

Draft Transgender Person Rules 2020

July 16, 2020

After facing opposition from the transgender community, the Centre has done away with the requirement of a medical examination for trans persons applying for a certificate of identity in its latest draft rules framed under the **Transgender Persons (Protection of Rights) Act, 2019**.

Draft Rules

A District Magistrate would issue a transgender identity certificate and card based on an affidavit by the applicant, but **without any medical examination**. An **earlier draft of the rules had mandated a report from a psychologist** along with the affidavit for the application. The trans rights movement had opposed this, as it was seen as **going against a trans person's right to self-identification, which was upheld by the Supreme Court in 2014**.

Trans persons would be required to fill out a form and submit an affidavit saying they perceive themselves to be a transgender person whose **gender does not match with the gender assigned at birth** and that they declare themselves to be transgender. In case of change of gender, the application for a new identification certificate would require a certificate from the medical superintendent or chief medical officer of the medical institution where the applicant underwent the intervention.

Rules:

- The appropriate government must:
 - . review existing welfare measures and schemes to include transgender persons

- . ensure welfare schemes, programmes and subordinate legislation are non-discriminatory towards transgender persons
- . take adequate steps to prohibit discrimination towards transgender persons
- . educate transgender persons on benefits available to them.
 - The appropriate government must **create facilities**, such as rehabilitation centres, HIV surveillance centres, separate hospital wards and separate wash rooms in establishments for transgender persons within two years from notification of rules.
 - States will be responsible for timely prosecution of individuals charged under **Section 18 of the Act** which proscribes offences against the transgender community and penalties therein. These include bonded or forced labour, denying a transgender person the right of passage to a public place or obstructing access, forcing a transgender person to leave a household, village or place of residence, harming or endangering life, safety or well-being, and physical, sexual, verbal, emotional or economic abuse.
 - The Ministry has proposed a series of welfare schemes:
 - . making at least one hospital in each State equipped to provide **safe and free gender affirming surgery, counselling and hormone replacement therapy**
 - . providing **medical insurance cards**
 - . giving scholarships to trans persons
 - . facilitating **accommodation and schooling** for trans, gender non-conforming and intersex children at government-run schools and colleges
 - . universal access to food security.