

Collective Statement from Transgender/Queer Persons with Disabilities on Transgender Persons (Protection of Rights) Amendment Bill no. 79, 2026

Link to sign the statement: <https://forms.gle/zH19rz2uGRprd4qo9>

Link to translation in different languages at the end

On 13th March 2026, Dr Virendra Kumar, Minister of Social Justice and Empowerment, introduced a Transgender Persons (Protection of Rights) Amendment Bill no. 79. The Bill violates multiple rights of transgender persons with disabilities and contradicts the Rights of Persons with Disabilities Act 2016 and Mental Healthcare Act 2017, creating increased challenges for us. We lay out how this Act particularly affects transgender persons with disabilities below:

- 1) **Accessibility of Services:** The Rights of Persons with Disabilities Act 2016 ensures accessibility for all persons with disabilities. Yet, this Bill makes the process of securing transgender ID cards more inaccessible for transgender persons with disabilities. The multiple layers of securing validation from medical doctors, the district magistrate, and any medical boards, as laid in the proposed changes to Section 7 of the Transgender Persons (Protection of Rights) Act 2019 in the Bill set up by the district magistrate, make the process more complicated for transgender persons with disabilities. Instead of streamlining the process to make it more accessible for transgender persons with disabilities, it puts an increased burden on them to appear before boards and the district magistrate. There is a lack of Indian Sign Language interpreters, wheelchair ramps, scribes, Braille, accessible communication, and other support needed for people with disabilities in government offices. The bureaucratic steps laid out in this Bill is going to intensify the challenges faced by transgender people with disabilities. Further, there is vagueness about how the district magistrate will certify whether someone is transgender. Depending on the certification procedure, it may also violate the “autonomy, dignity and privacy” as ensured by the Rights of Persons with Disabilities Act, 2016. The design of the name and gender change process, in its entirety (both offline and online), does not take into consideration the accessibility needs of transgender persons with disabilities, thereby excluding them from the process.
- 2) **Autonomy and Self-Identification:** The Rights of Persons with Disabilities Act 2016 promises the persons with disabilities “individual autonomy including the freedom to

make one's own choices', in accordance with the United Nations Convention on the Rights of Persons with Disabilities. Yet this bill, with its proposed changes in the Transgender Persons (Protection of Rights) Act 2019, snatches away the same right from transgender persons with disabilities by denying the right to self-identification. The narrowing of the definition of transgender to include only four socio-cultural identities and intersex variations takes away the right of transgender persons with disabilities to identify and present themselves according to their choice. Transgender persons with disabilities are less prone to identifying with the four socio-cultural identities due to physical and emotional barriers, which will leave most of them without recognition. This narrow definition specifically targets and excludes transgender persons with disabilities who identify within the gender binary as transgender women or transgender men, as well as those identifying as non-binary, genderqueer, gender-fluid, or other socio-cultural identities, such as Thirunambi, Thirunangai, Nupa Maanba, Nupi Maanbi, Kothi, Dhurani, Mangalmukhi etc., previously recognised within this statute's definition of transgender. The conflation of transgender people with intersex people further creates challenges for intersex people who live with disabilities arising out of their intersex variations and do not identify as transgender. Additionally, the treatment of consent as 'forced' further violates the autonomy of transgender persons with disabilities, as consent can easily be treated as manipulated or forced. Consent from transgender people with disabilities can often be invalidated due to the infantilisation arising from paternalistic attitudes. It is assumed that they might not be fit emotionally or mentally to make informed choices due to their disability, which will lead to increased challenges for transgender people with disabilities, if this Bill is to be retained.

- 3) **Institutionalisation of Medical Gatekeeping:** This Bill construes the definition of transgender to a biomedical model, where certain forms of medical procedures, such as "mutilation, emasculation, castration, amputation, or any surgical, chemical, or hormonal procedure or otherwise" are only legitimised. Many transgender persons with disabilities face challenges in accessing medical procedures due to their disabilities, as undergoing such procedures might pose a risk to their overall health. Hence, this would leave them out of the ambit and would pose elevated difficulties for them to secure transgender ID cards. Additionally, many persons with disabilities live with financial precarity, as despite measures taken by the government, employment rates for people with disabilities stand at 34% in India as opposed to 60% of the general population, according to the data by

the International Labour Organisation. The disability pension for those below the poverty line ranges from Rs. 300 to Rs. 3,000 per month across most states and union territories in India. This would make it impossible for transgender persons with disabilities to access safe medical procedures, push them into unsafe medical environments, and severely constrain their right to secure transgender identity documents.

- 4) **Criminalisation of support networks:** Many transgender persons with disabilities rely on caregivers and various forms of support, as the Rights of Persons with Disabilities Act 2016 already recognises. For transgender persons with psychosocial and intellectual disabilities, our lives often depend on supported decision-making, as recognised under the Mental Healthcare Act, 2017, where caregivers enable access to care, affirm identity, and assist with decisions. This bill seeks to criminalise those same support networks and caregivers for transgender persons with disabilities. It creates a double-edged sword where those providing care to transgender persons will be criminalised under the bill's sections 18(e)-(h). Parents or caregivers of transgender persons with disabilities may file criminal cases against support networks, such as peers, teachers, community-based organisations, social workers, psychologists, psychiatrists and medical professionals, to intimidate them for 'alluring' or 'forcing' transgender individuals with disabilities. Further, those who do not fit into the binary or are perceived to be presenting as transgender may be more vulnerable to being harassed due to the assumption that someone is 'forcing' them, which particularly intersects with their infantilisation. Oftentimes, the caregivers are also from the transgender communities and outside the natal families, because natal families are a site of severe violence for many transgender persons. This risks worsening the emotional marginalisation of transgender persons with disabilities, and intensifying vulnerability rather than support.

Recommendations:

Based on the problems that we have raised and the bill's contradiction with the fundamental rights provided to persons with disabilities, we recommend the following:

- 1) Do not retain any of the provisions in the Bill, as it disproportionately harms transgender people with disabilities.

- 2) If a new bill arises, it should take into account the accessibility of procedures for transgender persons with disabilities, including accessibility requirements within both physical and digital environments that are part of the document-changing process.
- 3) Ensure adequate representation of transgender persons with disabilities on a national level when introducing any new amendment to the existing Act.
- 4) Ensure horizontal reservations for transgender persons with disabilities based on the disability status as well as the caste status of the individuals, accounting for intersectionality in their different identities of marginalisation
- 5) Introduce training and sensitisation of government officials and bureaucrats about the specific challenges faced by transgender persons with disabilities.
- 6) If a new bill arises, provisions to protect caregivers/support networks of transgender persons with disabilities must be included to provide them adequate protection and redressal mechanisms if targeted in the name of coercion or forced transition.
- 7) The conflation of transgender and intersex in the Bill has resulted in the erasure of the specific medical needs of intersex persons, particularly those living with disabilities. Their intersex variation or nonconsensual sex corrective surgeries may require special medical assistance and accessibility support. If a new bill arises, it should take into account the accessibility needs of persons with intersex variations living with disabilities resulting from their intersex variation.

Bangla Version

https://docs.google.com/document/d/1kHyBdTEmwtho3_Xf9Hfm-4dVDX81bVjPXuzw3dLwafQ/e/dit?tab=t.0