

## News

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**To update a transgender person's passport, just a gender change certificate is required; no new medical examination is required:**



***The passport officials requested a new medical examination from a clinic on their panel for a person who was born female but later underwent gender transition surgery to become male.***

Once the district magistrate has issued a certificate acknowledging the gender change, the Allahabad High Court has decided that passport authorities cannot require a transgender person to undergo a new medical examination in order to change their gender information on

their passports [Khush R Goel v Union of India and 3 Others].

***A Division Bench consisting of Justices Atul Sreedharan and Siddharth Nandan noted that the Transgender Persons (Protection of Rights) Act, 2019, which gives the district magistrate the authority to grant gender change certificates, would be violated by such a demand for a new medical examination, which lacks a solid legal basis.***

The Court clarified that if an applicant presents a certificate from the Chief Medical Officer or Medical Superintendent, the law mandates that a district magistrate grant a certificate acknowledging the gender transition.

***According to the Court, transgender people are entitled to have their name and gender altered appropriately on all official papers, including their passports, using the aforementioned gender transition certificate.***

The Special Act was enacted to provide some protection to transgender individuals who were born with bodies that did not correspond with their identities due to uncontrollable circumstances. Because of their social exclusion, the Parliament passed a special statute. Even transgender people are now entitled to equality and dignity as a result of the aforementioned statute's enforcement. Contrary to their natural personalities, they are no longer required to conceal who they are. The Court said, "In this regard, Sections 5 and 6 provide for the manner in which they can legitimize the status as transgender."

***Transgender people now have equal rights and dignity thanks to the [Transgender Persons Act]. They are no longer required to conceal their identities from the Allahabad High Court.***

In accordance with Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020, read with Section 7 of the Transgender Persons (Protection of Rights) Act, 2019, the Court determined that the petitioner, who was born female and subsequently underwent gender change surgery to become male, had followed the legal procedure, resulting in the issuance of a new certificate.

Nevertheless, before the gender change could be changed in the passport, the passport officials requested that the petitioner undergo a new medical examination from a clinic on their list.

The petitioner contested this development in front of the High Court, which decided in his

favor.

***The (gender transition) certificate permits its possessor to change their name and gender in all official papers, as stated explicitly in Clause 5. According to the Court's February 10 order, "official documents in this regard would also include all such documents that had to be filed with the State or any entity of the State for the purpose of identifying the person under the statutory provision."***

It further said that the passport would likewise be considered "official documents" in this context.

***"The passport authority is called to act or issue a passport in light of the documents at page nos. 50 and 51 of the petition, and the petitioner is not required to present any additional documents before the passport authorities." Regarding the petitioner's identify and gender, no additional documentation is needed," the court ruled.***