

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

Friday, the 10th day of April 2026 / 20th Chaithra, 1948

WP(C) NO. 14156 OF 2026(T)

PETITIONER:

NEETHU AGED 38 YEARS D/O KRISHNAN, ORAPPANAKKATTUPARAMBIL
HOUSE, EZHUVANTHALA PO NELLAYA, PALAKKAD, PIN - 679335

RESPONDENTS:

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 VIKAS BHAVAN, 5 TH FLOOR, THIRUVANANTHAPURAM, , PIN - 695033

Writ petition (civil) praying *inter alia* that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to 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.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of Ms. Arundhati Katju, Senior Counsel instructed by Ms. PADMA LAKSHMI Advocate for the petitioner, Sri. P. Sreekumar, Additional Solicitor General of India alongwith Sri. Harikrishnan P.B., Central Government Counsel for R1 and R2(B/0) and of Senior Government Pleader alongwith Government Pleader for R3 and R4, the court passed the following:

BECHU KURIAN THOMAS, J.**W.P.(C) No.14156 of 2026**

Dated this the 10th day of April, 2026

ORDER

Admit.

2. Sri.Harikrishnan P.B., the learned Central Government Counsel takes notice for respondents 1 and 2. The learned Government Pleader takes notice for respondents 3 and 4.

3. I have heard Ms.Arundhati Katju, the learned Senior Counsel instructed by Adv. Padma Lakshmi on behalf of the petitioner, Sri.P.Sreekumar, the learned Additional Solicitor General of India as well as the learned Senior Government Pleader.

4. Petitioner is challenging the validity of the Transgender Persons (Protection) Amendment Act, 2026 (Amendment Act 3/2026). Taking note of the contentions raised and its importance, it is necessary that a counter affidavit be placed on record without undue delay. Hence, there will be a direction to respondents 1 and 2 to file a counter affidavit at the earliest.

5. In the meantime, the learned Senior counsel submitted that petitioner's hormone replacement therapy which commenced in 2019 had to be abruptly stopped, pursuant to the coming into force of the Amendment Act 3 of 2026.

6. Petitioner is a transgender. The Amendment Act has brought in

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sweeping changes especially to the definition of the term 'transgender' in Section 2(k). The petitioner had already obtained an identity card under the provisions of the Act as is evident from Ext.P1. The change in the definition clause to the Act cannot, prima facie affect, what has already been set in motion. Petitioner has asserted that she had started the hormone replacement therapy as early as in 2019. Having regard to the entirety of the circumstances, this Court is of the view that an abrupt stoppage of the hormone replacement therapy already started by the petitioner, would lead to adverse and absurd results. Such an object cannot prima facie be deciphered from the statutory provisions, as amended.

In such circumstances, this Court is of the view that the hormone replacement therapy, alleged to have been already commenced by the petitioner, ought not to be prevented or be abruptly stopped by the intervention of any authority. Petitioner ought to be given the liberty to continue such therapy until further orders and all persons be permitted to facilitate such continuation of the procedure. Ordered accordingly.

Post on 08.06.2026.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM

APPENDIX OF WP(C) 14156/2026

EXHIBIT P1

**TRUE COPY OF TRANSGENDER IDENTITY CARD ISSUED BY THE
DISTRICT MAGISTRATE AS PER SECTION 6 OF TRANSGENDER
PERSONS PROTECTION OF RIGHTS ACT 2019 DATED 08/11/2021**

