



HARYANA STATE LAW COMMISSION

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THIRTY FIFTH REPORT

**RECOMMENDING THE LEGISLATIVE
AMENDMENT TO THE REGISTRATION
OF BIRTHS AND DEATHS ACT, 1969
FOR RECORDING CHANGE OF ONE'S
GENDER AND RULES THEREFOR**

Government of Haryana

HARYANA STATE LAW COMMISSION

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Government of Haryana

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2nd February, 2026

RECOMMENDING THE LEGISLATIVE AMENDMENT TO THE REGISTRATION OF BIRTHS AND DEATHS ACT, 1969 FOR RECORDING CHANGE OF ONE'S GENDER AND RULES THEREFOR

INTRODUCTION:

At present, there is no law particularly in the State of Haryana for recording the change of one's gender. The Haryana State Law Commission considers it necessary to fill up this vacuum by inserting a legislative amendment in the Registration of Births and Deaths Act, 1969 and Rules framed thereunder for recording one's change of gender. It may be mentioned here that subject falls under Entry 30 of List III (Concurrent List) in the Seventh Schedule to the Constitution of India.

The Hon'ble Supreme Court of India in case titled as *Nalsa v/s Union of India reported in (2014) 5 SCC 438* directed the Central and State Governments to take various steps for the welfare of the Transgender community and treat them as a third gender for the purpose of safeguarding their rights under Part III of the Constitution. The Transgender Persons (Protection of Rights) Act, 2019 (hereinafter in brief called the Transgender Act, 2019) allows the transgender person to be recognized as such and to have a self-perceived gender identity. Section 2 (k) of the Transgender Act, 2019 defines 'transgender person' as 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 Re-assignment 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, etc.

The Hon'ble High Court of Karnataka vide its order dated 20.12.2024 passed in W.P.No.55559 of 2017 (GM-RES) in the case of MS. X v/s The State of Karnataka, held that it shall be the duty of the Registrar of Births and Deaths to give effect to any certificate issued under Section 6 or 7 of the Transgender Act, 2019 by accepting and processing an application filed by a transgender, if accompanied by certificate under

Section 6 or 7 of the Transgender Act, 2019 and make such entries in the Register of Births and Deaths and issue necessary Birth or Death certificate with modification made, indicating both the earlier name and the present name with the details of the certificate under section 6 or 7 of the Transgender Act, 2019 being incorporated in the said certificate, until suitable amendments are made to the Registration of Births and Death Act, 1969. Further, the Hon'ble High Court has requested the Law Commission and the State Government to look into the Transgender Act, 2019 and suggest appropriate amendments in the Registration of Births and Deaths Act, 1969 and the Rules framed thereunder so as to give effect to the Transgender Act, 2019 in its letter and spirit, at the earliest.

If anybody wishes to have the changed gender recorded, he/she should be facilitated to do so provided he/she does not intend to deceive another person. Any person can request that the recorded sex be amended wherever the originally recorded sex does not correspond with the self-perceived gender identity. The request for recording the change of gender has to be made, in respect of minors through their parents or legal representatives. No publicity is to be given to the amendment of the recorded sex. The statutory provision, norm, regulation of procedure must respect the human right to gender identity.

In this regard, the Haryana State Law Commission has also perused the following law:

1. The Transgender Persons (Protection of Rights) Act, 2019.
2. The Transgender Persons (Protection of Rights) Rules, 2020.
3. Registration of Births and Deaths Act, 1969.
4. The Haryana Registration of Births and Deaths Rules, 2025.
5. Countries that allow transgender people easy status change -Paris (AFP) issued on 29.06.2021.

RECOMMENDATION

For the reasons stated above, the Haryana State Law Commission forms the considered view that there is a need for amendment of the Registration of Births and Deaths Act, 1969 by inserting sections 15A(1), 15A(2) and 15A(3) and for making the relevant rules of procedure for recording the change of gender of the applicant. Accordingly, the Law Commission proposes the following amendment to the Registration of Births and Deaths Act, 1969 (Haryana Amendment)

and the framing of the Haryana Births and Deaths (Amendment) Rules, 2026:

Section 15A has to be inserted in the Registration of the Births and Deaths Act, 1969 so far as Haryana State is concerned, after Section 15 as follows:

15A(1) Change of gender entered in the Register of Births & Deaths.- Any person whose gender is entered in the Register of Births and Deaths in the State of Haryana shall be entitled to seek the change of his/her gender in the Register of Births in accordance with the Rules of procedure prescribed by the State of Haryana in this behalf.

15A(2) Issuance of Certificate of Change of Gender.- The Registrar shall make necessary amendment/changes in the original register at the relevant place regarding change of gender and issue to the applicant a certificate indicating the gender of such person, after following such procedure and in such form and manner, within such time, as may be prescribed. The modification shall be done in the margin of the register, without any alteration of the original entry and shall sign the marginal

entry and add thereto the date of modification.

15A(3) - Consequential changes on the issuance of revised certificate.- The recipient of the revised certificate shall be entitled to change the first name in the birth certificate and all other documents relating to the identity of such person:

Provided that such change in the gender and the issuance of the revised certificate thereof shall not affect the rights and liabilities of such person.

Explanation- The aforesaid proviso shall not disentitle the recipient of the revised certificate to claim reservation in admissions to educational institutions and in employment, if any such reservation is otherwise available for transgenders.

To give effect to the aforesaid amendment in the Registration of Births and Deaths Act, 1969 in letter and spirit the respective Rules are to be amended as follows:

**THE HARYANA REGISTRATION OF
BIRTHS AND DEATHS (AMENDMENT)
RULES, 2026**

In exercise of the powers conferred by Section 30 of the Registration of the Births and Deaths Act, 1969 and pursuant to the amendment of the Act by inserting Section 15A(1) to (3) thereto, the Government of Haryana with the approval of the Central Government hereby makes the following Rules to give effect to the said amendment, namely:

1. Short title and commencement.- These rules may be called the Haryana Registration of Births and Deaths (Amendment) Rules, 2026.

2. Unless disqualified under any law, any person who is competent to enter into the contract under Section 11 of the Indian Contract Act, 1872 shall be eligible to seek the change of gender in the Register of Births and Deaths.

3. A Transgender person may make an application for the issuance of certificate of change of

gender to the Registrar of Births and Deaths in Form No.1 which shall be accompanied by the documents prescribed in Rule 10 and the affidavit in Form No.2:

Provided that in case of a minor, such an application shall be made by his/her parent/s or guardian.

4. The fee payable by the applicant shall be Rupees five hundred.

5. Non-compliance with the requirements of Section 15A of the Act and these Rules shall entail in the summary rejection of the application.

6. The certificate of change of gender shall be issued in Form No.3, within thirty days from the date of receipt of a duly filled-in application.

7. The Registrar shall issue certificate to the applicant indicating the revised certificate of gender of such a person as male or female or third gender person.

8. The certificate issued under Section 15A shall entitle the applicant to change the name as well, if so necessitated.

9. The Registrar may reject the application for the issuance of the gender change certificate for the reasons to be recorded in writing. Further, the order rejecting the application shall be communicated to the applicant within one week of its passing.

10. The application should be accompanied by the following:

- (i) Date of Birth Certificate.
- (ii) Aadhar Card/PAN Card/Election Voter ID Card/Passport.
- (iii) Medical certificate, if the applicant has undergone the medical intervention of transgender transition.
- (iv) Certificate, if any issued under the Transgender Persons (Protection of Rights) Act, 2019 and the Card, if any issued by the State Authority.
- (v) Two passport size photographs.

One passport size photograph, duly signed by the applicant, shall be affixed on the application.
- (vi) Proof for having remitted the prescribed fee towards the application.

11. Furnishing false information would result in the cancellation of the revised certificate, apart from making the applicant liable for penal action under the relevant Act(s) and/or Code(s)/Sanhita.

12. The Haryana Registration of Births and Deaths (Amendment) Rules, 2026 are in addition to the Haryana Registration of Births and Deaths Rules, 2025.

Form – 1

(See Rule 3)

Photograph of
the Applicant

Registrar to
attest the
Photograph

**Application – cum – enumeration form for issue
of revised certificate of change of gender**

Government of Haryana Office of the Registrar		
Application-cum-enumeration form for issue of revised certificate of change of gender under Section 15A(2) of the Registration of Births and Deaths Act, 1969 Note: 1. Furnishing false information would result in cancellation of the revised certificate, apart from making the applicant liable for penal action under the relevant Act(s) and/or Code(s)/Sanhita. 2. Information provided by the applicant in this application will be treated as confidential and shall not to be shared with any person or organization save the Central and/or State security agencies		
Sr. No.	Name	
(i)	Name as shown in the Birth Certificate (in capital letters)	
(ii)	Gender as shown in the Birth Certificate	

(iii)	Date of Birth	
(iv)	Educational Qualification	
(v)	Employment status	
(vi)	Present address	
(vii)	Permanent address	
(viii)	Change of gender sought in the application (specify man/woman/third gender)	
(ix)	Change of name if necessitated on account of change in the gender	

Signature and left-hand thumb impression of the applicant

I, _____ (Name), hereby declare that all the particulars submitted by me are true and correct to the best of my knowledge.

Place:

Date:

Signature and left-hand thumb impression of the applicant

Form-2

(See Rule 3)

Format of affidavit to be submitted by a person applying for certificate under Section 15A (1) of the Registration of Births and Deaths Act, 1969

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

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 a resident of the above address.
2. I perceive myself as a man/woman/third gender person whose gender does not match with the gender assigned at birth.
3. I declare myself as a man/woman/third gender person.
4. I am executing this affidavit to be submitted to the Registrar of Births and Deaths for issue of certificate under Section 15A of the Registration of Births and Deaths Act, 1969.

5. I am aware that in case of false declaration to obtain certificate of change of gender, I shall be liable to be punished under the relevant Act(s) or/and Code(s)/Sanhita.

Deponent

(Signature of the Applicant)

VERIFICATION

I, _____(Name), hereby state that whatever is stated here in above at serial Nos. 1 to 4 are true and correct to the best of my knowledge and that I fully understand the meaning and impact of the statement at No 5.

Place:

Date:

Deponent

(Signature of the Applicant)

Identified by me

Advocate

Before me

Notary Public

Form-3
(See Rule 6)

Form of certificate of change of gender to be issued by the Registrar under Section 15A (2) of the Registration of Births and Deaths Act, 1969.

1. It is certified that Shri/Smt/Km/Ms _____ (name) son daughter/ward of Shri/Smt _____ (name of the Parent or Guardian) resident of (complete residential address of the applicant) _____, is a male/ female/third gender person.

2. His/her/Ms birth name and gender are _____ and _____, as per the Birth Registration Certificate dated _____ bearing No. _____ issued by _____ and _____ (name of the office).

3. As necessitated on account of change in the gender, the name of the applicant shall be _____ hereinafter.

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

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

Date:

Place:

Signature of the Registrar
Seal
