

DEAR EDITOR,

Through your esteemed Journal, I wish to express my concern regarding the recently enacted Transgender Persons (Protection of Rights) Amendment Act, 2026.

The original 2019 Act was inspired by the landmark judgment of *NALSA v. Union of India*, which recognised the right of transgender persons to self-identify their gender as a fundamental aspect of dignity and personal liberty. However, the 2026 amendment marks a significant departure from this progressive vision.

One of the most concerning changes is the removal of self-identification and the introduction of mandatory medical certification through a medical board. This shift effectively medicalises gender identity, reducing it from a personal and psychological reality to a condition requiring external validation. Such a provision undermines the autonomy and dignity of transgender individuals.

Furthermore, the amendment narrows the definition of transgender persons, potentially excluding non-binary and gender-fluid individuals. It also raises serious privacy concerns by mandating reporting of gender-affirming procedures, thereby exposing individuals to stigma and discrimination.

While the government justifies these measures as necessary for administrative clarity and prevention of misuse, they create bureaucratic hurdles and may lead to harassment and exclusion. More importantly, the amendment appears to contradict constitutional guarantees of equality, freedom, and the right to life with dignity under Articles 14, 19, and 21.

In conclusion, while legal regulation is important, it must not come at the cost of fundamental rights. A more inclusive, rights-based approach—respecting self-identification and ensuring community participation—is essential for true social justice.

I hope this issue receives the attention it deserves and that the necessary reconsideration is undertaken.

Yours sincerely,

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