

Withdraw Transgender Persons Amendment Bill

March 14, 2026



The Polit Bureau of the Communist Party of India (Marxist) has issued the following statement:

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The Polit Bureau of the Communist Party of India (Marxist) expresses its strong opposition to the Transgender Persons (Protection of Rights) Amendment Bill, 2026.

These amendments fundamentally negate the principle of self-determination of gender identity affirmed by the Supreme Court in the *NALSA v. Union of India (2014)*. Clause 2 omits recognition of self-perceived gender identities and substitutes it with a definition requiring certification by a medical board headed by a Chief Medical Officer. Section 4 further empowers the District Magistrate to scrutinise these certificates before issuing identity documents, subjecting transgender persons to invasive bureaucratic and medical oversight, which border on vigilantism. These provisions directly violate the fundamental rights to privacy, dignity and personal autonomy guaranteed under Article 21 of the Constitution.

The definition of transgender persons has been drastically narrowed. While the 2019 Act recognised transmen, transwomen, gender-queers and persons with diverse gender identities, the amended definition restricts recognition primarily to specific socio-cultural communities and persons with intersex variations. The Statement of Objects and Reasons explicitly disavows any intention to protect persons with self-perceived gender identities. This deliberate exclusion erases trans men, non-binary persons and gender-fluid individuals from the ambit of legal protection entirely.

The BJP government, guided by the Hindutva worldview, has long sought to impose a rigid, Brahmanical concept of gender and social order. This Bill reflects the regressive Manuvadi outlook, which denies individuals the right to define themselves. This regressive mindset also finds reflection in the stand of the Union government in the Supreme Court where it affirmed that it is not inclined to lift the discriminatory ban on blood donations made by trans persons.

This retrograde amendment systematically dismantles the limited protections enshrined in the 2019 Act and replaces them with a regime of state surveillance, medical gatekeeping, and bureaucratic control. This Bill is an assault on the constitutional rights of transgender persons and must be withdrawn forthwith.

The Polit Bureau asserts that legislations that impact the rights and lives of any particular community should not be introduced without prior consultations with the stakeholders.