chief Secretary to Government, Social Welfare and Women Empowerment Department, Secretariat, Chennai-600 009 through the Director of Social Welfare, Chennai-600 015.

DRAFT RULES.

1. Short title.- These rules may be called the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022.

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

(a) "Act" means the Transgender Persons (Protection of Rights) Act, 2019 (Central Act 40 of 2019);

(b) "applicant" means a transgender person who submits an application under rule 3;

(c) "application" means the application form as provided in Form-I;

(d) "Government" means the State Government;

(e) "official documents" shall include the documents listed in Annexure II;

(f) "certificate of identity" means a certificate issued by the District Collector under section 6 or section 7 of the Act as in Form-III or Form-IV respectively;

(g) "Form" means a Form annexed to these rules in Annexure I;

(h) "identity card" means a photo identity card issued in Form – V to a transgender person under section 6 or issued in Form – VI to a transgender person on change of gender under section 7 on the basis of "certificate of identity" issued by the District Collector;

(i) "medical institution" means any medical institution whether hospital or clinic, private or public, in rural areas or urban or overseas;

(j) "medical intervention" includes any gender affirming medical intervention under taken 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;

(k) "section" means a section of the Act;

(l) "Welfare Board" means the Tamil Nadu Transgender Welfare Board, a society registered under the Tamil Nadu Societies Registration Act, 1975 [Tamil Nadu Act 27 of 1975];

(m) words and expressions used herein but not defined and defined in the Act shall have the same meaning assigned to them in the Act.

3. Application for issue of certificate of identity under section 6 or section 7.- (1) Any transgender person desirous of obtaining a certificate of identity shall make an application in Form-I.

(2) The application shall be submitted to the District Collector through "Thirunangai Mobile Application":

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

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

(3) Notwithstanding anything contained in these rules Transgender persons who have officially recorded their change in gender, whether as male, female or transgender, prior to the coming into force of the Act shall not be required to submit an application for certificate of identity under these rules and all such persons shall enjoy all rights and entitlements conferred on transgender persons under the Act:

Provided that any such person may submit application for issue of Certificate of identity.

4. Procedure for issue of certificate of identity.-The District Collector shall, subject to the correctness of the applicant's particulars, get the application processed based on the affidavit in Non-Judicial stamp paper of Rs.10/- attested by Notary with seal, submitted declaring the gender identity of the person in Form II, with out any medical or physical examination and there after issue an identification number to the applicant, which may be quoted as proof of application.

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

(2) The certificate of identity shall be issued within thirty days from the date 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 listed in Annexure II, in accordance with the gender specified in the said certificate of identity.

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

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

(6) The authority who 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 or the photograph 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.

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 Form – I, 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 Collector for the issue of a revised certificate of identity.

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

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

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

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

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

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

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

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

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

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

9. Right to appeal.- (1) The Director of Social Welfare is designated as the Appellate Authority. The applicant shall have a right to appeal, within ninety days from the date of intimation of the rejection of the application, to the Appellate Authority.

(2) The Appellate Authority may entertain an appeal after the expiry of the period specified above, if it is satisfied that the applicant was prevented by sufficient cause from preferring an appeal in time.

10. Welfare measures for transgender persons.- (1) The Government shall formulate welfare schemes to protect the rights and interests of transgender persons and facilitate their access to the welfare schemes through the Transgender Welfare Board.

(2) The Government shall create institutional and infrastructure facilities, rehabilitation centre temporary shelters, short stay homes and accommodation, separate wards in hospitals and wash rooms in establishments, within two years from the date of coming into force of these rules, to protect the rights of transgender persons.

(3) Every establishment shall provide training and education to stakeholders in developing appropriate change in behaviour towards transgender persons.

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

11. Provisions for non-discrimination.- The Government shall take adequate steps to prohibit discrimination in any Government or private organisation including in the areas of education, recruitment, employment, promotion of health care, public transportation, sports, leisure, recreation and opportunity to hold public or private office.

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

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

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

(4) The equal opportunity policy of an establishment shall, inter-alia, contain the following details namely:-

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

(b) Applicability of all rules and regulations of the establishment regarding service conditions of employees;

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

(d) Complaints of the officers.

13. Grievance redressal.- (1) Every establishment shall designate a complaint officer in accordance with section 11 of the Act.

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

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

(4) The Joint Director (Women Welfare), the Directorate of Social Welfare at State Level and District Social Welfare Officer in the District are designated as Grievance Redressal officers for ensuring proper implementation of the provisions of Chapter V of the Act with special reference to sub-sections (1) and (2) of section 12.

(5) Every Grievance Redressal officer shall ensure resolution of grievances within thirty days from the date on which the grievance is brought to his/her notice.

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

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.

ANNEXURE – I

FORM-I

[see rules, 3 (1) and 6 (1)]

APPLICATION FOR CERTIFICATE OF IDENTITY / REVISED CERTIFICATE OF IDENTITY

1	Name	
(i)	Given name (in capital letters)	
(ii)	Changed/Chosen name (in capital letters)	
(iii)	Out of (i) and (ii), name to be printed in the certificate of identity and in the identity card	
2	Gender	
(i)	Assigned at birth	
(ii)	Requested in the application	
3	Date of birth	dd/mm/yyyy
4	Educational qualification	
5	Present address	
6	Permanent address	
7	If there is a source of income, the annual income:	
(i)	Under Rs.1,00,000/-	YES/NO
(ii)	Between Rs.1,00,001/- and Rs.3,00,000/-	YES/NO
(iii)	Above Rs.3,00,000	Please specify the amount:
8	Do you have any of the following documents? If so, please submit self-attested photo copies of the certificates stated below.	
(i)	Birth Certificate or any Proof for date of Birth	YES/NO
(ii)	Aadhaar Card	YES/NO
(iii)	PAN Card	YES/NO
(iv)	Voter Identity Card	YES/NO
(v)	Ration card	YES/NO
(vi)	Passport	YES/NO
(vii)	Bank passbook	YES/NO
(viii)	Mahatma Gandhi National Rural Employment Guarantee Card	YES/NO
(ix)	Community Certificate (SC/ST/MBC/Others)	YES/NO
9	Medical history (for those applying under section 7 of the Act)	
(i)	Have you undergone any medical intervention in the context of transgender transition?	YES/NO
(ii)	Please give details	
(iii)	Name and complete address of the Hospital or Medical institute	
(iv)	Name of the issuing authority along with the date	
(v)	Any other medical status you would like to share	
(vi)	Have you been issued any certificate of identity under section 6 and section 7 under the Act, or any other ID Card issued by the State Authority before the commencement of these Rules? If so, enclose the same.	
10	Any other information you would like to give	
11	Have you attached affidavit prescribed in Form-II Under the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022	
12	Have you attached the passport size photograph?	YES/NO

Enclosed:-documents as mentioned in the application

Declaration

1. I declare that the particulars furnished by me are true and correct.

2. Information provided in this application will be treated as confidential and shall not be shared with any person or organisation save the Central and / or State security agencies, any other agency as provided by Law; and for statistical and policy framing purposes.

Place:

Date:

Signature or left hand thumb impression of the applicant given name of the applicant

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government

FORM-II

[see rule 4 (1)]

AFFIDAVIT**BY A PERSON APPLYING FOR CERTIFICATE OF IDENTITY.**

I, (Name), son/daughter/ward/spouse of (name of the parent/guardian/husband), aged (in completed years), residing at (address), (Tehsil), (District), (State) (Pin Code) do hereby solemnly affirm and declare as under:

(1) I am currently residing in the above address.

(2) I perceive myself as a transgender person whose gender does not match with the gender assigned at birth.

(3) I declare myself as transgender.

(4) I am executing this affidavit for issue of certificate of identity as transgender person under section 6 of the Act read with rule 4 (1) of the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022.

*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)

Place :

Date :

Before Me
Notary

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.

FORM- III

[see rule 5 (1)]

CERTIFICATE OF IDENTITY.

Photograph of the
certificate holder
District Collector to
attest the photograph

(1) On the basis of the application dated dd/mm/yyyy to the undersigned it is certified that Shri /Smt./ Km/ Ms (name) son / daughter / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) is a transgender person.

(2) His / Her birth name is.-----.

(3) This certificate is issued under section 6 of the Act read with rule 5 (1) of the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022.

(4) It is also certified that Shri/Smt/Km/Ms.-----is ordinarily a resident at the address given above.

(5) This certificate entitles the holder to change name and gender in all official documents of the holder.

Date :

Signature of the District Collector:

Place :

Seal

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.

FORM-IV

[see rule 7 (1)]

CERTIFICATE OF IDENTITY FOR CHANGE OF GENDER.

Photograph of the
certificate holder
District Collector to
attest the photograph

(1) On the basis of the application submitted to the undersigned along with a medical certificate from the Medical Superintendent or Chief Medical Officer (name of the Hospital and complete address), it is to certify that Shri/Smt./Km/ Ms. (name) son/daughter / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) has undergone medical intervention to change gender.

(2) His / Her birth name is__.

(3) This certificate is issued under section 7 of the Act read with rule 7(1) of the Tami Nadu Transgender Persons (Protection of Rights) Rules, 2022.

(4) It is also certified that Shri / Smt/ Km/ Ms. is ordinarily a resident at the address given above.

(5) This certificate entitles the holder to change name and gender in all official documents of the holder.

(6) Such change in name and gender and the issue of this certificate shall not adversely affect the rights and entitlements of the holder of this certificate.

Date :

Signature of the District Collector:

Place :

Seal

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.

FORM-V

[see rule 5 (4)]

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 :
Present address :
Card issue date :
Signature of the issuing authority Designation :
Seal of the issuing authority :

Issued under section 6* / 7* of the Act read with rule 5 (4) of the Tami Nadu Transgender Persons (Protection of Rights) Rules, 2022.

*Strike out whichever is not applicable

@ only in case the applicant is a minor child

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.

FORM – VI
[see rule 7 (4)]
IDENTITY CARD

Identity card number

Photograph
of the Card
holder

Name :
Mother's name @ :
Father's or 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 :
Present address :
Permanent address :
Card issue date :
Seal of the issuing authority :
Signature of the issuing authority Designation :
Seal of the issuing authority :

@ only in case of a minor child

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.

ANNEXURE -II

[see rule 2 (e)]

List of official documents

S.No	Name of the official document
(1)	Birth Certificate
(2)	Community Certificate
(3)	Any education certificate issued by a school, board, college, University or any such academic institution
(4)	Voters Identity Card
(5)	Aadhaar Card
(6)	Permanent Account Number (PAN) Card
(7)	Driving Licence
(8)	Below Poverty Line Ration Card
(9)	Post Office bank/Bank Passbook with photo
(10)	Passport
(11)	Kisan Pass Book
(12)	Marriage Certificate
(13)	Electricity/water/ gas connection document.
(14)	Property documents.
(15)	Vehicle registration
(16)	Service Book, Employment papers
(17)	Identity card issued by the Bar Council of the State or India,
(18)	Policy documents

SHAMBHU KALLOLIKAR,
Additional Chief Secretary to Government.