

## **STATEMENT OF CONDEMNATION OF THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) AMENDMENT BILL 2026**

On 13th of March, 2026, the Transgender Persons (Protection of Rights) Amendment Bill 2026 was introduced in the Lok Sabha by the Union Minister of Social Justice and Empowerment, Dr. Virendra Kumar. This bill undermines the dignity, autonomy and constitutional rights of transgender, intersex and genderqueer persons, and effectively seeks to dilute the protections recognised in *NALSA v. Union of India*, which affirmed the right to self-perceived gender identity, dignity, and expression. We, the undersigned, are queer and allied student groups across Indian law schools. The proposed amendment threatens self-identification, transition, chosen family structures, and the very existence of many trans persons, while stripping away already limited benefits. The amendment bill reeks of the dark colonial legacy of the now outlawed Criminal Tribes Act and Eunuchs Act that looked at transgender and other populations as problems to be regulated, controlled and eventually eradicated. It is in this spirit that we write this statement of condemnation and solidarity.

The mischief behind this amendment is evident from the Statement of Objects and Reasons itself, the Paragraph 3 of which states that the purpose of the act was not to protect “self perceived sex/gender identities”. This explicitly goes against Section 4(2) of the Act, which the Bill seeks to omit. This provision recognised the right to self perceived gender identity. The Statement of Objects and Reasons invokes enforcement issues arising from a purportedly “vague definition,” yet offers no substantiation on what the issues are. The National Council for Transgender Persons has expressly criticised the absence of prior consultation. Further, despite the Act’s mandate, only 12 States and Union Territories have constituted State Transgender Welfare Boards. The enforcement deficit is therefore more credibly attributed to systemic failures in resources, infrastructure, and political will than to any alleged definitional ambiguity.

We strongly reject the narrowing down of the definition of “transgender person” under Section 2(k) to narrow cultural identities like hijras and kinnars, and physiological markers. It conflates the distinct identities of intersex and transgender peoples and

excludes all transidentities that do not fall into this narrow conflated criteria. While it includes those “compelled” to assume a transgender identity, it denies agency to those identifying outside Section 2(k)(i). The revised definition excludes trans men, non-binary persons, and many trans women, effectively placing a majority of the transgender population outside its scope.

The National Portal for Transgender Persons records 4,663 pending applications for Transgender Certificates and IDs, yet provides timelines for only 2,083 of them, ranging from one to twelve months. This is despite a statutory assurance of disposal within 30 days. This is just an illustrative example of the gap between the law’s promise and the bleak ground reality.

The proposed amendment was introduced without any consultation with or notice to the community. The community and activists’ demands relating to sexual violence, reproductive rights, and marriage equality for transgender people remain unaddressed. **It is a deep irony that a statute claiming to protect the rights of transgender persons, is now proposed to penalise “coercing or alluring” people to be transgender with punishment harsher than those for protection of transgender persons. This shows a deeply twisted view of transgender identity as a result of compulsion and coercion, rather than a representation of a person’s autonomy and agency.** Preexisting criminal provisions against bodily harm squarely cover such offences. Specific penal provisions against transgender people will empower investigating agencies to routinely harass hijara gharanas, chosen family structures and transgender persons at large, further aggravating the alienation that they already face from the state and society.

There is no clarity as to the validity of 32,000 transgender certificates already issued, as the proviso introduced to section 2(k) has retrospectively nullified the right to self-identification. Exercises like National Register of Citizens and Special Intensive Revision (SIR) have placed documentation at the threshold of access to rights. Transgender persons with Voter IDs issued under their assigned sex need a transgender certificate to update their Voter IDs. Thus, exclusion of a majority of the transgender population from the definition and further hurdles in procuring the required

documentation directly disenfranchises most of the transgender population. Caste systematically affects an individual's transgender identity, access to healthcare and bureaucracy, and relationship with the state. The proposed changes will disproportionately impact transgender persons from oppressed castes, adivasi communities and religious minorities.

Transgender (Protection of Rights) Rules, 2020, not the Act, prohibit the use of invasive medical examinations for determination of identity. Section 4 of the amendment reverses this protection by empowering the district magistrate to grant these changes only via medical examinations conducted by a medical board. Additionally any medical institutions finding evidence of intersex characteristics, or gender affirming surgeries are also subject to mandatorily disclosing them to the government. The pervasive medical logic and mandatory reporting requirements make transgender bodies subject to invasive physical checks and state surveillance. This strips them of informational privacy and bodily autonomy which has been recognised as core components of the right to privacy by the Supreme Court in *Justice K. S. Puttaswamy v. Union of India*.

We STRONGLY reject the abrogation of the right to 'self-identification' as recognised in the *NALSA* judgment and subsequently reiterated in *Navtej* and *Supriyo* amongst other judgements. A definition including only such "transgender persons" with physical determinants and/or belonging to specific gender-diverse socio-cultural identities undoes more than a decade of progress in queer rights jurisprudence.

Framing transitioning as a product of "force, allurements, inducement, deceit or undue influence" demonises gender diverse identities and creates an unnecessary and divisive binary in the trans community. The bill has the potential to hold any conversation on gender identity as criminally suspect. This would disincentivize medical professionals from offering gender affirming care and effectively silence discussions on queer and trans rights across the country.

We call upon the Hon'ble Prime Minister Narendra Modi to stand by the statements he had made during the last session of the 17th Lok Sabha praising the welfare undertaken under the prevailing framework governing transgender rights. Many of the transgender

beneficiaries of welfare schemes and the Padma Sri awardees exalted by the Hon'ble Prime Minister would not be considered as transgender or be eligible for any benefits under the amended act and its definition. We stand in complete solidarity with the Transgender community and demand that the Union Minister for Social Justice and Empowerment withdraw the Bill.

Signed,

Nalsar Queer Collective; Team for Access Beyond Availability (NALSAR University of Law); Concerned Students of Government Law College, Mumbai; Concerned Students of Lloyd Law College; Concerned Students of Maharashtra National Law University Mumbai; MNLU Mumbai; MNLU Queer Support Group (Maharashtra National Law University Mumbai); All India Students' Association (Faculty of Law, Delhi University); Concerned Students of University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University, Delhi; Disability Support Group NLSIU; Feminist Alliance NLSIU; Human Rights Collective at NLSIU; Law and Society Committee NLSIU; NLS Queer Alliance; Savitri Phule Ambedkar Caravan NLSIU; Student Bar Association (National Law School of India University, Bengaluru); HNLU's Alliance for Queers (Hidayatullah National Law University, Raipur); ILS Centre for Public Law (ILS Law College, Pune); Jamia Queer Collective (Jamia Millia Islamia); NUJS Society for Dignity Law and DEI Policy; The Art Law Communion (West Bengal National University of Juridical Sciences / St. Xavier's University Kolkata Department of Law); Philosophy Club, NLUD; Queer Collective, NLUD; Social Inclusion and Equity Committee, NLUD; Legal Services Committee (National Law University, Delhi); PRIDE RGNUK (Rajiv Gandhi National University of Law); Queer Collective, TNNLU (Tamil Nadu National Law University); Tamil Nadu Legal Rights Consortium (National Legal Rights Consortium, WICCI); Concerned Students, Centre for Studies in Law and Governance, JNU; NLUJ Pride – Queer Society (National Law University, Jodhpur); GNLU Gender and Sexuality Forum (Gujarat National Law University); INARA – NLIU Queer and Ally Community; Manthan – NLIU Centre for Knowledge and Policy Discussion (National Law Institute University); Student Council of DSNLU; DSNLU Queer Alliance (Damodaram Sanjeevayya National Law University); B. R. Ambedkar Study Circle (National University of Advanced Legal Studies); SCSTD&I Committee (Goa Institute of Management); SPAC, NLIU Bhopal; Gender Sensitization Committee (National Law University Bhopal); Student Council of NUALS (National University of Advanced Legal Studies); Gender Sensitization Committee (Maharashtra National Law University, Nagpur); Constitutional Law Society, (NUJS), Gender Sensitisation Committee (NLUO).