

Jan Swasthya Abhiyan

(People's Health Movement – India)

Health for All - Now!

Health is a Basic Human Right!

Statement by Jan Swasthya Abhiyan on the Transgender Persons Amendment Bill, 2026

Jan Swasthya Abhiyan (JSA) expresses its grave concern and categorical opposition to the proposed legislative amendments being sought through the *Transgender Persons (Protection of Rights) Amendment Bill, 2026*. These proposed amendments are deeply problematic, since they would dismantle the principle of self-determined gender identity, while imposing mandatory medical 'verification', and would reverse important advances in the recognition of the rights, dignity, and autonomy of transgender and gender-diverse persons in India.

From the perspective of health rights, such regressive legal changes have serious implications. Health systems must operate on the basis of confidentiality and respect for the bodily autonomy and identity of patients. Proposed requirements would subject transgender and gender-diverse persons to external certification, surveillance, and reporting of gender-affirming healthcare, and would undermine these principles. Such legal measures would discourage individuals from seeking essential services, particularly gender-affirming care, mental health support, sexual and reproductive health services, and HIV prevention and treatment. In a context where many transgender, intersex and gender diverse persons already face stigma, discrimination, and denial of care in healthcare settings, such provisions will deepen exclusion and worsen health inequities.

Our main concerns include the following:

1. Violation of bodily autonomy and ethics - The cornerstone of modern medical ethics is Autonomy. The proposed 2026 Amendment violates this by empowering Medical Boards to sit in judgment over an individual's internal sense of self, and would force individuals to undergo physical examinations to 'prove' their gender and gender identity. This would subject already marginalized persons to invasive procedures that would be traumatic, unnecessary, and dehumanizing.

2. Systemic denial of the Right to Health – Jan Swasthya Abhiyan upholds the Right to Health as a basic right for all. This proposed Amendment seeks to deny or constrict this right for huge numbers of transgender women, transgender men, non-binary, gender-diverse and intersex persons who do not fit the proposed Bill's narrow definitions. Due to narrowing of the definition of "transgender," those excluded will lose access to transition-related healthcare, mental health support, and various health and welfare schemes. Legal invisibility is likely to translate into exclusion from health entitlements that depend on official identity documents.

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3. Impact on mental health and dignity - Gender identity is a core determinant of health. The erasure of self-determination of gender identity and pressure for proving one's transgender or gender diverse identity being promoted by this amendment will significantly increase mental stress, which could lead to intensified mental health challenges among the LGBTQIA+ community.

4. Surveillance and privacy concerns - The requirement for medical institutions to report details of gender-affirming procedures to the District Magistrate will amount to a breach of patient-doctor confidentiality. The amendment seeks to create a regime of surveillance that treats trans persons as "objects of interest" for the state, rather than citizens and residents with a right to privacy.

Keeping in view these serious objections, JSA calls upon the Government of India and the Ministry of Social Justice and Empowerment, GOI to:

1. **Withdraw the proposed 2026 Amendment Bill immediately** and uphold the 'Self-Identification' framework established by the Supreme Court in its landmark *NALSA v. Union of India* judgement of April 2014.
2. **Decouple identity from medical verification:** Legal recognition of gender status must not be contingent upon any medical board, surgery, or physical examination.
3. **Expand and ensure access to healthcare for transgender, intersex and gender-diverse persons:** Ensure that health rights are inclusive of all trans, gender diverse and non-binary persons, that socio-cultural background or gender status does not become a basis for marginalisation from health entitlements, and that the entire spectrum of required healthcare is ensured for LGBTQIA+ communities.

JSA also appeals to all MPs and political parties in India to oppose the proposed amendments. Any legislative changes affecting transgender, intersex and gender-diverse persons must be developed through meaningful consultation with the communities concerned, along with civil society organisations working on health, human rights, and social justice. JSA reiterates that the right to health cannot be realised without respect for dignity, autonomy, and equality for all. Laws and policies must uphold these principles, and must ensure all transgender and gender-diverse persons in India can live with dignity and access the full range of health and social rights to which they are entitled.

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