

E-FILING NO - EF-HCK-2026-032675

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No Of Year 2026

152.00 MISC.-OTHER THAN SUBJECTS MENTIONED ELSEWHERE

152.00 MISC.-OTHER THAN SUBJECTS MENTIONED ELSEWHERE

PETITIONER(S)

1. [REDACTED]

VS

RESPONDENT(S)

1. UNION OF INDIA
AND OTHERS

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA

FILING NATURE : URGENT

FEES PAID & STATUS - 1320 (SUCCESS)

SERVED ON

ASG OF INDIA

GOVERNMENT PLEADER

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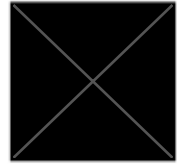
1. PADMA LAKSHMI
2. ALEENA DILEEPKUMAR
3. RAIJA C. KAREEM

Sd/-

E-VERIFIED

PADMA LAKSHMI(K/000652/2023)

[REDACTED]



BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No Of Year 2026

PETITIONER : [REDACTED]

V/S

RESPONDENT : UNION OF INDIA

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		Sd/-

E-VERIFIED

PADMA LAKSHMI

K/000652/2023

BEFORE HON'BLE HIGH COURT OF KERALA,AT ERNAKULAM**WPC.NO. OF 2026****PETITIONER****[REDACTED]**

V/S

RESPONSENT

UNION OF INDIA & OTHERS

SYNOPSIS

The present Writ Petition is filed under Article 226 of the Constitution of India challenging the constitutional validity of the Transgender Persons (Protection of Rights) Amendment Act, 2026 (hereinafter referred to as the “impugned Act”), which received Presidential assent on 30.03.2026 and has come into force with immediate effect.

The Petitioner is a transgender person, social activist, and professional social worker, holding a valid Transgender Identity Card issued by the competent District Magistrate dated 20.02.2025. The Petitioner is directly and adversely affected by the impugned Act, which substantially dilutes, restricts, and undermines the rights guaranteed under the Transgender Persons (Protection of Rights) Act, 2019.

[REDACTED]

The parent legislation of 2019 was enacted to give effect to the constitutional guarantees of equality, dignity, autonomy, and non-discrimination, and explicitly recognized the right of transgender persons to self-perceived gender identity. However, the impugned Act introduces regressive and unconstitutional provisions that reverse these protections by imposing medical and bureaucratic barriers and narrowing the scope of legal recognition.

The impugned Act, inter alia:

- Removes the inclusive definition of “transgender person,” thereby excluding transmen and transwomen who have not undergone medical procedures, as well as non-binary and genderqueer persons;
- Mandates medical procedures and certification for legal recognition of gender identity;
- Compels disclosure of sensitive personal medical information to State authorities, thereby infringing the right to privacy;
- Introduces vague and overbroad penal provisions that are susceptible to misuse;
- Fails to provide adequate safeguards in critical areas such as education, healthcare, employment, housing, and social security.

The cause of action for the present petition arose on 30.03.2026, when the impugned Act came into force, thereby directly infringing

the fundamental rights of the Petitioner and similarly placed transgender persons across the country, including within the State of Kerala.

The impugned Act is *ex facie* unconstitutional as it violates the fundamental rights guaranteed under Part III of the Constitution, in particular:

- Article 14, by creating arbitrary, unreasonable, and discriminatory classification among transgender persons;
- Articles 15 and 16, by permitting indirect discrimination on the ground of gender identity;
- Article 19(1)(a), by restricting the right to express one's gender identity through appearance, behaviour, and personal choices;
- Article 21, by violating the rights to dignity, privacy, bodily autonomy, and self-determination.

The impugned provisions are in direct contravention of binding judgments of the Hon'ble Supreme Court, including:

- **National Legal Services Authority v. Union of India (2014) 5 SCC 438** which unequivocally recognized the right to self-identification of gender as a fundamental right;

- **Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1**, which affirmed the right to privacy as intrinsic to life and personal liberty;
- **Navtej Singh Johar v. Union of India (2018) 10 SCC 1**, which upheld dignity, identity, and autonomy;
- **Supriyo Chakraborty v. Union of India (2023) SCC OnLine SC 1348** which recognized the rights of transgender persons in relationships;
- **Jane Kaushik v. Union of India (2025)**, which emphasized non-discrimination and the obligation to provide reasonable accommodation.

Further, the impugned Act is inconsistent with internationally accepted human rights standards, including the Yogyakarta Principles, WHO classifications, and global best practices that recognize gender identity as a matter of self-determination without requiring medical intervention.

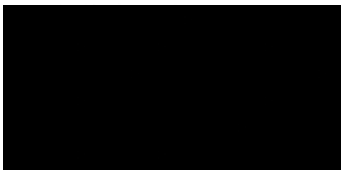
The requirement of medical certification and mandatory disclosure of personal data is invasive, coercive, and violative of the right to privacy and dignity, as recognized in Puttaswamy. It also disregards established medical consensus, including the WPATH Standards of

Care (Version 8), which affirm that gender identity is based on self-determination and that compulsory certification is harmful.

The impugned Act has caused widespread fear, uncertainty, and severe psychological distress among transgender persons, including the Petitioner, due to the threat of legal exclusion, loss of identity, and increased stigma.

The Petitioner has no alternative efficacious remedy and is therefore constrained to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

DATED 1 APRIL 2026



COUNSEL FOR PETITIONER
PADMA LAKSHMI





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BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(C) No Of Year 2026

PETITIONER(S)

1. [REDACTED]

VS

RESPONDENT(S)

1. UNION OF INDIA
REPRESENTED BY SECRETARY MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT ,ROOM
NO:637 A-WING SHASTRI BHAWAN NEW DELHI
, PIN-110001
2. MINISTRY OF LAW AND JUSTICE
THROUGH ITS SECRETARY 4TH FLOOR, A-WING, SHASTRI BHAWAN
, PIN -110001
3. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM,
, PIN -695001
4. DIRECTOR OF SOCIAL JUSTICE DEPARTMENT
DIRECTOR OF SOCIAL JUSTICE DEPARTMENT, VIKAS BHAVAN, 5 TH FLOOR,
THIRUVANANTHAPURAM,
, PIN -695033

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA BY PADMA LAKSHMI,ALEENA DILEEPKUMAR,RAIJA C. KAREEM

[REDACTED]

PADMALAKSHMI ASSOCIATES ,ORIENTAL BUSINESS CENTRE KALOOR-17
PIN - 0



Statement of facts

1. The petitioner is a transgender , social activist and professional social worker ,True copy of transgender identity card issued district magistrate dated 20/02/2025 herewith and marked as Exhibit P1.Petitioner phasing high degree of constrain becuase of this amendment act 2026 ,and newly inserted definition petitioner family phasing discrimination from the society he is not ready to joint any cultural community mentioned in the *Transgender Persons (Protection of Rights) Amendment Act, 2026* .Petitioner is the only breadwinner of the family he is working in a tea shop .Petitioner hormone therapy now banned by privet hospital after this *Transgender Persons (Protection of Rights) Amendment Act, 2026*.Petitioner himself realised that he is transgender under several counselling from specialised hospitals. Now his identity struk down by the central government by implementing *Transgender Persons (Protection of Rights) Amendment Act, 2026*.He like to live as Indian citizen with dignity and right of self identified gender that was now questioned under *Transgender Persons (Protection of Rights) Amendment Act, 2026*.By removing the word transmen his identity still in

question before the society ,He apprehending attacks from anti social persons ,becuase no law here to protect him .Petitioner working among the coumunity for uplifting in the society so petitioner has concern regarding transgender person students and there scholarship reservation etc.

2. Transgender persons protection of rights act 2019 passed by the Indian Parliament aim to protect the right of transgender individuals prohibit discrimination and ensure welfare. It defines a transgender person allows for self perceived identity and prohibit discrimination in education, employment, and healthcare. True copy of transgender person protection of rights act 2019 is produced herewith and marked as Exhibit P2.
3. The Transgender Persons (Protection of Rights) Amendment Bill, 2026, introduced in the Lok Sabha on 13 March 2026, has been passed by Parliament and received Presidential assent on 30 March 2026, thereby becoming the *Transgender Persons (Protection of Rights) Amendment Act, 2026* (hereinafter “impugned Act”). A true copy of *Transgender Persons (Protection of Rights) Amendment Act, 2026* is produced herewith and marked as Exhibit P3.

4. The cause of action arose on 30 March 2026, when the impugned Act came into force, directly affecting the fundamental rights of petitioner & transgender persons across the country, including within the State of Kerala.

5. The section 5 of Transgender Persons (Protection of Rights) Amendment Act, 2026 and

In section 7 of the principal Act,—

(a) in sub-section (1), for the words “such person may”, the words “such person shall” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted,

namely:—

“(1A) The medical institution in which the person who has undergone surgery to change gender, either as male or female, shall

furnish the details of such person to the concerned District Magistrate

and the authority in such form and manner as may be prescribed.”;

(c) for sub-section (2), the following sub-section shall be substituted,
namely:—

“(2) A person referred to in sub-section (1) shall also make an application to the District Magistrate who shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.”;

(d) sub-section (3) and the proviso shall be omitted.

In the landmark, Puttaswamy Case, the majority held the right to privacy is protected as an intrinsic part of the right to life and personal liberty in article 21 and as part of the freedom guaranteed by part three of the constitution justice k s puttaswamy(retd)vs union of india 2017 O Supreme (sc)772

6. The impugned Act removes the inclusive definition of “transgender person” under the 2019 Act and substitutes it with a restrictive classification, thereby excluding:
 - a. transmen and transwomen without medical intervention,
 - b. non-binary and genderqueer persons,
 - c. individuals identifying solely on the basis of self-perceived gender identity.
7. The impugned act questions the sexual orientation of petitioner and transgender community .
8. The impugned act not protected the right of the transsexual peoples .
9. The impugned act not protected right of the transgender students .
10. Right to choose dress also fundamental right that was also questioned by amendment act 2026.
11. The impugned Act dilutes Section 4(2) of the parent legislation, thereby undermining the right to self-identification of gender, as recognized by the Hon’ble Supreme Court in *NALSA v. Union of India*. (2014) AIR 2014 SC 1863.

12. The requirement of certification by a medical board imposes invasive and coercive conditions, violating dignity, privacy, and bodily autonomy. The provision requiring certification by a medical board is arbitrary, invasive, and violative of the right to privacy and dignity. It subjects individuals to unnecessary scrutiny and gatekeeping, discouraging access to legal recognition and forcing many towards unsafe alternatives. This is also contrary to the principles laid down in Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1 on the right to privacy.
13. The impugned Act has been strongly criticised by medical and mental health professionals. True copy of document dated 20 march 2026 published by Arijit Sen (AUTHOR OF THE PAPER) psychologist & phd scholar here with and marked as EXHIBIT -P4.
14. Medical consensus, including the WPATH Standards of Care (Version 8), affirms that gender identity is based on self-determination, and compulsory certification leads to adverse mental health outcomes. True copy of WPATH VERTION 8
-

International Journal of Transgender Health DOCUMENT

Herewith and marked as Exhibit P5.

15. The impugned Act is inconsistent with international human rights standards, including:
 - a. Yogyakarta Principles and Yogyakarta Principles +10
 - b. WHO classification removing gender incongruence as a mental disorder
 - c. UN Human Rights Council protections on gender identity
16. Comparative jurisdictions such as Argentina and Malta legally recognize self-identified gender without medical intervention, demonstrating evolving global standards.
17. In Kerala, transgender persons predominantly identify as transmen, transwomen, and non-binary individuals, and not strictly within socio-cultural identities such as hijra or kinner. The impugned Act effectively erases local lived realities
18. The impugned Act violates the right to expression under Article 19(1)(a), which includes expression of identity through appearance, behaviour, and personal choices.
19. The Act introduces vague penal provisions such as criminalizing “influencing someone to become transgender,”

which are prone to misuse against activists and healthcare providers.

20. The Act fails to provide adequate safeguards in areas of healthcare, education, housing, and social security.

21. Following the enactment, members of the transgender community are experiencing severe psychological distress, including suicidal ideation, due to fear of legal exclusion and social stigma.

22. The Petitioner has no other efficacious remedy except to approach this Hon'ble Court under Article 226.

GROUND

The impugned Act is liable to be struck down on the following grounds:

A. VIOLATION OF ARTICLE 14 – MANIFEST ARBITRARINESS

The impugned Act creates an unreasonable classification by excluding sections of transgender persons solely on the basis of absence of medical certification or socio-cultural identity, thereby violating equality before law.

B. VIOLATION OF ARTICLES 15 AND 16

Discrimination based on gender identity is impermissible. The impugned Act indirectly discriminates against transgender persons by denying legal recognition.

C. VIOLATION OF ARTICLE 19(1)(a)

Gender identity expression is protected speech. The impugned Act restricts expression through legal non-recognition.

D. VIOLATION OF ARTICLE 21

The right to dignity, privacy, and autonomy includes: right to self-identify gender, right to bodily integrity, right to live with dignity. The impugned Act violates all these facets.

E. VIOLATION OF BINDING PRECEDENTS

The impugned Act is contrary to: *NALSA v. Union of India* (2014) AIR 2014 SC 1863 which affirmed self-identification as fundamental right, *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1 which affirmed privacy as a fundamental Right, *Navtej Singh Johar v. Union of India* (2018) AIR 2018 SC 4321. which affirmed dignity and identity as a fundamendal right. In *supriyo Chakraborty and another versus union of india* 2023 live law(sc)900 guranteed that

transgender persons in heterosexual relationships have the right to marry under existing laws, *Jane Kaushik vs union of india* 2025 INSC 1248 judgment highlights the obligation of state and private entities to prevent discrimination and implement reasonable accommodations for transgender persons emphasizing their right to dignity and equality under the law.

F. INTERNATIONAL LAW VIOLATION

Though not enforceable, international principles guide constitutional interpretation. The impugned Act violates:

- Yogyakarta Principles
- WHO guidelines
- Global best practices

G: In *supriyo Chakraborty and another versus union of india* 2023 live law(sc)900 guaranteed that transgender persons in heterosexual relationships have the right to marry under existing laws, including personal laws. The state must ensure that transgender persons are not discriminated .

H.Jane Kaushik vs union of india 2025 INSC 1248 judgment highlights the obligation of state and private entities to prevent discrimination and implement reasonable accommodations for transgender persons emphasizing their right to dignity and equality under the law .Self perceived gender identity does not depend on surgery or medical procededures any administrative or legal requirement indireactly forcing sex reassignment surgery (SRS),OR medical certification would violate constitutional rights

I .SECTION 2 (k) of the Transgender Persons (Protection of Rights) Amendment Bill, 2026 is violative of Articles 14, 15, 19, and 21 of the Constitution of India. The Bill removes Section 4(2) of the 2019 Act and attempts to dilute and override the principles laid down by the Hon'ble Supreme Court in National Legal Services Authority v. Union of India (2014) AIR 2014 SC 1863. The non-recognition of transmen and transwomen as a third gender denies them equality before law and equal protection of law under Article 14 and infringes their right to life and dignity under Article 21.

J . It is submitted that the non-recognition of gender identity of transgender persons violates their fundamental rights guaranteed

under the Constitution of India. The right to choose one's gender identity is integral to the right to live with dignity under Article 21.

I. While the Act includes persons with socio-cultural identities such as kinner, hijra, aravani, or jogta, and persons with intersex variations, the Amendment Bill removes explicit recognition of (i) transmen and transwomen irrespective of medical procedures, and (ii) genderqueer persons. This exclusion is arbitrary and unconstitutional.

The right to freedom of speech and expression under Article 19(1)(a) includes the right to express one's identity through dress, behaviour, name, bodily characteristics, and personal choices. The Bill, by restricting recognition, directly interferes with this fundamental freedom.

K. The provision requiring certification by a medical board is arbitrary, invasive, and violative of the right to privacy and dignity. It subjects individuals to unnecessary scrutiny and gatekeeping, discouraging access to legal recognition and forcing many towards unsafe alternatives. This is also contrary to the principles laid down in Justice K.S. Puttaswamy v. Union of India (2017) on the right to privacy.



L.The proposed amendment is in direct contradiction to the landmark judgment of the Hon'ble Supreme Court in NALSA v. Union of India (2014) AIR 2014 SC 1863, which unequivocally upheld the right to self-identification of gender as a fundamental right and recognized gender identity as an intrinsic aspect of dignity, autonomy, and personal liberty

PRAYER

In the above circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- A) Issue a writ of declaration or any other appropriate writ, order, or direction declaring that the provisions of the Transgender Persons (Protection of Rights) Amendment ACT, 2026, in particular 2(k) and other related provisions, are unconstitutional, being violative of Articles 13(2), 14, 15, 19, and 21 of the Constitution of India;
- b) Issue a writ of certiorari or any other appropriate writ, order, or direction quashing the impugned provisions of the Amendment ACT, 2026, to the extent that they exclude transmen, transwomen, non-binary, and genderqueer persons from the definition and protection under law;

c) Issue a writ of mandamus or any other appropriate writ, order, or direction declaring that the Transgender Persons (Protection of Rights) Amendment Act, 2026, is in violation of the law laid down by the Hon'ble Supreme Court in NALSA v. Union of India, (2014) 5 SCC 438 and K.S. Puttaswamy v. UOI, (2017) 10 SCC 1;

d) Declare that the right to self-identification of gender is a fundamental right under Articles 14, 19, and 21 of the Constitution of India, and direct the Respondents to recognize and uphold the same without imposing medical or bureaucratic barriers;

e) Issue appropriate directions restraining the Respondents from implementing or giving effect to the impugned provisions of the Amendment ACT, 2026, pending disposal of this writ petition;

f) Issue appropriate directions to the Respondents to frame inclusive policies ensuring access to education, employment, healthcare, housing, and social security for all transgender persons, including transmen, transwomen, and non-binary individuals;

g) The petitioner may be permitted to dispense with the production of translation of vernacular document.

h) Pass such other order or orders as this Hon'ble Court may deem

fit and proper in the interests of justice.

INTERIM RELIEF

- I. Petitioner most humbly prayed to stay Transgender Persons (Protection of Rights) Amendment Act, 2026 untill disposal of this writ petition. And petitioner pray for proper medical care for his transition from medical expert .

DATED 23 MARCH 2026



COUNSEL FOR THE PETITIONER
PADMA LAKSHMI