

# STATEMENT

**Date: 06.04.2026**



We, the Indian Association for Women's Studies, strongly condemn and oppose the Transgender Persons (Protection of Rights) Amendment Act, 2026 that has been passed in both houses of Parliament withdrawing the rights granted after a long struggle to one of the most vulnerable communities, marginalised on account of gender normativity.

In 2014, the NALSA judgement of the Supreme Court had granted the right of self-determination of gender identity not just for members of the transgender community, but for anyone who was discriminated on account of their gender identity. This gave protection and hope to those such as non-binary persons, gender queer and intersex individuals, who until then were not just invisible but subject to discrimination.

This judgement spoke of the revolutionary manner in which the highest court of the country listened to the voice of the most marginal and acknowledged their struggle to be recognised as citizens. Apart from this the court also took another step to expand gender by recognising the category of the third gender. All these steps signified both an inclusion and broadening of the space of gender identity. The courts essentially responded to the larger discourse in the country around questions of gender and sexuality that stemmed from long years of struggle, contributions of the queer and feminist movements, as well as the legal and academic work produced by fields of gender and women's studies.

Unfortunately, the law that emerged from Parliamentary deliberations under the aegis of the government in 2019 constrained several of these gains wrested by the queer and trans communities. However, the earlier legislation still offered protection to trans men, trans women, gender queer and non-binary persons on account of the provision of self-perceived gender identity.

The current act (2026) ignores this history and removes several of these legal protections and rights. The Act ushers in several modifications and omissions, such as the removal of the right to self-determination a biologically determined definition of gender, and exclusion of intersex and transmasculine persons, non-binary and gender-diverse people who are not part of socio-cultural communities. Not only this, the government now insists on mandatory medical certification and disclosure, thereby shifting recognition of gender identity from the individual concerned to a state-appointed medical board, enforcing invasive physical examinations.

As a professional body of scholars and activists, the Indian Association for Women's Studies (IAWS), views this act as a setback not just for the lives of the trans gender communities but activists and allies within gender studies. We have always struggled for legal change to advance women's rights and rights of those at the margins of gender and sexuality. We thus note with anguish and horror this deliberate violation and denial of rights long fought for. We are also dismayed at the haste with which the Act has been pushed through both houses of Parliament and secured Presidential assent despite the widespread condemnation from concerned stakeholders in civil society. We affirm our solidarity with the vulnerable sections of India's citizens who stand to lose their hard-won rights and dignity with the passing of this Act.