

To

The Commissioner,
Department of Social Justice
Pune, Maharashtra.

Subject: Representation requesting opposition to the Transgender Persons (Protection of Rights) Amendment Bill

Respected Sir,

The Samatva Foundation respectfully submits this representation concerning the proposed amendment to the Transgender Persons (Protection of Rights) Amendment Bill, 2026 presently under consideration before Parliament of India.

Upon examining the provisions of the proposed Bill, it appears that several clauses are inconsistent with the constitutional protections guaranteed under the Constitution of India, particularly Articles 14, 19, and 21, as well as some binding judicial precedents.

Key Concerns are:

1. **Violation of self-identification:** The Bill undermines the right to determine one's gender identity recognised by the Hon'ble Supreme Court in National Legal Services Authority v. Union of India (2014).
2. **Departure from constitutional values:** The principles of dignity and equality affirmed in Navtej Singh Johar v. Union of India (2018) and Supriyo v. Union of India (2023) appear to be diluted.
3. **Restrictive definition:** The proposed definition risks excluding many transgender persons, including binary trans men and trans women who do not fall within narrow socio-cultural or medical categories.
4. **Medical and bureaucratic intervention:** Requiring certification or involvement of medical authorities creates barriers to recognition and violates the principle of autonomy and privacy.

5. **Disproportionate criminal provisions:** The Bill introduces offences such as “alluring” individuals to become transgender without evidence of such conduct, which may reinforce harmful stereotypes against the community.
6. **Inadequate protection from violence:** Offences against transgender persons continue to carry comparatively lesser punishment than similar offences under the Bharatiya Nyaya Sanhita, 2023.
7. **Absence of welfare measures:** Despite the directions in NALSA, the Bill does not provide for reservation, meaningful socio-economic protections, or equitable access to gender-affirming healthcare.
8. **Risk of criminalising support systems:** Certain provisions may unintentionally affect organisations, employers, or families supporting transgender persons, including parents assisting transgender children.

In light of these concerns, we respectfully request the Department to place these objections before the appropriate authorities and recommend reconsideration of the Bill before its passage.

Legislative reform must strengthen the constitutional rights and dignity of transgender persons rather than dilute the protections recognised by the Hon’ble Supreme Court.

Yours faithfully,
Ovi S. Bhandalkar
Director & Secretary,
Samatva Foundation