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Press Release

Naveddu Nilladiddare, If We Do Not Rise, Karnataka Withdraw the Transgender Persons (Protection of Rights) Amendment Bill, 2026

As a network of organisations and individuals concerned and working for the basic rights and dignity of women and all marginalised genders Naveddu Nilladiddare strongly condemns the regressive Transgender Persons (Protection of Rights) Amendment Bill, 2026 that was introduced in the Lok Sabha on March 13, 2026, by Union Minister for Social Justice and Empowerment Virendra Kumar.

The proposed amendment to the Transgender Persons (Protection of Rights) Act of 2019 represents a profound setback not only for transgender rights, but for all feminist and women's rights struggles grounded in bodily autonomy, self-determination, and dignity.

While claiming to provide a "precise" definition of transgender persons, ensure benefits reach those facing "severe social exclusion due to biological reasons" (beyond their fault or choice), and strengthen protections against certain crimes, the Act would in fact perpetuate fresh exclusions, deepen existing prejudices, lead to greater criminalisation of the community, while weakening their access to social protection and welfare schemes.

One of the most alarming features of the amendment is the removal of the principle of self-perceived gender identity—a principle that lies at the heart of both transgender justice and feminist politics. While acknowledging that the 2019 Act was far from perfect, the fact is that it marked an important shift by recognising that gender identity cannot be subjected to invasive medical scrutiny or state validation. It must also be acknowledged too that this recognition was not benevolently granted; it was the result of sustained and fierce resistance by transgender movements against earlier proposals that sought to institutionalise medical boards.

Upholding that the right to self-determination / self-identification of one's gender is a fundamental right protected under Articles 14, 19, and 21 of the Constitution in the landmark NALSA judgement, the Supreme Court held that this right requires no medical or surgical procedure, no medical certification, and no administrative / state approval. The Transgender Persons (Protection of Rights) Act, 2019 had in fact given statutory expression to this constitutional guarantee.

The present amendment inexplicably and irrationally reverses these hard-won gains. By reintroducing a system where legal recognition depends on certification by a District Magistrate based on the recommendation of a medical board, the State in a totally regressive move reclaims authority over bodies and identities. This move relegitimises long-standing patriarchal practices where institutions—legal, medical, bureaucratic and cultural—exercise control over how individuals define and experience their own bodies.

Equally concerning is the amendment's narrowing of the definition of a "transgender person." The 2019 Act recognised a wide and evolving spectrum of gender identities, including trans men, trans women, gender-queer persons, and intersex individuals, irrespective of medical transition. The amendment, however, restricts recognition primarily to specific socio-cultural communities such as hijra, kinner, aravani, and jogta, or to persons with congenital intersex variations. This move imposes rigid, culturally restrictive categories on what is inherently a diverse, fluid and lived experience. By confining recognition to narrow categories, the Bill erases those whose identities do not conform to these boundaries, reproducing hierarchies within already marginalised communities.

Further the use of the term "eunuch" in the Bill is deeply regressive and dehumanising. It echoes colonial laws like the Criminal Tribes Act, 1871, that stigmatised gender-diverse communities. We unequivocally condemn this language and demand dignity and self-identification.

The implications of this narrowing are far-reaching. Legal recognition is not merely symbolic—it is the gateway to accessing welfare schemes, healthcare, employment protections, and remedies against discrimination. Excluding large sections of gender-diverse persons from the definition of "transgender" risks rendering them invisible in the eyes of the law, and therefore unprotected.

This too overturns the NALSA judgement in which Supreme Court unequivocally affirmed the right of all transgender persons to self-identify their gender recognising that such self-identification is intrinsic to dignity, autonomy, and equality.

In another dangerous move the Bill seeks to penalise anyone who compels a person to "outwardly present a transgender identity." When read with the Bill's narrowed definition of "transgender person," this provision risks framing self-identified gender as a product of coercion rather than a legitimate expression of identity. It risks targeting transgender communities and their informal support networks, which have historically provided safety in the absence of state protection. Alarming, the punishment for such alleged "compulsion" is harsher than that for discrimination against transgender persons. Far from protecting the community the Bill attempts to give legal legitimacy to already existing prejudices that portray transgender communities as coercive or predatory.

OUR DEMANDS

Given that at its core this Bill represents an essentially patriarchal attempt to culturally regulate gender in regressive ways that are incompatible with both constitutional morality and feminist principles we demand the following:

- **The Amendment Bill, 2026 in its current form be immediately and fully withdrawn and sent to the existing Parliamentary Standing Committee on Social Justice and Empowerment for a comprehensive review**
- **A democratic process of consultations must be initiated with members from all transgender, intersex, non-binary and genderqueer communities, collectives and civil society, civil liberties groups on the operational and procedural aspects and limitations of the 2019 Act and the current Amendment**

- **The transgender, intersex, non-binary and genderqueer persons consulted by the Standing Committee must reflect the full range of trans, genderqueer experience, as recognised in the NALSA judgment and as upheld by the definition of the 2019 Act, including diversity of language, caste, region, religion, gender and sexual orientation**
- **Any attempt at legislative reform or review must further strengthen and not dilute the rights guaranteed under the NALSA 2014.**

This amendment bill, as introduced defers justice itself. As Langston Hughes asked: What happens to a dream deferred? This deferral cannot stand.