Transgender Persons (Protection of Rights) Amendment Act, 2026

Provision of 2026 Amendment Act	Effect on 2019 Act	Relevant provision of 2019 Act	Problem / Concern
Section 2(ii)	Adds clause (aa) to Section 2 defining "authority" as a medical board headed by a Chief Medical Officer or Deputy Chief Medical Officer appointed by the appropriate Government.	No equivalent provision. The 2019 Act contained no requirement of any medical body in the process of identity recognition.	Introduces a medical gatekeeping body into a process that the Supreme Court in NALSA held requires no medical evaluation. Conditions a constitutional right on institutional, bureaucratic, and class-dependent access to medical infrastructure.
Section 2(iii)	Omits clause (i) of Section 2, which defined "person with intersex variations."	Section 2(i) defined a "person with intersex variations" as a person who at birth shows variation in primary sexual characteristics, external genitalia, chromosomes or hormones from the normative standard of male or female body.	The definition is removed as a standalone provision and absorbed into the new definition of "transgender person" under Section 2(k). This conflates intersex and transgender identities, which are distinct. Most transgender persons do not have intersex variations, and most intersex persons do not identify as transgender. Such conflation which was part of earlier drafts of the 2019 Act, were later rejected with intersex persons and transgender persons being defined separately in the final enactment.
Section 2(iv)	Substitutes clause (k) of Section 2, replacing the existing definition of "transgender person."	Section 2(k) defined a "transgender person" as a person whose gender does not match the gender assigned at birth, including trans men, trans women (with or without surgery or hormone therapy), persons with intersex variations, genderqueer persons, and persons with socio-cultural identities such as kinner, hijra, aravani and jogta.	The new definition limits recognition to named socio-cultural identities and persons with medically diagnosed conditions. Trans men, trans women, non-binary and genderqueer persons without a medical diagnosis are excluded. The definition explicitly excludes persons with "self-perceived identities," in direct contravention of the Supreme Court's holding in NALSA that gender identity is founded on self-perception.
Section 3	Omits Section 4(2) of the 2019 Act.	Section 4(2) provided that a person recognised as transgender shall have a right to self-perceived gender identity.	Removes the one provision of the 2019 Act that most directly implemented the NALSA mandate.

Section 4	Amends Section 6(1) to require the District Magistrate to examine the recommendation of the "authority" (medical board) before issuing a certificate of identity, and inserts Section 6(4) entitling persons issued a certificate to change their first name in official documents.	Section 6(1) required the District Magistrate to issue a certificate of identity as a transgender person after following prescribed procedure, with no medical board involvement.	The insertion of the medical board's recommendation as a mandatory step reinstates gatekeeping that the NALSA judgement expressly prohibited. While Section 6(4) on name changes is a positive addition, it benefits only those who first succeed in obtaining a certificate under the now more restrictive process.
Section 5	Amends Section 7 on change of gender: makes the post-surgery application mandatory rather than optional (substituting "shall" for "may"); inserts Section 7(1A) requiring medical institutions to report surgical gender changes to the District Magistrate and the authority; and omits Section 7(3) and its proviso.	Section 7(1) permitted (but did not require) a transgender person who had undergone surgery to apply for a revised certificate indicating change in gender. Section 7(3) entitled such a person to change their first name in official documents and preserved their existing rights and entitlements.	Mandatory reporting by medical institutions to the District Magistrate and medical board introduces State surveillance of transgender persons' medical decisions. The omission of Section 7(3) removes the express protection that a change of gender certificate would not affect a person's existing rights and entitlements under the Act — creating uncertainty about the continuity of those protections.
Section 6	Amends Section 16(2)(f) to require State Government and Union Territory representatives on the National Council to be not below the rank of Director.	Section 16(2)(f) provided for representatives of State Governments and Union Territories by rotation, one each from five regions, to be nominated by the Central Government, with no minimum rank specified.	A procedural change with limited substantive impact on transgender rights. The more significant concern is what is absent: the Amendment Bill makes no changes to ensure meaningful representation of transgender communities themselves on the National Council.
Section 7	Substitutes Section 18 in its entirety with new, graded penal provisions.	Section 18 of the 2019 Act prescribed imprisonment of six months to two years and a fine for compelling forced or bonded labour, denying access to public places, forcing eviction from residence, and causing physical, sexual, verbal, emotional or economic abuse against a transgender person.	The new Section 18 retains the original four offences with the same penalties (clauses a–d). However, clauses (e)–(h) create new offences for kidnapping or abducting persons and causing grievous bodily harm in order to compel them to "assume, adopt, or outwardly present a transgender identity." These provisions frame the expression of transgender identity as a presumptive outcome of coercion, stigmatising transgender communities and creating risk of misuse against hijra jamaats and other community support structures. The Statement of Objects and Reasons provides no empirical evidence of the

			prevalence of forced gender transition in India to justify this legislative approach.
Section 8	Amends Section 22(2) to add a rule-making power for the form and manner of details to be furnished by medical institutions under the new Section 7(1A), and removes the word “revised” from clause (d).	Section 22(2)(d) empowered the appropriate Government to make rules for the form, period and manner of issuing a “revised certificate” under Section 7(2).	A consequential amendment. The removal of “revised” from Section 22(2)(d) is a drafting change following the omission of Section 7(3). The new rule-making power for medical institution reporting under Section 7(1A) provides the regulatory basis for State surveillance of gender-affirming surgeries.