

SYNOPSIS

The present Public Interest Litigation raises a challenge to the constitutionality of certain provisions introduced by the Transgender Persons (Protection of Rights) Amendment Act, 2026 (hereinafter “impugned amendment”), to the extent that they mandate medical examination and certification by a Medical Authority as a precondition for legal recognition of gender identity.

The Petitioner submits that the impugned amendment fundamentally alters the statutory framework under the Transgender Persons (Protection of Rights) Act, 2019 by removing the basis of self-perceived gender identity and replacing it with a regime of medical and administrative verification, including scrutiny by a District Magistrate.

It is submitted that such a requirement is *ex facie* violative of the law laid down by the Hon’ble Supreme Court in *National Legal Services Authority v. Union of India*, wherein it has been unequivocally held that gender identity is a matter of self-identification and that psychological identity must be accorded primacy over biological attributes.

The impugned provisions further infringe the right to dignity, autonomy and privacy guaranteed under Article 21 of the Constitution, as recognised in *Justice K.S. Puttaswamy v. Union of India*, by subjecting an individual’s gender identity to compulsory medical scrutiny and external validation.

The requirement of certification by a Medical Authority, followed by approval by a District Magistrate, transforms a

constitutionally protected right into a conditional entitlement, thereby rendering the framework arbitrary and violative of Article 14. It also imposes an unreasonable restriction on the freedom of expression under Article 19(1)(a), which includes the right to express one's self-identified gender.

The present petition does not seek to challenge the entirety of the legislation but is narrowly confined to the provisions which mandate medical certification and remove the recognition of self-perceived gender identity.

In these circumstances, the Petitioner seeks appropriate reliefs from this Hon'ble Court to protect the fundamental rights of transgender persons and to ensure conformity of the statutory framework with constitutional guarantees.

LIST OF DATES AND EVENTS

2014	Judgment delivered by the Hon'ble Supreme Court in National Legal Services Authority v. Union of India recognising the right of persons to self-identify their gender and holding that non-recognition of gender identity violates Articles 14 and 21 of the Constitution.
2017	Judgment delivered by the Hon'ble Supreme Court in Justice K.S. Puttaswamy v. Union of India recognising the right to privacy, including decisional autonomy and personal identity, as a fundamental right under Article 21.
2019	Enactment of the Transgender Persons (Protection of Rights) Act, 2019, inter alia recognising self-perceived gender identity and providing for issuance of identity certificates.
2026	<p>Parliament passes the Transgender Persons (Protection of Rights) Amendment Act, 2026 introducing, inter alia:</p> <ul style="list-style-type: none"> • Mandatory medical examination/certification by a Medical Authority; • Scrutiny and approval by the District Magistrate; • Removal of statutory basis for self-perceived gender identity. <p>President assent received on 30.03.2026</p>

2026	The impugned amendment gives rise to a regime whereby recognition of gender identity is made contingent upon medical and administrative approval, affecting the fundamental rights of transgender persons.
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IN THE HIGH COURT OF DELHI AT NEW DELHI**Extraordinary Original Civil Jurisdiction**

WRIT PETITION (CIVIL) NO. _____ OF 2026

IN THE MATTER OF A PUBLIC INTEREST
LITIGATION**IN THE MATTER OF:**

LAKSHAY JAIN ...PETITIONER

VERSUS

UNION OF INDIA (THROUGH SECRETARY,
MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT) ...RESPONDENT

**WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA SEEKING ISSUANCE OF AN
APPROPRIATE WRIT, ORDER OR DIRECTION
DECLARING THE PROVISIONS OF THE
TRANSGENDER PERSONS (PROTECTION OF RIGHTS)
AMENDMENT ACT, 2026, TO THE EXTENT THAT THEY
MANDATE MEDICAL EXAMINATION/CERTIFICATION
BY A MEDICAL AUTHORITY AND SUBJECT
RECOGNITION OF GENDER IDENTITY TO
ADMINISTRATIVE APPROVAL, AS
UNCONSTITUTIONAL AND VIOLATIVE OF ARTICLES
14, 19(1)(A) AND 21 OF THE CONSTITUTION OF INDIA,
AND FOR CONSEQUENTIAL DIRECTIONS
RECOGNISING SELF-IDENTIFIED GENDER IDENTITY**

**IN ACCORDANCE WITH THE LAW LAID DOWN
IN NATIONAL LEGAL SERVICES AUTHORITY V.
UNION OF INDIA**

To

**Hon'ble the Chief Justice and his companion Judges of the
High Court of Delhi at New Delhi**

The humble petition of the Petitioner above-named,

MOST RESPECTFULLY SHOWETH:

1. Writ petitioner has no personal interest in the litigation and that the petition is not guided by self-gain or for gain of any other person/institution/body and that there is no motive other than of public interest in filing the writ petition.
2. Source of the knowledge attributed in this petition has been derived from official public documents as published by the respondent authorities from time to time.
3. The present petition is filed in the interest of transgender persons, who constitute a socially and economically marginalised and vulnerable class, and who are directly affected by the impugned provisions mandating medical and administrative certification for recognition of gender identity. It is submitted that members of this class often face systemic barriers including social stigma, discrimination, lack of access to legal resources, economic constraints, and apprehension of further harassment in interacting with State authorities. These factors operate as substantial impediments to their effective access to justice

and ability to approach constitutional courts for enforcement of their fundamental rights. In such circumstances, the Petitioner is constrained to invoke the jurisdiction of this Hon'ble Court in public interest to vindicate the constitutional rights of the affected class, who are otherwise unable to adequately assert such rights on their own

4. The Petitioner submits that the impugned provisions primarily affect transgender persons seeking legal recognition of their gender identity under the statutory framework. The Respondent, i.e., Union of India through the Ministry of Social Justice & Empowerment, is the authority responsible for the enactment and implementation of the impugned legislation and is, therefore, a necessary party to the present proceedings. It is further submitted that no other person, body or institution is likely to be adversely affected by the reliefs sought in the present petition, as the challenge is confined to the constitutional validity of specific statutory provisions and seeks enforcement of fundamental rights. The Petitioner, to the best of his knowledge, affirms that no other necessary party is required to be impleaded.
5. The Petitioner is a public-spirited individual with prior experience in pursuing legal remedies before this Hon'ble Court and possesses sufficient knowledge of legal processes and constitutional principles to competently espouse the issues raised in the present petition. The Petitioner is filing the present petition bona fide in public interest for the protection of fundamental rights of a marginalised class and not for any personal gain or

extraneous consideration. The Petitioner further states that he has the necessary means to bear any costs that may be imposed by this Hon'ble Court and undertakes to comply with any such directions in this regard.

6. That no representation has been made to the authorities concerned in personal capacity by the petitioner
7. That the petitioner has never previously filed Public Interest Litigation or preferred Letter Petitions.
8. That the present writ petition is being filed in public interest seeking protection and enforcement of the fundamental rights of transgender persons, who constitute a vulnerable and marginalised section of society, against the unconstitutional imposition of medical and administrative barriers to the recognition of their gender identity under the impugned amendment to the Transgender Persons (Protection of Rights) Act, 2019.
9. That the **Hon'ble Supreme Court in National Legal Services Authority v. Union of India** recognised that gender identity is an intrinsic part of an individual's personality and held that the right to self-identify one's gender is protected under Articles 14, 19(1)(a) and 21 of the Constitution of India.
10. That the Hon'ble Supreme Court further recognised that gender identity is based on self-identification and that psychological identity must be accorded primacy over biological attributes.
11. That the **Hon'ble Supreme Court in Justice K.S. Puttaswamy v. Union of India** recognised the right to privacy as a fundamental right under Article 21, including

decisional autonomy and the right of an individual to make intimate personal choices relating to identity and dignity.

12. That the Transgender Persons (Protection of Rights) Act, 2019 was enacted, inter alia, to protect the rights of transgender persons and recognised the concept of self-perceived gender identity as the basis for legal recognition.
13. That the Parliament has enacted the Transgender Persons (Protection of Rights) Amendment Act, 2026 (hereinafter “impugned amendment” – **Attached as Annexure P-1**), which fundamentally alters the framework for recognition of gender identity.
14. That the impugned amendment, inter alia:
 1. Removes the statutory basis of self-perceived gender identity.
 2. Introduces mandatory medical examination and certification by a Medical Authority.
 3. Subjects’ recognition of gender identity to scrutiny and approval by the District Magistrate.
15. That under the impugned framework, recognition of gender identity is made contingent upon a report issued by a Medical Authority, thereby subjecting an individual’s identity to medical evaluation and external verification.
16. That the impugned amendment further introduces administrative control by requiring approval of the District Magistrate, thereby converting recognition of identity into a discretionary and bureaucratic process.
17. That the combined effect of the impugned provisions is that a constitutionally recognised right based on self-identification is transformed into a conditional entitlement subject to medical and administrative approval.

18. That the impugned provisions give rise to a continuing cause of action within the territorial jurisdiction of this Hon'ble Court.

GROUND

1. Because the impugned provisions violate Article 21 (dignity, autonomy and privacy)

The impugned provisions infringe the right to dignity, autonomy and privacy guaranteed under Article 21 of the Constitution. Gender identity is an intrinsic aspect of personal identity and decisional autonomy, and any requirement of compulsory medical certification constitutes an impermissible intrusion into the private sphere of the individual, as recognised in Puttaswamy.

2. Because the impugned provisions are contrary to the law laid down in NALSA

The Hon'ble Supreme Court in NALSA has recognised gender identity as a matter of self-identification and has accorded primacy to psychological identity over biological attributes. The impugned provisions, by mandating medical certification, are directly inconsistent with the principles laid down therein.

3. Because the impugned provisions violate Article 14 (manifest arbitrariness)

The impugned provisions are arbitrary and lack a rational nexus with the object sought to be achieved. Subjecting gender identity to medical and administrative approval

imposes an unreasonable and disproportionate burden on transgender persons and results in unequal treatment.

4. Because the impugned provisions violate Article 19(1)(a)

Gender identity and its expression constitute a form of expression protected under Article 19(1)(a). The imposition of medical and administrative barriers restricts the ability of individuals to express their self-identified gender and fails to satisfy the test of reasonableness.

5. Because the impugned provisions are disproportionate

The requirement of mandatory medical certification is neither necessary nor the least restrictive means of achieving any legitimate State objective and therefore fails the test of proportionality.

6. Because the impugned provisions convert a fundamental right into a conditional entitlement

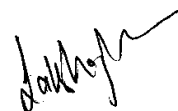
Recognition of gender identity is a constitutionally protected right grounded in dignity and autonomy. The impugned amendment converts this right into a conditional entitlement subject to State approval, which is impermissible in law.

7. That the petitioner has not filed any similar petition before any court within the territory of India having jurisdiction.

PRAYER

In view of the above facts and circumstances, the Petitioners respectfully pray that this Hon'ble Court may be pleased to:

- Issue an appropriate writ, order or direction declaring that the provisions of the Transgender Persons (Protection of Rights) Amendment Act, 2026, to the extent that they mandate medical examination and/or certification by a Medical Authority as a precondition for recognition of gender identity, are unconstitutional and violative of Articles 14, 19(1)(a) and 21 of the Constitution of India;
- Issue an appropriate writ, order or direction reading down the impugned provisions to the extent that recognition of gender identity shall not be made contingent upon mandatory medical examination or certification, and shall be based on self-identification in accordance with the law laid down in National Legal Services Authority v. Union of India;
- Issue an appropriate writ, order or direction directing the Respondent to recognise gender identity based on self-identification without requiring mandatory medical certification;
- Pending final disposal of the present petition, pass an order directing that no coercive action shall be taken against any person for non-compliance with the requirement of medical certification for recognition of gender identity under the impugned provisions;



PETITIONER IN PERSON

R/O WZ-83A/7, UTTAM NAGAR