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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 11173/2023 & CM APPL. 43433/2023

ANAHITA CHAUDHARY .....Petitioner

Through: Ms. Arundhati Katju, Sr. Adv. alongwith Mr. Govind Manoharan, Ms. Samiksha Godiyal, Ms. Ritika Meena and Mr. Tenzing Bhutia, Advocates.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Rakesh Kumar, CGSC alongwith Mr. Sunil, Advocate.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 07.01.2025

1. Admittedly, the grievance of the petitioner, as articulated in the present petition, stands redressed inasmuch as the petitioner has been issued a passport with the changed name, gender marker, and appearance, as requested in the application No. 23-2000203048 dated 18.01.2023.

2. It is noticed that *vide* order dated 04.07.2024, this Court expressed the concern as to why a transgender person, who undergoes gender affirmation surgery outside India, is required to come back to India before such a change of gender can be effectuated in the passport.

3. Today, learned standing counsel for the respondents has produced a copy of the communication received from the concerned authority i.e. Ministry of External Affairs, wherein it has been recorded as under:

> *"(I) For change of gender in passport from transgender to Male/Female, an applicant may submit:*

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(a) Certificate of Identity for change of gender (form-4) alongwith identity card (form-6), issued under the Transgender Person (Protection of Rights) Act, 2019 read with Transgender Person (Protection of Right) Rule 2020 in the desired gender

OR

(b) Sworn affidavit regarding change in gender and Supporting Certificate/Surgical Reconstruction certificate from the hospital where the applicant underwent medical treatment for the purpose.

(ii) In case applicant is unable to furnish any of the documents prescribed at (I) (a) & (b) above, we may consider for issue of an Emergency Certificate to such applicants with endorsement "the holder has undergone medical intervention for gender affirmation". On arrival to India, he/she may obtain requisite documents from the concerned authorities in India and apply for such re-issue of passport for change in gender."

4. As such, the learned standing counsel for the respondents submits that the requirement of issuance of a certificate under the Transgender Person (Protection of Rights) Act, 2019 is obviated if the same person gives a sworn affidavit regarding change in gender along with a supporting certificate/Surgical reconstructions certificate from the hospital where the concerned person underwent medical treatment for change in gender. The aforesaid statement is taken on record.

5. Needless to say, the necessary steps would be taken by the concerned respondent/s to bring the passport manual in line with the aforesaid statement.

6. In the circumstances, no further orders are required to be passed in the present petition; the same is accordingly disposed of.

SACHIN DATTA, J

JANUARY 7, 2025/*at*

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