

HC CONDEMNS TRANSPERSONS' PASSPORT RULE

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Delhi High Court on Monday said passport rules requiring a transgender person to produce a certificate of gender reassignment surgery for issuance of a passport with declared sex is *prima facie* violative of the fundamental right to life and personal liberty.

The High Court said the passport rule, in so far as it requires a transgender person to produce a certificate of gender reassignment surgery, was in the teeth of the Supreme Court's judgment which led to the recognition of transgender people as the 'third gender'.

The High Court said that some person may not want to undergo surgery but identifies himself or herself as a man or woman. It granted a week's time to the Centre's counsel to take instructions on the issue while posting the case for further hearing on April 22.

The court was hearing a plea by a transgender person who was aggrieved by the non-issuance of a passport by the authorities with a change in name and gender. The petitioner claimed that she was issued Aadhaar, PAN card, and voter ID card under the changed name and gender, but not a passport.

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