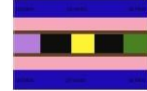




TRANS-INTERSEX SELF-RESPECT COALITION



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To Concerned Community Representatives and Legal Representatives,

We, the Trans-Intersex Self-Respect Coalition, are deeply concerned by the legal and judicial impact that any and all petitions on the Trans Amendment Act 2026 will have if the community and legal representatives fail to carefully consider the following points:

1. It is to be noted that *all rights of all transgender and intersex persons* are currently tied up in court: whether it is through direct or indirect challenges to NALSA, to the 2019 Act and now this 2026 Amendment.
2. Therefore, all our rights and protections are currently existing *only* through judicial precedents and not through active legislations and executive orders.
3. In such a situation, we raise a serious alarm on any petitions that would lead to further expanding or overturning NALSA, in such a way to remove whatever little protection that judgment has to offer.
4. We urge all petitions and petitioners to therefore limit our interventions on the simple point that the Trans Act is a clause-by-clause return of the Criminal Tribes Act 1871; Part II “Eunuchs”. Therefore, vide Article 13 of the Indian Constitution, the entire Trans Amendment 2026 must be repealed. This is fully explained in the clause-wise comparison between the two acts.
5. We urge the community to not expand the scope of the petition or try to bring in any other concerns or reliefs, but to force to government only to explain and defend itself on this charge of complete unconstitutionality.
6. We must recognise that the State, as well as law firms (unfortunately) are only in a position to gain by keeping each of us and our community members tied in litigations.
7. We are currently in the process of drafting a strategy document for wider release, which will flag all the legal concerns with trying to expand the scope of the petition beyond this point. And on how we can tighten the arguments, reliefs and prayers to secure an immediate stay on the Amendment and final repeal.
8. We urge community representatives, to step beyond internal political differences, to come together on this one point and allow community members to place the strategy document before finalizing any petition. Please also consider, and we say this with great concern, sharing copies of your petition so that we may study it only and only from the view of community’s safety and rights, and not any other conflicting interests.

Prepared and Circulated by: Trans-Intersex Self Respect Coalition

Date: 03.04.2026

A COMPARATIVE TABULATION OF BILL 79/2026 AND CRIMINAL TRIBES ACT 1871 FOR BUILDING CONSENSUS TO FOCUS MOVEMENT AND EDUCATIONAL MATERIAL ON COMPLETE AND UNCONDITIONAL REPEAL OF THE BILL/ACT

A	Bill 79 of 2026 [Transgender Persons (Criminalization) Amendment Bill 2026]	
	Sec 2(k) [definition]	“transgender person” means— (i) a person having such socio-cultural identities as kinner, hijra, aravani and jogta, or eunuch , or a person with intersex variations specified below or a person who, at birth, has a congenital variation in one or more of the following sex characteristics as compared to male or female development:— (a) primary sexual characteristics; (b) external genitalia; (c) chromosomal patterns; (d) gonadal development;



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		(e) endogenous hormone production or response, or such other medical conditions
Criminal Tribes Act 1871: Part II “Eunuchs”		
	<i>Clause 24</i>	The term eunuch shall, for the purposes of this act be deemed to include all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent
B	Bill 79 of 2026 [Transgender Persons (Criminalization) Amendment Bill 2026]	
	<i>Sec 2(k)</i> [definition]	(ii) any person or child who has been, by force, allurement, inducement, deceit or undue influence, either with or without consent, compelled to assume, adopt, or outwardly present a transgender identity, by mutilation, emasculation, castration, amputation, or any surgical, chemical, or hormonal procedure or otherwise
Criminal Tribes Act 1871: Part II “Eunuchs”		
	<i>Clause 24 (a)</i> [reversed]	... who are reasonably suspected of kidnapping or castrating children, or of committing offences under section three hundred and seventy-seven of the Indian Penal Code, or of abetting the commission of the said offences
C	Bill 79 of 2026 [Transgender Persons (Criminalization) Amendment Bill 2026]	
	<i>Sec 2(k)</i> [definition]	Provided that it shall not include, nor shall ever have been so included, persons with different sexual orientations and self-perceived sexual identities.
Criminal Tribes Act 1871: Part II “Eunuchs”		
	<i>Clause 25</i>	Any person deeming himself aggrieved by any entry made or proposed to be made in such register, either when the register is first made or subsequently, may complain to said officer, who shall enter such person’s name, or erase it, or retain it as he sees fit. Every order for erasure of such person’s name shall state the grounds on which such person’s name is erased. The Commissioner shall have power to review any order passed by such officer on such complaint, either on appeal by complainant or otherwise.
D	Bill 79 of 2026 [Transgender Persons (Criminalization) Amendment Bill 2026]	
	<i>Sec 6 (1)</i>	The District Magistrate, after examining the recommendation of the authority and, if he considers either necessary or desirable, after taking the assistance of other medical experts, issue to the applicant under section 5, a certificate of identity as transgender person.
	<i>Sec 6 (4)</i>	The person who has been issued a certificate of identity under sub-section (1) and is so declared as a transgender person within the definition under this Act shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person.
	<i>Sec 7 (1)</i>	if a transgender person undergoes surgery to change gender either as a male or female, such person shall make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.
	<i>Sec 7 (1A)</i>	The medical institution in which the person who has undergone surgery to change gender, either as male or female, shall furnish the details of such person to the concerned District Magistrate and the authority in such form and manner as may be prescribed.
Criminal Tribes Act 1871: Part II “Eunuchs”		



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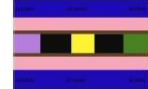


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	<i>Clause 24</i>	<p>The Local Government shall cause the following registers to be made and kept up by such officer as, from time to time, it appoints in this behalf --</p> <p>(a) A register of the names and residences of all eunuchs residing in any town or place to which the Local Government specially extends this part of this act...(suspected of kidnapping)</p> <p>(b) A register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property</p> <p>The term eunuch shall, for the purposes of this act be deemed to include all persons of the male sex who admit themselves, or on medical inspection clearly appear, to be impotent.</p>
E Bill 79 of 2026 [Transgender Persons (Criminalization) Amendment Bill 2026]		
	<i>Sec 18 (c)</i>	forces or causes a transgender person to leave household, village or other place of residence, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.
	<i>Sec 18 (e)</i>	kidnaps or abducts any adult person and causes—(i) grievous hurt to such person, whether by mutilation, emasculation, castration, amputation, or any surgical, chemical, or hormonal procedure; or(ii) permanent or severe injury to the body or bodily functions of such person, with the intent of, or in the course of, compelling such person to assume, adopt, or outwardly present a transgender identity against the will or consent of such person, whether by force, allurement, deceit, undue influence or otherwise, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than two lakh rupees;
	<i>Sec 18 (f)</i>	kidnaps or abducts any child and causes— (i) grievous hurt to such child, whether by mutilation, emasculation, castration, amputation, or any surgical, chemical, or hormonal procedure; or (ii) permanent or severe injury to the body or bodily functions of such child, with the intent of, or in the course of, compelling such child to assume, adopt, or outwardly present a transgender identity, whether by force, allurement, deceit, undue influence or otherwise, shall be punishable with rigorous imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees;
	<i>Sec 18 (g)</i>	by force, threat, coercion, allurement, deception, inducement, or undue influence— (i) compels any person, whether or not such person is a transgender person, to dress, present, or conduct themselves outwardly as a transgender person against the will of such person; and (ii) employs, uses, or causes such person to engage in begging, solicitation, servitude, or any other form of forced or bonded labour while so presenting, shall be punishable with rigorous imprisonment for a term which shall not be less than five years but which may extend to ten years, and shall also be liable to fine which shall not be less than one lakh rupees; and (h) by force, threat, coercion, allurement, deception, inducement, undue influence or otherwise— (i) compels any child, whether or not such child is a transgender person, to dress, present, or conduct themselves outwardly as a transgender person; and (ii) employs, uses, or



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		causes such child to engage in begging, solicitation, servitude, or any other form of forced or bonded labour while so presenting shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to fourteen years, and shall also be liable to fine which shall not be less than three lakh rupees
Criminal Tribes Act 1871: Part II "Eunuchs"		
	<i>Clause 26</i>	Any eunuch so registered who appears, dressed or ornamented like a woman, in a public street or place, or in any other place, with the intention of being seen from a public street or place, or who dances or plays music or takes part in any public exhibition, in a public street or place or for hire in a private house, may be arrested without warrant, and shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
	<i>Clause 27</i>	Any eunuch so registered who has in his charge, or keeps in his house in which he resides, or under his control, any boy who not completed the age of sixteen years, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both
	<i>Clause 28</i>	The Magistrate may direct any such boy shall be returned to his parents or guardians, if they can be discovered. If they cannot be discovered, the Magistrate may make such arrangements as he thinks necessary for maintenance and education of such boy, and may direct that the whole or any part of a fine inflicted under section twenty-seven may be employed in defraying the cost of such arrangements
	<i>Clause 29</i>	No eunuch so registered shall be capable – (a) Of being or acting as guardian to any minor (b) Of making a gift (c) Of making a will (d) Of adopting a son