

ALL INDIA DEMOCRATIC WOMEN'S ASSOCIATION

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Press Release

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Transgender Persons (Protection of Rights) Amendment Bill, 2026

The All India Democratic Women's Association (AIDWA) strongly condemns the regressive introduction of the Transgender Persons (Protection of Rights) Amendment Bill, 2026 in the Lok Sabha on 13 March 2026. The proposed amendment represents a grave reversal of the limited but significant protections recognised under the Transgender Persons (Protection of Rights) Act, 2019, and threatens to further marginalise transgender and gender-diverse persons by narrowing the scope of recognition and subjecting identity to state control.

One of the most concerning features of the amendment is the removal of the principle of self-perceived gender identity, which presently forms a core component of the 2019 Act. The current 2019 Act was imperfect, yet it recognised the right of transgender persons to identify their gender without being subjected to mandatory medical procedures or institutional verification. This right was hard-won as the bill which introduced the 2019 Act did not contain in it, this right of self-identification. It was only after fierce protests that the government agreed to rollback the institution of medical boards for determining the gender identity of Transgender persons. The Amendment proposed dismantles the current framework of self-identification by reintroducing the certificates issued by the District Magistrate only upon the recommendation of a medical board. By doing so, the amendment shifts authority away from the individual and places it in the hands of the State, undermining the principle that gender identity is a matter of personal autonomy and dignity.

The amendment also significantly narrows the definition of a "transgender person." The Transgender Persons (Protection of Rights) Act, 2019 recognised a broad spectrum of identities, including trans men, trans women, gender-queer persons, and individuals with intersex variations, irrespective of medical transition. In contrast, the amendment restricts recognition largely to specific socio-cultural communities such as hijra, kinner, aravani, jogta, or persons with congenital intersex variations. By confining legal recognition to a limited set of categories, the Bill excludes many gender-diverse persons whose identities do not fall within these definitions. Equally troubling is the reasoning offered in the Statement of Objects and Reasons accompanying the Bill, which blatantly, and in violation of the Constitution, asserts that the law should not extend protection to all persons with diverse or self-perceived gender identities. Such an

approach reflects a restrictive and exclusionary understanding of gender diversity, reducing identity to narrowly defined biological or cultural categories rather than recognising the lived realities of gender-diverse persons. This is also in violation of what the Supreme Court propounded in *NALSA v. Union of India* (2014), where the Court upheld the right of all Transgender persons to self-identify their gender as under:

“Transgender persons’ right to decide their self-identified gender is also upheld and the Centre and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender.”

It was further held that the court was not only upholding the rule of law but also advancing justice to the class so far deprived of their legitimate natural and constitutional rights. The introduction of this Bill is therefore categorically in violation with the pronouncement of the Court.

This narrowing of the definition has serious implications for access to rights, welfare schemes, and legal protections guaranteed under the Act. Individuals whose identities are excluded from the revised definition risk being denied recognition altogether, thereby losing access to mechanisms intended to address discrimination and social marginalisation. The Bill therefore negates the rights of transgender people under Articles 14, 15, and 21 of the Indian Constitution, which allow all persons to live a life of dignity without discrimination.

The introduction of this amendment must also be viewed in the broader context of the shrinking democratic space and the steady erosion of rights affecting minorities and marginalised communities across the country. Legislative measures that dilute existing protections and restrict recognition deepen existing inequalities and reinforce their exclusion. Gender identity is a matter of dignity and self-determination. It cannot be reduced to medical certification or bureaucratic approval.

AIDWA condemns the exclusion of non binary individuals and demands that the law ensures protection for all transgender identities including those with fluid gender identity.

The All India Democratic Women’s Association stands firmly in solidarity with transgender persons and all gender-diverse communities in their struggle for equality, dignity, and recognition. AIDWA calls for the immediate withdrawal of the Transgender Persons (Protection of Rights) Amendment Bill, 2026 and urges democratic forces to oppose any attempt to curtail the rights and legal recognition of transgender and gender-diverse persons.

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