Capstone Research Report (2024)

On

IDENTIFYING AND UNDERSTANDING THE CHALLENGES FACED BY TRANSGENDER INDIVIDUALS IN OBTAINING TRANSGENDER CERTIFICATE & IDENTITY CARD IN INDIA

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SELF-DECLARATION

This is to certify that the thesis submitted by me titled "Identifying and understanding the challenges faced by transgender individuals in India in obtaining Transgender Certificate and Identity card in India" is my original work and has not previously formed the basis for the award of any Degree, Diploma, Associateship or Fellowship to this or any other University.

Aishwarya Bansal

CERTIFICATE OF THE SUPERVISOR

This is to certify that the thesis titled "Identifying and understanding the challenges faced by transgender individuals in India in obtaining Transgender Certificate and Identity card in India" is original work undertaken by Aishwarya Bansal under my supervision and guidance as part of her Master degree in this Institute. The thesis may be sent for evaluation.

Supervisor's Signature

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GLOSSARY

DM -District magistrate

Govt – Government

NALSA- National Legal Services Authority

SDM- Sub-divisional District magistrate

TG Card – Transgender Certificate and Identity card

ABSTRACT

The transgender community is one of the most marginalized and discriminated sections of society in India. They face familial rejection, social exclusion, sexual and physical abuse, harassment, and hate crimes, and face lack of access to basic education, training, employment, property rights, healthcare, and more (MoSJE, 2014). The government has attempted to actively support transgender rights through, the introduction of the Transgender Persons (Protection of Rights) Act in 2019. The Act is a major step towards inclusivity and gender diversity by giving transgender people legal recognition and the status of a "third gender,"(Garg, 2022). This Act mandates that anyone who wants their transgender status to be legally recognized must apply for a "Transgender Certificate and Identity Card (MoSJE, n.d.)." This certificate serves as crucial official documentation categorizing their gender as transgender and is mandatory to avail of benefits under the SMILE scheme such as scholarships for education, medical assistance, skill development, legal protection, etc that would result in the advancement and progress of this community (MoSJE, n.d.). This research project explores the challenges faced by transgender individuals in obtaining the Transgender Certificate and Identity card in India via both online and offline modes of the application process and aims to offer crucial insights that will aid in policy refinement and effective implementation, promoting inclusivity of the marginalized group.

1. INTRODUCTION:

Transgender individuals, integral to the fabric of societies throughout history, have recently gained media attention concerning their rights, shedding light on their status as one of the most marginalized communities. The "National Human Rights Commission's report" discloses alarming statistics, indicating that "ninety-two percent of trans people" in India experience economic inactivity, while less than fifty percent have access to education (Chauhan, 2018). Despite a total transgender population of 4.8 lakh as per the 2011 Census, only "30,000 are registered with the Election Commission", hinting at the prevalence of secrecy to avoid discrimination among the estimated "50 to 60 lakh transgenders in India" (Farooqui, 2018). The grim reality continues as 99 percent have faced social rejection, and 96 percent are denied employment, often resorting to low-paying or undignified work for livelihood (Farooqui, 2018). This marginalized group confronts social exclusion, familial rejection, sexual and physical abuse, harassment, and hate crimes, compounded by transphobia, leading to severe psychological stress during gender dysphoria and dysmorphia. The pervasive discrimination extends across various aspects of life, including education, training, employment, property rights, public services, housing, healthcare, marriage, adoption, insurance, pension, banking, gender affirmation surgery, legal protection, voting, and more (MoSJE, 2014).

The government at both central and state levels, along with the judiciary, has actively supported transgender rights through key initiatives such as the decriminalization of Section 377 of the IPC, the introduction of the "Transgender Persons (Protection of Rights) Act in 2019, the establishment of Transgender Persons (Protection of Rights) Rules in 2020", and the creation of Garima Greh (Garg, 2022). The "legal recognition of the transgender community" as a "third gender" was granted in a landmark Supreme Court judgment (NALSA(National Legal Services Authority) vs Union of India &Ors), in April 2014 (Garg, 2022).

According to the Transgender Persons Act of 2019, individuals seeking legal recognition of their transgender identity are required to apply for a "Transgender Certificate" (MoSJE, n.d.). This certificate serves as official documentation categorizing their gender as transgender and is mandatory to avail benefits under SMILE scheme (explained further in literature review ahead) (MoSJE, n.d.).

This study identifies and understands the challenges faced by transgender individuals in India in obtaining a Transgender Certificate and Identity card in India. The research uses qualitative methods and the research questions and methodology have been discussed in detail ahead.

2. **LITERATURE REVIEW:**

In recent years, global attention has increasingly focused on the rights and recognition of transgender individuals, with India making significant strides towards inclusivity and gender diversity (Pakrasi, 2023). The legal foundation supporting transgender rights in the country stems from the 2014 Supreme Court judgment (NALSA(National Legal Services Authority) vs Union of India &Ors), recognizing transgender individuals as the 'third gender,' thus opening avenues for them to assert their identity and access diverse entitlements (ORF, 2020). The Transgender Persons (Protection of Rights) Act of 2019 is a pivotal legislative measure in India aimed at safeguarding the rights and recognition of transgender individuals (Kumar & Syiem, 2022). This act holds significance as it acknowledges the "historical marginalization and discrimination faced by the transgender community" and aims to address them (Kumar & Syiem, 2022). The Act marks a significant step towards inclusivity and gender diversity by legally recognizing transgender persons and granting them the official status of a "third gender" (Garg, 2022). According to the Transgender Persons (Protection of Rights) Act of 2019, individuals seeking legal recognition of their transgender identity are required to apply for a "Transgender Certificate and Identity Card" (MoSJE, n.d.). This certificate serves as official documentation categorizing their gender as transgender. The "Transgender certificate and identity card are nationally recognized" documents provided by the Ministry of Social Justice & Empowerment in India (MoSJE, n.d.).

Transgender Persons (Protection of Rights) Rules, 2020 mentions the process of obtaining Transgender Certificate and Identity Card the detail (MoSJE, n.d.). It can be applied online via a dedicated National Portal for Transgender Person (MoSJE, n.d.) provided by the Ministry of Social Justice & Empowerment (MoSJE) without physical interface without having to visit any office, from anywhere in the country. As per Transgender Persons (Protection of Rights) Rules, 2020 and National Portal for Transgender Person, people of India who identifies themselves as transgender i.e. the definition "transgender person" means "a person whose gender does not

match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, gender queer and person having such socio-cultural identities as kinner, hijra, aravani and jogta" can apply for the Transgender Certificate and Identity Card" which is issued by the concerned District Magistrate(DM) or Sub-Divisional Magistrate(SDM) office(MoSJE, n.d.). Transgender Certificates & identity Cards must be mandatorily issued by the District authorities(DM/SDM) within 30 days of receiving the Application. For a minor, the application should be made by the parent or legal guardian of the child (MoSJE, n.d.). This certificate includes crucial details such as the person's chosen name and gender identity (Pakrasi, 2023). A single application form needs to be submitted for the issue of the Transgender Certificate of Identity and Identity Card (MoSJE, n.d.). As per Transgender Persons(Protection of Rights) Rules, 2020, there are two categories of application forms for Transgender Certificates & identity Cards- one under Section 6 and the other under Section 7 of the Transgender Persons(Protection of Rights) Act, 2019 (MoSJE, n.d.). Under Section 6, The DM/DSM issues "Transgender Certificates & identity Cards" to applicants seeking to change gender to transgender. No medical certificate is required to be submitted by the transgender applicant when applying for "Transgender Certificates & identity Cards" under Section 6 (Chandra & Neog, 2023). Under Section 7, The DM/DSM issues "Revised Certificates of Identity" to applicants seeking "change in gender indicating the gender of such a person as male or female", as the case may be (MoSJE, n.d.) and requires a medical certificate to be submitted by the applicant (Chandra & Neog, 2023). The documents required for "becoming eligible for the certification" are photo identification, signature/thumb impression, residential address proof, and affidavit (contains self-declaration of gender by an individual as transgender and current residential address on a Rs. 10 Stamp paper (Chandra & Neog, 2023)) (MoSJE, n.d.). The affidavit format is attached to the report in Appendix II(Fig 5). The Transgender Persons (Protection of Rights) Act, 2019 also mentions that the application for Transgender Certificates & identity Cards must be submitted to the DM by post or in-person until the development of online facilities by the State Govt concerned post which only online application shall be made (Chawla, 2021).

The need for a Transgender Certificate and Identity Card in India is underscored by its role in facilitating the implementation of welfare measures for transgender individuals. This mandatory document, launched to assess the welfare of transgender individuals, allows them to legally assert their gender identity (Pakrasi, 2023). The benefits of having a Transgender Certificate and Identity Card also include entitlement to a transgender person to change name & gender in all official documents and for availing Central government schemes' benefits (MoSJE, n.d.).
Transgender Certificate is also mandatory for availing of benefits and a comprehensive set of welfare measures, including legal protection, social security, scholarships for education, medical assistance, a protection cell, skill development courses, etc, under initiatives like the Support for Marginalized Individuals for Livelihood and Enterprise scheme (SMILE scheme), introduced by MoSJE, (Mohapatra, 2022; MoSJE, n.d). This scheme aims to ensure a secure and dignified life for transgender individuals, especially those engaged in begging, by addressing various aspects of their well-being (Mohapatra, 2022).

In 2023, Delhi Commission for Women (DCW), in its recommendation to "Union Ministry of Home Affairs" and Delhi Government stated that the Commission identified several shortcomings in the "Transgender Persons (Protection of Rights) Act, 2019's implementation", especially with regard to the issuance of identity certificates to transgender individuals so they can participate in government welfare programmes (Tewari, 2023). As per DCW, in Delhi, only 76 transgender certificates have been awarded over the previous three years(Outlook, 2023). Delhi has 4,213 transgender people, according to the 2011 census (Outlook, 2023). Very few applications for transgender certificates have been received by most districts. For example, Shahdara district has only gotten four in the previous three years. Out of the 74 applications, 27 were still pending in the North District, Delhi according to DCW (Tewari, 2023). It further stated that the majority of applications were denied after a protracted period of time for arbitrary reasons, such as the applicant's signature being missing or supporting documents. or the applicant not belonging to the same district. Accessibility is another issue in obtaining a transgender certificate since not many transgender individuals are digitally literate enough to be able to use the online portal service (Tewari, 2023).

The DCW also identified that many transgender persons were unaware of the Transgender Certificates and the benefits of having one. It also reported that during an interaction with transgender individuals, it found that certain government officers and staff lacked sensitivity, and the transgender people and their families have faced harassment by “officials from the Sub Divisional Magistrate’s office” who would visit transgender person’s neighborhood under the guise of address verification (Tewari, 2023).

DCW also found discrepancies in data for state and district regarding applications received from TG person for TG certificate with Social Welfare Department claiming to have “received 324 applications in the previous four years” while districts claimed receiving of “only 234 applications” (Tewari, 2023).

Also, Rudrani Chhetri, a transwoman and project director of the shelter home Garima Greh who has been actively fighting for the rights of transgender persons, revealed that the certification screening procedure is challenging for members of the community (Tewari, 2023).

The “Right to self-declare one’s perceived gender identity cannot be done without a certification by the District Magistrate and after proof of a sex reassignment surgery is provided”(Bhattacharya et al., 2022). This contradicts the right to dignity and bodily autonomy, imposes an added financial burden on healthcare, and subjects transgender individuals to "painful", cumbersome, and potentially “corrupt bureaucratic processes” (Bhattacharya et al., 2022).

Transgender persons living with “multiple identities of marginalization” are required to “undertake the name and gender change” on their documents “multiple times” (Brindaalakshmi. K, 2023). While the transgender identity certificate can be used to “change name and gender on other documents”, it still involves engagement with different govt officials who may be “transphobic, insensitive and discriminatory towards transgender persons” (Brindaalakshmi. K, 2023).

Individuals facing challenges in changing their name and gender on official documents often encounter difficulties due to the dependency on existing identity documents reflecting their

assigned name and gender (Brindaalakshmi. K, 2023). This issue is particularly pronounced for transgender individuals who find themselves compelled to flee their homes to escape abuse, domestic violence, and discrimination related to their gender identity and thus lack the necessary documents required (Brindaalakshmi. K, 2023).

Furthermore, the available forms for this process are limited to a handful of languages (Brindaalakshmi. K, 2023), including English, Hindi, Malayalam, Gujarati, and Bengali (MoSJE, n.d.). This poses a barrier for individuals residing in rural areas of various states such as Andhra, Karnataka, Tamil Nadu, Telangana, and others, where people may not be familiar with any of these languages (Brindaalakshmi. K, 2023).

Based on the above literature it can be understood that Transgender Certificate and Identity Card in India is an essential document for transgender persons to legally assert their gender identity and also avail benefits of numerous Central government schemes crucial for the advancement and progress of this marginalized community. It is also understood that transgender persons face various challenges in obtaining Transgender Certificate and Identity Card which may prevent them from transcending their barriers and leading a better life. This research paper attempts to identify and understand the numerous challenges faced by transgender persons in India in obtaining Transgender Certificate and Identity Card (details and methodology shared further).

RESEARCH TOPIC:

Identifying and understanding the challenges faced by transgender individuals in India in obtaining Transgender Certificate and Identity Card in India.

RESEARCH QUESTIONS:

a. What are the challenges faced by transgender individuals in India during the application process to obtain a Transgender Certificate and Identity Card via online mode?
b. What are the challenges faced by transgender individuals in India during the application process to obtain a Transgender Certificate and Identity Card via an in-person visit to the offices designated for the issuing of the Transgender Certificate and Identity Card?

3. METHODOLOGY:

This is a qualitative study based on the one-to-one semi-structured interviews (open-ended questions) of the stakeholders – Transgender Persons, NGOs, and Government Officials involved in the process of Transgender Certificate and Identity Card - to understand the challenges faced by transgender in obtaining Transgender Certificate and Identity Card. Both online and offline modes of application for Transgender Certificate and Identity Card were studied. The research is based in Delhi. This research pertains to the application of "Transgender Certificate and Identity Card" under Section 6 of Transgender Persons (Protection of Rights) Act, 2019. Under Section 6, the DM/DSM issues "Transgender Certificates & identity Cards" to applicants seeking to change gender to transgender (Chandra & Neog, 2023).

The sample size for transgender persons for the survey is 16. The sample for transgender respondents is diverse and comprises:

- Transgender persons who have applied for Transgender Certificate and Identity Card and received the Transgender Certificate and Identity cards,
- Transgender persons who have applied for Transgender Certificate and Identity Card and have not yet received the Transgender Certificate and Identity cards – application still in process,
- Transgender persons who had applied for Transgender Certificate and Identity Card but the application got rejected
- Transgender persons who have not applied for Transgender Certificate and Identity Card,
- Transgender persons who applied online
- Transgender persons who applied offline

Snowball sampling has been utilized to connect with 16 transgender persons staying in Delhi who had applied/not applied for Transgender Certificate and Identity Card to understand and identify the challenges faced by them in obtaining Transgender Certificate and Identity Card during the entire process from right from applying for the Transgender Certificate and Identity Card, submitting the application form to issuing/non-issuing of the Transgender Certificate and Identity Card (explained at length further).

3 NGOs (one representative from each NGO) that are based in Delhi and engage in assisting transgender persons apply for the Transgender Certificate and Identity Card were interviewed for the research to understand the challenges faced by the transgender in obtaining Transgender Certificate and Identity Card and how does NGO helps in easing those challenges. One government official at one of Delhi's District Magistrate's offices was interviewed to understand better the backend process and the reason for the challenges faced by transgender persons in obtaining Transgender Certificate and Identity Card and how those challenges are addressed by them.

The questionnaire (attached in the Appendix I) aimed at comprehensively understanding challenges faced by the transgender persons to obtain Transgender Certificate and Identity card covering every aspect from the initial application process to the eventual receipt of the certificate – reasons for applying/not applying for Transgender Certificate and Identity card by transgender individuals, the awareness among transgender persons (and Government officials) about the Transgender Certificate and Identity Card, challenges faced by transgender persons(and NGOs) while applying for it including form-filling, eligibility, language barrier, digital literacy, procurement of the prerequisite mandatory documents, cost of application, uploading/attaching these documents in/with the application form, challenges during submitting the application form, challenges post submission of application such as -verification, the reason for rejection of application form, corruption, government official behavior, grievance redressal, awareness of helpline, grievance redressal process, (awareness, addressing, awareness of the), awareness of end to end process of, benefits of Transgender Certificate and Identity Card, benefits availed, measures by the stakeholders(NGOs, Govt officials, Transgender persons) to improve the entire application process, among other questions,. The questionnaire is attached in the Appendix for reference.

The research was started post approval of the research topic, questionnaires (for Transgender persons, NGO employees, and government officials), and consent form by the Ethics Committee at Kautilya School of Public Policy. Consent was taken prior to every interview to ensure respect, autonomy, and voluntary participation of the participants. The interview was recorded over the phone and the transcripts were anonymized for analysis. Transcripts are coded to identify common themes that help understand the various challenges faced by transgender

persons in obtaining the Transgender Certificate and Identity card and the reasons for those challenges, and benefits of Transgender Certificate and Identity card, NGOs and the government try to address them, identifying various gaps in understanding of the application process among all three stakeholders. The research report gives recommendations for easing/ reducing the challenges faced by transgender persons in obtaining the Transgender Certificate and Identity card and making the process smoother and more transparent.

4. RESEARCH FINDINGS AND DISCUSSIONS/ANALYSIS:

16 transgender persons, 3 NGO employees, and 1 government official at Delhi's District Magistrate office were interviewed about challenges faced by transgender persons in obtaining the Transgender Certificate and Identity Card (***TG card - popularly known among the transgender community***) via both online and offline modes.

4.1 FINDINGS:

4.1.1 TRANSPERSON RESPONDENTS:

16 transgender persons were surveyed to know the challenges faced by transgender persons in obtaining Transgender Certificate and Identity Card. Of them, 12 had applied for the TG card and 4 had not applied for the TG card. *Below are the findings*:

1. Statistical data:
   a. Applied vs Not Applied for TG card:
      - Applied: 12 transgender respondents applied
      - All of these 12 transgender respondents applied for TG card via online mode
      - One transgender respondent also applied for TG card via offline mode
      - Not Applied: 4
      - All of these 4 transgender respondents who have not yet applied would like to apply for TG cards via online mode
   b. Status of Application:
      - In process: 6 transgender respondents
      - Received TG card: 3 transgender respondents

- Rejected: 5 transgender respondents of whom 3 transperson applicant faced rejection of the application form twice

c. Access to devices (phone/computer) to submit the application: All of the transgender respondents had access to a phone (personal phone) but only 4 transgender respondents had their personal computer/laptop. 7 transgender respondents acknowledged they had very little knowledge of how to use a computer.

d. Device use for submission of online application form:
   - Phone: 4 transgender respondents submitted their application form
   - Computer/laptop: 6 transgender respondents submitted their application form

e. Filling form, uploading documents and submitting online application form for TG card independently on own vs required assistance:
   - 6 transgender respondents submitted their online application form on their own(independently)
   - 5 transgender respondents required assistance from NGOs and 2 transgender respondents required assistance from friends to submit their online application form.

2. Specific Purpose of applying for TG card: The various specific reasons why the transperson respondents applied for the TG card are:
   - To be able to pursue sex reassignment surgery by availing financial benefits (5 lakhs) for transgender persons under Ayushman Scheme (6 respondents), avail medical facilities.
   - Legal gender identity card that is proof of their gender(3 respondents) that they can show to avoid any kind of harassment(1 respondent),
   - to pursue further studies under the scholarship SMILE scheme(2 respondents),
   - 1 transperson respondent also applied for the TG card because their friends in the transgender community were applying for it.
   - 1 transperson respondent applied to avail of government scheme benefits under SMILE
   - 2 respondents applied in case they may need it to avoid any problem or the card may be useful in some occasion

3. Challenges faced by the transgender applicants:

   a. Online application portal-related challenges faced by the transperson respondents are:
      - Digital literacy as a challenge (from filling the form, uploading the required documents to submitting the form): Only 6 respondents were independently able to

fill out, upload documents, and submit their online application forms on their own without any assistance. Those who attempted to do so encountered below challenges:

- Only 7 transperson respondents acknowledged that they had very little knowledge of how to use a computer.
- In uploading documents in the required format(pdf, jpeg, jpg) and required file size (" not exceeding 1 MB) due to a lack of digital knowledge to ensure that. Conversion of photo file size from MB to KB was a challenge since some of them had only limited basic knowledge of using a computer.
- Phone vs Computer to submit online application form: It is more convenient to submit online application forms using a computer/laptop than a phone. It is difficult to submit online application forms using the phone as some respondents faced challenges in uploading documents in a particular file format and limited file size(<1MB). Only 4 transgender respondents were able to submit their online application form using a phone while most respondents i.e. 6 transgender respondents submitted their online application form using a computer/laptop.
- Timely issue of card or delayed: Only 2/16 transperson respondents had received TG card within the stipulated timeframe of 30 days (maximum time limit for processing and issuing of the TG card inclusive of the verification process as mentioned in the online portal). 6/12 transperson respondents who applied online application reported that they had not received their TG cards within the designated period. Infact, the portal shows their application in process beyond 30 days. Some of these respondents with delayed TG card process mentioned a delay of around 6 months. Such delay in issuance extends beyond the promised timeframe, causing uncertainty and frustration among transgender individuals awaiting their TG cards.

b. Complaint/ Grievance Redressal: 6 out of 12 transperson respondents who applied for TG card in online mode were not aware of any helpline number to reach out to in case of raising their concerns or any complaints to understand the reason for the delay in issuing of TG card or rejection of the application form or any grievance. While some of the transperson respondents were dependent on the NGO that had helped them in the submission of their application form, while some had refrained from reaching out to any

grievance redressal mechanism due to reasons such as – "Govt processes take time", one transgender respondent shared that when her form was rejected twice, to understand the reason of rejection she tried the helpline number many times to no avail as no one picked her call.

- 2 transperson respondents had in fact visited the government office when their forms were rejected to understand the reason for rejection. They found that government officials lacked awareness of the TG card. One of these two respondents also felt "insulted" by interaction with the government official hinting lack of sensitization among govt officials which needs to be addressed.

c. Awareness/sensitization among govt official and their behavior towards transgender applicants: Of the few transperson respondents who had interacted with government officials during the online application process for a TG card, 2 transperson respondents visited the government office when their forms were rejected to understand the reason for rejection. Upon their interaction with the govt officials, they found that government officials lacked awareness of the TG card. One of these two respondents also felt "insulted" by interaction with the government official indicating a lack of sensitization among govt officials which needs to be addressed.

d. Reason for rejection/delay in the process:

- Reason for delay: the transgender respondents who faced delayed application reported that they had no idea or knew no reason, why their form was delayed (showed in-process).
- Reason for rejection: 5 transgender respondents who faced rejection mentioned reasons such as unclear photo/signature, address issue(Aadhaar address not matching with the district from where the form was applied- residence issue discussed at length in another section of this report), affidavit not in proper format. One of the respondents was unable to understand the reason for the rejection of her form. 3 respondents had faced rejection twice. One respondent also mentioned that the annual income must be filled as less than 1 lakh to avoid rejections.

4. Common challenges (both offline/online mode):

a. Document-related challenges: Other than the financial burden of the cost of procurement of documents affidavit (Rs 150-400) and gender dysphoria certificate(Rs 900 -2100) (discussed in another point in this report)

- It is a discomfort for some transperson respondents to get the affidavit made in the same hometown and fear of revealing of their identity as a transgender person to family/neighborhood and the consequences of familial and social rejection. A transperson respondent shared her ordeal regarding the challenges she faced in obtaining an affidavit from her hometown. She said that she disguised herself as a transgender(female) and wore a mask to procure the affidavit made by the notary. She feared anyone might recognize her and may report to her family or share with her neighborhood.
- Lack of availability of Aadhaar cards when some of the transgender persons leave their homes without their documents at home. This makes it a challenge for them to apply for the TG card. Lack of documents such as residence proof, 12–month residence proof/ rental agreement since being a marginalized and discriminated community find it difficult to get residence for a long duration on rent due to social rejection.

b. Corruption: Most of the transperson respondents did not face any corruption in applying for the TG card. However, a few transperson respondents feel the cybercafe may charge for the application of a TG card which is free of cost for transgender individuals who may lack awareness due to the marginalized condition of some transgender individuals in the community with less or lack of education.

c. Awareness:

- Source of awareness about TG card: All the transperson respondents were aware of the TG card but 6 transgender respondents had zero to little awareness about the benefits of TG card. The various sources they learned about the TG card are friends(5 respondents) in the transgender community, NGOs (7 respondents), and family members (only one respondent). One respondent got to know about the TG card and benefits while working on SMILE Scheme and one respondent attended the SMILE event. One of the respondents said that she learned about the TG card on social media when one of her friends posted about her happiness when she received

her TG card. She connected with her friend to understand the purpose of the TG card and then googled it to learn more about it. None of the transperson respondents mentioned any govt advertisement/campaign/effort as a source of information on the TG card.

- Awareness about the SMILE Scheme: 2 transperson respondents knew very little about the SMILE scheme while 5 transperson respondents had never heard about it.
- Awareness about the benefits of the TG card: Some transperson respondents (6) had no to very little awareness of the benefits of the TG card. Those who were aware listed a few benefits such as-
  - ✔ Benefits beyond govt scheme: The transperson respondents also mentioned the benefits they receive or are likely to receive upon obtaining a TG card that is apart from government schemes and benefits for transgender persons such as employment opportunities in the private sector for transgender persons, the flashing of TG card would enable them from any harassment they face due to police officials, access to office cabs that may offer ride to one gender at a time.
  - ✔ The above necessitates them to have the TG card as soon as possible to avail above benefits.
  - ✔ On further probing the transperson respondents to explain the benefits in detail, they were unable to explain for example: how will the TG card be beneficial in sex reassignment surgery- will it be free of cost, or partial expenditure will be borne by govt or it just makes a transgender person eligible for surgery.
- Awareness among TG persons, By Govt/NGOs: Some transperson respondents acknowledged that there is still not enough awareness among the transgender community and that Govt has not been increased awareness of TG cards, and that the govt must increase awareness of TG cards among transgender persons and public in general. To cite an example, three transperson respondents said that "the way govt has spread awareness on social schemes like Beti Bachao Beti Padao(written in the back of many trucks) or family planning schemes Bache do hi ache", such as has not been the case with TG card and its benefits. All the transperson respondents acknowledged

that NGOs are doing great in increasing awareness of the TG card, its benefits, and various Govt schemes for transgender persons. They even suggested measures that govt must take to increase awareness on the same, discussed further.

- Awareness of process: Many transperson respondents lacked knowledge of the entire process of the TG card. Some transperson respondents had procured a Gender Dysphoria certificate for the application form (Sec 6) despite not being asked in online mode. Also, many transgender respondents lacked clarity on the verification process. They (6/12 respondents who applied for TG ard) also lacked knowledge of the helpline number to reach out to seek help related to the application form.

d. Fees/Expenses: Though all the transperson respondents appreciated that "the application process is free of cost" (MoSJE. n.d.), but they find that obtaining the mandatory documentation such as the affidavit, medical certificate eg. Gender Dysphoria Certificate presents a substantial financial challenge for the marginalized transgender individuals who may find the fees of procurement of these documents prohibitively expensive. The procurement of the affidavit, which involves self-declaration of the applicant as transgender on a Rs10 stamp paper, can cost between Rs 150 to Rs 250, inclusive of notary fees. Some of the transperson respondents have reported spending Rs 900-2100 for a Gender Dysphoria Certificate. Also, some respondents had to pay for the affidavit again when reapplying application due to form rejection incurring extra costs (additional financial burdens). This can be a burden and deterrent for many marginalized transgender persons to apply for the TG card. Thus, while the application itself may be cost-free, the hidden expenses associated with document procurement present a substantial barrier.

e. **Transperson applicant respondents who did not apply for TG card:** 4 transperson respondents had not applied for the TG card due to various reasons such as:

- Lack of awareness/knowledge about the TG card and its benefits; lack of documents; fees of the document unaffordable since the respondent did not have a job.
- Difficulty in procuring document- affidavit
- Two respondents feared fear of rejection of card due to residence issue(12-month prerequisite), due to lack of proof of residence for 12 months. Their Aadhaar

address did not match with the district they were applying for. In such a scenario, the two respondents have decided to apply from their home state when they visit. One respondent also added that even if she has the option of getting her Aadhaar updated with the address of the district she is currently staying (living for more than a 12-month period), away from the home state, she does not wish to. She said she does not want to break any ties with her familial address of the home state mentioned in the Aadhaar as it makes her feel connected to her family.

- All 4 respondents chose to apply for the online mode of application due to reasons already discussed in the section online vs offline mode.

f. 12-month Residence Proof: "Applicants aren't required to apply from their home state; they can apply from any state where they currently reside. However, they must have resided in the chosen state for at least 12 months before applying for a TG card" (MoSJE. n.d.). The provision by the government allowing transgender applicants to apply digitally for the TG card from any state/ from anywhere in the country (MoSJE. n.d.) was appreciated as a welcome and a right initiative by all transperson respondents. But the mandatory prerequisite of being a resident of the district in a state (other than the home state), from where the TG card is applied, for at least 12 months was considered a challenge and barrier by all the respondents. Many expressed reluctance to apply from their home state due to concerns about potential government scrutiny during the verification process by govt officials, hesitant due to discomfort in the procurement of the essential affidavit(self-declaration of the applicant as a transgender person) made in the home due to the fear of being disclosed or revealed to their families/neighborhood by anyone in the court or notary or any social rejection in home, and also, many transgender persons may have to migrate/relocate to new cities/states due to various reasons and circumstances such as employment opportunities or unstable jobs; forced leaving/absconding of their homes due to familial/social rejection among various other reasons. It may not be feasible for them to be a resident of a new state/district for 12 months. Also due to social rejection many transgender persons are unable to find a place to stay even on rent making it difficult to procure residence proof. Also, many transgender persons who may not be literate or lack education would not know how to even procure a rental agreement and hence any residence proof. Also, many transgender

persons who undergoing medical/hormonal procedures for a year and/or preparing for sex reassignment surgeries SRS) or maybe are ready for SRS will have to wait for the 12-month period to procure a TG card which has been made essential and mandatory by some hospitals for transgender persons to be eligible for SRS. Waiting for such a long period may also exacerbate the existing physical and mental strain esp. of those transpersons on hormonal process. 12-month residential prerequisite to apply for the TG card becomes a tangible barrier for them. Additionally, this requirement becomes a tangible barrier in pursuing employment opportunities for transgender persons in many private companies which may mandate TG card as a crucial document for application and can lead to missed chances or delay their ability to avail of government schemes and benefits for transgenders (including SMILE schemes) further impacting their socio-economic well-being and opportunities for personal advancement. All the respondents complained the one-year waiting period was too long and a barrier. They suggested that the residence period should be reduced to 3 or 6 months.

- 2 transperson respondents were hesitant to apply for the TG card, 3 respondents faced rejection of the TG card because of this reason because some of the respondents were not aware of this requirement and had applied from different states (where the duration of residence was less than 12 months) while the Aadhaar card retained the home state address.
- Also, on the online application form on the online portal, there is no clear mention of how to provide proof of residence for a district in a state which is not the home state or which has an address different from the one mentioned in the Aadhaar card. The application form does not have any link to upload proof of residence for the "Correspondence Address" category. Hence it is unclear whether the Aadhaar address needs to be updated with a new state address (post completion of 12 months prerequisite) (as suggested by the govt official) or to append residence proof with the Aadhaar card in the pdf form and upload in the documents section of the application form for TG card devoiding them of availing benefits of govt schemes for transgenders.

g. Verification: "Physical verification to confirm the identity of the applicant as a transgender person from the neighbourhood is not necessary, it is a violation of the TG

Act, 2019, and should not be practiced to issue the certificate & and identity card. The process is completely online" and the applicant need not visit DM office(as mentioned in the FAQs of the online portal)(MoSJE, n.d.). Most of the transgender respondents were not aware and clear about the verification process post-submission of the application for a TG card, on being asked. Some transperson applicants mentioned that the verification process involves getting a call from a government official asking them to visit the DM office on a scheduled date with original documents for verification while some mentioned physical verification (home visit) while many transperson respondents had no idea of the verification process. One transperson respondent shared her harrowing experience of physical verification by the govt officials who had visited her home and enquired about her (newly chosen name). Due to the presence of her mother at home, she refused to identify as a transgender person with a new name opted by her. She feared her family would know and she would face rejection from them. She later chased the govt official in their office and explained her ordeal to avoid rejection of the TG card due to incomplete verification by the govt officials. Fear of physical verification at home can become a deterrent and a huge challenge for transgender persons from applying for the TG card.

h. Filling out the form, uploading documents, and submitting the online application form for TG cards independently on their own vs required assistance: 6 transgender respondents submitted their online application form on their own(independently). Only 5 transgender respondents required assistance from NGOs and 2 transgender respondents required assistance from friends to submit their online application form. Those who required assistance was because they lacked awareness about the TG card, faced digital literacy challenges (7 respondents acknowledged that they had very little/no knowledge of how to use a laptop/computer, lacked access to resources such as computers (only 4 respondents had personal laptops/computer), were unable to submit on the phone as they faced challenges in uploading documents in particular file format and limited file size(<1MB), majorly relied on friends and NGOs who had experience in submitting the form and the respondents did not want to make any error on their own for fear of rejection.

i. Measures**:** Below are the measures that the transperson respondents recommended to improve the online/offline process:

- Increase in awareness by the government about the TG card, its benefits, and better clarity on the process of application esp. the process of verification, if any.
- Regarding the lack of clarity on the verification process, all transperson respondents suggested that there should not be any physical verification which may act as a deterrent to applying for a TG card by transgender individuals. Also if there is any requirement for any verification, the transperson applicant must be contacted on his/her number and verification can be done in a designated govt office(DM office) where the staff/govt official must be sensitized and be made aware of the transgender community and the TG card and its application process. NGOs should be roped in, and utilized to act as a verification point if needed to avoid the discomfort of the transgender applicant.
    - ✔ A fraction of respondents also said that when all the documents are submitted, there should be no need for any kind of verification.
    - ✔ The presence of a transgender govt official in the DM office or grievance redressal cell can make the govt interaction smoother, and more effective as he/she would be naturally sensitized to the plight of the challenges faced by the transgender applicants. Also, the transgender applicant would feel more comfortable interacting and sharing her/his concerns with the transgender govt official.
- The procurement of documents required to apply for a TG card such as an affidavit and Gender dysphoria certificate should be made free of cost (as mentioned previously also) or the cost must be reduced to avoid unreasonable charges by notary or any medical facility).
- The 12-month residence period in the district state (other than the home state) as a mandatory requirement for application for a TG card should be reduced to 3-6 months due to reasons previously mentioned in the above points.
- NGOs should be roped in, and utilized to act as a verification point if needed to avoid the discomfort of the transgender applicant, and to increase awareness among transgender community about TG card, benefits, and processes.

- A strong monitoring mechanism is needed to assess the success of the TG card process and identified flaws must be addressed regularly.

5. Benefits availed post issue of TG card:
   a. Availed from TG card: None of the transgender respondents who were issued the TG cards acknowledged receiving any benefits post-issue of the TG card (and find their individual struggles to obtain the TG card meaningless.) One transperson respondent who had received her TG card on time said "It has been two years since I got the TG card, but I have experienced no benefit of yet. The card was not helpful to open even a bank account". This also shows the gap in the dissemination of the benefits of Tg card by the govt. The lack of clarity on the exact benefits that the Transgender individual is eligible for may lead to may lead to misinterpretation of benefits that the TG card can offer the transgender individuals who may feel cheated or disappointed when they get to know such is not the case.
6. Offline vs online Mode All the transperson respondents chose the online mode of application for the TG card. The reasons they give include easy access to the application form from even their home, anytime, without having to visit any office, saving the hassle of facing potential discomfort during interaction with any government official, and also transportation costs. Most of them had applied online mode because they had learned from their friends (within the transgender community) and NGOs about online application form only and had no clue of the offline process. Only one transperson respondent reported she was compelled to apply for TG card via offline mode since her online application was rejected twice.
7. Unfair application process that has made transgender person violate her rights: Only two respondents found the application process unfair and a violation of the rights of a person. One respondent applicant who had also applied in offline mode for a TG card narrated her experience in which she was asked to attach a Gender Dysphoria Certificate with the documents with the physical copy of the application form despite the fact that she was applying for Sec 6 (application of TG card only) of the application form which had no requirement of such document mentioned in online mode. She felt a "violation of her rights" and was compelled to present the govt officials with a physical copy of Transgender Persons Rights Act which mentioned no such requirement for the application of a TG card (Sec 6).

The other respondent (online mode of application) felt insulted upon interaction with govt officials when he visited the office to understand the reason for the rejection of his form twice and hence finds the application process unfair, a violation of rights. He also says that despite being educated he had to face such challenges and that too in a big city, it must be extremely difficult for transgender persons who live in villages and may lack education. (The transperson respondent (online mode of application)who experienced physical verification was also a violation of her rights.)

8. **Offline mode of application**: Only one out of 16 respondents had applied for a TG card in the offline mode and was aware of the process. She (Rekha – pseudonym) had applied for the TG card in the offline mode because her card was rejected twice in the online mode (first- with the remark "pertain to other districts"- her Aadhaar address district did not match with the district she had applied from, second time: "photo sign not clearly visible"). She had been trying to get the TG card for the last three years and was finally compelled to apply via offline mode:
   a. Process**:** She had filled out a physical form in the DM office and attached all the required documents which were the same as in online mode and submitted them to the govt official in the DM office. She was added in a WhatsApp group that also included the transgender persons who had applied in offline mode from that office for any update that was communicated in the group.
   b. Challenges faced by transgender applicants:
      - Document related: She was asked by the government official to attach a Gender dysphoria certificate despite the fact that she had applied for section 6 (TG card) in which there is no mandatory requirement. When as an aware citizen she gave the govt officials a physical copy of the Transgender Person's Right Act, and that it does not mention any such document, she was told attaching a gender dysphoria certificate would be helpful. Rekha was educated and hence could voice her rights but she acknowledges that the marginalized, lacking awareness, less educated/illiterate transgender persons in the community would face difficulties in such a case.
      - Timely received or delayed: She was told by govt official that govt official would call her after 1-1.5 months and give her the TG card, but it has been 9-10 months

and she still has not received any call. According to her the delay("long waiting time" is the biggest challenge despite the clear mention of 1 month as the stipulated timeframe to issue TG card in the Act.

- Lack of timely communication: She also narrated an incident when she visited the office and saw a file that had physical copies of TG cards issued and was told that these transgender applicants had not come to collect them. She narrated that she could recognize a few names from her acquaintances who told her that they had not been communicated by the govt officials that their TG card is ready to be collected (when she asked them).
- Government official behavior: At the DM office the behavior was "formal and fine" and she was not uncomfortable speaking with them. But when she followed up with them for any update over the phone, she found them rude and was told she had dialed the wrong number.
- Awareness and sensitization among govt officials: As per Rekha the govt officials lacked awareness about TG cards, Transgender Persons (Protection of Rights) Act in 2019, and transgender persons. The govt officials were not sensitized and lacked knowledge about the process of the TG card as they had asked her to submit the document that was neither a mandatory requirement nor needed.
- Fees for procurement of documents: affidavit and Gender dysphoria certificate is also similar challenges as in offline mode and she also acknowledged the govt must make the procurement of these documents free of cost.
- Unfair application process, violation of Rights: Rekha acknowledges that she felt her violation of rights when asked to submit a document (gender dysphoria certificate) despite not being required.
- The rest of the challenges are as common as that in the online mode of application: such as fees, lack of clarity of the Verification process, and 12-month residence requirement among others.

9. Overall Perception of Transgender person TG card:
   a. Is it a helpful initiative by Govt: All except for one transperson respondent appreciated and lauded the provisions of the TG card by the government and acknowledged the initiative as a welcome one because of the benefits available due to the TG card. One

respondent did not find it helpful as her card was rejected and she could not avail of any benefits.

b. Empowerment/gender recognition: Most of the transperson respondents acknowledged feeling empowered due to the TG card due to the same reason of the benefits eg Govt schemes that this marginalized and discriminated community can avail. They also acknowledged that they feel that the TG card has empowered them with identity(gender) recognition- a "Pehchaan" and one respondent even feels "proud" to say that she is transgender due to the presence of the TG card. However, 2 transperson respondents do not feel empowered as they did not receive any benefits of the card post issue of the card.

c. Recommend TG card to other transgender persons: based on the benefits of the TG card all the respondents acknowledged that they would definitely recommend Tg card to other transgender persons. One of the transperson respondents said that this card is would be helpful for the discriminated and marginalized transgender community to live a "better life".

10. Enablers during the process: The transperson applicant respondents also talked about the enablers such as NGOs, and their friends who had been immensely helpful in the successful submission of the application form for the TG card. They had also acknowledged that the NGO had facilitated them by making them aware of the TG card, and benefits and had helped them apply this application by filling out the forms, uploading their documents, and submitting for them. The NGOs had also played an important role in helping them procure their Aadhaar Card (which they forgot to carry with them had left their homes), procure affidavits and Gender Dysphoria certificates free of cost from the relevant people who are in liaison with NGOs.

4.1.2 **NGOs RESPONDENTS**:

Three NGOs based in Delhi who help transgender persons in applying for TG cards were surveyed. Based on the survey below are the findings:

1. Achievements/Applications applied vs TG cards issued through NGOs help: .

- All three NGOs help transgender persons in applying for online application of TG card. One of the three NGO Asra(pseudonym) also help transgender persons in applying for application of TG card in offline mode.
- NGO Punya (Pseudonym): Out of 72 online applications submitted by the NGO, only 16-17 TG cards were issued.
- NGO Asra: Out of 120 (both online/offline) applications submitted by the NGO, only 107 TG cards were issued.
- NGO Madad (Pseudonym): None of the 40+ TG cards applied were issued.

2. NGOs as enablers in easing submission of TG card application: The NGOs help transgender persons in the following ways regarding the TG card:
   - NGO helps in the dissemination of information/ increasing awareness among the transgender community about the TG card, and its benefits and the SMILE scheme.
   - Facilitating in applying the online application for TG card including creation of email id for transgender applicants. NGO does not charge any fee for it.
   - Facilitating the transgender applicants in connecting with the right person(associated with the NGO) for the procurement of documents such as affidavits and gender dysphoria certificate. Only one NGO provided the documents mentioned to the transgender applicant free of cost reducing the financial burden of the cost of documents essential/mandatory for the transgender applicant
   - Follow up with the DM/SDM in case of delay in issue of TG card
   - Sensitize and awareness among govt staff and make them aware of the plight of the marginalized transgender community.
   - Submit the list of TG cards applicant names regularly with the DM/SDM office, do regular follow ups.
   - Raise grievances/issues related to the TG card of the applicant with the DM/SDM and try to resolve it so to expedite the issue of TG card and prevent rejection
3. Challenges faced by the transgender applicant in online mode of application:
   a. Lack of education and digital literacy: According to all the NGOs surveyed they acknowledged that for transgender persons who lack education or digital literacy may find it difficult/hassle to use of portal/online filling, upload documents and submit the application form on their own without any assistance; uploading both sides of Aadhaar

in pdf form; converting and merging photos of document into single pdf form of required files size(<1MB). They may make minor mistakes such as uploading signatures in black ink and avoiding other color ink use which may lead to rejection of the form. Two NGO respondents mentioned that many transgender persons may not even know how to create/access email IDs which is essential to access the application form in the portal. They *suggested* that instead of an email ID, an OTP mechanism on the phone would be a better option. The email ID created by NGOs or any other person for a digitally challenged transperson applicant poses a risk to the data privacy of the applicant.

b. Document-related challenges:
   - Fees/ Expenses: All the NGOs acknowledged and lauded that though there is no fee charged from transgender applicants by the govt for TG card application, but they also acknowledged that the procurement of mandatory documents such as an affidavit and Gender dysphoria certificate may pose a substantial financial challenge for the marginalized transgender individuals who may not be able to afford the expenses for procurement of these documents. The financially vulnerable, less educated, or illiterate transgender individuals from marginalized communities might encounter corruption, leading to exorbitant/unreasonable charges, sometimes as high as Rs 400, for obtaining an affidavit. This can be a burden and deterrent for many marginalized transgender persons to apply for the TG card. Thus, while the application itself may be cost-free, the hidden expenses associated with document procurement present a substantial barrier.
   - Some transgender applicants lack awareness of the format of the affidavit which if incorrect may lead to rejection by govt official.

c. Technical challenges of the website: It is easier to fill form via computer than phone since it is difficult to upload document using phone in specific file type and file limit(<1MB). Also, file size conversion, merging multiple pictures of all sides of a single document in a single pdf may be difficult for digitally challenged transgender persons in phone.

d. Reasons (arbitrary or valid) for delay or rejection of form: The NGOs surveyed gave various reasons why the application form gets rejected such as incorrect signature,

mismatch/confusion in signature between given(previous) & chosen (new) name in the affidavit and signature pic uploaded. They must match. Hence the transgender applicant is advised to sign both names on the affidavit to avoid confusion by govt official verifying documents. Other reasons include signing in any ink other than black, address mismatch; lack of residence proof; Residence address mismatch, unclear uploaded documents, photos, and signature; incorrect affidavit format; and address in Aadhaar of a different district while the current address or address mentioned in affidavit being of different district unless proof 12- month stay in that district; lines missing from the affidavit; minor words such as use of son instead of ward, etc. The reasons for the delay of the application process beyond 30 days may be due to non-availability of SDM/DM; lax attitude of govt official for not verifying documents in time ("files lie on the govt official's table", as said by one of the NGO respondents) and lack of regular follow of up by NGOs . NGO Punya (Pseudonym) mentioned that sometimes they find some of the above reasons such minor mistake in signature, unclear documents as *reason for rejection of application form arbitrary.* The NGO suggests that govt must clear such minor clarifications on call or during verification by calling the applicant in DM/SDM office instead of outrightly rejecting the form. NGO Punya also mention that during their recent discussion with govt official regarding the TG card application forms filled during February, this year, they were told that delay in TG card issue can be expected due to elections.

e. Timely received vs delayed: All the NGO respondents acknowledged that there have been instances when the duration of issue of TG card has exceeded the promised 30 days limit in the online mode. It may take beyond 30 days. It may take 45 days. It may also take 5-6 months.

f. Residence proof period**:** All the NGOs acknowledge that a 12-month mandatory requirement to be eligible to apply for a TG card by an applicant who wishes to apply from any state other than the home state is quite a long period due to similar reasons such as the transgender community is a marginalized community and many transgender individuals abscond their home due to nonacceptance and face difficulty in get a stable residence/shelter for a year as mentioned shared by the transgender respondents in pervious section. It may be difficult for them to be able to obtain rental agreement or

any proof of residence. The NGO respondents suggested that period of residence in non-home state must be reduced to 3-6 months from 12 months.

g. Corruption: The NGOs also acknowledged that since the transgender community is marginalized and discriminated against and many lack education, digital literacy, and awareness of the TG card application process, the transgender persons may be vulnerable to unethical people/organizations such as cybercafe, NGO people, notaries, medical facilities who may charge unreasonable fees for free of cost TG card, documents required for the TG card since they are aware of the importance of TG card for a transgender person.

h. Behaviour of Govt officials/DM/SDMs: According to the NGO respondents, some DM/SDM are sensitised and well aware of the plight of Transgender community and the importance of TG card and hence are supportive and listen to and address their grievances regarding TG card. They also acknowledged that some DM/SDM and their staff/govt officials may lack the same and hence these NGOs tries to sensitize and make them aware of the same. During verification one NGO shared that some govt officials may ask transgender applicants irrelevant questions such as "since when did you start feeling [as a transgender]". Such questions may cause discomfort for the transgender applicant.

4. Grievance redressal**:** All the NGOs mentioned that when there is any delay in the issue of a TG card or there is rejection or any other issue, they consult the head of the NGO and also have frequent regular meetings (DM District Meeting) for eg. every second Friday (Punya NGO), with the DM/SDM or person assigned by the DM/SDM to understand the reason/cause. They also try to make the govt officials (including DM/SDM) aware/understand the plight of the transgender applicant, sensitize them on the challenges faced by the transgender person/applicants, and submit the correct documents of the applicant to resolve the issue and expedite the TG card process and prevent rejection. The NGOs also acknowledged that since they interact with DM/SDM for various other social causes and have built a rapport over a period with them, the Govt officials do address their grievances. For a transgender person, it may be difficult to get his/her concerns resolved related to TG card on own.

5. Awareness of TG card, SMILE scheme and benefits: According to the NGO respondents many transgender persons still lack knowledge/awareness about the TG card, its benefits, SMILE scheme. Mostly those transgender persons who are associated with their transgender community or NGOs who work for transgender persons have some knowledge of the TG card , SMILE and benefits. They also acknowledged that many transgender persons are not aware of the process of application, the documents required. They are also not aware of the helpline numbers or any grievance redressal mechanism and rely on NGOs for their addressing. There is lack of clarity on verification among transgender persons because many transgender person asks the NGOs if police would visit their home for verification. Government must do more to increase awareness about them. The website must mention and explain well the importance and benefits if the TG card, and its process. According to the NGOs the portal does not sufficiently explain the benefits of TG card. The govt must use more hoardings, do more advertising about the TG card and benefits. As per one NGO respondent, Govt must promote "transgender ambassador", and "trans icon" to promote about the TG card – "Maine banvaya, aap bhi banvaye".
6. Necessity of TG card: The NGOs acknowledged that TG card is an essential document for the gender identity recognition of transgender persons and also provides them benefits beyond government schemes such as the prevention of harassment faced by transgender persons by police officials who may mistake them for a crime because of their cross-dressed appearance which may not match the photo in Aadhaar card. One NGO gave an example of how Tg card can be beneficial in legal issues in cases of property inheritance where a father may sign his property in the name of his two sons but if a transgender person has undergone any sex reassignment surgery and has sex and name updated in documents- in such cases TG card can be very beneficial to ascertain the identity (previous name and sex and new name and changed sex) as belonging to same person.
7. Measures**:** The NGO respondents had shared many challenges the transgender person applicants face in submitting the application for and obtaining the TG card. Some of the measures have been mentioned in the respective sections. Some additional measures suggested:
   - DM office must have a transgender person assigned to deal with TG cards and issues/challenges faced by transperson applicants. This would enable the transgender

person to approach them better for any grievance and the transperson as govt official would be able to understand better the plight/challenges faced by the transgender applicants regarding TG cards. This would sensitize the people working with the transgender govt official. One of the NGO respondent also suggested that the TG cards must be given by the DM/SDM himself/herself along with clicking of a photo- this would sensitise the govt officials (including the DM/SDM) more.

- Applying for a TG card with the assistance of an NGO can be immensely helpful and faster.

8. Specific Challenges in Offline Mode: Only one out of the 3 NGOs surveyed also apply TG card application form in offline mode other than online mode. As per the two NGOs which apply using online mode only, there is no offline mode. There is no/very less awareness or knowledge of offline process. There is no counter or POC in DM office (of the district they come under) from where they can collect physical form or submitted that any applicant. According to the respondent of NGO which have also applied the TG card form in offline mode, the transgender applicants need to download the form from the online portal, print and then fill it and attach the same required documents as in online and submit it in the DM office, the rest of the process being same.
   - The challenges are: Transportation costs and requirement of many physical copy of photos and signatures at multiple places. This process involves interaction with govt officials who may not be sensitized or aware of the TG card, the plight of transgender person and may ask irrelevant/offensive questions or even documents not mandatorily required. Though the benefit is that there it would ensure the form is filled as per the requirement with more chances of likely to be made and less likely to be rejected

4.1.3 **GOVERNMENT OFFICIAL RESPONDENT** (DM office) & **ONLINE HELPLINE NUMBER** (available on the online National Portal for Transgender Persons):

Due to elections, it was not feasible to interview DM/SDM which would have helped in understanding the exact backend process and reasons for rejection or delay of TG card along with answers to other questions with clarity. Nonetheless based on brief interaction with government officials and information on the process via the Helpline number available on the portal:

1. There is no offline process. The entire process is virtual as per Transgender Persons (Protection of Rights) Act in 2019.
2. The online process involves no verification. There is no communication of any government official with the transgender applicant. Also, the transgender applicant will not be called to the DM/SDM office regarding the TG card application.
3. Regarding clarity on how to apply from any state if a transgender person does not wish to apply from their home state. The government official confirmed that the transgender applicant must be a resident of a non-home state for at least 1 year. Since there is no link on the online application form to upload proof of residence in the non-home state for 12 months at least, the govt official said that the transgender person would need to update the address in the Aadhar card and upload the Aadhar card as required document in the online application form.
4. No gender dysphoria certificate is needed as a mandatory document for Section 6 of the TG card application form.
5. On successful verification and approval by the DM/SDM the transgender applicant is issued two documents - the Transgender certificate and identity card. There was no clarity on the difference between them and the reason for the need for the two.
6. Hence based on the above it can be understood that:
   - There is an unanswerable gap in awareness of various components of the application process such as the verification process defined by the government, implementation of the same by the DM/SDM by the govt, the experience of transgender persons who have experienced verification (physical as well as on call and have been asked to visit DM office with required original document for verification). According to the NGO respondents, there is no physical verification, and the verification happens on call over the phone number of the transgender applicant who may be asked to visit the DM office.
   - For application for a TG card (Section 6) no gender dysphoria certificate is needed as a mandatory document, yet many transgender persons have paid fees to procure it, have uploaded a gender dysphoria certificate(GDC) in the application form, or shared it with the NGO who facilitated them in the applying for the TG card. 2 of the three NGOs had confirmed the same as the govt official that GDC is needed for section 6 only.

- Some transgender persons may not be aware of the difference between Section 6 or Section 7 of Transgender Persons (Protection of Rights) Act, 2019, in the online portal application and may fill in the wrong one. The online portal must clearly explain well the above instructions by the govt officials and also the difference between Sections 6 and 7 and between Transgender Certificate and identity card.
- There is no offline process for application for a TG card, yet one of the respondents had applied for the TG card in offline mode when she faced rejection of the TG card twice in online mode. Even the NGOs had no clarity on the offline process of application.
- The gap is due to a lack of mention of the entire application process in detail on the online portal. An elaborate explanation of the application process would enhance transparency and reduce speculation and confusion among transgender persons ad NGOs too.

4.1.4 **Website portal issue:**

Potential challenges that transgender applicants face in filling out, uploading documents, and submitting the online application form. The National Portal for Transgender Persons (https://transgender.dosje.gov.in/) is the portal from where transgender applicants can apply for a TG card. On navigating and exploring the portal and the application form, user manual, FAQs, and other pages that disseminated information on the SMILE scheme and its benefits and TG card, *below were the findings/gaps identified*:

1. Language barrier: Though the portal is currently available in multiple languages which are limited in number such as Gujarati, Hindi, English, Malayalam, and Bengali, the application form for TG card is available in only two languages i.e. Hindi and English. Transgender persons who may not be proficient in either language may not be able to fill the form on their own independently without assistance. This may become a challenge for those transgender individuals who may not like to reveal their gender to other people.

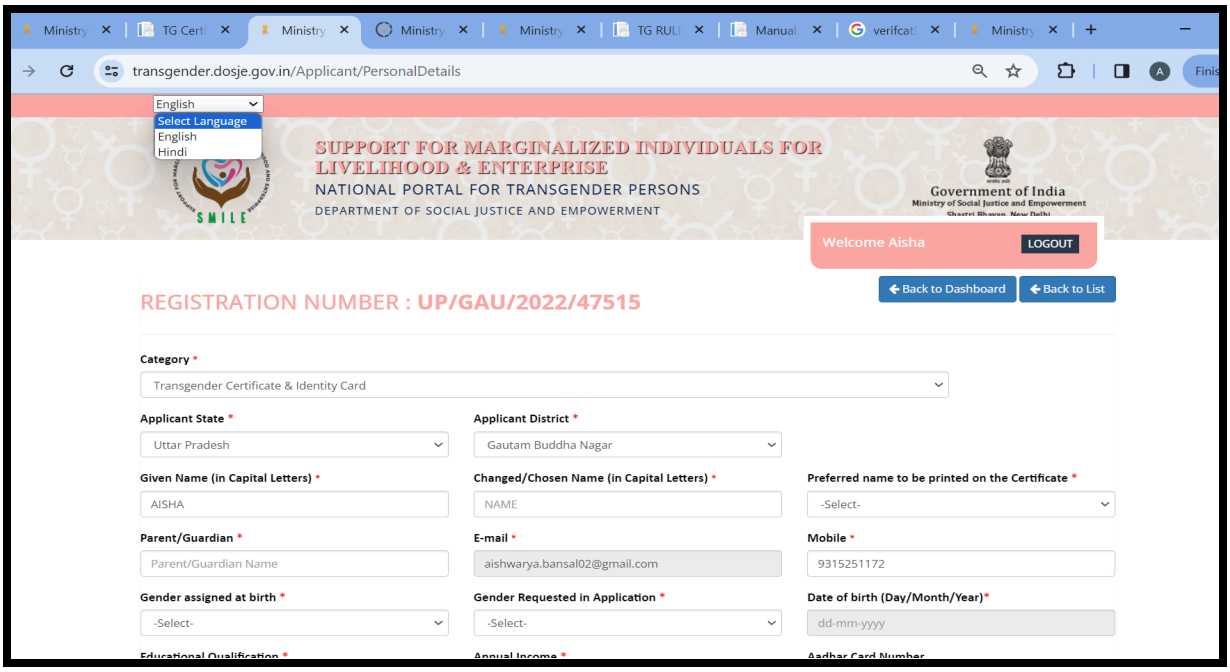

Fig.1 Online Application form- Languages the form available in. (Source: MoSJE, n.d.)

2. During the research to get answers/clarifications for certain questions related to the TG card, on referring to the portal, was unable to find certain answers to questions such as: At least a few examples of reasons for "rejection" or "pending acceptance" of TG card should be mentioned in the portal so that the transgender applicant can refer to them and refrain from making those mistakes and not speculate various reasons for the same and which may lead to anxiety and frustration. Providing clarity on the reasons for rejection/pending acceptance would enhance the transparency of the process.
3. For correspondence address, if a person is applying for a TG card from a non-home state and if the person fulfills the mandatory requirement of 12-month residence in that non-home state district- there is *no link* at the correspondence address (current address) to upload the rental agreement as proof of residence proving the duration of at least 12 months residence in that district. Also, *this mandatory prerequisite is not mentioned* in the application form. Mention of the same in the application form would enable the transgender applicant (who may also sometimes skip the user manual) to be clear of her/his eligibility to be able to fill from nom-home state and also fill the application correctly to prevent rejection. In the absence of any link to upload the rental agreement, there is no clarity on whether the Aadhar Card needs to be updated with the address of the current address in a

non-home district state to fulfill the 12-month residence criterion for successful application of the TG card and to prevent any rejection. This should have been mentioned in the application form more elaborately in simple language in the user manual, and FAQs since based on the survey with transgender applicants and NGOs the forms have been rejected when the Aadhaar address does not match with the current address.

4. The portal does not clearly mention/explain the benefits of SMILE schemes and TG card for example does ownership of a TG card make a transperson applicant eligible for Sex Reassignment Surgery (SRS) or it also guarantee free SRS or that only a component of the cost will be borne by the government. Also, there is no clarity on what colleges shall a transgender person be eligible for scholarship and in which discipline. Also, certain benefits mentioned by transgender persons such as specific benefits for Transgender Persons in the Ayushman Scheme are not available on the portal. The SMILE scheme benefits and TG card benefits should be explained more elaboratively and clearly for transgender persons, because lack of accurate information on benefits may lead to misinterpretation of benefits that the TG card can offer the transgender individuals who may feel cheated or disappointed when they get to know such is not the case.
5. On successful verification and approval by the DM/SDM the transgender applicant is issued two documents - the Transgender certificate and identity card. A single application form needs to be submitted for the issue of the Transgender Certificate of Identity and Identity Card (MoSJE, n.d.). The online portal does not mention the difference between Transgender Certificate and a Transgender identity card and the reason/purpose for the issue of two documents instead of a single document (akin to Aadhaar, Voter ID, etc). Based on the format of the document (attached to Appendix II, Fig 5 & 6) mentioned in Transgender Persons(Protection of Rights) Rules, 2020, it can be understood that though both documents contain common information (Name, Gender, address, mother/father's name etc.) about the transgender person, the Transgender Certificate explicitly mentions that the holder of the certificate is entitled to change name and gender in all official documents.The online portal must clearly explain the difference between Transgender Certificate and a Transgender identity card, in the FAQ section in simple language without having to refer to the bare Act of the Transgender Persons(Protection of Rights) Act, 2019 and the Transgender

Persons(Protection of Rights) Rules, 2020 which may be difficult to comprehend for transgender persons lacking education.

6. The online portal does not clearly mention anything about the verification process. It mentions "Physical verification to confirm the identity of the applicant as a transgender person from the neighborhood is not necessary, it is a violation of the Transgender Person(Protection of Rights) Act, 2019, and should not be practiced to issue the certificate & and identity card" in the FAQs of the online portal. (MoSJE, n.d.). Based on the government official and Helpline number available on the portal there is no physical verification of the applicant and his/her documents from home/neighborhood as per the Transgender Person(Protection of Rights) Act, 2019. Despite this based on the survey of the transgender respondents and NGOs, who had talked about the verification process that involved a phone call from the govt official to verify original documents submitted in portal. They told that the govt official would call on the phone number mentioned in the application form and would ask the transperson applicant to visit DM/SDM office with certain documents in original form or at the address convenient for transgender person (correspondence address). Thus there is a gap between the policy design and policy implementation of the TG cards by the government since some transperson respondents had faced physical verification while some received a verification call over the phone from the applicant who was asked to visit the DM office on a scheduled date with original documents despite the process being completely virtual. Thus, there must be a clear explanation of the process of application (including the backend process) for enhanced transparency. This lack of clarity on how verification happens at the backend and whether it involve govt interaction with the transperson applicant or his/her family causes fears in many transgender individuals who may not apply for the TG card due to the fear of any of above kind verification which may pose risk of disclosure of their identity with family, neighbourhood or among known people in same district. This may deter the transgender individual from applying the card losing out chances to avail benefits of govt schemes for transgender community.
7. The form does not mention which signature to be uploaded (previous or new name chosen). This may become a cause of rejection of the application if the transgender person uploads signature not as per the requirement of the verifying govt official.

Fig.2 Online Application form- Section that requires uploading documents (Source: MoSJE, n.d.)

8. The application form has certain mandatory fields such as Educational Qualifications and Annual income. Asking this information has no relation with the gender of a transgender applicant and must not be made mandatory. Also, there is no guarantee that the application form would not be rejected based on the information filled in these fields since some transgender persons may be marginalised and lack education or sufficient income. Even the NGO respondents who were asked their view on the same were of the same opinion. Though, one NGO respondent was of opinion that these must have been asked for statistic/census purpose so that government may plan future policies based on it for transgender, but some transgender persons may not be comfortable in sharing these personal details not related to gender.

Fig.3 Online Application form- with Educational Qualifications and Annual income as mandatory fields (Source: MoSJE, n.d.)

9. As per Transgender Persons(Protection of Rights) Rules, 2020, there are two categories of application forms for Transgender Certificates & identity Cards- one under Section 6 and the other under Section 7 of the Transgender Persons(Protection of Rights) Act, 2019 (MoSJE, n.d.). Under Section 6, The DM/DSM issues "Transgender Certificates & identity Cards" to applicants seeking to change gender to transgender. No medical certificate is required to be submitted by the transgender applicant when applying for "Transgender Certificates & identity Cards" under Section 6. Under Section 7, The DM/DSM issues "Revised Certificates of Identity" to applicants seeking "change in gender indicating the gender of such a person as male or female", as the case may be (MoSJE, n.d.) and requires a medical certificate to be submitted by the applicant. Some transgender persons may <u>not be aware of the difference between Section 6 or Section</u> 7 of the Transgender Persons(Protection of Rights) Act, 2019 in the online portal application and may fill in the wrong one.
10. Similarly, a single application form needs to be submitted for the issue of the Transgender Certificate of Identity and Identity Card (MoSJE, n.d.). The online portal does not mention the difference between Transgender Certificate and a Transgender identity card and the reason/purpose for the issue of two documents instead of a single document (akin to Aadhaar, Voter ID, etc). Based on the format of the document(attached to Appendix II, Fig 5 & 6) mentioned in Transgender Persons(Protection of Rights) Rules, 2020, it can be understood that though both documents contain common information (Name, Gender, address, mother/father's name etc.) about the transgender person, the Transgender Certificate explicitly mentions that the holder of the certificate is entitled to change name and gender in all official documents

    The online portal must clearly explain well the above instructions by the govt officials and also the difference between Sections 6 and 7 & Transgender Certificate and a Transgender identity card, in the FAQ section in simple language without having to refer to the bare Act of the Transgender Persons(Protection of Rights) Act, 2019 and the Transgender Persons(Protection of Rights) Rules, 2020 which may be difficult to comprehend for transgender persons lacking education.

4.2 DISCUSSION & ANALYSIS:

Based on the interview of the respondents of all stakeholders involved in the research (Government officials, NGOs, and Transgender Person Respondents), it can be understood that transgender persons face numerous challenges in obtaining Transgender Certificate and Identity Card via both online and offline mode in various stages of the application process from their awareness to applying for the application, fill the application form, procuring documents and uploading, submitting the application form till the receipt of the Transgender Certificate and Identity Card, finally. The common challenges identified are:

1. Lack of education and digital literacy: Transgender persons who lack education or digital literacy may find it difficult/hassle to use the portal/online - filling, uploading documents, and submitting of the application form on their own without any assistance for eg. uploading both sides of Aadhaar in pdf form, converting and merging photos of document into single pdf form of required files size(<1MB) among others discussed in details in the findings. Some transgender persons may not even know how to create/access email IDs which is essential to access the application form in the portal. The email ID created by NGOs or any other person for a digitally challenged transperson applicant may pose a risk to the data privacy of the applicant.
2. Lack of access to resources and technical challenges of the website: It is understood that applying form via computer laptop is easier and more convenient than phone since it is difficult to upload documents using the phone in specific file types, file limits, etc (mentioned in detail in the findings). Applying forms without assistance would be a challenge for those transgender persons who lack access to a laptop/computer. Lack of education and digital literacy as mentioned above would only add to further challenges to being able to fill out forms without any assistance for those transgender persons who would not like to reveal their identity to others.
3. Language barrier: The application form for the TG card is available in only two languages i.e. Hindi and English. Transgender persons who may not be proficient in either language may not be able to fill the form on their own independently without assistance. This may become a challenge for those transgender individuals who may not like to reveal their gender to other people for assistance. Also, the online portal is currently available in a

limited number of multiple languages such as Gujarati, Hindi, English, Malayalam, and Bengali.

4. Lack of awareness of the TG card, SMILE scheme, and benefits: NGOs and Transgender respondents acknowledge that there are many transgender persons who still lack knowledge/awareness about the TG card, its benefits, and the SMILE scheme and that Govt has not been increased awareness of TG cards and that the govt must increase awareness of the same among transgender persons and public in general. Hence many transgender persons do not apply for TG cards. Mostly those transgender persons who are associated with their transgender community or NGOs who work for transgender persons have some knowledge of the TG card, SMILE, and benefits. Also, the portal does not sufficiently mention/explain the benefits of SMILE schemes and TG cards for example does ownership of a TG card make a transperson applicant eligible for Sex Reassignment Surgery (SRS) or it also guarantee free SRS or that only a component of the cost will be borne by the government. Also, there is no clarity on what colleges shall a transgender person be eligible for scholarship and in which discipline. Also, certain benefits mentioned by transgender persons such as specific benefits for Transgender Persons in the Ayushman Scheme are not available on the portal. lack of accurate information on benefits may lead to misinterpretation of benefits that the TG card can offer the transgender individuals who may feel cheated or disappointed when they get to know such is not the case. For eg. *none of the transgender respondents who were issued the TG cards* acknowledged receiving any benefits post-issue of the TG card and they find their individual struggles to obtain the TG card meaningless.
5. Lack of awareness of application process: Some transperson persons lack knowledge of the entire process of the TG card such as the format of the affidavit; lack of clarity on documents required eg. Gender Dysphoria certificate procured by transgender applicants for the application form (Sec 6) despite not being asked in online mode; lack of clarity on the verification process; lack of knowledge of the helpline number/grievance redressal mechanism to reach out to seek help related to the application form among others discussed in findings in detail.
6. Corruption: Since the transgender community is marginalized and discriminated against and many lack education, digital literacy, and awareness of the TG card application process,

transgender persons may be vulnerable to unethical people/organizations such as cybercafe, NGO people, notaries, medical facilities who may charge unreasonable fees for free of cost TG card, documents required for the TG card since they are aware of the importance of TG card for a transgender person. For eg. for an application for a TG card (Section 6) no gender dysphoria certificate is needed as a mandatory document, yet many transgender persons pay fees to procure it or share it with the NGO that facilitated them in applying for the TG card.

7. Document related challenges:

- Cost/expenses of application: Though there is no fee charged from transgender applicants by the govt for TG card application, the procurement of mandatory documents such as an affidavit and Gender dysphoria certificate may pose a substantial financial challenge for the marginalized transgender individuals who may not be able to afford the expenses for procurement of these documents. The financially vulnerable, less educated, or illiterate transgender individuals from marginalized communities might encounter corruption, leading to exorbitant/unreasonable charges, sometimes as high as Rs 400, for obtaining an affidavit. This can be a burden and deterrent for many marginalized transgender persons to apply for the TG card. Thus, while the application itself may be cost-free, the hidden expenses associated with document procurement present a substantial barrier.
- Lack of awareness among the transgender persons of the format of documents such as affidavit required which may lead to rejection of the form and getting them made again for re-application, adding to their expenses.
- It is a discomfort for some transperson respondents to get the affidavit made in the same hometown and fear of revealing of their identity as a transgender person to family/neighborhood and the consequences of familial and social rejection.
- Lack of availability of documents: such as lack of availability of Aadhaar cards when some of the transgender persons leave their homes without their documents at home, challenges in procurement 12–month residence proof/ rental agreement since being a marginalized and discriminated community find it difficult to get residence for a long duration on rent due to social rejection. This makes it a challenge for them to apply for the TG card.

11. Residence proof period: The provision by the government allowing transgender applicants to apply digitally for the TG card from any state/ from anywhere in the country (MoSJE. n.d.) though appreciated by all transperson respondents and NGOs, but the mandatory prerequisite of a 12-month residency in the district where the application is made is quite a long period and poses significant challenges and barriers for transgender individuals. Some transgender persons would be reluctant to apply from their home state due to fears of government scrutiny during the verification process, potential social stigma, and discomfort in procuring essential documents like the affidavit in their hometowns. Moreover, the transient/unstable nature of employment opportunities or familial/social rejection often compels transgender individuals to migrate/relocate or abscond their homes, making it impractical to fulfill the residency requirement. Also, many transgender persons who may not be literate or lack education would not know how to even procure a rental agreement and hence any residence proof. This may lead to transgender individuals losing out on chances to avail of the benefits of govt schemes for the transgender community or opportunities such as any immediate job opportunity for transgender persons requiring them to have a TG card as eligibility criteria for the job.
12. The application form requires the applicant to provide information as mandatory fields such as Educational Qualifications and Annual income without mention of the reason for such ask. Some transgender persons may not be comfortable sharing these personal details not related to gender. Also, there is no guarantee that the application form would not be rejected based on the information filled in these fields since some transgender persons may be marginalized and lack education or sufficient income.
13. Grievance redressal**:** Many transgender persons are also not aware of the helpline numbers or any grievance redressal mechanism and have to rely on NGOs for their addressing.
14. Some transgender applicants do not receive the TG card within the promised 30-day limit in the online mode. It may take beyond 30 days to even a few months. Such delay in issuance extends beyond the promised timeframe, causing uncertainty and frustration among transgender individuals awaiting their TG cards. Also, there is no clear reason mentioned in the portal for the delay.
15. Lack of transparency and effective dissemination of accurate process: There is an unanswerable gap in awareness of various components of the application process such as:

- There is a significant gap between the verification process defined by the government, implementation of the same by the DM/SDM, and the experience of transgender persons who have experienced verification (physical as well as on call and have been asked to visit the DM office with the required original document for verification). While government officials maintain that there is no formal verification process, NGOs and transgender respondents have reported instances where verification may occur via phone calls or even physical visits to the DM office. This lack of clarity on how verification happens at the backend and whether it involves govt interaction with the transperson applicant or his/her family causes fears in many transgender individuals who may not apply for the TG card due to the fear of any of above kind verification which may pose a risk of disclosure of their identity with family, neighborhood or among known people in the same district. This may deter the transgender individual from applying for the card losing out on chances to avail of benefits of govt schemes for the transgender community.
- Offline process: There is no offline process for application for a TG card, yet one of the transgender respondents had applied for the TG card in offline mode when she faced rejection of the TG card twice in online mode. Even the NGOs had no clarity on the offline process of application as one NGO acknowledged facilitating transgender persons' application for TG cards in offline mode. There is no specific mention/confirmation or clarity on the offline process for application for a TG card even on the online portal. Also, offline process would pose challenges related to transportation costs to transgender person for in-person visit to the designated office for application. This process involves interaction with govt officials who may not be sensitized or aware of the TG card, the plight of transgender person and may ask irrelevant/offensive questions or even documents not mandatorily required. Lack of right POC or any counter in these designated offices would further add to the above challenges.
- Lack of mention of instructions with clarity in the online application form in the portal such as:
    - ✔ There is no clear mention of how to provide proof of residence for a district in a state that is not the home state or which has an address different from the

one mentioned in the Aadhaar card. The application form does not have any link to upload proof of residence for the "Correspondence Address" category. Hence it is unclear whether the Aadhaar address needs to be updated with a new state address (post completion of 12 months prerequisite or to append residence proof with the Aadhaar card in the pdf form and upload in the documents section of the application form for TG card.

- ✔ Also, the application form does not mention which signature to upload (previous or new name chosen) which may lead to rejection of the application during verification.
- ✔ Absence of any mention of reasons for rejection of application so that the applicant may avoid committing those mistakes when applying for TG card.
- ✔ Some transgender persons may not be aware of the difference between Section 6 and Section 7 of the Transgender Persons(Protection of Rights)Act, 2019, in the online portal application and may fill in the wrong one. The online portal must clearly explain well the above instructions by the govt officials and also the difference between Sections 6 and 7 and between Transgender Certificate and identity card and the reason/purpose of having two documents- Transgender Certificate and identity card.

- Reasons (arbitrary or valid) for delay or rejection of form: Based on interaction with the NGOs and transgender respondernts, there are various reasons why the application form gets rejected such as incorrect signature, mismatch/confusion in signature between given(previous) & chosen (new) name in the affidavit and signature pic uploaded; signing in any ink other than black, address mismatch; lack of residence proof; Residence address mismatch, unclear uploaded documents, photos, and signature; incorrect affidavit format; and address in Aadhaar of a different district while the current address or address mentioned in affidavit being of different district unless proof 12- month stay in that district; lines missing from the affidavit; minor words such as use of son instead of ward, etc. The reasons for the delay of the application process beyond 30 days may be due to the non-availability of SDM/DM; the lax attitude of govt officials for not verifying documents in time and the lack of regular follow-up by NGOs. Some of the above reasons such as minor mistake in signatures, and unclear

documents as a reason for the rejection of the application form seem arbitrary. The govt officials must understand that the transgender community is a marginalized community and some transgender may lack education and digital literacy.

16. Awareness/sensitization among govt officials and their behavior towards transgender applicants: Some of the transgender respondents and NGO acknowledged that some DM/SDM and their staff/govt officials may lack awareness of the TG card, its process, Transgender persons, Transgender Persons Right Act 2019, or sensitivity and that some govt officials may ask transgender applicants irrelevant questions or documents which may cause discomfort for the transgender applicant who may thus find the application process unfair and violation of rights of transgender person.
17. On successful verification and approval by the DM/SDM the transgender applicant is issued two documents - the Transgender certificate and identity card. There was no clarity on the difference between them and the reason for the need for two documents via the portal on interaction with all the stakeholders (Govt officials, NGOs, Transgender respondents). Nor the same is explained well in the online portal.
18. Role of NGOs: NGOs have played and can play an active role in the dissemination of information/ increasing awareness among the transgender community about the TG card, its benefits, and the SMILE scheme; facilitating in applying the online application for TG card; procurement of documents such as affidavits and gender dysphoria certificate; regular follow-ups; facilitating grievance redressal by directly communicating with the DM/SDM/govt officials assigned by DM/SDM and in sensitization of among govt staff about the plight of the marginalized transgender community. Yet it is important to note that not all NGOs have been successful in it. For eg. NGO Madad - None of the 40+ TG cards applied were issued. That shows even NGOs face similar challenges while applying for TG cards as transgender individuals (shared in findings in detail). Its also depends on the genuine efforts, and rapport between the NGO and the govt officials to be able to expedite the addressing of grievances.
19. Some common measures suggested by the transgender respondents and NGOs (mentioned in detail in the findings section and included in the recommendation as well) include:
    - Increase in awareness by the government about the TG card, its benefits, and better clarity on the process of application esp. the process of verification, if any.

- The presence of a transgender govt official in the DM office or grievance redressal cell can make the govt interaction smoother, and more effective as he/she would be naturally sensitized to the plight of the challenges faced by the transgender applicants. Also, the transgender applicant would feel more comfortable interacting and sharing her/his concerns with the transgender govt official.
- The cost of procurement of documents required to apply for a TG card such as an affidavit and Gender dysphoria certificate should be reduced/subsidized or made free to avoid unreasonable charges by a notary or any medical facility, hence reducing harassment.
- Reduction of the mandatory 12-month residence period in the district state (other than the home state) to 3-6 months.
- There should not be any physical verification which may act as a deterrent to applying for a TG card by transgender individuals. Also if there is any requirement for any verification, the transperson applicant must be contacted on his/her number and verification can be done in a designated govt office(DM office) where the staff/govt official must be sensitized and be made aware of the transgender community and the TG card and its application process. NGOs should be roped in, and utilized to act as a verification point if needed to avoid the discomfort of the transgender applicant.

20. Overall Perception of Transgender person TG card: ***On a positive note***, despite above mentioned challenges in obtaining a TG card, most transgender respondents and all NGOs acknowledge that the TG card is a helpful initiative by Govt and empowers the transgender community with identity(gender) recognition and would definitely recommend TG card to other transgender persons. It is an essential document for the gender identity recognition of transgender persons and provides them benefits of government schemes such as SMILE for the progress and advancement of the community. Some major reasons for seeking of TG card by transgender persons identified are to pursue sex reassignment surgery, legal gender identity recognition, pursue further studies under the scholarship SMILE scheme. It also provides benefits beyond govt schemes such as the prevention of harassment faced by transgender persons by police officials who may mistake them for a crime because of their cross-dressed appearance which may not match the photo in Aadhaar card, employment

opportunities for transgender persons in the private sector, in cases of property inheritance as mentioned previously among others in detail in the findings.

<u>Below is the</u> Fig 4. Is the graphical illustration of the Challenges faced by Transgender Persons during various stages of the application process to obtain Transgender Certificate and Identity Card (both online/offline)

(Note: Zoom-in to view clearly)

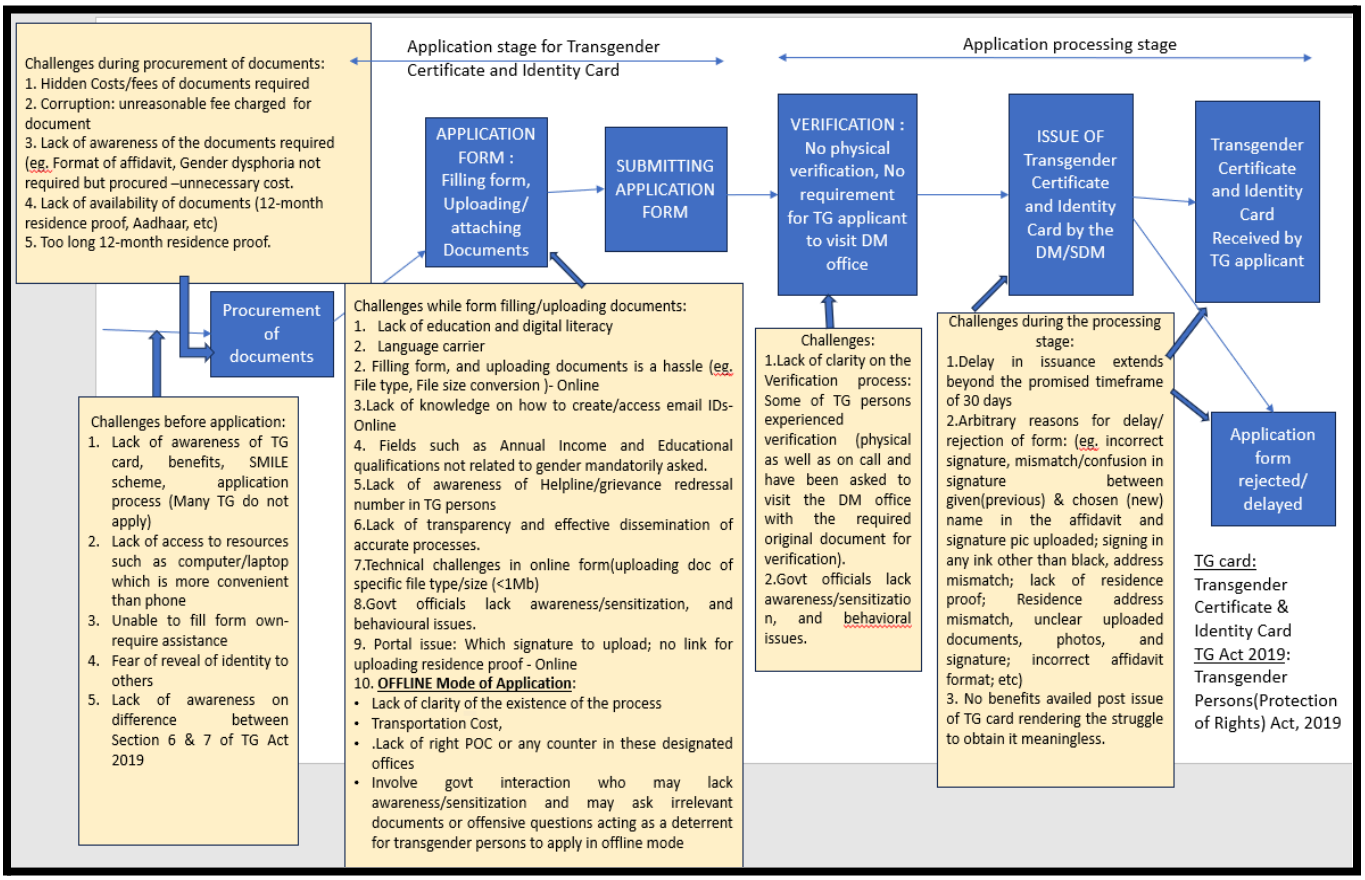

Fig 4. Challenges faced by Transgender Persons during various stages of the application process to obtain Transgender Certificate and Identity Card (both online/offline)

5. <u>RECOMMENDATIONS</u>:

Based on the findings from the survey and navigation of the online portal below are the measures suggested that can be taken to eliminate/reduce the challenges faced by transgender persons in obtaining TG cards in both online and offline modes of the application process:

1. The government must increase awareness regarding the TG card, Transgender Persons Right Act, the benefits of the TG card, and the SMILE scheme among the transgender community through more advertising, hoardings (eg . like hoarding of Beti Bachao Beti Padao can be seen at the back of the trucks), use of social media, roping in NGOs, celebrities, transgender celebrities - "transgender ambassador", and " trans-icon".
2. Increase awareness and sensitization (roping in NGOs) on the plight of the marginalized transgender community and the importance of TG card for them among government officials, lawyers, notaries, medical hospitals/facilities, and various stakeholders that may be involved in the TG card and sensitize them to not charge unreasonable fees, or mislead this vulnerable sections.
3. Some transgender persons may not even know how to create/access email ID which is essential to access the online application form in the portal. The email ID created by NGOs or any other person for a digitally challenged transperson applicant poses a risk to the data privacy of the applicant. Instead of an email id, an OTP mechanism on a phone would be more convenient option.
4. The presence of a transgender govt official in the DM office, assigned to deal with TG cards and issues/challenges/grievances faced by transperson applicants, would enable the transgender person to approach them better for any grievance and the transperson as govt official would be able to understand better the plight/challenges faced by the transgender applicants regarding TG cards. Also, the transgender applicant would feel more comfortable interacting and sharing her/his concerns with the transgender govt official. This would sensitize the people working with the transgender govt official. One of the NGO respondents also suggested that the TG cards can also be given by the DM/SDM himself/herself along with clicking a photo- this would sensitize the govt officials (including the DM/SDM) more and would make the transgender applicant feel valued.
5. The procurement of documents required to apply for TG card such as an affidavit and Gender dysphoria certificate should be made free of cost (as mentioned previously also) or the cost must be reduced to avoid unreasonable charges by the notary or any medical facility). This would help in the elimination/reduction of potential corruption due to documents due to the vulnerable nature of marginalized less/not educated transgender persons for whom the TG card is an essential ID card to have.

6. Stringent punishment must ensured (for Govt officials, NGOs, cybercafes, notaries, medical facilities/hospitals/doctors/psychologists etc.) for asking for unreasonable questions that may hurt the sentiments of transperson applicant, and documents when not required under the Transgender Persons (Protection of Rights) Act in 2019, and for charging exorbitant fees.
7. The online national portal for transgender persons and the application form must be available in multiple languages for transgender persons who may not be proficient in the current language the form is available in (English an Hindi) and may not be able to fill the form on their own independently without assistance.
8. As observed/known from the survey of transgender applicants, though most of the applicant respondents had access to a phone only a few also had access to a computer/laptop. Thus some transgender may lack access to a computer/laptop, hence the application form should be designed user-friendly and can also be accessed via phone without any hassle of requirements such as file size limit(Kb/Mb), and conversion of files from one format to another. There should be an option in the form whether filled from a phone or computer and the form when being accessed via phone, must automatically allow multiple photos to be uploaded (eg both sides of the Aadhar card) without having to merge it into a single file and be converted into a file of a particular format.
9. The National Portal for Transgender Persons from where the online application form can be accessed must explain certain topics elaborately for more clarity and transparency in the application process below in the FAQs section/user manual/application form or by creating any new section.:
   a) Must elaborately mention and explain the importance and benefits of TG cards, exact benefits, and SMILE scheme benefits for transgender persons that require TG cards to avail them. It must clearly mention for example how the card is beneficial in sex reassignment surgery(SRS)- does it make surgery free of cost, or provide partial expense support or is just a mandatory requirement to become eligible for SRS; what colleges(govt or private or both) and what discipline are applicable for providing scholarships to a transgender person under the SMILE scheme etc. They must also mention with clarity that a TG card *would not provide any benefit* or would not be applicable for example govt must mention if the TG card may or may not be the right

document to open a bank account. This would prevent any misinterpretation of benefits that the TG card can offer the transgender individuals who may feel cheated or disappointed when they get to know such is not the case. This would enhance transparency and encourage more transgender people to apply for TG cards.

b) The difference between the TG card and TG certificate; and the reason for the issue of two documents; between Section 6 (TG card specific for identification of applicant as transgender) and Section 7 must be explained well and more elaboratively on the online transgender portal in the FAQ section in simple language without having to refer to the bare Act of the Transgender Persons(Protection of Rights) Act, 2019 and the Transgender Persons(Protection of Rights) Rules, 2020 which may be difficult to comprehend for transgender persons lacking education.

c) Application Process related: By implementing below measures the unanswerable gap in awareness of various components of the application process for example the verification process defined by the government, implementation of the same by the DM/SDM by the govt, the experience of transgender persons who have experienced verification (physical as well as on call and have been asked to visit DM office with required original document for verification) and knowledge among the NGOs can be eliminated or reduced. It would increase transparency and build more trust between the govt and the transgender community, make transgender persons more conscious, independent, and aware of the process, reduce misleading (or exploitation) of the transgender persons by any third person/NGOs, etc, and would also reduce/eliminate speculations that deter transgender persons from applying for the TG card. They are:

- The portal must mention why the mandatory documents mentioned to be uploaded have been asked. This would increase transparency and trust between govt and the transgender community who would then not blame govt for asking for unnecessary documents (Gender dysphoria certificate, medical certificate for section 6, etc).
- The portal must also mention the purpose and reason for asking for information that does not pertain to gender such as Educational Qualifications and Annual income. Also, these fields must be made optional and not mandatory for

transgender applicants who may not be comfortable in sharing any personal information without any purpose/not related to gender.

- The entire end-to-end process of application including how the backend process works, must be explained well. This would enhance transparency and avoid unnecessary confusion and speculation that act as deterrents for many transgender people to apply for TG cards. It would reduce the gap in awareness of various components of the application process eg. the verification process defined by the government, implementation of the same by the DM/SDM by the govt, and the experience of transgender persons/NGOs. How the verification process happens in both online/offline modes of application – whether physical verification (home visit), or over call, or visit to DM/SDM office must be clearly explained, and also what is prohibited during the verification must also be mentioned clearly.
- The mandatory period of residence for the applicant to be able to apply from a non-home state must be reduced from 12 months to 3-6 months for the reasons discussed in previous sections.
- Also, the 12-month residence prerequisite must be mentioned in the application form near the Correspondence Address field. There must be either a link on the online application form to upload the document of proof of residence in the non-home state (for 12 months at least), or the portal and the application form must mention that to apply from a non-home district the transgender person must update the address in Aadhar card (from that in home state to the non-home state address wherein currently the transgender applicant resides) or any other mandatory document before uploading. This would bring more clarity to the transperson applicant and would reduce overlooking or making errors with regard to documents and hence reduce chances of rejection of the application form.
- The application must clearly mention which signature to upload (previous or new name chosen) in the application form and also in the affidavit. This may also become a cause of rejection of the application if the transgender person uploads a signature not as per the requirement of the verifying govt official.

NGOs suggested that it is better to sign with both names of the transperson applicant(given and chosen) to avoid rejection due to confusion by the verifying govt official.

- The govt officials must be sensitized toward the plight of transgender community which is a marginalized section of society and the importance of the TG card *and its process, most importantly***.** Frequent sensitization programs involving NGOs and famous transgender persons/celebrities can help.
- Clarity on the verification process must be ensured on the portal: There should not be any physical verification that may act as a deterrent to applying for TG cards by transgender individuals. Also, if there is any requirement for any verification, the transperson applicant must be contacted on his/her number and verification can be done in a designated govt office (DM office) where the staff/govt official must be sensitized and be made aware of the transgender community and the TG card and its application process. NGOs should be roped in, and utilized to act as a verification point if needed to avoid the discomfort of the transgender applicant.
- Also, for the offline process (if any) or if there is any verification process that involves interaction over the phone or in person, the govt official must be sensitized and trained on *how not to make the transgender applicant uncomfortable,* what questions to not ask/ask and the consequence/punishment they may face in case of non-compliance. They must ensure the dignity and respect of the transgender applicants indispensably.
- The govt officials must not delay the issue of the TG card. They must not reject the cards for minor errors or the transgender person must be contacted over the phone (preferably by a transgender official) and /or e-mail and minor errors (such as unclear signature/photo) must be communicated to them and explained to them how to correct them and must be asked to email the correct document in DM official email id, or a link should be provided(for a specified period of days) in the portal itself to amend errors by uploading only those documents where there is error instead of filling and resubmitting the entire form again. In case of rejection of the application form, a detailed reason for rejection

alongwith a solution on how to rectify it must be communicated to the transgender applicant by email and/or phone(preferably by the transgender official). Providing clarity on the reasons for rejection/pending acceptance would enhance the transparency of the process. This would also help the NGOs understand the reason for rejection, delay, and pending and they would be able to disseminate better to the transgender applicants at large which mistakes to avoid.

- At least a few examples of reasons for "rejection" or "pending acceptance" of a TG card should be mentioned in the portal so that the transgender applicant can refer to them and refrain from making those mistakes and not speculate various reasons for the same and which may lead to anxiety and frustration. Providing clarity on the reasons for rejection/pending acceptance would enhance the transparency of the process.
- For a delay in the issue of a card beyond the promised 30 days, communication of proper reason via email/phone(preferably by a transgender official) of the transgender applicant must be done.
- Stringent punishment must ensured (for Govt officials, NGOs, cybercafes, notaries, medical facilities/hospitals/doctors/psychologists etc.) for asking for unreasonable questions, and documents when not required under the Transgender Persons (Protection of Rights) Act in 2019.
- The FAQs section must include clearing of the above-mentioned speculations and must also mention the myths that transgender persons may have that deter her/him from applying for the TG card.
- The User manual/instructions page link must be on the top and highlighted on the online application form page since applicants for quick and easy access/reference which otherwise may be skipped by many transgender applicants. Also, it will be best to locate at, on the application form page itself.

d) The DM/govt must disseminate in detail the application process, offline process- an option or not, reasons for rejection delay of the card, etc to all NGOs that come under the DM 's district

e) The Central govt must create an auditing mechanism where DM must submit quarterly/semi-annually a report on the number of TG card applications vs count of issued vs count and status of the rest along with a count of rejected. A detailed reason for rejection or delay beyond 30 days must be given in the report. The DM/SDM must be answerable to the govt for any arbitrary reason identified by the auditor. This would increase accountability and reduce laxity among govt officials, and increase sincerity among the officials to issue cards on time and not reject the application arbitrarily.

f) Whether the application process is available in offline mode as well or not and publish the list of DM/SDM offices that support offline mode as well. If there is an offline process: then all the instructions must be displayed in a big hoarding in the office alongwith the counter to proceed.

g) A strong monitoring mechanism must be established by the govt to ascertain the progress of the initiative, understand the gaps, and address them.

h) A Transgender Welfare Board must be established in each state/ district that can be involved in spreading awareness regarding TG cards, addressing grievances, auditing of the DM report on TG cards etc . The board can act as an effective in acting as a bridge between Govt and transgender community & NGOs etc.

i) There must be uniformity across the nation with regard to the process implementation – both online and offline(if any)

6. LIMITATIONS OF METHODOLOGY

1. **Geographic Scope**: The study is conducted primarily in Delhi, which may limit the generalizability of the findings to the entire transgender population in India. Different regions may have unique challenges and experiences not captured in this study.
2. **Sample Size**: The sample size, particularly for Transgender persons, Government official and NGOs, is relatively small. This may make it hard to see all the different views and not give us the full picture of the challenges and benefits of the Transgender Certificate and Identity Card process. Also due to the elections, was unable to take an interview of DM/SDM which would have helped me understand the backend process of the

application process of Transgender Certificate and Identity Card and get more insights on the challenges faced by the transgender persons in obtaining it.

3. **Snowball- Sampling:** This may introduce bias as participants might refer individuals who share similar perspectives, potentially influencing or sharing the interview questionnaire with the referred person, thereby affecting the diversity of responses.
4. **Self-Selection Bias**: Participants who choose to be part of the study may have specific experiences or opinions that differ from those who choose not to participate. This could introduce a bias in the findings.
5. **Limited Representation**: While efforts are made to include diverse voices within the transgender community, there may still be underrepresented subgroups whose experiences are not fully captured, such as individuals with different gender identities within the transgender spectrum.
6. **Temporal Factors**: Policies and processes related to transgender rights may evolve over time, impacting the relevance of the findings. The study's findings may be more applicable to the current policy landscape and might not account for future changes.
7. **External Influences**: Policy effectiveness could be impacted by external factors like shifts in political leadership, fluctuations in economic conditions, or evolving societal attitudes or economic shifts, beyond the study's scope.

7. CONCLUSION

Transgender community is one of the most discriminated and marginalized section of society which confronts social exclusion, familial rejection, sexual and physical abuse, harassment, and hate crimes, compounded by transphobia, leading to severe psychological stress during gender dysphoria and dysmorphia. The pervasive discrimination extends across various aspects of life, including education, training, employment, property rights, public services, housing, healthcare, marriage, adoption, insurance, pension, banking, gender affirmation surgery, legal protection, voting, and more. A transgender certificate and identity card is mechanisms by which transgender individuals can avail various benefits of government schemes for transgender.

TG card can play an essential role in helping these people avail benefits provided by various government schemes for their development and progress and thus help them mainstream in

society. Any challenge in obtaining TG card may become an obstacle to their growth and progress. It is crucial that the government must address the challenges faced by transgender persons in obtaining TG cards. By making the application process easier and more transparent with abundant information on the National Portal for Transgender Persons, and bringing more accountability into the process would enhance the bridging of trust between the transgender community and the government.

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APPENDIX I

QUESTIONNAIRE

Please Note: TG CARD : Transgender identity Certificate

QUESTIONNAIRE for Transgender Persons(Main Stakeholder)
Demographic Information:
1. About the participants: a. Age of the participant b. Sex of the participant c. Literacy/Education d. Do you know how to use a phone or computer? e. Do you have access to these devices: phone/computer? f. Place (Resident of which place)
Awareness
2. Do you know about the Transgender Identity Certificate (TG CARD) 3. Do you have one? (TG CARD) If Yes? (following questions) 4. How did you know about it? 5. Do you know the benefits of having TG CARD ?

a. (Prompt- what kind of benefits, SMILE scheme and benefits, do you know anyone who has received any benefits of TG CARD)

6. Why did you specifically apply for the TG card?

Application Process Mode/Stage

7. What is the application process stage*:
    i. Received TG CARD
    ii. Application in-process
    iii. Never applied
    iv. Application Rejected
8. How did you get it - online/in person (mode)?

Challenges faced during the application process

9. Can you share any challenges if you faced any?

Checklist Begins:

10. Can you tell the what all documents you had to provide for the application.

11. Any challenges faced related to documents

    Prompts:

    a. Challenges related to documents such as
        i. Address/Residence proof, Aadhaar
        ii. Medical Certificate
        iii. Affidavit
        iv. or any other document
12. How did the govt office staff/personnel, involved in the in-person/online form application process, treat you? Prompt: Any govt interaction regarding Tg card?
13. Did you find the process unfair or trespassing on your dignity during any point of the process of application of TG CARD (or submission of documents)?
    a. Prompt- Any discrimination, disrespect, discomfort, or violation of rights?
14. Did you face any corruption during any component of the application process? Prompt- eg. bribe or during the gathering of documents such as medical certificate?
15. Most difficult aspect/component of the application process which makes the process tedious/cumbersome/difficult:

a. In-person
b. Online

16. Did you pay any fee to apply or obtain a TG CARD?
    a. If yes, do you think is affordable or should not be charged at all?
    b. Did you pay for the documents required to apply for TG card? How much?
    c. Do you think these are hidden charges despite TG card being free of cost/
17. Was the form(physical/online) available in just Hindi or English or regional/local language? (Any language barrier- prompt)
18. Were you able to understand the instructions in the physical form/ Online form? Prompt: Any part of the form you were unable to understand?

19. Did you need any assistance or were you able to fill the form alone? Whose assistance if any?
20. How did you access the online form or submit the online form: eg Phone, Computer?
21. Were you able to access the online form? (Prompt- Internet/connectivity issue, know how to use smartphone/computer, submit online forms, was it user friendly)
22. Did you face any difficulty regarding the form (physical/online)
    a. Accessing the form
    b. Filling the form
    c. Uploading documents
    d. Submitting the form
    e. Following up of the form
    f. Resubmission
23. If the application form is rejected?
    a. Why rejected?
    b. Were you able to submit it again without any hassle?
24. Did you receive TG CARD on time?-(Those who received)
    a. Did you receive the TG CARD via online application in time (30 days)
    b. Or Did you receive the TG CARD via in-person form application in time?
    c. Any idea why delay, if any?

25. It is not mandatory for the applicant to apply from their home state(where they were born). They can they apply for the certification from any other states (presently residing)? However, the Applicant must reside for at least 12 months/ 1 year in 'other state' before applying for the certification. What is your opinion on this prerequisite to apply for TG CARD ? 26. Did you/your family face any challenges during verification process? *27.* Who did the verification? 28. Why did you go for this mode and not go for the other mode of application for TG CARD *? 29. There is a mention of annual income in the application form. Do you think it has any relevance with gender and should govt ask for such information? 30. Do you think govt has done enough to spread awareness about the TG card? 31. Do you think transgender persons have enough awareness about the TG card? 32. Do you think NGOs is doing enough in this regard? 33. What important role can NGOs play regarding TG cards?(Improving the process of TG card) 34. Any other Challenges you can think of?
Enablers that were helpful during the application process
35. Did you require any assistance (eg. NGO, peer, friend, **user manual** etc- Prompt)) or were able to apply for TG CARD alone? 36. During the whole application process- what/who did you find most helpful in easing your challenges if you faced any or making process faster? (for those transgender persons who were able to obtain TG CARD) 37. How did NGO help you, if any?
Grievance Redressal
38. Did you raise any complaints regarding your challenges faced during the process? 39. If yes: Whom did you raise your complaint/concern with? (Prompt- for example: TG CARD Application Portal, Grievance redressal office if any, Helpline number, Govt official, Judiciary, media, NGO, etc)

40. Do you know the helpline number or any process for grievance redressal regarding TG CARD ? (AWARENESS Q category) 41. If not : Why did you not raise any compliant?
Benefits of the TG CARD
42. What are the benefits you feel since getting the TG CARD ? 43. Do you feel empowered due to the TG CARD ? 44. Does it help in gender identity recognition? 45. If yes why, how? If no why not? 46. Do you think this card is helpful in availing beyond the scope of the benefits provided by the govt? Prompt: For example: What all other purpose are you able to use the card for other than the benefits in the SMILE scheme?
Measures recommended by the Participants:
47. Measures you would like to suggest, that can be taken to ease the challenges faced by you and make the **in-person** application process of obtaining TG CARD easy? (Prompt- by govt or DM or any specific stakeholder (such as NGOs, Medical Certificate issuer, fee, document requirement, awareness, behavior of govt official etc.))--- for in-person application 48. Would you like to suggest measures that can be taken to ease the challenges faced by you and make the **online** application process of obtaining TG CARD easy? (Prompt- by govt or DM or any specific stakeholder (such as NGOs, Medical Certificate issuer, fee, document requirement, awareness, behavior of govt official etc))--- for online application
Perception of Transgender Persons about the TG CARD
49. What is your perception of TG CARD ? (Prompt- Is it a helpful move by the govt for the transgender person community?)

50. Other genders don't need such a certificate. Why do think you need TG CARD or do you think such TG CARD should not be a mandatory requirement in the first place?
51. Only Transgender persons above 18 years can apply for TG CARD . Your view on what about the transgender persons below the 18 years? Children will not be able to receive benefits under SMILE scheme. Would that affect their access to school?
52. Would you recommend TG CARD to other transgender people?
    a. If yes why?
53. If No: why not?
    a. What other way will you avail benefits for your welfare?
54. It is not mandatory for the applicant to apply from their home state(where they were born). They can they apply for the certification from any other states (presently residing)? However, the Applicant must reside for at least 12 months/ 1 year in 'other state' before applying for the certification. What is your opinion on this prerequisite to apply for TG CARD ?
55. Offline: Were you able to find a counter or Right POC for an application form

If not applied for TG CARD

56. Why did you not apply for TG CARD card

    Prompt:
    a. Lack of awareness
    b. Hesitant to reveal identity
    c. Stigma
    d. Unaffordable fee
    e. Digital literacy is a challenge: Don't know how to use phone or computer
    f. Education/literacy issue: Don't know how to read
    g. Lack of resources such as phone, internet connectivity
    h. Language barrier
57. Would you like to know about it?
58. What support do you think you would require to apply for a TG CARD?

    (Prompt: NGO help, devices (smartphones/computers), free time out of their schedule etc.)

QUESTIONNAIRE For NGOs
1. Do you help the transgender persons in obtaining TG CARD ? 2. How do you help them a. With respect to in-person application process b. With respect to online application process 3. How many transgender persons have approached you for your assistance 4. How many TG CARD have you been successfully helped transgender persons with? 5. What are the challenges faced by transgender persons in obtaining TG CARD? a. Challenges regarding both application processes- in-person b. Challenges regarding both application processes- online c. Which mode is the better of the two ? 6. What challenges do you face in helping the transgender individuals regarding the TG CARD? 7. Any challenge related to the email id of the Transgender persons?(Email ID is required to connect with 8. What are the issues you specifically find in both application process?

9. Do you think the document requirement for the TG CARD is a reason for the challenges faced by transgender persons?(Will skip if answered by Q6)
10. Do you know the reasons for TG card rejection/delay?
11. Do you think they are valid?
12. Did you raise the concerns of transgender persons and challenges faced by them regarding obtaining of TG CARD /application process with anyone such as Govt official, the Ministry of Social Justice and Empowerment, Judiciary, Media etc?
13. How was the behavior of the govt official?
14. Did they listen to you, and address the issue/grievances?
15. Do you think govt has done enough to spread awareness about the TG card?
16. Do you think transgender persons have enough awareness about the TG card?
17. Do you think NGOs is doing enough in this regard?
18. What important role can NGOs play regarding TG cards?(Improving the process of TG card)

59. Did you find the <u>process unfair or trespassing on your dignity</u> during any point of the process of application of TG CARD (or submission of documents)?
    a. Prompt- Any <u>discrimination</u>, disrespect, discomfort, or violation of rights?
19. O you think Govt officials have enough awareness about TG cars, Transgender persons, Transgender Persons(Protection of Rights) Act 2019
20. It is not mandatory for the applicant to apply from their home state(where they were born). They can they apply for the certification from any other states (presently residing)? However, the <u>Applicant must reside for at least 12 months</u>/ 1 year in 'other state' before applying for the certification. What is your opinion on this prerequisite to apply for TG CARD ?
21. Do you think TG CARD is beneficial/helpful for the transgender persons?
    a. If yes, can you elaborate how, give examples?
22. Do you know the difference between transgender certificate and Identity Card? Why two document?
23. Do you think the transgender persons may face corruption in the applying the TG card?
24. Can you tell me about the verification process?

25. Which is more conveneient or better option of application of TG card: online vs offline?
26. How did you apply :Phone /computer
27. Do you think Govt has done enough to spread awareness about TG card.
28. Do you feel NGOs are doing better?
29. Any recommendation or measures you can suggest to ease the challenges faced by the transgender persons in obtaining TG CARD for both in-person & online application.

QUESTIONNAIRE For Govt official

1. What is your role in the TG CARD application process?
2. Do you help the transgender persons in obtaining TG CARD?
3. How do you help them
    a. With respect to in-person application process
    b. With respect to online application process
4. How many transgender persons have approached you for your assistance
5. How many TG CARD have you been successfully helped transgender persons with?
6. What are the challenges faced by the transgender persons in obtaining TG CARD?
    a. Challenges regarding both application processes- in-person & online
7. What are the issues you specifically find in both application process?
8. Do you think documents requirement for the TG CARD is a reason for the challenges faced by the transgender persons?(Will skip if answered by Q6)

9. Did you raise the concerns of transgender persons and challenges faced by them regarding obtaining of TG CARD/application process with anyone such as Govt official, Ministry of Social Justice and Empowerment, Judiciary, Media etc?
10. Did you try to address any challenges by bringing any change at your own level?
11. Can you tell me about the verification process?
    a. Is there any physical verification?
    b. Does the transgender person have to visit DM office for any verification?
12. How does an applicant submit 12-month residence proof in the online portal as there is no link on the page for uploading of the residence proof?
13. Is Gender Dysphoria certificate need for application of TG card?
14. Can you share few reasons why application forms get rejected or delayed?
15. Do you think TG CARD is beneficial/helpful for the transgender persons?
    a. If yes, can you elaborate how, give examples?
16. Any recommendation or measures you can suggest to ease the challenges faced by the transgender persons in obtaining TG CARD for both in-person & online application.

APPENDIX II

Fig 5 Affidavit Format from Transgender Persons (Protection of Rights) Rules, 2020

Source: (Chandra & Neog, 2023)

Form – 2

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

Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Rule 4 of the Transgender Persons (Protection of Rights) Rules, 2020 read with Section 6 of the Transgender Persons (Protection of Rights) Act,2019

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

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 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 Rule Transgender Persons (Protection of Rights) Rules, 2020.

.* 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

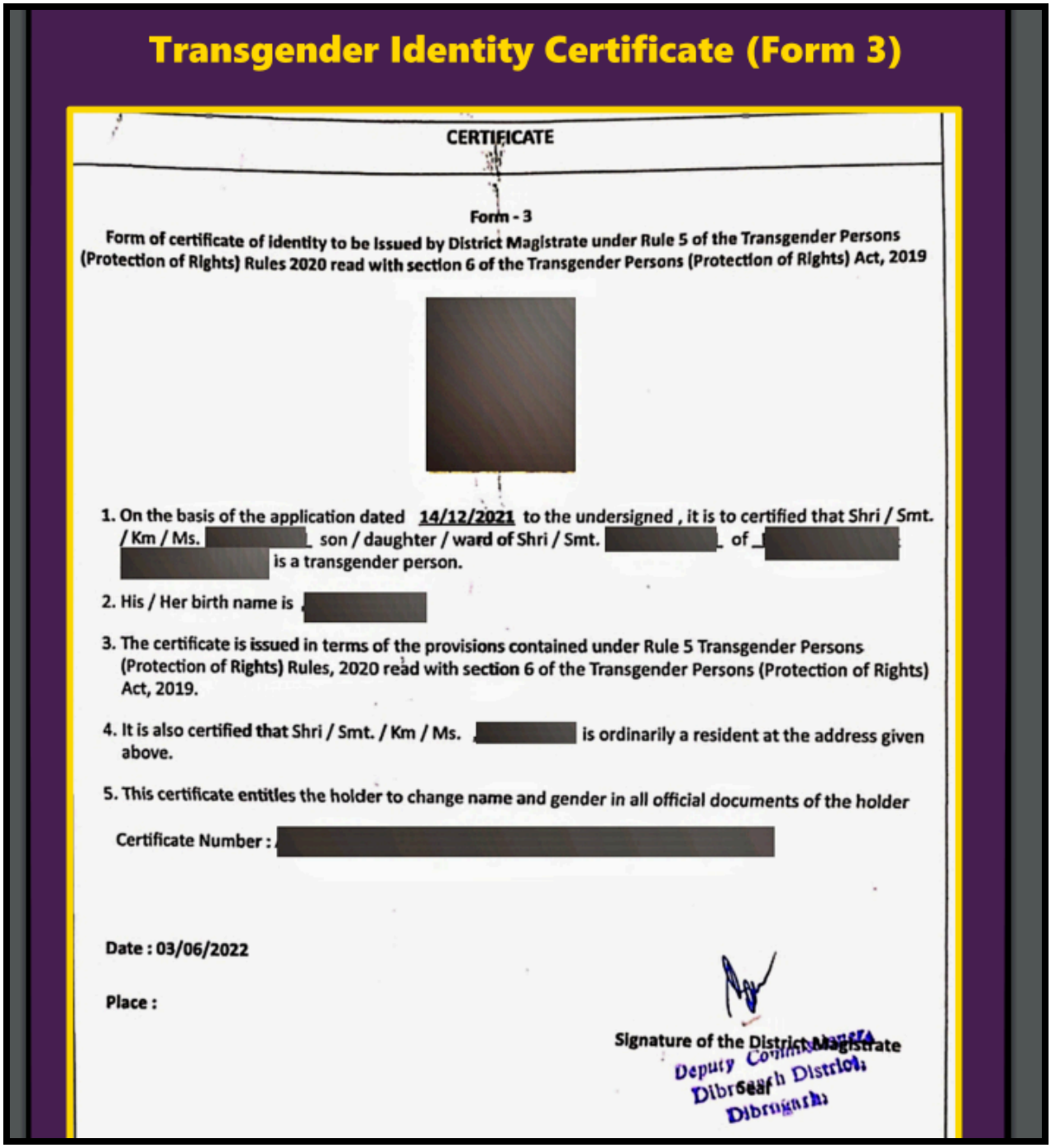
Public

Before Me

Notary

Fig 6. Transgender Identity Certificate format when issued byDM/SDM (Sample)

Source: (Chandra & Neog, 2023)



Transgender Identity Certificate (Form 3)

CERTIFICATE

Form - 3

Form of certificate of identity to be issued by District Magistrate under Rule 5 of the Transgender Persons (Protection of Rights) Rules 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019

1. On the basis of the application dated 14/12/2021 to the undersigned , it is to certified that Shri / Smt. / Km / Ms. [redacted] son / daughter / ward of Shri / Smt. [redacted] of [redacted] is a transgender person.
2. His / Her birth name is [redacted]
3. The certificate is issued in terms of the provisions contained under Rule 5 Transgender Persons (Protection of Rights) Rules, 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019.
4. It is also certified that Shri / Smt. / Km / Ms. [redacted] 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

Certificate Number : [redacted]

Date : 03/06/2022

Place :

Signature of the District Magistrate

Deputy Commissioner
Dibrugarh District
Dibrugarh

Seal

Fig 7. Transgender Identity Card format when issued by DM/SDM (Sample)

Source: (Chandra & Neog, 2023)

सत्यमेव जयते

State Government of Assam Office of the District Magistrate

TRANSGENDER IDENTITY CARD

Identity Card Number : [redacted]

Name : [redacted]

Parent/Guardian : [redacted]

Gender : Transgender

Date of Birth : [redacted]

Age as on the date of application for issue of Identity card :

Reference number of certificate of authority on the basis of which this card is issued : [redacted]

[redacted]

Back side of the Identity Card

Address for Correspondence : [redacted]

Card issue date : 03/06/2022

Signature of the Issuing authority Designation

Seal of the Issuing authority

Deputy Commissioner, Dibrugarh District, Dibrugarh

Issued under Sectino 6*/7* of the Transgender Persons (Protection fo Rights) Act, 2019 and under Rule _____ of Trasgender Persons (Protection of Rights) Rules, 2020

* Strike out whichever is not applicable

@ only in case the applicant is a minor child.

1/1