



सत्यमेव जयते

KARTI P CHIDAMBARAM

MEMBER OF PARLIAMENT
(LOK SABHA)

SIVAGANGA CONSTITUENCY

To
Thiru Dr Virendra Kumar avl,
Minister of Social Justice and Empowerment

24.03.2026

Dear Sir,

I express my firm opposition to the Transgender Persons (Protection of Rights) Amendment Bill, 2026, as it is **manifestly unconstitutional** and violative of fundamental rights guaranteed under the Constitution of India. The Bill is in **direct contravention of Articles 14, 15, 19, and 21** of the Constitution, as interpreted by the Supreme Court in *NALSA v. Union of India (2014)*.

- **Violation of Article 14 (Equality before Law):**

The Bill introduces an arbitrary and restrictive classification of “transgender persons,” excluding several identities without any rational basis. Such classification fails the test of reasonable classification and is therefore **manifestly arbitrary**.

- **Violation of Article 15 (Non-discrimination):**

By narrowing recognition and limiting access to rights and protections, the Bill enables **discrimination on the ground of gender identity**, which is constitutionally impermissible.

- **Violation of Article 19(1)(a) (Freedom of Expression):**

Gender identity and its expression are intrinsic to personal autonomy. By subjecting identity to state scrutiny and certification, the Bill imposes **unreasonable restrictions on freedom of expression**.

- **Violation of Article 21 (Right to Life and Personal Liberty):**

The right to dignity, privacy, and bodily autonomy integral to Article 21 is severely undermined. Mandatory medical scrutiny, reporting requirements, and bureaucratic controls amount to **state intrusion into the most intimate aspects of an individual's life**.

Further, the Bill **dilutes the principle of self-determination**, which has been unequivocally recognised as a fundamental right by the Supreme Court. It replaces a rights-based framework with a regime of **surveillance, certification, and control**, which is constitutionally impermissible.

The vague penal provisions proposed under the Bill also raise serious concerns of **over breadth and misuse**, thereby failing the test of proportionality laid down by constitutional jurisprudence.

In its present form, the Bill is not a measure of protection but an instrument of exclusion, and is therefore **liable to be struck down if enacted**.

I urge the Hon'ble Minister to **withdraw the Bill in its entirety** and initiate a consultative, rights-based legislative process in alignment with constitutional principles and judicial precedents.

Yours Sincerely

Karti P Chidambaram

