



POSITION STATEMENT BY ASSOCIATION FOR TRANSGENDER HEALTH IN INDIA (ATHI)
ON THE PROPOSED BILL No. 79 OF 2026 INTRODUCED IN LOK SABHA
ON 13 MARCH 2026, SEEKING AMENDMENTS TO
THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

The Association for Transgender Health in India (ATHI), a proponent of a human-centric approach for the delivery of affordable, accessible, evidence-based, standardised, holistic healthcare to transgender and gender-diverse persons through the public health system, expresses its strong opposition to the Bill tabled by the Honourable Minister of Social Justice and Empowerment in the Lok Sabha on the 13th of March 2026, to amend the Transgender Persons (Protection of Rights) Act, 2019, and appeals for its immediate withdrawal on the following grounds:

1. The proposed Bill risks undoing the tremendous progress India has made towards transgender welfare since the landmark 2014 Supreme Court NALSA verdict, and the 2019 Transgender Persons (Protection of Rights) Act and 2020 Rules. This regressive move would tarnish the image of India internationally by placing our country in the same category as nations denying life-saving care, human rights and dignity to its citizens.
2. The Bill proposes a new definition of the term “transgender” and seeks amendments to the Act. The definition is in direct contravention of the universally accepted modern scientific understanding of the term. Such a flawed and unscientific definition will not only perpetuate irreparable harm by encouraging opinion-based unethical practices but will also derail the gains made by internationally accepted healthcare practices and delivery mechanisms put in place through collaborative governmental- and non-governmental efforts since 2019. This will lead to irrecoverable wastage of resources and financial losses incurred by the exchequer as well as the care seekers.
3. Further, the Bill contradicts the principles of care laid down by the United Nations and propagated by the World Health Organisation, in addition to the globally accepted, evidence-based Standards of Care (SoC Ver 8) published by the World Professional Association for Transgender Health (WPATH), that form the bedrock for delivery of ethical healthcare through the public health system, as per the directions of the Trans Act.
4. A change in the definition as proposed in the Bill will not only necessitate changes in the existing transgender health management protocols but will also affect the training programmes for capacity building and skill development of the care providers, ancillary staff and administrators, thereby imposing extra costs of operation for the institutions and healthcare facilities providing care.
5. The Bill proposes the introduction of unethical gatekeeping practices by denying care to the large majority of the self-affirmed vulnerable transgender and gender-diverse persons, requiring breach of care provider-seeker confidentiality by enforcing mandatory reporting of medical interventions to District Magistrates, and violations of body autonomy and pathologisation of gender incongruence by demanding scrutiny by government-appointed Medical Boards.
6. Lack of protection for the persons whose identities have been erased and excluded by the Bill will drive a large majority of these vulnerable persons out of the public healthcare system into the arms and under the scalpels of untrained and unscrupulous private providers operating under the radar of the Government, with no recourse for redressal of grievances.
7. The language of the Bill and the amendments sought by it induce fear of prosecution and persecution of the healthcare providers, which in itself would become a barrier to providing gender-affirming care by the care providers and encourage them to seek unnecessary affidavits and waivers from the care seeker, thus increasing the clients’ gender dysphoria as well as the cost of care.



8. The proposed changes will further make it impossible to carry out transgender health research that is comparable with findings from other countries in the field of transgender healthcare, preventing professional growth and creating barriers for the development of safer interventions and management protocols.

We, as the Association of Transgender Health in India (ATHI) ask for the bill to be withdrawn in its entirety. We also take the opportunity to submit the following recommendations to bridge current gaps in holistic delivery of healthcare: -

1. Healthcare delivery for transgender persons (removed from 'disorder' category and classed as Gender Incongruent by WHO in ICD-11) must provided in accordance with the globally accepted, peer-reviewed, evidence-based current Standards of Care (SoC Ver 8) published by the World Professional Association for Transgender Health (WPATH) and human-centric principles of care endorsed by the United Nations and propagated through guidelines issued by the World Health Organisation.
2. The paucity of trained and skilled human resources for the delivery of holistic healthcare should be overcome by conducting standardised training of care providers by a certified faculty of internationally renowned and experienced Trainers and Professionals in Transgender Health, aligning with the philosophy of "Teach in India" and "Train in India", thereby cutting the costs of training and multiplying the impact.
3. Provide government-approved certification to healthcare professionals providing transgender healthcare to ensure streamlined and uniform standards in healthcare delivery to transgender persons.
4. Bring out a Health Manual, as mandated by the Transgender Protection of Rights Act 2019, drawing on the latest WPATH SOC8, for the provision of holistic healthcare to transgender and gender-diverse persons.
5. Encourage participative care by including people with lived experience of gender incongruence at each stratum of healthcare delivery and create a Community Cadre of providers, thereby rebuilding trust in care providers and optimising utilisation of resources and infrastructure created by the Government.
6. Strengthen the existing infrastructure created by the Ministry of Health and Family Welfare and the Ministry of Social Justice and Empowerment to provide a template for transgender healthcare delivery for others to emulate.
7. Implement a government-driven "National Programme for Transgender Healthcare" for uniform implementation across all States and Union territories of India through the autonomous institutes of national eminence in both medical and social sciences.

Air Cmde (Dr) Sanjay Sharma (Retd)
CEO & Managing Director ATHI
Co-Chair WPATH International Diversification Committee
WPATH GEI SOC8 Certified Faculty Member & Mentor
Member "Sweekar: The Rainbow Parents"



Date: 18 March 2026