



## JSA Prism Employment Law

August 2025

### Delhi government notifies the Transgender Protection Rules, 2025

The Department of Social Welfare, Government of the National Capital Territory (NCT) of Delhi (“**Delhi Government**”) *vide* notification dated July 10, 2025<sup>1</sup>, has issued the Delhi Transgender Persons (Protection of Rights) Rules, 2025 (“**Transgender Rules**”) with a view to provide legal recognition of self-perceived gender identity, access to entitlements and protection against discrimination to transgender persons. The Transgender Rules have been framed under the powers granted by Section 22 of the Transgender Persons (Protection of Rights) Act, 2019<sup>2</sup> (“**TP Act**”).

The Transgender Rules establish a comprehensive framework for effective implementation of the TP Act, by laying down *inter alia* a procedure for application and issuance of certificate of identity and provisions for anti-discrimination and inclusion of transgender persons in welfare schemes. The Transgender Rules also set out a mechanism for grievance redressal, including appointment of a complaint officer, responsible for conducting enquiry and to ensure fair and timely resolution. Empowered by Rule 14 of the Transgender Rules, the Delhi Government is mandated to constitute a welfare board to formulate policies, welfare schemes and programs to provide transgender persons inclusion, equal access to social and public spaces and form safeguards against stigmatising and discriminatory behaviours/practices, with an aim to create safe public and private institutions.

#### Key highlights of the Transgender Rules

##### 1. Certificate of identity (“Identity Certificate”):

Transgender persons may obtain an Identity Certificate for their self-perceived gender by submitting an application online on the National Portal for Transgender Persons developed by the Ministry of Social Justice and Empowerment, Government of India, or in-person, to the concerned District Magistrate. In case of a minor, such application will be made by the minor’s parent or guardian. The Transgender Rules also enable transgender persons seeking to change their gender or those who have undergone a gender affirming procedure, to obtain a revised Identity Certificate by making a similar application. Once issued, the Identity Certificate would form the basis for changing the gender, name and photograph of the applicant in all official documents, including birth certificate, Aadhar card, passport, etc. The Identity Certificate grants its holder the same rights and entitlements as all other persons and confers the same recognition as any other proof of identity.

In addition to various protections offered by the TP Act and Transgender Rules to transgender persons, medical or physical examination of an applicant is explicitly prohibited during the process of issuance of the Identity Certificate. Additionally, applicants will be informed of the reasons for rejection of their application and will have a right to appeal against such rejection.

<sup>1</sup> Notification No. F. 30(641)/TG.PR/SD/DSW/24/93-95

<sup>2</sup> Notification No. S.O. 135 (E)

## 2. Welfare schemes, anti-discrimination measures and equal opportunities:

Through the Transgender Rules, the Delhi Government is now required to ensure effective implementation of the objectives under the TP Act. To afford the same rights, protections and benefits to transgender persons as all other persons, the 'Stakeholder department'<sup>3</sup> is entrusted with *inter alia* the following duties and responsibilities:

- a) reviewing and revising the existing schemes and programmes on education, health and welfare, social security, etc. to bring transgender persons in its purview;
- b) formulating new policies, schemes and programmes for the welfare of transgender persons;
- c) taking active steps to prohibit discrimination against transgender persons, such as ensuring equitable access to social and public spaces, create facilities like separate washrooms in establishments, separate wards in hospitals and rehabilitation centres, etc.;
- d) carry out awareness programs to promote the rights and welfare of transgender persons; and
- e) undertaking to provide sensitisation trainings to institutions and establishments alike, including schools and colleges, government offices, etc.

## 3. Equality in employment:

The TP Act prohibits any form of discrimination in employment matters, such as recruitment, employment benefits, promotion, etc. It mandates establishments to take adequate measures for building and maintaining a safe and equitable work environment for transgender persons. Under the Transgender Rules, every establishment is mandatorily required to implement measures for providing a safe working environment and to ensure that no transgender person is discriminated in any matter relating to employment including, but not limited to, infrastructure adjustments, recruitment, employment benefits, promotion and other related matters. To this end, every establishment is required to publish an equal opportunity policy for transgender persons, and to display such policy, including details of the complaints officer, preferably on their website, failing which, at conspicuous places in their premises. This requirement is similar to existing policy framing requirements under the Transgender Persons (Protection of Rights) Rules, 2020<sup>4</sup>.

The Transgender Rules require the equal opportunity policy of an establishment to include *inter alia* the following:

- a) infrastructural facilities (such as unisex toilets), measures put in for safety and security (transportation and guards) and amenities (such as hygiene products) to be provided to transgender persons so as to enable them to effectively discharge their duties in the establishment;
- b) applicability of all rules and regulations of the company regarding service conditions of employees;
- c) confidentiality of the gender identity of the employees; and
- d) complaint of the officers.

## 4. Welfare board and grievance redressal mechanism:

The Transgender Rules require the Delhi Government to constitute the Transgender Welfare Empowerment Board ("Board"), to serve as the primary body entrusted with safeguarding transgender persons against various social stigmas and discrimination, facilitating equal access to rights, benefits and opportunities and functioning for their welfare.

To undertake the above role, the Board is responsible for advising the Delhi Government in formulating new policies and schemes, monitoring and overseeing the execution of such schemes and programmes and coordinating across the Stakeholder departments to review the activities performed in this regard. In addition to

<sup>3</sup> Defined under Rule 2(l) of the Transgender Rules as "a Government Agency/Department/Directorate/Municipal Bodies/Local Bodies/Autonomous bodies/Commission/Board/ Council/Authorities that has an interest or influence in a particular program, project, policy, or initiative pertaining to the Welfare of Transgender. These departments may either be directly involved in the implementation or regulation of the subject matter or they may have indirect interests such as budgetary or oversight responsibilities".

<sup>4</sup> Notification No. G.S.R.592(E).

this, the Board will operate in collaboration with the Delhi Government in setting up a grievance redressal helpline within 1 (one) year of the Transgender Rules being notified. To ensure fair resolution of a complaint within 30 (thirty) days of its receipt on the helpline, a complaint officer (“**Officer**”) must be appointed by every establishment. The Officer is obligated to conduct an enquiry into the complaints received and submit an enquiry report with the head of the establishment, which if substantiated, will mandate the head of the establishment to take action within 15 (fifteen) days.

The Transgender Rules also require the Delhi Government to establish a ‘Transgender Protection Cell’ in each district headed by the District Magistrate to monitor cases of offences against transgender persons and supervise timely resolution of such cases.

## Conclusion

The Transgender Rules aim to streamline the scope of protection conferred to transgender persons under the TP Act, by defining the roles and responsibilities of relevant stakeholders entrusted with providing transgender persons with equal rights and entitlements, as available to other persons. By specifically prohibiting any medical or physical examination for determining the correctness of an application for issuance of an Identity Certificate, the Delhi Government has highlighted the accountability of its public offices in preventing mistreatment of applicants and avoiding unfair procedure of issuing such Identity Certificates.

The Transgender Rules also appear to provide opportunity to transgender persons to gain legal recognition by providing them with the right to appeal against rejection of their application for their Identity Certificate. It also prescribes a clear and definitive list of measures to be undertaken by Stakeholder departments, strengthening their efficiency in carrying out the objectives laid down under the TP Act. Outlining a comprehensive mechanism for grievance redressal and requiring the constitution of the Board lean towards a robust framework for creating safe and inclusive social and public environments for transgender persons.

However, execution of the Delhi Government’s commitment poses structural challenges, such as failure to establish what constitutes as discrimination or specify targeted measures to combat discriminatory practices, absence of provisions addressing transgender rights in sociological institutions like marriage or adoption, etc. While the Delhi Government has opted against implementing any reservation for transgender persons in jobs or government posts under the Transgender Rules, it certainly emphasises its attempt to lay down a progressive and legally enforceable framework for upholding the rights of transgender persons.

## Employment Practice

JSA has a team of experienced employment law specialists who work with clients from a wide range of sectors, to tackle local and cross-border, contentious and non-contentious employment law issues. Our key areas of advice include (a) advising on boardroom disputes including issues with directors, both executive and non-executive; (b) providing support for business restructuring and turnaround transactions, addressing employment and labour aspects of a deal, to minimize associated risks and ensure legal compliance; (c) providing transaction support with reference to employment law aspects of all corporate finance transactions, including the transfer of undertakings, transfer of accumulated employee benefits of outgoing employees to a new employer, redundancies, and dismissals; (d) advising on compliance and investigations, including creating compliance programs and policy, compliance evaluation assessment, procedure development and providing support for conducting internal investigations into alleged wrongful conduct; (e) designing, documenting, reviewing, and operating all types of employee benefit plans and arrangements, including incentive, bonus and severance programs; and (f) advising on international employment issues, including immigration, residency, social security benefits, taxation issues, Indian laws applicable to spouses and children of expatriates, and other legal requirements that arise when sending employees to India and recruiting from India, including body shopping situations.

JSA also has significant experience in assisting employers to ensure that they provide focused and proactive counselling to comply with the obligations placed on employers under the prevention of sexual harassment regime in India. We advise and assist clients in cases involving sexual harassment at the workplace, intra-office consensual relationships, including drafting of prevention of sexual harassment (POSH) policies, participating in POSH proceedings, conducting training for employees as well as Internal Complaints Committee members, and acting as external members of POSH Committees.

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18 Practices and  
41 Ranked Lawyers



7 Ranked Practices,  
21 Ranked Lawyers



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12 Ranked Lawyers



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22 Ranked Lawyers



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