

JUSTICE ASHA MENON (RETD.)  
Former Judge, Delhi High Court

Office: C-65, First Floor,  
Jungpura Extension  
New Delhi-110014  
Ph: 9910384664  
Email: ajudge1960@gmail.com

---

BY EMAIL/HAND

To,

Dr. Virendra Kumar,  
Hon'ble Union Minister  
Social Justice and Empowerment,  
Government of India.

Date: 25<sup>th</sup> March 2026

**Sub: Proposed Amendments to the Transgender Persons (Protection Of Rights),  
Act 2019**

Hon'ble Sir,

Namaste!

I write to you in the capacity of the Chairperson, Advisory Committee, appointed by the Hon'ble Supreme Court of India, to look into the strengthening of the systems in place under the Transgender Persons (Protection Of Rights), Act 2019 and the Rules thereunder, including to assess any shortcomings in the statute or the rules.

As you are aware, the NALSA judgment of 2014, was a watershed moment, as it brought into focus the needs and aspirations of people of our country, who were till then pushed into the margins of existence, whose identities were not even factored into our censuses over decades and whose special problems including of health and education and employment, much less rights assured to all citizens under our Constitution, were nobody's concern. Interaction with the community of Transgenders from the side of the Government started only with the National Aids Control Programme, with NACO reaching out to them but in a limited manner.

The Government of India and the State Governments too, have to be commended and complimented for the enactment of the Transgender Persons (Protection Of Rights), Act

2019 and the implementation of various schemes for the betterment of the Transgender persons. The proposed Amendments have therefore come as a great shock and would be a tremendous set back to the efforts to mainstream the community.

The removal of the right recognized in the NALSA judgement to self-identification as a Transgender will have tremendous consequences. By limiting transgender identities to those with specified congenital variations would deny existential rights to those who do not align themselves with their gender assigned at birth. This is not a physical condition as sought to be made out under the proposed amended definition. It is also not a mental ailment. It is as ordained by nature. No one should be punished for what is not due to them, just as a girl child is to be protected, so also a child who subsequently feels different from the assigned gender at birth is entitled to protection from harm from parental and social norms.

By limiting transgenders to congenital variations, those who do not identify with their assigned gender at birth would not be able to access gender re-affirming surgeries. They can neither access the benefits of various schemes the Governments at the central and state levels that are intended for the transgenders due to an inability to get a certificate under Section 6 and Section 7 due to anomalies in the proposed amendments. The insistence on reporting of surgeries is violative of privacy and its objective is unclear. Amendments to penalties are unnecessary as existing provisions in the BNSS and the Juvenile Justice (Care and Protection of Children) Act 2015 are sufficient.

The Advisory Committee met on 20.03.2026 to discuss the issues and resolved to request you, Hon'ble Minister, to reconsider the matter and kindly withdraw the proposed Transgender Persons (Protection Of Rights), Amendment Bill 2026 in the interest of the most vulnerable citizens of our country and to have wider discussions with the community members and stake holders if any amendment is considered in the future.

With warm regards,

Sincerely,



Justice Asha Menon (Retd.)  
Chairperson  
Advisory Committee for Transgenders