



ALL INDIA CONGRESS COMMITTEE

Professionals' Congress

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National Head - LGBTQIA+ Domain

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Withdraw the Transgender Persons (Protection of Rights) Amendment Bill, 2026!

The All India Professionals' Congress – LGBTQIA+ Domain unequivocally condemns the Transgender Persons (Protection of Rights) Amendment Bill, 2026, as a regressive and exclusionary legislative proposal that undermines the constitutional guarantees of equality, dignity, and personal liberty for transgender persons across India. This proposed amendment represents a serious rollback of the hard-won rights secured through years of struggle by the transgender community and affirmed by the Hon'ble Supreme Court in the landmark judgment in *NALSA v. Union of India, 2014*, which clearly established that the right to determine one's own gender identity is intrinsic to individual autonomy and dignity. We demand that the Union Government withdraw the Bill immediately, and apologize to the transgender community for the grievous hurt it has caused.

Direct Assault on Self-Identification

A central concern with the amendment is its removal of the principle of "self-perceived gender identity". The Transgender Persons Act, 2019 recognized the right of individuals to identify their gender based on their own understanding of themselves. The proposed amendment dismantles this principle by introducing a system that requires individuals to undergo verification by medical boards and obtain approval from district authorities before being granted legal recognition. This approach effectively medicalizes gender identity, treating it as a condition that must be proven rather than a deeply personal aspect of one's identity. It shifts authority away from individuals and places it in the hands of bureaucratic and medical institutions, thereby creating significant barriers for those who may not have access to supportive healthcare systems.

Narrow, Exclusionary Definition of Identity

The amendment further seeks to narrow the definition of who qualifies as a transgender person under the law. By restricting recognition to specific socio-cultural identities such as "kinner, hijra, aravani, and jogta", as well as intersex individuals, the Bill excludes a wide range of gender-diverse persons. This unfortunately includes most transmen, and those who identify as non-binary or gender-fluid, who will lose recognition of their identities instantaneously. The Bill does not clarify what will happen to those who now possess transgender identity documents, but risk being de-recognized as transgender persons. It, therefore, is internally confused, and risks erasing the lived realities of many people. It also fragments the broader LGBTQIA+ community by artificially separating gender identity from other forms of identity and expression.



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Institutionalizing State Surveillance and Control

In addition to redefining identity, the proposed amendment introduces expanded layers of state oversight that raise serious concerns about privacy and autonomy. The requirement for medical board evaluations, coupled with the discretionary powers granted to district authorities in issuing identity certificates, creates opportunities for intrusive scrutiny and potential harassment. The provision requiring hospitals to notify authorities about gender-affirming procedures further compromises the privacy of individuals and may deter many from seeking necessary medical care. For a community that already faces systemic discrimination, such measures are likely to deepen mistrust in institutions and reinforce existing inequalities.

Revival of Colonial-Era Prejudices

This Bill represents not merely a policy regression but a disturbing revival of colonial-era prejudice in modern legislative form. Its reintroduction and reliance on terms such as “eunuch” echoes the deeply stigmatizing language used under British rule, particularly in the Criminal Tribes Act, 1871, where gender non-conforming individuals were branded as inherently deviant and subjected to surveillance and control. The section on Offences and Penalties unduly focuses on transgender identity as resulting from “force, threat, coercion, allurement, deception, inducement, or undue influence” instead of choice, and will effectively criminalize transgender persons themselves. Apart from punitive frameworks, the resemblance with the Criminal Tribes Act is further sharpened by provisions that enable bureaucratic oversight and invasive medical scrutiny, which the British used to disproportionately target gender non-conforming persons. This aligns with the ideological tendencies of the Rashtriya Swayamsevak Sangh (RSS), which collaborated with the Colonial Government, especially during the Quit India Movement, and favors exclusionary structures rather than embracing the constitutional vision of diversity and individual autonomy.

Undermining Institutional Mechanisms

The National Council for Transgender Persons, which was established in 2020, to advise the Union Government, monitor policies, coordinate institutional efforts, and address grievances, appears to have been sidelined in the formulation of this amendment. A reform of such significance should have been guided by meaningful consultation with this statutory body as well as with members of the transgender community, rather than being introduced without adequate engagement.

Divergence from Global Progress

At a global level, many countries have moved toward progressive frameworks that recognize self-determined gender identity, including nations such as Argentina and at least twelve European countries. In contrast, this legislative proposal risks placing India on a regressive path that is inconsistent with evolving international human rights standards.