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Assessing the Effectiveness of the Transgender Persons (Protection of Rights) Act, 2019: A Human Rights Perspective

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Abstract

The Transgender Persons (Protection of Rights) Act, 2019 of India is the country's first comprehensive central legislation to legal recognition, non-discrimination and welfare of transgender persons. However, what it brings to the table cannot be measured by enactment. The effectiveness of the Act will be evaluated in this paper using a human-rights framework that emphasizes autonomy, substantive equality, accessibility, participation, accountability and effective remedy. It uses doctrinal and policy-evaluative methodology ie reading up the Act and the Transgender Persons (Protection of Rights) Rules, 2020 alongside constitutional jurisprudence, international human-rights standards, government data on implementation and recent scholarship. The legislation in question has been a partial success. Indian Constitution has pioneered a common national vernacular on rights, designed identity-documentation architecture, imposed mandates on public-private establishments, and engineered welfare institutions and programmes. Despite these successes, inadequate remedies, inadequate territorial implementation, vague socio-economic obligations, a lack of a national framework for affirmative action, insufficient health coverage and a gap between official consumer assessment and actual use experiences, restrain these successes. In the ruling of *Jane Kaushik v Union of India*, the Supreme Court has held that non-implementation can itself reproduce discrimination. The Transgender Persons (Protection of Rights) Amendment Act, 2026 complicates this position. Graded penalties for coercive exploitation serve a legitimate protective purpose. However deletion of statutory self-identification and introduction of medical board scrutiny clashes with constitutional autonomy, privacy and dignity. It is only through restoring the Act to a self-declaratory basis that its effectiveness can be made a reality. Embedded in the statute must be enforceable civil remedies, affirmative action, community led institutions and monitoring that is transparent.

Keywords: *Transgender Persons; Human Rights; Gender Identity; Substantive Equality; Self-Identification; Non-Discrimination; India; Transgender Persons Act.*

1. INTRODUCTION

The Transgender Persons (Protection of Rights) Act, 2019 ('2019 Act'), changed in favour of transgender persons which has changed the legal status of transgender persons in India. For the first time, a national law has been passed by Parliament which explicitly linked rights with welfare in its long title.¹ The transgender persons (protection of rights) act 2019 was enacted to protect the rights of transgender persons. It is an act that comes under the Ministry of Social Justice and Empowerment. Before the enactment of this new law, the statutory position of transgender persons was not clear in India. The Act must thus be examined not only as a piece of social-welfare legislation; it must be understood as a means of giving practical effect to Articles 14, 15, 19 and 21.²

This context has at least 4 dimensions of effectiveness. The effectiveness of law is described as normative effectiveness. Institutional effectiveness refers to the administrative structures established to implement those rights. Distributive effectiveness analyses whether laws give access to education, employment, healthcare, housing and social security. Remedial effectiveness involves the efficient provision of timely and reasonable relief to victims. A law could have great symbolic force while achieving little 'substantive' impact if it imposes unclear obligations; provides inaccessible remedies; or is unevenly implemented.

Significance of the Distinction: Just because something is recognized formally does not mean that the structural exclusion is dismantled. Many transgender people may have documents for their identity yet continue to face rejection from their families, discrimination in the workplace, denial of healthcare services, exclusion from educational institutions, violence at the hands of the police and legal rules that are made on a rigid male-female model. Consequently, the issue at hand is whether the 2019 Act has shifted the allocation of power, possibility, and institutional responsibility, rather than simply generating a certificate-based administrative arrangement.

The writer feels that Act has achieved effectiveness, but only partially and not firmly. The anti-discrimination rule, welfare obligations and

administrative mechanisms are significant gains. However, the law did not provide a full equality code, a reliable remedial architecture or binding socio-economic entitlements. In addition, the amendment of 2026, which is currently in effect has transformed the conceptual foundation of the statute by narrowing the definition of a transgender person by deleting the express right of self-perceived gender identity. Further, the amendment imposes scrutiny by medical boards into the certification.³

Therefore, any modern-day assessment must consider the 2019 Act which is as amended but separate the positive successes of the original framework from the human-rights issues caused by the later amendment.

2. METHOD AND HUMAN-RIGHTS FRAMEWORK

The Study Utilizes Doctrinal and Policy-Evaluative Method. It reviews the Constitution, the 2019 Act, the 2020 Rules, the 2026 amendment, relevant judicial decisions, international instruments and official implementation reports. It does not claim original fieldwork. Official statistics are evidence of administrative activity, not proof of better lived outcomes, because information on complaint resolution, discrimination, violence, retention in education, health outcomes and security in employment remains limited.

The evaluative framework is driven by three key principles. To begin with, recognition and autonomy require the State to respect gender identity as part of one's personhood and not as a status through invasive proof. The second aspect here is that social equality also requires removing entrenched disadvantage, stigma and institutional barriers, which means identical treatment is not enough. If social arrangements are themselves exclusionary, mere identical treatment won't suffice.

The third essential aspect relates to accountability and effective remedy. Thus, enforceable duties, independent adjudication, and proportionate relief are necessary.

These principles have their basis in international human rights law. The universality of human rights is protected in the laws of both the state and religion. The

¹ Transgender Persons (Protection of Rights) Act 2019, long title.

² National Legal Services Authority v Union of India (2014) 5 SCC 438 [129] ('NALSA').

³ Transgender Persons (Protection of Rights) Amendment Act 2026 (Act 3 of 2026), ss 2–5 and 7; S.O. 2620(E), Gazette of India, Extraordinary, pt II, s 3(ii) (22 May 2026) (effective 25 May 2026).

International Covenant on Civil and Political Rights guarantees privacy, equal protection and an effective remedy, while the International Covenant on Economic and Social Rights mandates non-discriminatory means of access to work, health and education. The Committee on Economic, Social and Cultural Rights has expressly treated discrimination on the ground of gender identity. The Yogyakarta Principles convey a compelling standard under which legal recognition should reflect each person's self-identified gender identity and should not be made conditional on medical interventions. Many rights-based views have been absorbed in Indian constitutional jurisprudence.

3. CONSTITUTIONAL BASELINE: IDENTITY, DIGNITY AND SUBSTANTIVE EQUALITY

NALSA functioned as the benchmark for the Constitution. The Supreme Court ruled that the core of personal self rests on self-identification, and is not dependent on surgery or medical procedure. The Articles 15 and 16 coverage was interpreted as including gender identity. The transgender persons were recognised as being included in the guarantees of equality, expression, dignity and personal liberty. The direction for legal recognition was male and female or third gender according to self-identification. Most importantly, the Court didn't stop with mere formal recognition, it awarded affirmative action and welfare measures due to the entrenched disadvantage.

Gender identity and sexual orientation were located within the ambit of autonomy, dignity and decisional privacy, when privacy judgment was delivered in Justice K S Puttaswamy (Retd) v Union of India. Navtej Singh Johar v Union of India ruled that the protection of identity and intimate choice is governed by constitutional morality, not majoritarian social morality. In combination, these judgments establish that transgender rights are not optional gifts. They refer to constitutional rights whose content includes self-determination, protection against discrimination and positive measures required to make equality a reality.

The most significant authority after the enactment is Jane Kaushik v Union of India. A transgender educator claims he was fired for discrimination. According to the Supreme Court, the 2019 Act aims to implement constitutional rights in the private sphere

and reasonable accommodation is implicit in the equality obligations laid down in the Act. It also acknowledged omission discrimination: a State may discriminate not only by acting but also by failing to create and implement structures necessary for equal participation. The Court certainly had a reason for claiming that the Act and Rules had been reduced to 'dead letters'. The weakness of the Act was that it grants rights without a way to access those rights in practice.

Thus, the constitutional test of effectiveness is stringent. The Act should protect self-determination, prohibit both direct and indirect discrimination, impose a duty to accommodate, require affirmative measures, and provide remedies that can be used against public and private actors. A statutory scheme which falls short of these standards may be administratively functional but constitutionally under-inclusive.

4. LEGISLATIVE ARCHITECTURE AND ACHIEVEMENTS

A. Recognition and a National Rights Framework

The previous definition encompassed all trans persons and persons with intersex variations like kinner, hijra, aravani, jogta etc. It did not require any surgery or hormonal treatment. Also, it included genderqueer persons.⁴ The Constitution (Section 3) outlawed discrimination on grounds of education, employment, healthcare, access to goods and services, movement, residence, public office, and property. Under section 8, we have a welfare duty of the appropriate Government, while sections 4 to 7 constitutes a certificate-based identity system. The Act also deals with employment, education, vocational training, health care, residence and institutional context.⁵

These measures had significance. Prior 2019, protection relied upon constitutional litigation and sectoral rules fragmentation. The Act gives both the government and the private establishment a common legal vocabulary. It rendered transgender discrimination visible in a legal sense, in industries where the exclusion had been viewed as a personal or social issue. For instance, the employment discrimination was prohibited by sections 9 to 11 which required establishments to provide the facilities and designated complaint officer. The 2018 NALSA

⁴ Transgender Persons (Protection of Rights) Act 2019, s 2(k), as originally enacted.

⁵ *ibid* ss 3–17.

judgment required the adverse implications of impaired human rights to be tackled under Chapters 2, 3 and 9.

The rules of 2020 were drafted with the aim of implementing these obligations. The applicant can apply on the basis of an affidavit; no medical or physical examination is accepted under the original scheme. Equal-opportunity policies, complaint officers, grievance mechanisms, welfare boards and protection cells are required by the Rules.⁶ The National Portal for Transgender Persons will minimise the recurring need for physical interaction with the district offices and enables a certificate and identity card. These developments should not be dismissed: the correct documentation can help in getting access to a bank account, education, job record, health scheme and other available public services.

B. Development related to institutions and programs

The establishment of the National Council for Transgender Persons as an advisory body came into being with the introduction of the Act. Further, the SMILE scheme subsequently linked shelter, healthcare, counselling, skill development and livelihood measures with a national programme.⁷ At the time of access, the National Portal reported 33,343 certificates, 33,308 identity cards and participation of 35 States, Union Territories.⁸ As reported by the Government in June 2026, there are 23 Garima Grehs, 26 Transgender Protection Cells and 30 Transgender Welfare Boards. It also mentioned that over 49,000 people benefitted from skill development and capacity building programmes. Moreover, 821 got jobs through Garima Grehs.⁹

These statistics show a significant institutional footprint. From December 2025 to June 2026, there is an increase in the reported numbers of protection cells and welfare boards. Without the statutory framework, the national portal, shelters, boards, skill programmes and dedicated cells would not have existed in their present forms. Accordingly, the law has been institutionally useful.

Output indicators should be interpreted cautiously. Just because a board is present doesn't confer independence, budget, meeting frequency or effectiveness. Participation in training does not create lasting employment, wage equality or retention in a job. Certificates that were issued does not showcase the number of eligible persons who were excluded, discouraged, delayed or experienced inconsistent nature of district level practices. The Government has itself admitted this, as far back as June, 2026, that a specific survey may be needed for evidence-based policy.¹⁰ The lack of a current and sufficiently methodological population baseline makes the national take-up impossible to calculate.

5. THE EFFECTIVENESS DEFICIT

A. Anti-Discrimination without a Complete Civil Remedy

Section 3 has a wide range of coverage but weak enforcement. The law failed to set up a stand-alone equality commission or specialist tribunal. It did not establish a clear civil cause of action or statutory remedies, compensation, injunctions, or burden-shifting rules. There are no protections against victimisation, no class remedies and no guarantees of legal aid.

A complaint officer under section 11 is located within the establishment against whom the complaint is made; while this may help resolve matters internally, it cannot fulfil the requirement of independent adjudication. Section 18 of the Act makes certain forms of forced labour, denial of access to public places, eviction and abuse a criminal matter but ordinary discriminatory decisions such as refusal to hire, admit, rent or provide services do not attract a specially designed civil enforcement process.

The repurposing of dirt deposits is shown by Jane Kaushik. A person accusing discrimination in their employment had to bring constitutional court case in Supreme Court. The Court was obliged to infer reasonable accommodation, identify omissive discrimination and designate additional mechanisms

⁶ Transgender Persons (Protection of Rights) Rules 2020, rr 3–5, 10–13; Dipika Jain and Kavya Kartik, 'Unjust Citizenship: The Law That Isn't' (2020) 13 *NUJS Law Review* 1, 18–34.

⁷ Transgender Persons (Protection of Rights) Act 2019, ss 16–17; Ministry of Social Justice and Empowerment, 'Support for Marginalized Individuals for Livelihood and Enterprise (SMILE)' <https://socialjustice.gov.in/schemes/99> accessed 5 August 2026.

⁸ Ministry of Social Justice and Empowerment, 'National Portal for Transgender Persons' <https://transgender.dosje.gov.in/> accessed 5 August 2026.

⁹ Ministry of Social Justice and Empowerment, 'National Council for Transgender Persons Holds Meeting Under the Chairpersonship of Hon'ble Union Minister of Social Justice and Empowerment' (Press Information Bureau, 3 June 2026) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2268643> accessed 5 August 2026.

¹⁰ *ibid*.

on the basis of the statutory provisions which were insufficiently complete in themselves to assemble any remedial pathway.¹¹ A right, the effective enforcement of which claims exceptional access to constitutional courts, is not equally available to a person that is poor, has insecure housing, is legally illiterate and/or is geographically isolated.

B. Obligations with No Measurable Entitlements

Louise Egan Sections 8 and 13 to 15 use mandatory language but are frequently nonetheless programmatic. The Act says that governments must “take steps” to make sure that participation, rescue and rehabilitation, health care and vocational opportunities become a reality for those affected. However, the Act does not specify minimum service standards, timelines, budgetary duties, measurable outcomes or any action as consequences for failing to comply. It weakens the judicial and administrative accountability.

Healthcare serves as a revealing example. Gender-affirming procedures, curriculum reform and insurance are required, according to section 15. As on 1 December 2025, however, only 125 Ayushman Bharat-PMJAY transgender cards were officially issued.¹² Recent scholarship continues to identify fragmented gender-affirming services, lack of trained professionals, rural-urban divide and absence of consistent clinical pathways.¹³ The statutory promise plays a significant role in this context but does not equate to universal affordable competent healthcare as yet.

The issue similarly impacts education and jobs. The Act forbids discrimination, however, despite the fact that NALSA directed that transgender persons be treated as socially and educationally backward classes and be given reservation in educational institutions and public appointments, there is no national reservation.¹⁴ Schemes that train people cannot substitute access to formal employment. A policy focused on equal opportunity does not guarantee recruitment, retention, and promotion nor does it ensure safe sanitation, dress-code flexibility, leave for gender-affirming care or protection from harassment without audit and sanction.

C. Home, kin and the threat of paternalism

Section 12 gives a person the right to live in the same home as a parent or immediate family member and not to be excluded. This is helpful when eviction is the immediate cause of homelessness. Nonetheless, the same provision treats the natal family as a prime site for care. If the family cannot properly take care of the individual, a competent authority may appoint them to a rehabilitation centre. The law does not sufficiently recognise chosen families, community households or independent supported living despite the practical importance of these arrangements for persons rejected by their biological relatives.

A framework on housing and human rights should prioritize consent, independent living, rental access and protection from institutionalisation. While it may be necessary to use shelter homes for a time in emergencies, it should not become the default legal answer to family exclusion. Lack of formal recognition for chosen kinship has repercussions in inheritance, medical decision-making, social security and caregiving as well.

D. Designing Institutions, Participation and Data

Most of NCTP work is advisory. Due to its government-heavy nature and absence of adjudicatory or binding enforcement powers, it cannot compel compliance. Though there already exists community representation, putting it effectively would require more than mere seats. It would require transparent selection criteria, adequate tenure, independent secretarial support, publication of minutes, prior consultation before legislation and authority to monitor budgets and outcomes.

It has not happened everywhere yet. Having 30 welfare boards and 26 protection cells is not universal coverage across all States and UTs, let alone the district level architecture that the Rules contemplate and which Jane Kaushik strengthens.¹⁵ Despite the existence of institutions, there is a noticeable lack of data that the public can access that relates to complaints and investigations. It is ruled out any evaluation on the basis of caste, class, disability, age,

¹¹ Jane Kaushik (n 13) paras 47–54, 159–164 and 200.

¹² Ministry of Social Justice and Empowerment, ‘Year-End Review 2025: Overview of Schemes and Key Achievements of the Department of Social Justice and Empowerment’ (Press Information Bureau, 29 December 2025) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2209488> accessed 5 August 2026.

¹³ Yadamala Sreenivasulu and Rachana S Pillai, ‘From Legal Recognition to Lived Reality: A Review of Transgender Healthcare in Post-2019 India’ (2026) *Journal of Social*

Inclusion Studies (online first) <https://doi.org/10.1177/23944811261451963>; Dipika Jain, ‘Right to Health and Gender-Affirmative Procedure in the Transgender Persons Act 2019 in India’ (2022) 55 *Indian Journal of Plastic Surgery* 205.

¹⁴ NALSA (n 2) para 129(3); Transgender Persons (Protection of Rights) Act 2019, ss 8, 9, 13 and 14.

¹⁵ Jane Kaushik (n 13) paras 199(iii) and 200; Transgender Persons (Protection of Rights) Rules 2020, rr 10(1) and 11(5).

religion, region and type of gender identity. This Act, therefore, risks making an administratively homogeneous group of a diverse population.

E. Pena; protection and proportionality

The earlier section 18 punished several specific wrongs, including physical, sexual, verbal, emotional and economic abuse with imprisonment ranging from six months to two years and fine. The undifferentiated penalty structure was critiqued for not reflecting the varying gravity of harms. It was possible to argue that this undifferentiated penalty structure valued harms to sexual and physical integrity less seriously than other harm-causing criminal laws.¹⁶ Merely criminalizing such practices is not a complete strategy: victims need emergency protection, health care, shelter, compensation, witness support and trauma-informed investigations.

The amendment of 2026 introduced rigorous penalties that were graded for the offense of kidnapping, grievous hurt, and coercion to compel an adult or child to adopt, or make an outward show of a transgender identity. As well as to compel persons to beg or perform forced labour while making such a show.¹⁷ It is a legitimate and urgent objective to protect persons from kidnapping, mutilation, coercion and forced labour. Despite this, the amendment didn't create an exhaustive victim-proof remedy scheme, and the ordinary penalty for abuse under section 18(d) is rather limited. In order for effective protection to occur, it is important to draft law so that coercive conduct is picked up, but not suspicion on voluntary gender expression or community affiliation or consensual gender affirming care.

6. THE 2026 AMENDMENT: PROTECTION AT THE COST OF RECOGNITION?

The Transgender Persons (Protection of Rights) Amendment Act (TPA), 2026 came into effect on May 25, 2026.¹⁸ Its most significant changes relate to legal recognition. The original definition of "gender" which covered all human beings and subjects deemed inclusive "was replaced with a more limited definition focused on specified cultural identities, intersex or

congenital variations, and people forced, coerced, deceived, or unduly influenced to identify or present as transgender". The individuals with multiple sexual orientations and self-perceived sexual identities are specifically excluded. It also removed section 4(2) which includes a declaration of the right to self-perception.¹⁹

An 'Authority' means any Medical Board headed by a Chief Medical Officer or a Deputy Chief Medical Officer. A District Magistrate has the power to seek the opinion of other medical authorities before granting the certificate. Medical institutions should provide information about the people undergoing gender reassignment surgery to the District Magistrate & the authority.²⁰

According to human rights, these provisions create a problem in three ways. To begin with, they change the legal framework from self-determination to external recognition. Although, the NALSA judgment held that a person's self-identification cannot be subjected to surgery or any procedure, it becomes contingent on state and medical approval. Moreover, the requirement to share surgical information engages Puttaswamy's informational privacy. The amendment does lack a detailed confidentiality architecture, but such reporting must nevertheless meet requirements of legality, legitimate aim, necessity, proportionality and data security. The retrospective wording which states that certain identities "shall not include, nor shall ever have been so included" raises a doubt about existing certificates, records and acquired benefits.

The coercion offenses in the amendment can be conceptually separated from its recognition regime. There is no logical basis for excluding the self-identification of adults acting voluntarily in order to prevent forced procedures and exploitation. A specific protective law can penalize coercion while safeguarding autonomy. The current mix endangers treating the chance of abuse as a reason for blanket gatekeeping. A recent public-health analysis states that medicalised certification may deter people from

¹⁶ Deeksha Pandey and Muthusamy Sivakami, 'How Inclusive Is the Transgender Persons Act? Evidence from the Ground' (2022) 4 *Journal of Psychosexual Health* 49, 51–52; Swati Sharda and A Marisport, 'Inadequacies of the Transgender Persons' (Protection of Rights) Act, 2019: A Juxtaposition with International Legal Frameworks and Conventions' (2024) 16(4) *Krytyka Prawa* 456, 466–69.

¹⁷ Transgender Persons (Protection of Rights) Amendment Act 2026, s 7, substituting Transgender Persons (Protection of Rights) Act 2019, s 18(e)–(h).

¹⁸ S.O. 2620(E), Gazette of India, Extraordinary, pt II, s 3(ii) (22 May 2026) (effective 25 May 2026).

¹⁹ Transgender Persons (Protection of Rights) Amendment Act 2026, ss 2–3.

²⁰ *ibid* ss 2, 4 and 5.

seeking care; magnify distrust; and disrupt access to services dependent on documentation.²¹

There are pending constitutional challenges. In May 2026, the Supreme Court issued notice to the Union, States and Union Territories and declined an interim stay; in June, it stayed parallel proceedings in several High Courts while transfer questions were considered. At the hearing on 3 August 2026, the Court asked the Union Government to respond to the allegations that the amendment would erase accrued benefits, disrupt access to hormone treatment and invalidate identity cards that were issued under the previous framework.²² No ultimate ruling on constitutional validity was passed by the date of 5 August 2026. Nonetheless, the amendment creates a weighty constitutional issue. Can legislation remove the statutory manifestation of self-identified gender when that principle has an independent basis in Articles 14, 15, 19 and 21? Until that question is resolved, the amendment weakens the human-rights coherence of the Act even as it strengthens the penalties for grave coercive harms.

7. REFORM AGENDA

A programme of reforms focused on rights should move forward on seven fronts. Parliament must restore a declaration-based system of legal recognition in the first place. A simple, accessible, prompt administrative process may verify identity particulars, but it should not grant a medical board authority to determine gender. There must be no preconditions on surgery, hormonal treatment, diagnosis and family approval.

A transitional protection may be granted for existing rights.

Moreover, there should be civil anti-discrimination regime. A national and state equality mechanism, independent from the government, must be empowered to hear complaints, order for compensation and/or reinstatement, provide for interim and structural relief, audit, and impose proportionate civil penalties. We need burden of proof

shifting, protection from retaliation, collective complaints and legal aid. Grievance officers should be the first line of operation internal, not the last resort.

The Union and State Governments must implement NALSA through a transparent affirmative-action framework which should also include horizontal reservation in all public educational institutions and public employment and also include scholarships, recruitment drives and reasonable accommodation. Transgender identity must not overshadow other identity attributes like caste, tribe, disability and economic disadvantage. This requires an intersectional design.

Financial accountability guarantees that the envisioned benefits will follow. The minimum standards should govern the following, namely, gender-affirming and general health care mental health support insurance inclusive curriculum sanitation housing skill development social security. Public dashboards should not only show what was done, but the results achieved. Outcomes to be included are applications, delays, complaints, time to resolution, prosecutions, compensation, school retention, job placement and retention, wages and use of health care.

Christine Suggested Legislation Recognition of Chosen Families, Independent Living and Community Support. Rehabilitation hubs must be voluntary and independently-checkable. The housing policy must include rental non-discrimination, accommodation in crisis situations and supported living arrangements, and protection from family violence.

Community involvement must be seen as systematic, not sporadic. It is essential that transgender individuals comprise a substantial and diverse representation on the NCTP and the State boards. Moreover, their selection process must be transparent and public consultation papers must be made available. The pre-legislative stage must involve consultation on major amendments with trans men, trans women, non-binary persons, intersex persons and socio-cultural communities.

²¹ Kimberley Maria D'Souza, Ritash Achanta and Nancy Angeline Gnanaselvam, 'Public Health Implications of the Transgender Persons Protection of Rights Amendment Act 2026 in India' (2026) 23 *Discover Public Health* 1095; DOI 10.1186/s12982-026-02494-w.

²² *Dr Akkai Padmashali and Others v Union of India and Others*, Writ Petition (Civil) No 535 of 2026, order dated 4 May 2026 (SC) (notice issued; interim stay declined); Scroll Staff, 'SC Stays Proceedings before High Courts in Petitions Challenging Amended Trans Rights Law' *Scroll.in* (15 June

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Ultimately, some enforceable federal accountability must underpin the implementation. Every State and Union Territory must put out annual compliance plan and create protection cells and welfare boards, appoint nodal officers at the district level and provide audited data. The consequences of persistent failure to comply must be financial, administrative and judicial. According to Jane Kaushik's principle, inaction by people is not neutral. It's not a negative arrangement, but one that preserves the structural barriers.

8. CONCLUSION

The (2019 Act) is not a hollow victory and is not the end of the story. It changed a constitutionally guaranteed judicial entitlement into a national law, criminalised discrimination in important areas, gave rise to documentation and grievance infrastructure, and fast-tracked welfare policies. The achieved developments serve as a foundation for enhancing equality law.

Nevertheless, physical breakdowns are present. The Act heavily relies on administrative discretion, mechanisms for internal complaints, and broadly worded welfare duties. This is not a wholly effective civil remedy; it does not guarantee statutory affirmative action, universal socio-economic entitlements or sufficiently transparent outcome monitoring. The institutional scaling up of different frameworks such as certificates, boards, shielding cells, shelters, and training programmes show activity but not yet the total effectiveness at human rights level. The intervention of the Supreme Court in the Jane Kaushik case makes it evident that rights will only remain a formal guarantee if they are not implemented.

Tension is further heightened by 2026 amendment. Its Gradation Response to coercive exploitation can be justified in multiple ways. However, the medicalised system for recognizing these exploitations takes a step back from the autonomy that NALSA has at its core. The legitimacy of the statutory regime will rely on whether we understand protection as enabling a self-determined life or as permitting state verification of identity. An approach concerning the human rights demands former The Act has no relevance unless transgender persons can attain recognition without medical gatekeeping, acquire material opportunities through affirmative actions, contest discrimination before accessible institutions and decisively participate in governance of the law made in their name.

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