

Registered with the Registrar of Newspapers for India under No. 10410

புதுச்சேரி மாநீல அரசிதழ்

La Gazette de L'État de Poudouchéry The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு		EXTRAORDINAII	RE EXT	EXTRAORDINARY	
அதிகாரம் பெற்ற வெளியீடு		Publiée par Published k Autorité Authority		'	
	புதுச்சேரி Poudouchéry	செவ்வாய்க்கீழமை Mardi	2024 @f° 14	மே மீ Mai	14 @ 2024
No. J	Puducherry	Tuesday (24 Vaisakha 1946	14th)	May	2024

GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (WELFARE)

(G.O. Ms. No. 02/SWS/2024-25, Puducherry, dated 08th May 2024)

NOTIFICATION

The following Draft of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024, which the Government of Puducherry, proposes to make in exercise of the powers conferred by section 22 of the Transgender Persons (Protection of Rights) Act, 2019 (Act No. 40 of 2019) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said Draft Rules will be taken into consideration after the expiry of a period of 30 days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

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2. Suggestions and objections, if any, may be addressed by Registered/Speed Post to the Director of Social Welfare, No. 1, Main Road, Saradambal Nagar, Ellaipillaichavady, Puducherry-605 005 or to the e-mail id. *socwel@py.gov.in.*

3. The suggestion and objections, which may be received from any person with respect of the said Draft Rules before the expiry of the period specified above will be considered by the Government of Puducherry.

(By order of the Lieutenant-Governor)

P. RAGINI,

Under Secretary to Government (Social Welfare).

THE PUDUCHERRY TRANSGENDER PERSONS (PROTECTION OF RIGHTS) RULES, 2024

DRAFT RULES

1. Short title and commencement.— (1) These rules may be called the Puducherry Transgender Persons (Protection of Rights) Rules, 2024.

(2) These rules shall extend to the whole of the Union territory of Puducherry.

(3) They shall come into force on the date of their final publication in the Official Gazette of Puducherry.

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

(a) "Act" means, the Transgender Persons (Protection of Rights) Act, 2019 (Act. No. 40 of 2019);

(b) "any official documents" include all documents listed in Annexure-I, which the Government may revise, by notification in the Official Gazette;

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

(d) "application" means, the Application Form as provided in Form-1;

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(e) "certificate of identity" mean, a certificate issued by the District Magistrate under section 6 or section 7 of the Act as in Form-3 or Form-4, respectively;

(f) "form" means, a Form annexed to these rules;

(g) "Government" means, Administrator of the Union territory of Puducherry appointed by the President under Article 239 of the Constitution;

(h) "identity card" mean, 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 Authorised Authority prior to the coming into force of these rules;

(i) "Medical Institution" mean, any Medical Institution whether hospital or clinic, private or public, in rural areas or urban or overseas;

(j) "medical intervention" include any gender affirming medical intervention undertaken by an individual to facilitate the transition to their self-identified gender, including, but, not limited to counselling, hormonal therapy and surgical intervention, if any;

(k) "PACS" mean, Pondicherry AIDS Control Society;

(l) "section" means, a section of the Act;

(m) "TI" means, Targeted Intervention project supported by PACS;

(n) "Transgender person" mean, a person whose gender does not match with the gender assigned to that person at birth and includes transman or transwoman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta;

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

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3. Application for issue of Certificate of Identity under section 6 or section 7.— (1) A transgender person desirous of obtaining a Certificate of Identity shall make an application as prescribed in Form-1.

(2) The application shall be submitted to the District Magistrate in person or by post till online facilities are developed by the Government of Puducherry and thereafter, the application shall be made by online only through *socwel.pon@nic.in*.

Provided that the Government of Puducherry may undertake measures, as it deems appropriate, the Puducherry AIDS Control Society (PACS) to facilitate the submission of applications for Certificate of Identity by transgender persons living in remote areas or disadvantaged conditions till the Puducherry AIDS Control Society (PACS) supported under Targeted Intervention (TI) project;

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 (Act. No. 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 under section 6.— (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 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.

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5. Issue of Certificate of Identity for a transgender person under section 6.— (1)The District Magistrate shall issue to the applicant, a Certificate of Identity in Form-3 following the procedure provided in rule 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-I, 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 Form-5 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 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 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 Government of Puducherry, shall continue to be enjoyed by that transgender person based on the Certificate of Identity issued under these rules.

(8) The Puducherry AIDS Control Society (PACS) shall coordinate with District Magistrate to issue of Transgender Identity Card in the Union territory of Puducherry.

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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-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 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 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.

7. Issue of Certificate of Identity under section 7.— (1) 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.

(2) The District Magistrate shall issue the revised certificate under sub-rule (1), within fifteen days 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 photograph and name, if, so necessitated of transgender person in all such official documents provided in the Annexure-I, in accordance with the gender specified in the said Certificate of Identity as male or female, as the case may be.

(4) 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.

(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.

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(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 of such transgender person who seeks change in the name or gender or both in the official documents.

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

(2) 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.

9. Right to appeal.— 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 as designated by the Government of Puducherry by notification for a final order.

10. Welfare measures, education, social security and health of transgender persons by Government.— (1) The Government shall constitute a Welfare Board for the transgender persons for the purpose of protecting their rights and interests of, and facilitating access to Schemes and welfare measures framed by the Government.

(2) The Government shall review all existing educational, social security, health schemes, welfare measures, vocational training and self-employment Schemes to include transgender persons to protect their rights and interests and facilitate their access to such Schemes and welfare measures framed by that Government.

(3) The Government shall formulate educational, social security, Health schemes and welfare schemes and programmes as specified in Annexure - II in a manner to be transgender sensitive, non-stigmatizing and non-discriminatory to transgender persons.

(4) The Government shall take adequate steps to prohibit discrimination in any Government or private organization, or private and public Educational Institution under their purview, and ensure equitable access to social and public spaces, including burial grounds.

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(5) The Government shall create institutional and infrastructure facilities, including, but, not limited to, Rehabilitation Centre referred to in sub-section (3) of section 12 of the Act, separate Human Immunodeficiency Virus (HIV) Sero-surveillance Centres, separate wards in hospitals and washrooms in the establishment, within two years from the date of coming into force of these rules to protect the rights of transgender persons.

(6) The Government shall carry out an awareness campaign to educate, communicate and train transgender persons to avail themselves of the benefits of Welfare Schemes, educate and train transgender persons on their rights; eradicate stigma and discrimination against transgender persons and mitigate its effects.

(7) The Government shall also provide for sensitization of Institutions and Establishments under their purview, including:-

- (a) sensitization of Teachers and Faculty in Schools and Colleges, changes in the educational curriculum to foster respect for equality and gender diversity;
- (b) sensitization of healthcare professionals;
- (c) sensitization programmes in workplaces;
- (d) sensitization programmes for complaints officers.

(8) 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.

(9) The Government shall create institutional and infrastructure facilities, including, but, not limited to, temporary shelters, short-stay homes and accommodation, choice of male, female or separate wards in hospitals and washrooms in the establishment within two years from the date of coming into force of these rules to protect the rights of transgender persons.

11. Provisions for non-discrimination.— (1) The Government shall take adequate steps to prohibit discrimination in any Government or private organization or establishment including in the areas of education, employment, healthcare, public transportation, participation in public life, sports, leisure and recreation and opportunity to hold public or private office.

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(2) The Government shall within two years from the date of coming into force of these rules, formulate a comprehensive policy on the measures and procedures necessary to protect transgender persons in accordance with the provisions of the Act.

(3) The policy formulated under sub-section (2) shall include preventative administration and Police measures to protect vulnerable transgender Communities.

(4) The Government shall be responsible for the supervision of timely prosecution of individuals charged under section 18 of the Act, or under any other Law for similar offences committed against the transgender persons.

(5) The Government shall set up a Transgender Protection Cell under the charge of the District Magistrate in each District and under Director-General of Police in the Union territory of Puducherry to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences.

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 employment including, but, not limited to, infrastructure adjustments, recruitment, employment benefits, promotion and other related issues.

(2) Every establishment shall publish 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 details of-

 (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 their duties in the establishment.

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- (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) Complaint of the Officers.

13. Grievance Redressal.— (1) The Government shall ensure that every establishment designates a Complaint Officer in accordance with section 11 of Act, within 30 (thirty) days from the date of coming into force the notification of these rules.

(2) The Complaint Officer shall enquire into the complaints received within 15 (fifteen) days from the date of receipt of such complaints.

(3) The Head of the Establishment shall take action on the enquiry report submitted by the Complaint Officer within 15 (fifteen) days from the date of submission of the report.

(4) The Head of the Establishment shall take action forthwith in all cases, where action has not been taken in accordance with the above time-limits.

(5) The Government shall also set up within one year a Grievance Redressal Mechanism, operating through a helpline and outreach centres, 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 of the Act.

(6) The Grievance Redressal System shall ensure resolution of grievances within thirty days from the date of bringing of such grievance to the helpline, and imposing of penalties as laid down in section 18 of the Act.

(7) 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 their jurisdiction.

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FORM - 1

[See rules 2(d), 3(1) and 6(1)]



GOVERNMENT OF PUDUCHERRY OFFICE OF THE DISTRICT MAGISTRATE

APPLICATION FORM FOR ISSUE OF A TRANSGENDER CERTIFICATE OF IDENTITY

[under the Puducherry Transgender Persons (Protection of Rights) Rules, 2024 (read with Section 6* / 7* of the Transgender Persons (Protection of Rights) Act, 2019]

(* Strike out whichever is not applicable)

:

•

- 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 :

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6.	Pern	nanent address	:	
7.		nere is a source of income, annual income.	:	
	(i)	Under ₹ 1,00,000	: Yes/No	
	(ii)	Between ₹ 1,00,001 and 3,00,000.	: Yes/No	
	(iii)	Above ₹ 3,00,000	: Please specify the an	nount:
8.	docu self-	you have any of the followin ments? If so, please submit attested photocopies of the ficates stated below.	g	
	(i)	Date of Birth Certificate	: Yes/No	
	(ii)	Aadhaar Card	: Yes/No	
	(iii)	PAN Card	: Yes/No	
	(iv)	Electoral Photo Identity Card	: Yes/No	
	(v)	Family Ration Card	: Yes/No	
	(vi)	Passport	: Yes/No	
	(vii)	Bank Passbook	: Yes/No	
	(viii)	MNREGA Card	: Yes/No	
	(xi)	Caste Certificate (SC/ST/OBC/Others)	: Yes/No	
9.	appl Tran	ical history (for those ying under section 7 of the sgender Persons (Protection ights) Act, 2019.		
	(i)	Have you undergone any medical intervention in the context of transgender transition?	: Yes/No	

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- (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-2 of the Transgender Persons (Protection of Rights) Act, 2019 under Puducherry Transgender Persons (Protection of Rights) Rules, 2024. 12. Have you attached the passport : Yes/No
- size photographs?

Enclosed : documents as mentioned in the application

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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 :Signature or left-hand thumb impressionDate :of the applicant given name of the applicant

FORM - 2

[*See* rules 4(1) and 4(2)]

Format of affidavit to be submitted by a person applying for Certificate of Identity for transgender persons under rule 4 of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024, read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019

(Affidavit should be on Non-judicial stamp paper of ₹ 10) Competent Notary Civil, District (Name of the District), (Name of the State)

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.

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3. I declare myself as transgender.

4. I am executing this Affidavit to be submitted to the District Magistrate for issue of Certificate of Identity as transgender person under section 6 of the Transgender Persons (Protection of Rights) Act, 2019 under the Puducherry Transgender Persons (Protection of Rights) Rules, 2024.

* strike out whichever is not applicable.

Deponent

(Signature of the Applicant)

VERIFICATION

I, (Name), hereby state that whatever is stated here in above serial Nos. 1 to 4 are true to the best of my knowledge.

Deponent

(Signature of the Applicant)

Tehsil

Date

Identified by me

Advocate

Before Me Notary Public

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FORM - 3

[See rules 2(e) and 5(1)]

Form of Certificate of Identity to be issued by District Magistrate under rule 5 of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024, read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019

> Photograph of the Certificate holder (District Magistrate to attest the photograph)

2. His/Her birth name is.

3. This certificate is issued in terms of the provisions contained under rule 5 of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024, read with section 6 of the Transgender Persons (Protection of Rights)Act, 2019.

4. It is also certified that Shri/Smt/Ms. is ordinarily a resident of the address given above.

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

Place :	Signature of the District Magistrate
Date :	(Seal)

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FORM - 4

[See rules 2(e) and 7(1)]

Form of Certificate of Identity for change of gender to be issued by District Magistrate under rule 6 of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024, read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019

Photograph of the Certificate holder (District Magistrate to attest the photograph)

2. His/Her birth name is.

3. This certificate is issued in terms of the provisions contained under rule 6 of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024, read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019.

4. It is also certified that Shri/Smt/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.

Place :	Signature of the District Magistrate
Date :	(Seal)

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FORM - 5

[See rules 2(h) and 5(4)]

(Form of Identity Card Front side of Identity Card)



GOVERNMENT OF PUDUCHERRY OFFICE OF THE DISTRICT MAGISTRATE

TRANSGENDER IDENTITY CARD

 Identity Card number
 :

 Photograph of the Card holder

 Name
 :

 Mother's name @
 :

 Father's or Guardian's name @
 :

 Gender
 Transgender

 Date of birth
 : (dd/mm/yyyy)

Age as on the date of application for issue ofyears Identity Card

Reference number of certificate of authority on the basis of which this card is issued.

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Back side of the Identity Card

Present address

Card issue date

Signature of the issuing Authority-Designation

Seal of the Issuing Authority

Issued under section $6^*/7^*$ of the Transgender Persons (Protection of Rights) Act, 2019 and under Rule of the Puducherry Transgender Persons (Protection of Rights) Rules, 2024.

* Strike out whichever is not applicable

@ only in case, the applicant is a minor child

FORM - 6

[See rules 2(h) and 7(4)] Form of Identity Card (Front side of Identity Card)



GOVERNMENT OF PUDUCHERRY OFFICE OF THE DISTRICT MAGISTRATE

IDENTITY CARD

:

Identity Card number

Photograph of the Card holder

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Name		:	
Mother	's name @	:	
Father's Gender	s or Guardian's name @	: Transgender	
Date of	birth	: (dd/mm/yyyy)	
Age as	on the date of application f	for issue ofyears Iden	tity Card
	ce number of certificate of y on the basis of which th issued.		
	Back side of	the Identity Card	
Present	address		
Perman	ent address		
Card is	sue date		
0	re of the issuing ty-Designation		
Seal of	the Issuing Authority		
@ only	in case, the applicant is a	minor child	
	ANNE	EXURE - I	
	[see rule 2(b), 5(3) and 7(3)]	
Illustrat	ive list of official document	nts referred to in	
S. No.	Name of	the official document	
(1)		(2)	
(1)	Birth Certificate		
(2)	Caste/Tribe Certificate		

(3) Any educational certificate, issued by a School, Board, College, University or any such academic Institution.

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(2) (1) (4) Elector's Photo Identity Card (5) Aadhaar Card Permanent Account Number (PAN) (6) (7) Driving Licence (8) BPL Family Ration Card (9) Post Office Bank/Bank Passbook with photo (10)Passport (11)Kisan Passbook (12)Marriage Certificate (13) Electricity/Water/Gas connection paper (14)Property papers, (15)Vehicle Registration Service book, Employment papers (16)Identity card related to her (17)(18)Policy papers

ANNEXURE - II

[*See* rule 10(3)]

LIST OF WELFARE SCHEMES

1. Access to health

(a) Atleast 1 Government Hospital in every Union Territory be equipped to offer safe and free gender affirming surgery, counseling and hormone replacement therapy to the transgender community, including all Male to Female (MTF) and Female to Male (FTM) procedures.

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(b) State Medical Insurance shall cover procedures of SRS, hormonal therapy, laser therapy, counselling and other health issues of transgender persons at private hospitals.

(c) Medical Insurance/Arogyashri cards,

(d) All healthcare facilities should ensure that there are separate wards for transgender persons.

2. Access to education

(a) Scholarship for transgender students.

(b) Inclusive and equitable quality education in Schools that fosters respect for equality and gender diversity.

(c) Protection against ragging in the educational institutions with provisions for grievance redressal.

(d) Facilitation of accommodation and schooling for transgender, gender non-conforming and intersex children in residential Government Schools and Universities.

3. Access to housing

(a) Affordable housing.

(b) Shelters and community centres for at risk transgender youth that provide nutritious food and counselling.

(c) Access to sanitation facilities and safe drinking water.

4. Welfare measures

(a) Universal access to Food Security Schemes and provision of Family Ration Cards.

(b) Pension for aged, disabled or other vulnerable transgender persons.

(c) Old age and retirement homes for transgender persons facing housing exclusion.

(d) Public transport to have harassment-free zones for transgender persons.

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5. Economic support

(a) Universal coverage of Life Insurance.

(b) Access to banking and financial services including loans.

(c) Explicit inclusion of transgender persons in employment guarantee schemes such as Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and all Social Security Schemes.

(d) Formation into self help groups for livelihood activities.

(e) Provisions of zero-interest and other micro-finance schemes.

online publication at "https://styandptg.py.gov.in" Published by the Director, Government Press, Puducherry.