

TRANSGENDER CAN CHANGE THEIR GENDER OBTAIN ID

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Ministry of Social Justice and Empowerment, Department of Social Justice Empowerment has notified the Transgender Persons Protection of Rights Rules 2020 provision of which have come into force w.e.f [10/01/2022](#) .

A transgender person desirous of obtaining a certificate of identity shall make an application as prescribed in Form 1 and submit the same to the District Magistrate. 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 provided that such persons shall enjoy all rights and entitlements conferred on transgender persons under the act.

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.

The District Magistrate shall issue to the applicant, a certificate of identity in Form-3, following the procedure indicating the gender of such person.

The said certificate of identity shall be issued within thirty days of receipt of duly filled in application along with the affidavit. 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. The District Magistrate shall, at the time of issuance of the certificate of identity under sub-rule (1), issue a transgender identity card in Form - 5 to the applicant.

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. The District Magistrate 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.

The District Magistrate shall issue a revised certificate of identity in Form - 4 to the applicant seeking change in gender indicating the gender of such a person as male or female, as the case may be. The District Magistrate shall issue the revised certificate under sub-rule (1) within fifteen days of its receipt of the application. The certificate of identity issued under sub-rule (1) shall entitle the applicant to record or change the gender, as well as photograph and name, if so necessitated of transgender person in all such official documents, in accordance with the gender specified in the said certificate of identity as male or female, as the case may be. The District Magistrate while issuing the certificate of identity for change of gender shall simultaneously issue an identity card in Form - 6* to the applicant. 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.

In case of rejection of application made under rule 3, the District Magistrate should inform the applicant the reason or reasons for such rejection within thirty days from the date of receipt of such application. The District Magistrate may 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) of rule 8 within sixty days from the date of such rejection.

The applicant will have a right to appeal, within ninety days from the date of intimation of the rejection of the application, to the appellate authority as designated by the appropriate Government by notification for a final order.

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