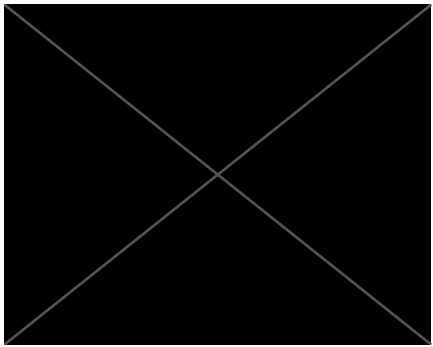




INDEX


S. No.	Particulars of Documents	Page No. of the part to which it belongs		Remarks
		Part I (Contents of Paper-book)	Part II (Contents of file alone)	
(i)	(ii)	(iii)	(iv)	(v)
1.	Listing Proforma.	A-A1	A-A1	
2.	Cover Page of Paper-Book.	A2	A2	
3.	Index of Recor of Proceedings.	A3	A3	
4.	Defect List.	A4	A4	
5.	Note Sheet.	Ns1-Ns____	Ns1-Ns____	
6.	Synopsis & List of Dates & Events.	B- S		
7.	Petition under Article 32 of the Constitution of India for issuance of appropriate writ, order or direction in the nature of mandamus or other similar writ under Article 32 of the Constitution of India with supporting affidavit.	1-59		
8.	Annexure P-1: A true copy of Saher Bano and Sarbani Banerjee's interview with Santa Khurai titled " <i>Identify me as [...] Manipuri Indigenous nupi maanbi</i> "	60-75		

	<p><i>(transwoman): A conversation with Santa Khurai about revitalizing Indigenous queer poetry, narratives and activism” published on 28 Oct 2025 in the Journal of Postcolonial Writing discusses the historical origins and contemporary relevance of indigenous Manipuri trans communities.</i></p>			
9.	<p>Annexure P-2: A true copy of the Criminal Tribes Act, 1871 (Repealed).</p>	76-85		
10.	<p>Annexure P-3: A true copy of the Criminal Tribes Laws (Repeal) Act, 1952.</p>	86-93		
11.	<p>Annexure P-4: A true copy of a detailed comparison of the Impugned Amendment with the CTA.</p>	94-96		
12.		97		

13.	Annexure P-6: A true copy of the judgement dated 08.08.2018 passed by the Hon'ble High Court of Delhi at New Delhi in <i>Harsh Mander & Anr. v. Union of India & Ors., WPC 10498/2009.</i>	98-120		
14.	Annexure P-7: A true copy of the Statements of Objects and Reasons for the Transgender Persons (Protection of Rights) Bill, 2019.	121-128		
15.	Annexure P-8: A true copy of the Transgender Persons (Protection of Rights) Act, 2019.	129-130		
16.	Annexure P-9: A true copy of the Transgender Persons (Protection of Rights) Rules, 2020.	131-145		
17.	Annexure P-10: A true copy of Petitioner No. 3's transgender identity card 	146		
18.	Annexure P-11: A true copy of Petitioner No. 1's transgender identity card	147		

	and female identity card 			
19.	Annexure P-12: A true copy of the judgement dated 06.07.2023 passed by the Hon'ble High Court for the State of Telangana in <i>V. Vasanta Mogli v. State of Telangana</i> W. P. (PIL) 44/2018.	148-275		
20.	Annexure P-13: A true copy of the order dated 19.08.2025 passed by the Hon'ble High Court of Manipur at Imphal in <i>Dr. Beoncy Laishram vs Union of India</i> , W.P.(C) 392/2024.	276-299		
21.	Annexure P-14: A true copy of the Transgender Persons (Protection of Rights) Amendment Bill, 2026, along with the Statement of Objects and Reasons.	300-311		
22.	Annexure P-15: A true copy of the letter titled "An Open Appeal from Parents of LGBTQIA+Regarding the Transgender Persons	312-315		

	Amendment Bill 2026” sent from Sweekar to Respondent No. 2.			
23.	Annexure P-16: A true copy of the statement titled “Mental Health Professionals Condemn the Transgender Persons (Protection of Rights) Amendment Bill, 2026” dated 20.03.2026.	316-325		
24.	Annexure P-17: A true copy of the statement titled “Collective Statement by Healthcare Professions on the Transgender Persons (Protection of Rights) Amendment Bill, 2026”.	326-338		
25.	Annexure P-18: A true copy of the letter dated 25.03.2026 sent by Justice Asha Menon (Retd.) Chairperson of the Advisory Committee to the Respondent No. 2 Union of India, Ministry of Social Justice and Empowerment.	339-340		
26.	Annexure P-19: A true copy of the Transgender	341-345		

	Persons (Protection of Rights) Amendment Act, 2026.			
27.	Annexure P-20: A true copy of the letter of authorisation from ATMA 	346		
28.	Annexure P-21: A true copy of the Government of Manipur, Secretariat, Home Department suspension of internet and broadband services order dated 07.04.2026.	347		
29.	Annexure P-22: A true copy of the order dated 08.04.2026 passed by the Hon'ble High Court of Delhi at New Delhi in <i>Chandresh Jain vs. UOI & Ors.</i> W.P.(C) 4587/2026.	348		
30.	Annexure P-23: A true copy of the order dated 08.04.2026 passed by the Hon'ble High Court of Delhi at New Delhi in <i>Lakshay Jain vs. UOI & Ors.,</i> W.P.(C) 4620/2026.	349		

31.	Annexure P-24: A true copy of the order dated 10.04.2026 passed by the Hon'ble High Court of Kerala at Ernakulam in <i>Neethu vs. UOI & Ors.</i> WP(C) 14156/2026.	350-353		
32.	Annexure P-25: A true copy of the order dated 10.04.2026 passed by the Hon'ble High Court of Kerala at Ernakulam in <i>Akhil K. Thampi vs. UOI & Ors.</i> WP(C) 13731/2026.	354-356		
33.	Annexure P-26: A true copy of the Hon'ble High Court of Karnataka case status in <i>Akira Mujawar vs UOI & Ors.</i> WP 11655/2026.	357		
34.	Annexure P-27: A true copy of the Hon'ble High Court of Karnataka case status in <i>Sri Maya M vs UOI & Ors.</i> WP 11652/2026.	358		
35.	Annexure P-28: A true copy of the Government of Manipur, Secretariat, Home Department revocation of	359		

	suspension of internet and broadband serves order dated 18.04.2026.			
36.	Annexure P-29: A true copy of the Order dated 21.04.2026 passed by the Hon'ble High Court of Rajasthan bench at Jaipur in D. B. Civil Writ Petition (PIL) No. 7204/2026.	360		
37.	I. A. No. _____ of 2026: An application for Interim Relief.	361-376		
38.	Filing Memo.	377	377	
39.	Vakalatnama.	378-380	378-380	

DRAWN BY:

Rajagopalan R @ Kanmani R, Adv

Muskan Tibrewala, Adv.

Harshit Anand, Adv

Payal Gaikwad, Adv

Sithara Sarangan, Adv

Place: New Delhi

Dated: 24.06.2026

FILED BY:

Shakeel Ahmed

Mr. Shakeel Ahmed

Advocate for the Petitioners

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY ORIGINAL JURISDICTION**

(Under Article 32 of the Constitution of India)

WRIT PETITION (CIVIL) NO. ____ OF 2026

(Petition under Article 32 of the Constitution of India for
issuance of appropriate writ, order or direction in the nature of
mandamus or other similar writ under Article 32 of the
Constitution of India.)

IN THE MATTER OF:

Thangjam Santa Singh @ Santa Khurai & Ors. ... **Petitioners**

Versus

Union of India & Ors. ... **Respondents**

AND WITH

I. A. No. _____ of 2026

An application for Interim Relief

For Paper-Book Index

Kindly See Inside Paper-Book

Advocate for the Petitioner: Mr. Shakeel Ahmed

SYNOPSIS

1. The present Petition challenges the constitutionality of the Transgender Persons (Protection of Rights) Amendment Act, 2026 ('Impugned Amendment'), except sections 2(i) and 6, which amends the Transgender Persons (Protection of Rights) Act of 2019 ('the Principal Act').
2. Petitioner No. 1 is Santa Khurai, a Nupi Maanbi gender-rights activist, writer, poet and artist from Manipur. Petitioner No. 2 is the All Trans Man Association (ATMA), a registered society for the welfare of Nupa Maanbas, particularly in rural areas, for over a decade. Petitioner No. 3 is Oinam Hembra, a Nupa Maanba, who has been working for the trans men community for over 15 years. The Petitioners are before this Hon'ble Court because the Impugned Amendment **effectively erases any legal protections for the indigenous transgender identities of Manipur, i.e., Nupa Maanba and Nupi Maanbi.** Nupi Maanbi are the indigenous trans women of Manipur. Nupa Maanba are the indigenous trans men of Manipur.
3. The Amendment, *inter alia*:
 - A. **Narrows the definition of "transgender person"** under Section 2(k) of the Principal Act, by excluding the terms 'trans woman', 'trans man' and 'genderqueer.' This violates Article 14 by creating an arbitrary and unreasonable classification between Nupi Maanbi/trans women, Nupa Maanba/trans men, genderqueer on the one hand and the socio-cultural identities such as hijra, kinnar,

aravani and jogta and eunuch on the other. The classification is made without establishing any intelligible differentia;

- B. Deletes the statutory recognition of the right to self-identification** under Section 4(2) of the Principal Act in violation of Article 19(1)(a) and Article 21 of the Constitution; by restricting the freedom of expression of transgender persons, as gender identity constitutes a core aspect of personal expression and autonomy, arbitrarily removing rights recognised by this Hon'ble Court for more than a decade.
- C. Introduces a mandatory multi-stage certification process** through medical boards and District Magistrates under Sections 6 and 7 of the Principal Act, along with compulsory reporting of any surgical procedures without the consent of the transgender person. This violates Article 21 of the Constitution by infringing the rights to dignity, privacy and autonomy. The requirement of medical examination, certification and disclosure of identity-related information amounts to an invasion of bodily integrity and decisional privacy, contrary to the principles laid down in *K.S. Puttaswamy v. Union of India (2017) 10 SCC 1*.
- D. Creates four new offences under Section 18(e) to (h)** in the Principal Act which are vague, overbroad and not proportional to the objectives sought to be achieved by the Impugned Amendment. The offences intend to punish

D

anyone who by way of kidnapping or abduction, makes any person present as a transgender person either externally or by medical procedure because of force, coercion, undue influence, deceit or allurement. However, these offences effectively reinstate and resurrect the ghost of the unconstitutional and derogatory **Criminal Tribes Act, 1871**, **Telangana Eunuchs Act** and **anti-begging legislations** in Manipur. These provisions legally stereotype transgender persons from a kidnapping, abduction, anti-conversion and trafficking lens violative of Article 14 and 15 of the Constitution.

- E. Erases anti-discrimination protections for transgender persons excluded from the Principal Act** who lose the right to access gender affirmative healthcare, education and employment, welfare schemes, and the right to have a family due to loss of legal recognition.
- F. Reverses the constitutional mandate of *NALSA v. Union of India*** (2014) 5 SCC 438, subsequently affirmed in *Navtej* (supra), *K.S. Puttaswamy* (supra), and *Jane Kaushik v. Union of India* 2026 INSC 129.

4. The Impugned Amendment, while claiming to protect transgender persons, has instead created an artificial hierarchy of ‘genuinely oppressed’ vis-à-vis those ‘non-genuinely oppressed’. Respondents Nos. 1-3 have provided no empirical evidence or data based on which this assumption has been made.
5. Manipur’s situation is culturally unique in that the state has been

ravaged by an ethnic conflict since May 2023. In this conflict, Nupi Maanbis and Nupa Maanbas have faced displacement, loss of livelihood, and sustained damage to their homes. The heightened presence of police and armed forces has also increased the risk of police harassment for Nupi Maanbis and Nupa Maanbas in Manipur. Further, the recurring internet and broadband shutdowns severely limit the ability of transgender persons and collectives like the Petitioners to access legal resources and support networks in the face of violence and hardship.

6. In Manipur, 70.79% of the population resides in rural areas and 52.81% of workers are cultivators or agricultural labourers. It will force transgender persons, especially those who are daily wage labourers and workers, those who are elderly and destitute, who rely on income from the unorganised sector, to run from pillar to post, just to access transgender IDs or social security in an already administratively strained state due to the conflict.
7. The amended Section 18 read with Section 2(k)(ii), along with Section 7(1A) sets up a surveillance architecture and a parallel 'anti-conversion' mechanism wherein transgender persons and any person who supports transgender persons are at the risk of criminalisation. This puts every person, collective, community and organisation that helps a transgender person, which includes the Petitioners, at the risk of facing legalised 'mob justice'. This includes friends and family, shelter homes, community-based organisations, medical professionals, educational institutions,



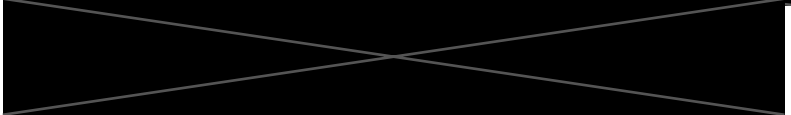
establishments, etc. and marginalises the very persons the Impugned Amendment seeks to protect. Hence, the present Writ Petition.

LIST OF DATES AND EVENTS

DATES	EVENTS
Since time immemorial	Diversity in gender expression and gender plurality has existed as part of history and society in Manipur. Several persons who have been employed in certain designations in royal households have been documented in historical texts and the term used then was ‘pheidā’.
Pre-Colonial Manipur	Nupi Maanbi are the indigenous trans women of Manipur, Nupa Maanba are the indigenous trans men of Manipur. They follow indigenous Meitei customs and have deep historical roots in pre-colonial Meitei societies as ritual specialists alongside maibis (shamans).
12.10.1871	The Criminal Tribes Act, 1871 (Act no. XXVII of 1874) (‘CTA’) sub-titled- “ <i>An Act for registration of Criminal Tribes and Eunuchs</i> ” was enacted by the then Governor General of India-in Council and was amended several times, including in 1911 and 1924.
1952	The Criminal Tribes Laws (Repeal) Act, 1952 (Act No. XXIV of 1952) was enacted, which

	repealed the CTA for the whole of India except Jammu and Kashmir.
1990s	The Petitioner No. 1, Santa Khurai was the first openly trans person to set up a beauty parlour in Manipur. Such beauty parlours established by Santa Khurai and others went on to become spaces for trans persons to sustain themselves economically and interact with the larger society.
	There are also several trans men in Manipur (Nupi Maanba) who have survived and are over 60 years of age. Many trans men are unemployed. A few work in government departments, mostly in police and law enforcement departments. However, due to patriarchy, several trans men face a lack of understanding and acceptance from natal families and larger society.
2002	Petitioner No. 1, Santa Khurai led a Nupi Maanbi dance team titled ‘Seven Sisters’, one of its first kind in India, which was an attempt to build economic empowerment and visibility for trans persons in Manipur.
	Transgender persons in Manipur are involved in the field of arts, dancing, acting, writing, beauty, cinema, sports, martial arts etc.,. However, transgender persons in Manipur have faced and

	<p>continue to face discrimination, exclusion, harassment and violence. Manipur's transgender communities are especially vulnerable in the context of socio-political conflicts.</p>
2008-2010	<p>The Petitioner soon organised the Trans Queen Contest North East to bring under the umbrella of fashion and beauty transgender persons who were reluctant to come forward in the face of a conservative society. This was one of the first major efforts to be led by transgender persons.</p>
15.04.2014	<p>This Hon'ble Court in the case of <i>National Legal Services Authority of India vs Union of India (2014) 5 SCC 438</i> ('NALSA'), at paragraph 135 (1) held that transgender persons have the right to self-identify and self-determine their gender identity as male, female or as transgender (the judgment uses the term 'third gender'). The Hon'ble Court reaffirmed the fundamental rights of transgender persons, including equality, dignity, freedom of expression and association, as well as the right to life under the Constitution of India and had also directed the Central and state governments to take steps for extending reservations for transgender persons, separate surveillance centres, etc.</p>

	<p>The <i>NALSA</i> judgment became a constitutional tool for transgender persons in Manipur to slowly open the doors for legal recognition, to advocate for better legal protections, to materialise fundamental rights in everyday life of law and push for welfare schemes to be framed for transgender persons by authorities.</p>
2016	<p>Following the <i>NALSA</i> judgement, Manipur had been one of the forerunners in taking progressive steps towards the protection of the rights and welfare of transgender persons due to persistent efforts from transgender persons, especially the Petitioner. The transgender welfare board was constituted in Manipur in 2016.</p>
	<p>Petitioner No. 2 “All Trans Man Association” (ATMA) is duly registered under the Registration Act, 1908 in the  </p>
24.08.2017	<p>This Hon’ble Court in <i>Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1</i> recognised the right to privacy, dignity and autonomy as fundamental rights under Article 21 and reaffirmed the Hon’ble Court’s decision in <i>NALSA</i>.</p>

06.09.2018	This Hon'ble Court in <i>Navtej Singh Johar v. Union of India (2018) 10 SCC 1</i> affirmed that identity and autonomy are intrinsic to dignity and personal liberty and reaffirmed the Hon'ble Court's decision in <i>NALSA</i> .
08.08.2018	The Hon'ble Delhi High Court declared provisions of the Bombay Prevention of Begging Act, 1959, as extended to Delhi unconstitutional for criminalising begging on the grounds that it was manifestly arbitrary under Article 14 because it failed to distinguish between voluntary and involuntary begging, violated their rights and liberties under Articles 19 and 21 and were ineffective because they did not address the root cause of poverty.
05.12.2019 - 10.01.2020	The Transgender Persons (Protection of Rights) Act, 2019 (Act no. 40 of 2019) ("Principal Act") was enacted and brought into force pursuant to the directions in <i>NALSA</i> , recognising the right to self-perceived gender identity. It sought to provide anti-discrimination protections and basic welfare measures.
	The Principal Act and the Rules did not explicitly mention identities such as Nupi Maanbi and Nupa Maanba. However, it had an expansive and inclusive

	<p>definition, i.e., in Section 2(k), “<i>transgender person means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy)</i>”. Nupi Maanbi and Nupa Maanba fell within this part of the definition. This ensured that transgender persons in Manipur were able to access the benefits, welfare schemes and anti-discrimination protections of the Act.</p>
<p>25.09.2020</p>	<p>The Transgender Persons (Protection of Rights) Rules, 2020 were published and notified by Respondent No. 2 in the Official Gazette on 25th September, 2020 (‘2020 Rules’).</p>
	<p>The Principal Act and Rules did not set up any criteria for medical intervention for the recognition of transgender identity. Further, while Section 7 of the Act stated that surgery is the requirement for obtaining a certificate as ‘male’ or ‘female’, the 2020 Rules expanded the requirement to ‘medical intervention’ which was defined as, “<i>medical intervention includes any gender affirming medical intervention undertaken by an individual to facilitate the transition to their self-identified</i></p>

	<i>gender, including but not limited to counselling, hormonal therapy, and surgical intervention, if any”.</i>
28.08.2021	The District Magistrate of the Government of Manipur issued to Petitioner No. 3 Oinam Hembra, Nupa Maanba, their transgender identity card under Section 6 of the Principal Act.
22.08.2022	The District Magistrate of the Government of Manipur issued to Petitioner No. 1, Thangjam Santa Singh @ Santa Khurai, their transgender identity card and female identity card under Sections 6 and 7 of the Principal Act respectively.
06.07.2023	In <i>V. Vasanta Mogli v. State of Telangana</i> , the Hon’ble High Court of Telangana declared the Telangana Eunuchs Act, 1329 Fasli, as ultra vires and unconstitutional. The court noted it was analogous to the repealed colonial-era Criminal Tribes Act, 1871, which stigmatised and criminalised the entire transgender community.
19.08.2025	In <i>Dr. Beoncy Laishram vs Union of India</i> , W.P.(C) 392 of 2024, the Hon’ble High Court of Manipur, at Imphal, held that a transgender person who has obtained a certificate of identity under Section 6 or a revised certificate under Section 7 of the Transgender Persons (Protection of Rights) Act,

	<p>2019 is entitled to have their name and gender updated in all official records, including educational certificates.</p>
	<p>The Court observed that the absence of enabling provisions in the bye-laws or regulations of educational institutions cannot override the statutory rights conferred by the Transgender Persons (Protection of Rights) Act, 2019 and the Transgender Persons (Protection of Rights) Rules, 2020.</p>
17.10.2025	<p>This Hon'ble Court passed a judgment in <i>Jane Kaushik vs Union of India 2025 INSC 1248</i>,. Jane Kaushik, a transgender teacher was discriminated against by private establishments. The Hon'ble Court on grounds of substantive equality, a horizontal application of fundamental rights and, by analysing the lack of implementation of the Act and Rules, held both the Union and State governments liable. It issued directions to streamline identity certification; maintain and expand <i>Garima Grehs</i>, among others. It also formed an Advisory Committee with a broad mandate to study the 2019 Act and 2020 Rules.</p>

13.03.2026	The Transgender Persons (Protection of Rights) Amendment Bill, 2026 was introduced in the Lok Sabha to amend the Principal Act.
17.03.2026	Sweekar - The Rainbow Parents, a collective of parents of LGBTQIA+ individuals, addressed a letter to the Respondent No. 2 Union of India, Ministry of Social Justice and Empowerment urging them to reconsider the Amendment Bill due to its rejection of self-determination of gender identities, criminalisation of support systems and medicalisation of transgender identities.
20.03.2026	A collective of Mental Health Professionals released a statement titled “Mental Health Professionals Condemn the Transgender Persons (Protection of Rights) Amendment Bill, 2026” stating that the Amendment Bill, rather than protecting transgender persons, will cause structural harm, deepen stigma, and increase the risk of suicide. They also warn how the Bill’s criminalising provisions criminalise care, and set up a surveillance architecture that forces them to choose between violating professional ethics or risking criminal liability, thereby deterring patients from seeking life-saving care. They also attested that the government’s justification regarding “welfare

	<p>misuse” is unsupported by data. Conversely, evidence shows transgender persons are systematically denied access to welfare schemes.</p>
20.03.2026	<p>The said Advisory Committee set up under <i>Jane Kaushik</i> (supra) held a meeting and passed a resolution stating that the Transgender Persons (Protection of Rights) Amendment Bill, 2026 (Amendment Bill) was contrary to the judgment in <i>NALSA</i>. However, the Advisory Committee was not consulted. Further, the National Council for Transgender Persons, a statutory body under the Principal Act was also not consulted.</p>
22.03.2026	<p>A collective of healthcare professionals comprising a broad range of medical, mental health, and public health experts published a statement that the Impugned Amendments are scientifically inaccurate, ethically unsound, and harmful to the health and well-being of transgender individuals. The signatories urged Respondent Nos. 1-3 to withdraw the 2026 Amendment Bill in its current form and engage in meaningful consultation with transgender communities and healthcare experts before introducing further amendments.</p>
25.03.2026	<p>The Advisory Committee formally recommended that the Bill be withdrawn and called</p>

	for wider community consultation before any amendment to the Principal Act.
	On the same date, the Amendment Bill was passed by the Rajya Sabha, thereby completing its passage through both houses of the Parliament.
30.03.2026	<p>However, the Transgender Persons (Protection of Rights) Amendment Act, 2026 (“Impugned Amendment”) was published by Respondent No. 2 in the Extraordinary Gazette of India Part II, Section 1 on 30.03.2026 after receiving the assent of the President. The following provisions of the Amendment, which stand impugned:</p> <p><i>i. Section 2(ii), (iii), (iv): Narrowed definition of “transgender person”, excluding self-perceived identity;</i></p> <p><i>ii. Section 3: Removal of the right to self-identified gender from Section 4(2) of the Act;</i></p> <p><i>iii. Section 4: Mandatory certification by District Magistrate based on verification; Medical board involvement and certification post-surgery; and</i></p> <p><i>iv. Section 5(a) and (b): Mandatory reporting of gender-affirming procedures to authorities</i></p>

	<p><i>v. Section 7: Creation of 4 new offences under Section 18(e) to (h) of the Act, which perpetuates harmful stereotypes on transgender persons, puts them under the threat of group criminalisation and by association, reinstates the Criminal Tribes Act, 1871, as amended from time to time and the Telangana Eunuchs Act.</i></p>
	<p>Section 1(2) of the impugned Amendment states that, “It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.” As of date, the Respondent Nos. 1 and 2 have not issued any notification in the official Gazette to bring the impugned amendment into force.</p>
02.04.2026	<p>Laishram Sopin, Secretary, All Trans Man Association (ATMA), Manipur confirms the authorisation from the members of ATMA to initiate litigation on behalf of ATMA with respect to the Impugned Amendments.</p>
07.04.2026	<p>The Government of Manipur vide order/notification dated 07.04.2026 suspended mobile internet services, broadband services and imposed a curfew in five districts due to the recent violent incidents.</p>

08.04.2026	Two Public Interest Litigations were filed in the Hon'ble High Court of Delhi, wherein the Impugned Amendment has been challenged on grounds of constitutionality and for violating the transgender persons' fundamental rights. The Hon'ble High Court of Delhi issued notice on both petitions on 8.04.2026 and listed the matter for the next hearing on 22.07.2026.
10.04.2026	Subsequently, two writ petitions were filed in the Hon'ble High Court of Kerala challenging the Impugned Amendment on grounds of constitutionality and for violating the petitioners' rights. The Hon'ble High Court of Kerala has issued notices along with an interim order reaffirming the right of the petitioners to continue hormone therapy.
10.04.2026	Two writ petitions were also filed in the Hon'ble High Court of Karnataka wherein the Impugned Amendment has been challenged on grounds of constitutionality and for violating the petitioners' rights which were heard on 10.04.2026. The Hon'ble High Court of Karnataka adjourned the cases to 21.04.2026, asking the Respondent therein, i.e. Union of India, to respond with instructions.
18.04.2026	The Government of Manipur vide order/notification dated 18.04.2026 revoked the


	<p>temporary suspension of Mobile Internet Services/Mobile data Services, including VPN Services, in the five districts. The revocation was stated to be on the basis of a review of the situation and on consideration of the suffering of the common people and the inconvenience caused to important offices/institutions, courts, people working from home, health facilities, educational institutions, and various online-based citizen services.</p>
22.04.2026	<p>The Hon'ble High Court of Rajasthan issued notice in a PIL filed against the Impugned Amendment in D.B. Civil Writ Petition (PIL) No. 7204/2026.</p>
April 2026	<p>The Impugned Amendment is violative of fundamental rights of transgender persons in Manipur and destroys the decades of work of transgender communities, including that of the Petitioner, to build a life of dignity, self-respect and economic empowerment for transgender persons in Manipur.</p>
24.04.2026	<p>Hence, with no other alternate remedy, the Petitioners have approached this Hon'ble Court through this writ petition to protect the rights, protections and lives of transgender persons in Manipur.</p>

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) No. OF 2026

Petition under Article 32 of the Constitution of India for issuance of appropriate writ, order or direction in the nature of mandamus or other similar writ under Article 32 of the Constitution of India.

IN THE MATTER OF:

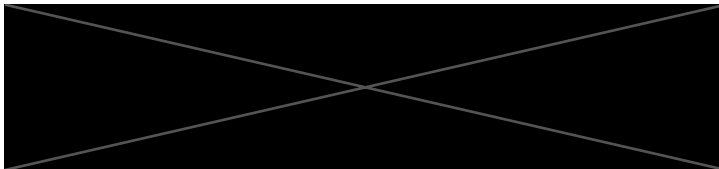
1. Thangjam Santa Singh also known as Santa Khurai 

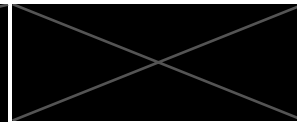




... Petitioner No. 1

2. All Trans Man Association (ATMA)





Petitioner No. 2

3. Oinam Hembra  



... Petitioner No. 3

Versus

1. Union of India, through Secretary, Ministry of Law and Justice, 4th Floor, A Wing, Shastri Bhawan, New Delhi-110001 **... Respondent No. 1**
2. Union of India, Represented by the Secretary, Ministry of Social Justice and Empowerment, Room No. 622, A Wing, Shastri Bhawan, New Delhi – 110001 **... Respondent No. 2**
3. Union of India, Represented by its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, Maulana Azad Road, New Delhi—110011 **... Respondent No. 3**
4. State of Manipur, Represented by the Principal Secretary, Department of Social Welfare, Government of Manipur,

Manipur Secretariat, P.O. and P.S. Imphal, Imphal, West
District, Manipur

... Respondent No. 4

**PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF
APPROPRIATE WRIT, ORDER OR DIRECTION IN THE
NATURE OF MANDAMUS OR OTHER SIMILAR WRIT
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA.**

To

Hon'ble The Chief Justice of India
and His Lordship's Companion Justices
of the Supreme Court of India.

The Humble petition of the Petitioners abovenamed.

MOST RESPECTFULLY SHEWETH:

1. The present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner seeking an appropriate writ, order or directions in the nature of mandamus or such other writ as this Hon'ble Court may be pleased to issue.
2. Petitioner No. 1, Thangjam Santa Singh, also known as Santa Khurai, belongs to a Manipuri indigenous transgender community called "Nupi Maanbi." She is a writer, poet, artist and a gender rights advocate. The Petitioner is the first person to set up a trans beauty salon in Manipur, which is run and managed by transgender persons. Her work for the betterment and welfare of the trans community has gained recognition in the entire region of North East India and the rest of the country. During the COVID-19 pandemic, she was active in organising relief work for the transgender community in Manipur and distributed rations to close to

2000 trans persons, including trans men and women. The Petitioner is also the Secretary of the “All Manipur Nupi Maanbi Association” (AMANA). Her advocacy for the rights of transgender persons includes supporting them in attaining legal recognition and better employment and livelihood opportunities. The Petitioner was also invited to be a part of the Universal Periodic Review, a working group session of the United Nations Human Rights Initiative held in Delhi.

3. Petitioner No. 2 is the All Manipur Trans Man Association, ATMA Manipur. was registered on 27 June 2016. Petitioner No. 2 is the All Trans Man Association (ATMA), Manipur, a registered society of Nupa Maanbas which has been working for the welfare of Nupa Maanbas in Manipur, particularly in rural areas, for over a decade. They are a collective of volunteers who, at their own expense and time, provide emergency shelter support, mental health support, education and employment support and crisis intervention for trans men and gender non-conforming persons of all ages. As a volunteer team of trans men, our work became extremely important since trans men, who are assigned female at birth, are marginalised and invisibilised by society. Trans men often face situations of natal family violence, harassment, discrimination and lack of documentation. The ATMA team works in districts across Manipur, and whenever any problem arises, they work together to provide support. They support each other and the larger community to the best they can, operating using the pocket money of their members.







Whenever a trans person needs emergency assistance, they also contribute from their own pockets.

4. Petitioner No. 3 is Oinam Hembra, a Nupa Maanba (trans man), and has been working for the trans man community for over 15 years. He has legally affirmed his identity, with all official documents updated under the transgender category. He supports the transgender community through advocacy for rights, crisis interventions and provides them help in difficult situations. He also works with families, especially parents of transgender children, to build understanding and acceptance. Providing mental health support to trans men is an important part of his work. He is also involved in sensitisation, capacity building, and advocacy with stakeholders to promote dignity and equal rights.

Facts of the Case

5. Nupi Maanbi are the indigenous trans women of Manipur, Nupa Maanba are the indigenous trans men of Manipur. They follow indigenous Meitei customs and have deep historical roots in pre-colonial Meitei societies as ritual specialists alongside maibis (shamans). A true copy of Saher Bano and Sarbani Banerjee's interview with Santa Khurai titled "*Identify me as [...] Manipuri Indigenous nupi maanbi (transwoman): A conversation with Santa Khurai about revitalizing Indigenous queer poetry, narratives and activism*" published on 28 Oct 2025 in the Journal of Postcolonial Writing discusses the historical origins and contemporary relevance of indigenous Manipuri trans

communities is annexed herewith as **Annexure P-1** at pages 60 to 75 .

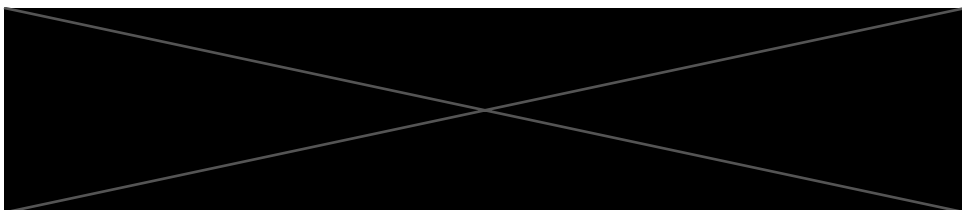
6. The Criminal Tribes Act, 1871 (Act no. XXVII of 1874) ('CTA') sub-titled- "*An Act for registration of Criminal Tribes and Eunuchs*" was enacted by the then Governor General of India-in Council and was amended several times, including in 1911 and 1924. A true copy of the Criminal Tribes Act, 1871 (Repealed) is annexed herewith as **Annexure P-2** at pages _76 to 85.
7. The Criminal Tribes Laws (Repeal) Act, 1952 (Act No. XXIV of 1952) was enacted, which repealed the CTA for the whole of India except Jammu and Kashmir. A true copy of the Criminal Tribes Laws (Repeal) Act, 1952, is annexed herewith as **Annexure P-3** at pages _86 to 93.
8. The Impugned Amendment essentially brings back the colonial horror of the Criminal Tribes Act, 1871 as old wine in a new bottle. A true copy of a detailed comparison of the Impugned Amendment with the CTA is annexed herewith as **Annexure P-4** at pages _94 to 96
9. Petitioner No. 2 "All Trans Man Association" (ATMA) is duly registered under the Registration Act, 1908 





10. The Hon'ble Delhi High Court declared provisions of the Bombay Prevention of Begging Act, 1959, as extended to


Delhi unconstitutional for criminalising begging on the grounds that it was manifestly arbitrary under Article 14 because it failed to distinguish between voluntary and involuntary begging, violated their rights and liberties under Articles 19 and 21 and were ineffective because they did not address the root cause of poverty. A true copy of the judgement dated 08.08.2018 passed by the Hon'ble High Court of Delhi at New Delhi in *Harsh Mander & Anr. v. Union of India & Ors., WPC 10498/2009* is annexed herewith as **Annexure P-6** at pages _98 to 120.

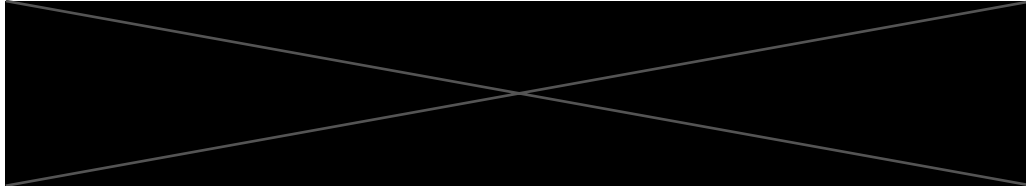
11. The Transgender Persons (Protection of Rights) Act, 2019 (Act no. 40 of 2019) (“Principal Act”) was enacted and brought into force pursuant to the directions in NALSA, recognising the right to self-perceived gender identity. It sought to provide anti-discrimination protections and basic welfare measures. The Principal Act and the Rules did not explicitly mention identities such as Nupi Maanbi and Nupa Maanba. However, it had an expansive and inclusive definition, i.e., in Section 2(k), “*transgender person means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy)*”. Nupi Maanbi and Nupa Maanba fell within this part of the definition. This ensured that transgender persons in Manipur were able to access the benefits, welfare schemes and anti-discrimination protections of the Act. A true copy of the Statements of Objects and

Reasons for the Transgender Persons (Protection of Rights) Bill, 2019 is annexed herewith as **Annexure P-7** at pages _121 to 228. A true copy of the Transgender Persons (Protection of Rights) Act, 2019 is annexed herewith as **Annexure P-8** at pages _129 to 130 .

12. The Transgender Persons (Protection of Rights) Rules, 2020 were published and notified by Respondent No. 2 in the Official Gazette on 25th September, 2020 ('2020 Rules'). The Principal Act and Rules did not set up any criteria for medical intervention for the recognition of transgender identity. Further, while Section 7 of the Act stated that surgery is the requirement for obtaining a certificate as 'male' or 'female', the 2020 Rules expanded the requirement to 'medical intervention' which was defined as, "*medical intervention includes any gender affirming medical intervention undertaken by an individual to facilitate the transition to their self-identified gender, including but not limited to counselling, hormonal therapy, and surgical intervention, if any*". A true copy of the Transgender Persons (Protection of Rights) Rules, 2020 is annexed herewith as **Annexure P-9** at pages _131 to 145 .
13. The District Magistrate of the Government of Manipur issued to Petitioner No. 3 Oinam Hembra, Nupa Maanba, their transgender identity card under Section 6 of the Principal Act.



14. The District Magistrate of the Government of Manipur issued to Petitioner No. 1, Thangjam Santa Singh @ Santa Khurai, their transgender identity card and female identity card under Sections 6 and 7 of the Principal Act respectively. 



15. In *V. Vasanta Mogli v. State of Telangana*, the Hon'ble High Court of Telangana declared the Telangana Eunuchs Act, 1329 Fasli, as ultra vires and unconstitutional. The court noted it was analogous to the repealed colonial-era Criminal Tribes Act, 1871, which stigmatised and criminalised the entire transgender community. A true copy of the judgement dated 06.07.2023 passed by the Hon'ble High Court for the State of Telangana in *V. Vasanta Mogli v. State of Telangana* W. P. (PIL) 44/2018 is annexed herewith as **Annexure P-12** at pages _148 to 275.
16. In *Dr. Beoncy Laishram vs Union of India*, W.P.(C) 392 of 2024, the Hon'ble High Court of Manipur, at Imphal, held that a transgender person who has obtained a certificate of identity under Section 6 or a revised certificate under Section 7 of the Transgender Persons (Protection of Rights) Act, 2019 is entitled to have their name and gender updated in all official records, including educational certificates. The Court observed that the absence of enabling provisions in the bye-laws or regulations of educational institutions cannot override the statutory rights conferred by the Transgender Persons (Protection of Rights) Act, 2019 and the Transgender

Persons (Protection of Rights) Rules, 2020. A true copy of the order dated 19.08.2025 passed by the Hon'ble High Court of Manipur at Imphal in *Dr. Beoncy Laishram vs Union of India*, W.P.(C) 392/2024 is annexed herewith as **Annexure P-13** at pages _276 to 299 .

17. The Transgender Persons (Protection of Rights) Amendment Bill, 2026 was introduced in the Lok Sabha to amend the Principal Act. A true copy of the Transgender Persons (Protection of Rights) Amendment Bill, 2026, along with the Statement of Objects and Reasons, is annexed herewith as **Annexure P-14** at pages _300 to 311.
18. Sweekar - The Rainbow Parents, a collective of parents of LGBTQIA+ individuals, addressed a letter to the Respondent No. 2 Union of India, Ministry of Social Justice and Empowerment urging them to reconsider the Amendment Bill due to its rejection of self-determination of gender identities, criminalisation of support systems and medicalisation of transgender identities. A true copy of the letter titled "An Open Appeal from Parents of LGBTQIA+Regarding the Transgender Persons Amendment Bill 2026" sent from Sweekar to Respondent No. 2 is annexed herewith as **Annexure P-15** at pages _312 to 315.
19. A collective of Mental Health Professionals released a statement titled "Mental Health Professionals Condemn the Transgender Persons (Protection of Rights) Amendment Bill, 2026" stating that the Amendment Bill, rather than protecting transgender persons, will cause structural harm, deepen stigma, and increase the risk of suicide. They also warn how

the Bill's criminalising provisions criminalise care, and set up a surveillance architecture that forces them to choose between violating professional ethics or risking criminal liability, thereby deterring patients from seeking life-saving care. They also attested that the government's justification regarding "welfare misuse" is unsupported by data. Conversely, evidence shows transgender persons are systematically denied access to welfare schemes. A true copy of the statement titled "Mental Health Professionals Condemn the Transgender Persons (Protection of Rights) Amendment Bill, 2026" dated 20.03.2026 is annexed herewith as **Annexure P-16** at pages _316 to 325


20. A collective of healthcare professionals comprising a broad range of medical, mental health, and public health experts published a statement that the Impugned Amendments are scientifically inaccurate, ethically unsound, and harmful to the health and well-being of transgender individuals. The signatories urged Respondent Nos. 1-3 to withdraw the 2026 Amendment Bill in its current form and engage in meaningful consultation with transgender communities and healthcare experts before introducing further amendments. A true copy of the statement titled "Collective Statement by Healthcare Professions on the Transgender Persons (Protection of Rights) Amendment Bill, 2026" is annexed herewith as **Annexure P-17** at pages 326 to 338.
21. The Advisory Committee formally recommended that the Bill be withdrawn and called for wider community consultation before any amendment to the Principal Act. On

the same date, the Amendment Bill was passed by the Rajya Sabha, thereby completing its passage through both houses of the Parliament. A true copy of the letter dated 25.03.2026 sent by Justice Asha Menon (Retd.) Chairperson of the Advisory Committee to the Respondent No. 2 Union of India, Ministry of Social Justice and Empowerment is annexed herewith as **Annexure P-18** at pages 339 to 340 .

22. However, the Transgender Persons (Protection of Rights) Amendment Act, 2026 (“Impugned Amendment”) was published by Respondent No. 2 in the Extraordinary Gazette of India Part II, Section 1 on 30.03.2026 after receiving the assent of the President. The following provisions of the Amendment, which stand impugned:
- A. Section 2(ii), (iii), (iv): Narrowed definition of “transgender person”, excluding self-perceived identity;
 - B. Section 3: Removal of the right to self-identified gender from Section 4(2) of the Act;
 - C. Section 4: Mandatory certification by District Magistrate based on verification; Medical board involvement and certification post-surgery; and
 - D. Section 5(a) and (b): Mandatory reporting of gender-affirming procedures to authorities
 - E. Section 7: Creation of 4 new offences under Section 18(e) to (h) of the Act, which perpetuates harmful stereotypes on transgender persons, puts them under the threat of group criminalisation and by association, reinstates the Criminal Tribes Act, 1871, as amended from time to time and the Telangana Eunuchs Act.

F. Section 1(2) of the impugned Amendment states that, “It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.” As of date, the Respondent Nos. 1 and 2 have not issued any notification in the official Gazette to bring the impugned amendment into force.

A true copy of the Transgender Persons (Protection of Rights) Amendment Act, 2026 is annexed herewith as **Annexure P-19** at pages 341 to 345.

23. Laishram Sopin, Secretary, All Trans Man Association (ATMA), Manipur confirms the authorisation from the members of ATMA to initiate litigation on behalf of ATMA with respect to the Impugned Amendments. 

24. On 07.04.2022, the Government of Manipur vide order/notification dated 07.04.2026 suspended mobile internet services, broadband services and imposed a curfew in five districts due to the recent violent incidents. A true copy of the Government of Manipur, Secretariat, Home Department suspension of internet and broadband services order dated 07.04.2026 is annexed herewith as **Annexure P-21** at pages 347 .

25. Two Public Interest Litigations were filed in the Hon’ble High Court of Delhi, wherein the Impugned Amendment has been challenged on grounds of constitutionality and for violating the transgender persons’ fundamental rights. The

Hon'ble High Court of Delhi issued notice on both petitions on 8.04.2026 and listed the matter for the next hearing on 22.07.2026. A true copy of the order dated 08.04.2026 passed by the Hon'ble High Court of Delhi at New Delhi in *Chandresh Jain vs. UOI & Ors.* W.P.(C) 4587/2026 is annexed herewith as **Annexure P-22** at pages 348

A true copy of the order dated 08.04.2026 passed by the Hon'ble High Court of Delhi at New Delhi in *Lakshay Jain vs. UOI & Ors.*, W.P.(C) 4620/2026 is annexed herewith as **Annexure P-23** at pages 349.

26. Subsequently, two writ petitions were filed in the Hon'ble High Court of Kerala challenging the Impugned Amendment on grounds of constitutionality and for violating the petitioners' rights. The Hon'ble High Court of Kerala has issued notices along with an interim order reaffirming the right of the petitioners to continue hormone therapy. A true copy of the order dated 10.04.2026 passed by the Hon'ble High Court of Kerala at Ernakulam in *Neethu vs. UOI & Ors.* WP(C) 14156/2026 is annexed herewith as **Annexure P-24** at pages 350 to 353. A true copy of the order dated 10.04.2026 passed by the Hon'ble High Court of Kerala at Ernakulam in *Akhil K. Thampi vs. UOI & Ors.* WP(C) 13731/2026 is annexed herewith as **Annexure P-25** at pages 354 to 356.
27. Two writ petitions were also filed in the Hon'ble High Court of Karnataka wherein the Impugned Amendment has been challenged on grounds of constitutionality and for violating the petitioners' rights, which were heard on 10.04.2026. The

Hon'ble High Court of Karnataka adjourned the cases to 21.04.2026, asking the Respondent therein, i.e. Union of India, to respond with instructions. A true copy of the Hon'ble High Court of Karnataka case status in *Akira Mujawar vs UOI & Ors.* WP 11655/2026 is annexed herewith as **Annexure P-26** at pages 357. A true copy of the Hon'ble High Court of Karnataka case status in *Sri Maya M vs UOI & Ors.* WP 11652/2026 is annexed herewith as **Annexure P-27** at pages 358.

28. The Government of Manipur vide order/notification dated 18.04.2026 revoked the temporary suspension of Mobile Internet Services/Mobile data Services, including VPN Services, in the five districts. The revocation was stated to be on the basis of a review of the situation and on consideration of the suffering of the common people and the inconvenience caused to important offices/institutions, courts, people working from home, health facilities, educational institutions, and various online-based citizen services. A true copy of the Government of Manipur, Secretariat, Home Department revocation of suspension of internet and broadband services order dated 18.04.2026 is annexed herewith as **Annexure P-28** at pages 359.
29. The Hon'ble High Court of Rajasthan issued notice in a PIL filed against the Impugned Amendment in D.B. Civil Writ Petition (PIL) No. 7204/2026 on 22.04.2026. A true copy of the Order dated 21.04.2026 passed by the Hon'ble High Court of Rajasthan bench at Jaipur in D. B. Civil Writ Petition

(PIL) No. 7204/2026 is annexed herewith as **Annexure P-29** at pages 360.

30. The Impugned Amendment is violative of fundamental rights of transgender persons in Manipur and destroys the decades of work of transgender communities, including that of the Petitioner, to build a life of dignity, self-respect and economic empowerment for transgender persons in Manipur.

The Impugned Amendment

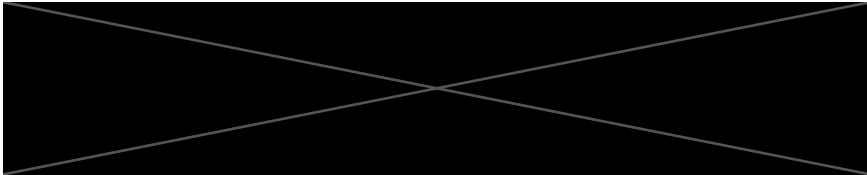
31. This Writ Petition challenges the constitutional validity of the Transgender Persons (Protection of Rights) Amendment Act, 2026, except for sections 2(i) and 6, which amends the Transgender Persons (Protection of Rights) Act, 2019, and violates the fundamental rights guaranteed under Articles 13(2), 14, 15, 19 and 21 of the Constitution of India by replacing a rights-based framework of recognition of self-identification with a regime of medical and administrative certification of gender identity.
32. It is submitted that the petition is being filed on an urgent basis and several documents pertaining to the case, including the Impugned Order(s) and the underlying record, are not available in the public domain. Accordingly, the Petitioner is praying for liberty to supplement the Petition with additional facts and grounds at a later stage.
33. It is submitted that the present Writ Petition is maintainable under Article 32 of the Constitution as it raises a direct and substantial challenge to the constitutionality of a central legislation which ex facie causes substantial harm to the Petitioners and violates the fundamental rights of transgender

persons across India. The issues raised herein do not involve disputed questions of fact but concern pure questions of constitutional interpretation, particularly the scope of Articles 13(2), 14, 15, 19 and 21. It is further submitted that while certain petitions challenging the Impugned Amendment are pending before various High Courts, the present petition raises distinct and additional grounds, including the specific impact on Nupi Maanbis and Nupa Maanbas, i.e., the indigenous transgender communities of Manipur and the structural constitutional challenge to the removal of self-identification. The multiplicity of proceedings across High Courts creates a real likelihood of inconsistent judicial outcomes on a question of national importance, warranting authoritative adjudication by this Hon'ble Court under Article 32. The Petitioners submit that the Impugned Amendment has a pan-India effect and operates uniformly across all States, thereby justifying the invocation of the jurisdiction of this Hon'ble Court.

34. It is submitted that the present challenge is maintainable notwithstanding that the Impugned Amendment has not yet been brought into force. The mere enactment of the law has already created a chilling effect on the exercise of fundamental rights by transgender persons, including their right to self-identify and express their gender identity without fear of future criminalisation. It has also created barriers to gender affirmative care, including procedures like hormone therapy and surgeries, both in private clinics and public hospitals. The existence of penal provisions and a coercive

certification regime has created immediate uncertainty, fear and deterrence, particularly among vulnerable communities such as those in Manipur. It is well-settled law which ex facie infringes fundamental rights that can be challenged prior to its enforcement, especially where it produces a chilling effect on constitutionally protected freedoms.

35. The Impugned Amendment has deleted the following phrase from definition of a transgender person under section 2(k) of the Principal Act, i.e., “*transgender persons means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy)*”. It has also removed the identity of ‘genderqueer’ from the definition of transgender person. This deletion has effectively taken away legal recognition of indigenous transgender identities of Manipur, that is, ‘Nupi Maanbi’ and ‘Nupa Maanba’, which roughly translates to trans woman and trans man in English. Such a measure has catastrophic consequences for trans women and trans men of Manipur, wherein they may lose the basic legal protections that the Act had to offer based on recognition of self-identification. The obligation of the appropriate Governments would be limited to only those who secure recognition, as per the new amendment. A non-exhaustive list of the anti-discrimination, welfare and criminal law remedies is:

- a) Anti-discrimination protections and services for a transgender student in an educational establishment;
- b) Protections during employment/occupation in establishments;
- c) Protection from discrimination in the enjoyment of goods, services, etc.;
- d) right to residence, rent, purchase, occupy or deal with property in any manner;
- e) opportunity to stand for public or private office, etc.;
- f) commitment to secure full and effective participation in society;
- g) to get inclusive education in educational institutions, including in sports; (which means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;)
- h) Protections in healthcare services, including access to hospitals and coverage of medical expenses
- i) Ability to make a complaint to a complaints officer
- j) Assistance of the transgender protection cell, the police and law enforcement
- k) 
- l) access to various social security schemes and welfare entitlements;

- m) change or update of name and gender on official documents such as Aadhar, PAN Card, Passport, etc., were solely reliant on certificates of identity issued by the District Magistrate under the Principal Act;
 - n) access Transgender person ('T') as a marker by Nupa Maanbas in Manipur to protect themselves from being frisked invasively, especially in times of ethnic conflict.
36. The Impugned Amendment has amended Section 2(k) of the Act and restricted the definition to socio-cultural identities and persons with intersex variations. However, this impugned amendment ignores the reality that the gharana systems in the context of Indian transgender communities, especially '*kinnar, hijra, aravani, jogta*' do not apply to Manipur, wherein transgender persons often reside within their familial homes rather than under a gharana system. Hence, transgender persons in Manipur have lost their right to be recognised as transgender persons.
37. Further, the Impugned Amendment introduces a new additional definition under Section 2(k)(ii). It introduces the idea that a person may be forced, allured, unduly influenced, induced or by deceit made to present as a transgender person either by conduct or by medical procedure. It is a self-contradictory definition which makes the following three assumptions:
- a. That a transgender person's consent does not matter. In that, there is an inherent assumption of compulsion when a person presents as a transperson.

- b. That a person is compelled to present as a transgender person or undergo a medical procedure.
 - c. That such a person should necessarily be included within the definition of a transgender person, despite being compelled to present that way.
38. Notwithstanding this, transgender persons will be legitimately included within the ambit of the definition, as per the Impugned Amendment, only after undergoing medical procedures like castration, hormone therapy or surgery. This is completely in contravention of the right to self-identification and also Articles 14, 15 and 21 of the Indian Constitution, given that transgender persons choose not to medically transition for various reasons, which may be financial, medical; if they have co-morbidities and sociological/ psychological.
39. The Impugned Amendment has also deleted Section 4(2) of the Principal Act, which states that, “*A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity*”. Hence, when the amended Section 2(k) is read with the amended Section 4 of the Act, transgender persons who do not have certificates of identity under Sections 6 and 7 of the Principal Act have lost the right to be recognised based on their self-declaration of their identity under Section 6 of the Act. This has further consequences due to the loss of anti-discrimination protections for Nupa Maanbas and Nupi Maanbis. For example, this would adversely impact vulnerable groups like students, those who are employed in the unorganised and

informal sector, and those who have multiple comorbidities. This is because they would have to undergo medical procedures, like hormone therapy or surgeries to access the anti-discrimination protections under the Principal Act.

- 40.** Further, it is submitted that the Impugned Amendment sets up a multi- stage process for an applicant to obtain a certificate of transgender identity under Section 6 of the Act.

These are, namely:

- a.** a medical procedure as per Section 2(k)(ii);
- b.** application to the District Magistrate ;
- c.** Evaluation/assessment by medical board, an ‘authority’ under Section 2(aa);
- d.** Examination of the medical board’s recommendation by the District Magistrate;
- e.** Assistance of ‘other medical experts’ if the District Magistrate deems it ‘necessary’ or ‘desirable’; and
- f.** Decision of the District Magistrate.

- 41.** It is submitted that the Impugned Amendment makes a ‘certificate of transgender identity’ conditional upon the subjective satisfaction of the District Magistrate as well as the ‘authority’, i.e., the medical board. This process also unfairly burdens the public healthcare system and the District Magistrate.

- 42.** In the context of Manipur specifically, having 9 districts, wherein 70.79% of the population resides in rural areas; 52.81% of the workers in Manipur are engaged as cultivators and agricultural labourers. Manipur has a total of 7 (seven) District Hospitals for the entire state. This means that the

authority, as per the impugned Amendment, would be the medical board constituted, which would usually be in the District Government Hospital. This amendment would have to constitute medical boards in each government hospital of a district. This amendment would impact transgender persons in Manipur in the following ways:

- a)** Transgender persons would be seen from a ‘biological lens’ when it is not about the body; It is about one’s mind, about one’s choice.
- b)** What is essentially a choice becomes a coercion, wherein self-identification would no longer be respected, and transgender persons in Manipur will be forced to put themselves through medical procedures like hormone therapy, surgery, etc. This is in stark contrast to the fact that many transgender persons in Manipur do not access gender affirming surgery.
- c)** Gender affirming procedures, including hormone therapy and surgery, have significant health-related consequences, including loss of reproductive capacity. In a way, transgender persons in Manipur will be forced to ‘sterilise’ or give up their reproductive capacities, without exercising their choice, only to access certificates of identity under Sections 6 and 7 of the Act.
- d)** Transgender persons would have to subject themselves to a medical board to get the minimum legal recognition.
- e)** The medical board may not be a one-day meeting, but would entail multiple appointments/days. Many trans persons, especially trans men, are unemployed or are

employed in the unorganised sector, where they are dependent on daily income/wages for their sustenance. For each appointment/meeting with the medical board, they would have to forgo their income/wages and also spend on their travel to the district government hospital.

- f)** They would have to move from department to department, i.e., the medical board to the district magistrate's office and perhaps again be put through one more round of medical experts, all to satisfy misplaced anxieties of these authorities.
 - g)** Trans men in Manipur would be put in a situation where they would have to explain to the officials, both medical and bureaucratic, as to how they are covered by the Act when, by virtue of the Impugned Amendment, the Act no longer mentions the word 'trans men'.
 - h)** These are precisely the ground-level struggles that the Principal Act, the 2020 Rules and the National portal sought to prevent and provide remedies for.
- 43.** The Impugned Amendment also introduces four new criminal offences under Section 18(e) to (h), which seek to protect persons who are forced to present a transgender identity or undergo any medical procedure. However, such offences are vague, overbroad, and can be subject to misuse.
- 44.** It is submitted that the Impugned Amendment is in violation of the fundamental rights of transgender persons. Further, this puts transgender persons in Manipur at higher risk because, as a marginalized community, they are at a greater vulnerability in times of conflict.

45. It is submitted that the present petition is being filed on an urgent basis as the impugned provisions have far-reaching consequences on the identity, dignity, legal recognition and access to several legal entitlements and anti-discrimination protections of transgender persons across the country, and the Petitioner seeks liberty to place additional facts, documents and grounds on record as and when the same become available.
46. Being aggrieved by the impugned amendment published in the Gazette by the Respondent No. 1, and having no other alternative and expeditious remedy, the Petitioner has filed the present writ petition before this Hon'ble Court. The Petitioner has not filed any other petition either before this Hon'ble Court or any other Hon'ble Court in respect of the present case. The Petition is filed on the following, among other grounds

GROUND

I. Violation of Article 14 of the Constitution of India

Classification Test

1. **THAT** the substituted definition of 'transgender person' under Section 2(k) of the principal Act, as amended by Section 2(iv) of the Amendment, creates an unreasonable and constitutionally impermissible classification by limiting legal recognition to persons with certain biological or intersex conditions and specified socio-cultural identities, while expressly excluding persons with self-perceived gender identities and other socio-cultural groups. The classification

introduced by the Amendment between ‘genuine’ transgender persons (biologically determined) and ‘non-genuine’ transgender persons (self-identified) lacks any intelligible differentia. The Statement of Objects and Reasons itself acknowledges that the Act is intended to protect those who face discrimination “*for no fault of their own and no choice of their own,*” which includes self-perceived gender identity as it is equally unchosen, innate, and not a matter of personal fault or voluntary acquisition. The classification is therefore irrational and lacks any intelligible differentia. *First*, persons who enter socio-cultural identities also do so by self-identification and self-perception. Hence, at a fundamental level, one cannot make the differentiation as one based on “*no fault of their own*”. This sets up a false narrative that trans men and trans women are transgender persons by choice, while the identities included under this Amendment do not have a choice of their own. *Second*, the Impugned Amendment ignores that while certain identities have socio-cultural structures, some may be individual and without such structures. However, that does not make any identity better off or worse than the other for the purpose of legal recognition, welfare and protection against discrimination. *Third*, this classification is further irrational because indigenous transgender identities of Manipur, i.e., Nupi Maanbi and Nupa Maanba, do not fit within the ‘socio-cultural identities’ category that this

Impugned Amendment seeks to protect in the definition. *Fourth*, this Impugned Amendment ignores that, unlike kinnar, hijra, aravani, etc., Nupi Maanbi and Nupa Maanba do not have any socio-cultural structures historically. There are no gharanas in Manipur. Thus, the Impugned Amendment, with no rational basis, privileges certain socio-cultural identities and unfairly erases others. For all these reasons, this classification is arbitrary in the distinctions it draws, and the same does not have any intelligible differentia based on which such a classification can be sustained.

2. **THAT** the impugned classification between categories of transgender persons has no rational nexus to the legislative object of protecting transgender persons from social exclusion and discrimination. In *State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75*, this Hon'ble Court held that a classification, to pass constitutional muster under Article 14, must be founded on an intelligible differentia and that differentia must have a rational relation to the object sought to be achieved by the statute. The object sought to be achieved by the Principal Act was, "*Transgender community is one of the most marginalised communities in the country because they do not fit into the general categories of gender of male or female. Consequently, they face problems ranging from social exclusion to discrimination, lack of education facilities, unemployment, lack of medical facilities and so on. The*

Transgender Persons (Protection of Rights) Bill, 2019
seeks to—

- (a) define the expression "transgender person";*
- (b) prohibit discrimination against transgender persons;*
- (c) confer right upon transgender persons to be recognised as such, and a right to self-perceived gender identity;*
- (d) make provisions for issue of certificate of identity to transgender persons;*
- (e) provide that no establishment shall discriminate against transgender persons in matters relating to employment, recruitment, promotion and other related issues;*
- (f) provide for grievance redressal mechanism in each establishment;*
- (g) establish a National Council for Transgender Persons;*
- (h) provide punishment for contraventions of the provisions of the proposed legislation”.*

Hence, the explicit object behind the introduction of the Principal Act was to protect transgender persons and extend legal protections on the bedrock of self-identification. However, here the impugned Amendment, as per the statement of objects and reasons when it was introduced, it stated, “*the intent, object and purpose of the Act is and was to protect a specified class of persons socially and culturally known as transgender*

people who face societal discrimination of an extreme and oppressive nature”. It also stated that, “The intent, object and purpose of the Act is and was to protect a specified class of persons socially and culturally known as transgender people who face societal discrimination of an extreme and oppressive nature. The purpose was and is not to protect each and every class of persons with various gender identities, self-perceived sex/gender identities or gender fluidities.

*The existing vague definition of the expression “transgender person” not only makes it impossible to identify the genuine oppressed persons to whom the benefits of the Act are intended to reach but also makes the operation and enforcement of several provisions under penal, civil and personal laws unworkable. Such a vague and broad definition of the expression “transgender person” is found to have created complex issues in the working of statutory enactments, as this vague definition is not compatible with several statutory provisions of several enactments enacted both by the Parliament and the State Legislatures. Any enactment conferring rights, privileges and protections cannot have a definition clause whereby the status entitling such rights, privileges and protections can be acquired”. Here, such an objective has no rational nexus to the Principal Act, which was seeking to implement the *NALSA* (supra) judgment. The Impugned Amendment draws an absurd distinction between hijra,*

kinnar, aravani and other socio-cultural identities and persons with intersex variations vs trans women, trans men and genderqueer persons, which in the ground reality is far more complex. Instead of actually framing a welfare scheme for those the Impugned Amendment considers the most oppressed, it instead throws out trans women, trans men and genderqueer persons from the ambit of legal recognition and the consequent legal protections. It is arbitrary for the very reason that it ignores that trans women, who are not part of socio-cultural identities, do not have social support systems to survive, if they choose not to join or do not have access to the traditional socio-cultural communities. Further, it is arbitrary because assigned female at birth, trans men face unprecedented violence from a caste patriarchal society where their mobility is severely restricted. Hence, this is an arbitrary and prejudicial distinction of oppression being drawn between trans men and trans women vs socio-cultural identities.

It defeats the very purpose of the Principal Act, which was to give effect to *NALSA* (supra) directions. Further, this distinction is absurd, because socially and culturally transgender persons are also transgender persons who entered the hijra, kinnar and other such identities based on self-perception and self-identification.

Additionally, this Impugned Amendment is irrational because persons who are kinnar, hijra, aravani,

etc., also have the right to enter and exit those socio-cultural identities. The Impugned Amendment actually does not understand the ground-level realities and complexities involved in the lives of transgender persons. Thus, the Impugned Amendment lacks intelligible differentia, and the so-called distinction created also does not have any rational nexus to the object of the Principal Act. The Impugned Amendment, thereby, fails to pass the test of reasonable classification and is violative of Article 14 of the Indian Constitution.

Denial of Equal Protection of the Law

3. **THAT** the Impugned Amendment Act removes legal recognition for self-declaration by transgender persons and denies them equal protection of the law. The right of self-identification of gender identity was first recognised by this Hon'ble Court in *NALSA v. Union of India 2014 5 SCC 438*, later upheld by a constitutional bench of this Hon'ble Court in *Navtej Singh Johar v. Union of India 2018 10 SCC 1* and a nine-judge bench in *K.S. Puttaswamy v. Union of India 2017 10 SCC 1*. This Hon'ble Court in *NALSA* (supra) specifically stressed the importance of legal recognition of self-identities, holding, “*non-recognition of the identity of Hijras/transgender persons denies them equal protection of law, thereby leaving them extremely vulnerable to harassment, violence and sexual assault in public spaces, at home and in jail, also by the police.*”

4. **THAT** the exclusion of Nupa Maanba (trans men), Nupi Maanbi (trans women) and genderqueer persons from the definition of transgender persons under the Impugned Amendment, while continuing to protect select socio-cultural communities and persons with intersex variations, is an unequal treatment violative of Article 14. That socio-cultural identities like kinnar, hijra, aravani and jogta do not exist in Manipur, and hence this excludes transgender persons in Manipur from the scope of legal recognition and consequent protections. The Madurai Bench of the Hon'ble Madras High Court, in the case of *Arun Kumar & Sreeja vs. The Inspector General of Registration, Chennai & Ors.* WP(MD)No.4125 of 2019 and WMP(MD)No.3220 of 2019, vide order dated 22.04.2019, recognised that “person” under Article 14 includes transgender persons:

“8. Sex and gender are not one and the same. A person’s sex is biologically determined at the time of birth. Not so in the case of gender. That is why after making an exhaustive reference to the human rights jurisprudence worldwide in this regard, the Hon'ble Supreme Court held that Article 14 of the Constitution of India which affirms that the State shall not deny to “any person” equality before the law or the equal protection of the laws within the territory of India would

apply to transgenders also. Transgender persons who are neither male/female fall within the expression “person” and hence entitled to legal protection of laws in all spheres of State activity as enjoyed by any other citizen of this country.

Non-Arbitrariness

5. **THAT** Section 3 of the impugned Amendment Act, which omits Section 4(2) of the principal Act and thereby abolishes the statutory right to self-perceived gender identity, is manifestly arbitrary and violative of Article 14. In *Shayara Bano v. Union of India (2017) 9 SCC 1*, this Hon’ble Court, per Nariman J., held that manifest arbitrariness, i.e., a legislation that is excessive, capricious, irrational or disproportionate without an adequate determining principle, is a ground for striking down primary legislation under Article 14. There is no rational or principled basis for extinguishing the right to self-identification, which was enacted in the Principal Act in direct implementation of the binding constitutional mandate in *NALSA* (supra) @ para 129 as upheld by judgements of this Hon’ble Court.
6. **THAT** Sections 2(aa) and 4 of the Impugned Amendment Act are violative of Article 14 because the process of issuing transgender identity cards, made subject to the recommendation of an “authority” or the medical board, is manifestly arbitrary. A transgender person’s gender identity is innate, subjective and

psychological in character. It cannot be verified, certified or negated by a medical board applying clinical criteria. *NALSA* (supra) @ para 81 explicitly rejected the “biological test” for determining gender and held that “*we prefer to follow the psyche of the person in determining sex and gender and prefer the ‘Psychological Test’ instead of ‘Biological Test’.*” The introduction of the “authority” converts a psychological criterion into a biological and medical one, vesting in medical professionals the power to grant or withhold legal recognition. This is manifestly arbitrary and must be struck down.

7. **THAT** the delegation of the power to determine a person’s gender identity to a District Magistrate and Medical Board under Sections 2(aa) and 4 is arbitrary as neither functionary possesses the qualifications, training or competence to adjudicate on matters of gender identity, which is a matter of subjective determination, not biology. In *Maneka Gandhi v. Union of India (1978) 1 SCC 248*, this Hon’ble Court held that “*Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment*” and that any procedure that does not satisfy the test of reasonableness is violative of Article 14. The Amendment provides no criteria, standards, guidelines or parameters by which the authority or the District Magistrate may evaluate an application for a transgender identity certificate, conferring upon these functionaries wholly

unreviewable discretion over a matter as fundamental and subjective as a person's gender identity. Such vagueness has led to this Hon'ble Court striking down provisions in *K.A. Abbas vs Union of India and Anr (1971) 2 SCR 446*, *Shreya Singhal v. Union of India AIR 2015 SC 1523* and in *State of Madhya Pradesh vs Baldeo Prasad 1961 (1) SCR 970*.

8. **THAT** the amended Section 18, in clauses (e)-(h) thereof, creates offences of exceptional breadth that subsume within their penal scope conduct that is not only lawful but constitutionally protected, including the practice of traditional communities, the work of civil society organisations supporting transgender persons, and the legitimate activities of gender advocacy groups. Vague terms and overbroad provisions that do not distinguish exploitation from community practice, and coercion from support, render the provision incapable of consistent application and therefore arbitrary within the meaning of *Shayara Bano* (supra).
9. **THAT** the impugned penal provisions under Section 18(e) to (h) are void for vagueness and overbreadth. The expressions "allurement", "inducement", "undue influence" and "presenting as a transgender person" are undefined, subjective and incapable of precise legal determination. In *Shreya Singhal v. Union of India, (2015) 5 SCC 1*, this Hon'ble Court held that vague and overbroad laws which fail to define prohibited conduct with sufficient clarity are unconstitutional as they lead

to arbitrary enforcement and have a chilling effect on fundamental rights. The impugned provisions confer unfettered discretion on law enforcement authorities and are liable to be misused against transgender persons, community organisations and support networks, thereby rendering them unconstitutional.

10. **THAT** the impugned provisions fail the test of proportionality, which is a settled requirement under Articles 14, 19 and 21 of the Constitution. The purported objective of the Amendment, namely identification of “genuine beneficiaries” and prevention of misuse, is neither supported by empirical evidence nor constitutionally legitimate when it results in exclusion of an entire class of persons. Even assuming such an objective to be legitimate, the measures adopted are manifestly disproportionate. The imposition of a mandatory medical and administrative certification regime is not the least restrictive means available to the State. Less restrictive alternatives, including self-declaration with safeguards, already existed under the Principal Act. Further, the balance between the rights of transgender persons and the purported State interest is wholly skewed, as the Amendment results in the denial of dignity, autonomy, privacy and legal recognition, thereby imposing a disproportionate burden on an already marginalised community.

Underinclusiveness

11. **THAT** the amended definition of “transgender person” under Section 2(k), by retaining protection for certain biologically or culturally identified transgender persons while expressly excluding self-identified transgender persons is unconstitutionally underinclusive and violates Article 14. In *Joseph Shine v. Union of India* AIR 2018 SC 4898, Chandrachud J. held that a provision that selectively burdens or withholds protection from a subset of a class sharing identical characteristics is constitutionally suspect, as underinclusiveness itself reveals that the purported legislative object is either not the true object or is not being pursued in a manner consistent with constitutional guarantees. The underinclusiveness of the amended definition is a constitutional infirmity, as a classification that leaves out of its protective ambit an entire section of the very group the legislation claims to protect and is violative of the guarantee of equal protection of law under Article 14.

II. ARTICLE 15 OF THE CONSTITUTION OF INDIA

Perpetuation of stereotypes against transgender persons

12. **THAT** the Impugned Amendment Act, by restricting the ambit of legal recognition and protection under the Principal Act solely to biologically or culturally determined categories of transgender persons, while expressly excluding persons with self-perceived gender identities, discriminates against transgender persons on the grounds of sex and gender identity, in violation of

Article 15 of the Constitution. In *NALSA* (supra) @ para 67, this Hon'ble Court held that Articles 15 and 16, which prohibit sex discrimination, refer to both gender and biological attributes when using the word "sex" and that discrimination of an individual on the grounds of gender identity is therefore constitutionally prohibited under Article 15. In *Anuj Garg v. Hotel Association of India (2008) 3 SCC 1* @ paras 47-50, this Hon'ble Court held that discrimination on the basis of sex includes discrimination founded on a stereotypical understanding of the sex in question. The Amendment entrenches precisely such a stereotypical understanding by privileging biologically determined sex characteristics as the only valid ground for transgender recognition. Further, *Anuj Garg* (supra) at paragraph 53 also states that, "*The Government of NCT of Delhi, although did not challenge the impugned judgment of the Delhi High Court, seeks to enter into the fray through a side door. It, on the one hand, challenges the locus of the appellant which objection, if upheld, would make the appeal liable to be dismissed at the threshold, on the other, seeks to justify the validity of Section 30 of the Act. It cites examples of Jessica Lal and BMW to highlight dangerous consequences of allowing sale and consumption of liquor by young men below the age of 25 years and vulnerability of women while working in bars. When the restrictions were in force, they could not prevent such occurrences. If the restriction goes, some*

such incidents may again happen. But only on a presupposition that there is a possibility of some incident happening, we cannot declare a law intra vires which is ex facie ultra vires.”

13. **THAT** the inclusion within the amended definition of “transgender person” under Section 2(k)(ii), of any person who has been “*by force, allurements, inducement, deceit or undue influence...compelled to assume, adopt, or outwardly present a transgender identity*” by means of various surgical, chemical or hormonal procedures, is constitutionally impermissible and violates Article 15 as it stereotypes transgender persons undergoing gender-affirmative surgery. This sub-clause conflates victims of trafficking, forced conversion and coercive practices with the transgender persons and communities, creating a definitional category that stigmatises transgender identity by associating it with victimhood and coercion. The inclusion of coerced persons within the definition of “transgender person” has the practical and stigmatising consequence of treating the transgender identity itself as an injury inflicted upon a person, which is fundamentally incompatible with the constitutional recognition that gender identity is an integral and affirmative aspect of personhood. In *Navtej Singh Johar v. Union of India* (supra), Chandrachud J. held that laws that perpetuate stereotypes about classes of persons protected under Article 15(1) are unconstitutional:

“A discrimination will not survive constitutional scrutiny when it is grounded in and perpetuates stereotypes about a class constituted by the grounds prohibited in Article 15(1)... If certain characteristics grounded in stereotypes are to be associated with entire classes of people constituted as groups by any of the grounds prohibited in Article 15(1), that cannot establish a permissible reason to discriminate. Such a discrimination will be in violation of the constitutional guarantee against discrimination in Article 15(1).”

14. **THAT** the impugned Amendment Act pathologises transgender identity by making legal recognition contingent upon the assessment of a medical board under the amended Section 2(aa) read with Section 6, thereby reducing transgender persons to their bodies and biological characteristics rather than recognising their gender identity as a psychological and social reality. The World Health Organisation, in the International Classification of Diseases 11th Revision (ICD-11), which came into force on 1 January 2022, removed gender incongruence from the chapter on mental and behavioural disorders and reclassified it under a separate chapter on conditions related to sexual health, expressly acknowledging that transgender identity is not a pathology and that requiring medical diagnosis as a

precondition for legal gender recognition perpetuates stigma and constitutes a barrier to the enjoyment of human rights. The medicalisation of transgender identity effected by the Amendment is therefore violative of Articles 14 and 21 of the Constitution of India, the binding directions of this Hon'ble Court in *NALSA* (supra), and the internationally recognised standard reflected in the ICD-11 that transgender identity is a matter of personal identity and autonomy, not medical diagnosis.

Denial of benefits to the excluded class of transgender persons

15. **THAT** the impugned Amendment Act fails to extend to transgender persons the protections and benefits on employment, education, non-discrimination and welfare schemes that the principal Act was enacted to provide and which this Hon'ble Court in *Jane Kaushik v. Union of India 2026 INSC 129* and *NALSA* (supra) @ para 67 held transgender persons are legally entitled to receive. The Statement of Objects and Reasons of the Amendment explicitly narrows the class of persons entitled to protection, departing from the constitutional mandate of *NALSA* (supra) and the legislative intent of the Principal Act by substituting a biological gatekeeping criterion for the psychological test. The effect of this narrowing is to deny a significant section of the transgender community access to employment protections, welfare schemes, educational reservations

and legal recourse that Parliament had conferred upon them by the principal Act, amounting to discrimination on the grounds of gender identity in violation of Articles 15(1) and 15(4) of the Indian Constitution.

III. ARTICLE 19(1)(a) OF THE CONSTITUTION OF INDIA

16. **THAT** the substituted definition under the amended Section 2(k) of the principal Act, read with the deletion of Section 4(2) effected by Section 3 of the Amendment, violates the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution by denying legal recognition to transgender persons who express their gender identity through self-identification. In *NALSA* (supra) @ para 72, this Hon'ble Court held that Article 19(1)(a) of the Constitution, which guarantees the right to freedom of speech and expression, is inclusive of a person's right to self-expression of their gender identity manifested through speech, expression, behaviour, dress and mannerisms. The Impugned Amendment, by excluding self-identified transgender persons from the definition of "transgender person" and by abolishing the statutory right to self-perceived gender identity under Section 4(2) of the principal Act, directly curtails the legally protected freedom of transgender persons to express their gender identity. This restriction satisfies none of the permissible grounds for reasonable restriction under Article 19(2) of the Constitution; it is not directed at

sovereignty, security of the State, friendly relations with foreign States, public order, decency, morality, or contempt of court, defamation or incitement.

17. **THAT** the removal of the right to self-identification by section 3 of the impugned Amendment Act and consequent changes in the provisions concerning identity card which have been brought in by section 5, is in stark violation of Article 19(2), because this Hon'ble Court in *NALSA* (supra) @76 held that gender identity based on self-identification is protected under Article 19 and Article 15, "*Gender identity as already indicated forms the core of one's personal self, based on self-identification, not on surgical or medical procedure. Gender identity, in our view, is an integral part of sex and no citizen can be discriminated against on the ground of gender identity, including those who identify as third gender.*"
18. **THAT** the substituted Section 18 of the Principal Act, as introduced by Section 7 of the impugned Amendment Act, further violates Article 19(1)(a) by arbitrarily criminalising the act of "outwardly presenting" as a transgender person, specifically in the context of clauses 18(g) and 18(h), read with the vague, overbroad and undefined terms therein. In this context, **this Hon'ble court in *Puttaswamy v. Union of India* (2017) 10 SCC 1 @ para 144** (Chandrachud, J.), clarified that the development of and effective presentation of one's personality is a key tenet of freedom of expression

protected under Article 19(1)(a), and that aspects of one's personality that are innate, including gender identity, are an inherent part of self-expression. The criminal sanction attached to the outward presentation of transgender identity under the impugned Section 18 has a severe chilling effect on the exercise of this fundamental right and constitutes a disproportionate and constitutionally impermissible restriction under Article 19(2).

19. **THAT** Section 7 of the Amendment Act, which amended Section 18 by using vague, broad and undefined terms such as “*compelling such person to assume, adopt, or outwardly present a transgender identity*” and “*force, allurement, deceit, undue influence*”, is overbroad and prone to misuse. It is vague and broad precisely because it is unclear- who is a transgender person by presentation, conduct or outward appearance? This operated on the assumption that there is only one way to be a transgender person by presentation, conduct or appearance, which in itself is an offensive stereotype and has no rational or logical basis. Persons who consensually present openly as a transgender person, or those who support them, such as NGOs or CBOs, medical professionals, friends and family, may also fall under the terms of this provision. This offence is so overbroad that it can bring under its ambit the very classes of people it seeks to protect, that is, socio-cultural identities such as hijra, kinnar, aravani,

jogta, etc. This Hon'ble Court in *Shreya Singhal v. Union of India AIR 2015 SC 1523* held that “*the Section is unconstitutional also on the ground that it takes within its sweep protected speech and speech that is innocent in nature and is liable therefore to be used in such a way as to have a chilling effect on free speech and would, therefore, have to be struck down on the ground of overbreadth.*” The new criminal provisions added to Section 18 result in a chilling effect on consensual and legal speech of transgender persons and supporters of transgender persons, which is violative of Article 19(1)(a) of the Indian Constitution.

IV. ARTICLE 19(1)(c) OF THE CONSTITUTION OF INDIA

20. THAT Section 7 of the Impugned Amendment, which substitutes Section 18 of the principal Act, violates the right to freedom of association guaranteed under Article 19(1)(c) of the Constitution, by effectively criminalising the associational structures and communal life of traditional transgender communities in India, such as Hijra, Aravani and Kinnar gharanas. Clauses 18(g) and 18(h) of the substituted Section 18 criminalise the act of causing any person, whether or not a transgender person, to “*dress, present, or conduct themselves outwardly as a transgender person*” in the context of employment in begging, solicitation or servitude. This Hon'ble Court in *Damyanti Naranga v. Union of India (1971) 1 SCC 678* held that the right to form associations under Article

19(1)(c) is violated not only by direct prohibition but also by any State action that makes the exercise of that right impossible or meaningless.

21. **THAT** Section 7 of the Impugned Amendment, which creates new offences in the Act at Sections 18(e) to (h), is a violation of Article 13(1) of the Constitution when read with Section 372(1) of the Constitution of India. This is because the aforesaid provisions are a reinstatement of the Criminal Tribes Act, 1871 ('CTA') and the Telangana Eunuchs Act, 1329 Fasli ('TEA'). Article 13(1) states that laws in force prior to the commencement, insofar as they are inconsistent with the Constitution, shall be void. The CTA was repealed by the Criminal Tribes Repeal Act, 1952, and the TEA was struck down by the Hon'ble Telangana High Court in *Vyjayanti Vasanta Mogli vs the State of Telangana* in W.P. (PIL) No. 44 and 355 of 2018 and 74 of 2020. In the judgment, at paragraph 32, the Hon'ble High Court of Telangana states that, "*this definition of eunuch is not only repugnant to the definition of transgender persons under Section 2(k) of the Transgender Persons (Protection of Rights) Act but also opposed to the interpretation given by the Supreme Court to the word 'transgender' in NALSA (supra) and subsequent judgments.*" Further, the judgment states at paragraph 47 that, "*... it is evident that Telangana Eunuchs Act, 1329 Fasli is pari materia to Part II of the Criminal Tribes Act, 1871.*" The Hon'ble High Court held that the

Telangana Eunuchs Act is unconstitutional since it violates Articles 14 and 21 of the Constitution of India. In the 1897 amendment of the CTA, the Act was subtitled ‘An Act for the Registration of Criminal Tribes and Eunuchs’. As per the CTA, the local government was required to keep a register of the names and residences of all eunuchs who are “*reasonably suspected of kidnapping or castrating children or of committing offences under Section 377 of Indian Penal Code*”. Any eunuch so registered who appeared “*dressed or ornamented like a woman in a public street... or who dances or plays music or takes part in any public exhibition, in a public street... could be arrested without warrant and punished with imprisonment of up to two years or with a fine or with both*”. Sections 18(e) to (h) imitate Sections 24 to 31 of the CTA and seek to make forcing someone to be a transgender person a major offence, warranting 10 years to life imprisonment based on the nature of the offence and age of the victim. However, it looks at such offences from the prism of kidnapping, abduction, begging, solicitation, etc., which reinforce the CTA and TEA.

- 22. THAT** the provisions have been brought into force in complete disregard of the fact that the offences under existing laws, such as Bharatiya Nyaya Sanhita, 2023, the Bonded Labour System (Abolition) Act, 1876,] and the Protection of Children from Sexual Offences Act, 2012, already penalise the offences sought to be covered

under Section 18(e) to (h) etc., and hence ought not to be covered by the Impugned Amendment.

- 23. THAT** the impugned Section 7 also threatens the organisational existence of the Petitioners, especially Petitioner no. 2 and other modern transgender collectives, support groups, community-based organisations and civil society groups, whose core activities, including community outreach, peer support, collective advocacy and mobilisation, which necessarily involve supporting members in expressing, adopting and affirming a transgender identity. Thus the broadly worded provisions of clauses 18(g) and 18(h), with their undefined terms of “allurement”, “undue influence”, and “servitude”, are capable of capturing within their penal net the entire range of activities of such organisations. This would imply that transgender persons would be effectively deterred from forming, joining or operating any collective or organisation built around a shared transgender identity, striking at the heart of the right to association under Article 19(1)(c).
- 24. THAT** the criminalisation effected by the impugned Amendment Act goes against the objective of the Principal Act, which is the welfare of transgender persons. In *Superintendent, Central Prison, Fatehgarh v. Dr. Ram Manohar Lohia (1960) 2 SCR 821*, this Hon’ble Court held that a restriction on the right of association that goes beyond what is warranted by the object to be achieved is unconstitutional under Article

19(1)(c). The impugned provision, by sweeping within its ambit the entire organisational life of the transgender community, goes manifestly beyond what is warranted by the objective of welfare for transgender persons, preventing trafficking and forced labour.

25. **THAT** the criminalisation effected by the provisions of the impugned Amendment acts contrary to the transgender persons' right to enter into a relationship, cohabit and choice of partner. These rights were upheld in the *Supriyo @ Supriya Chakraborty & Anr. v. Union of India 2023 INSC 920*, wherein the Hon'ble Supreme Court categorically held that the right to cohabit and form a union is a fundamental right and the State is duty-bound to protect such rights.

V. **ARTICLE 19(1)(g) OF THE CONSTITUTION OF INDIA**

26. **THAT** Section 7 of the impugned Amendment Act, which substitutes section 18 of the principal Act, violates Article 19(1)(g) which is the right to practise any profession or carry on any occupation, trade or business guaranteed under the Constitution of India. This position was settled in *Vishaka v. State of Rajasthan (1997) 6 SCC 241 @ para 3*, wherein this Hon'ble Court recognised that Article 19(1)(g) protects the right to carry on one's occupation in conditions that enable the free and full exercise of that right. The traditional livelihoods of hijra and kinner communities, including badhai (ceremonial blessings at births and

marriages), begging as a recognised communal practice, and other customary occupational activities, are inseparable from the collective presentation and performance of a transgender identity; these constitute the economic foundation of organised transgender community life. The prohibition in clauses 18(g) and (h) of the substituted Section 18 on “*causing any person to engage in begging, solicitation, servitude, or any other form of forced or bonded labour*” while presenting as a transgender person is so broadly worded as to criminalise these customary occupational practices without drawing any distinction between coerced exploitation and the consensual, traditional, community-sanctioned exercise of a customary livelihood. In *Harsh Mander v. Union of India AIR 2018 DELHI 188*, the Hon’ble Delhi High Court similarly struck down provisions of the Bombay Prevention of Begging Act, 1959 (as extended to the NCT of Delhi) as being arbitrary and violative of Article 14 for criminalising begging without making a distinction between involuntary and voluntary begging.

27. **THAT** the impugned Section 7, which substitutes Section 18, fails the proportionality test applicable to restrictions on fundamental rights under Article 19(6), as it is neither the least restrictive measure available to achieve the stated legislative object of preventing trafficking and forced labour, nor is it narrowly tailored to target only those specific harmful practices it purports

to address. Existing provisions of the Bharatiya Nyaya Sanhita, 2023, including those dealing with kidnapping, abduction, forced labour and trafficking, already address the conduct that the Statement of Objects and Reasons identifies as the mischief sought to be remedied. The substituted Section 18 goes substantially beyond those existing provisions, by casting its net over the entire occupational and livelihood practices of transgender communities. In *Modern Dental College and Research Centre v. State of Madhya Pradesh (2016) 7 SCC 353*, this Hon'ble Court held that a restriction on a fundamental right under Part III must satisfy the test of proportionality, which requires that the restriction be rationally connected to the legislative objective, be the least restrictive means of achieving that objective, and not result in a restriction that is disproportionate to the benefits achieved. The impugned provision fails all three limbs of this test.

- 28. THAT** the Impugned Amendment creates a pervasive chilling effect on the exercise of the Petitioners' fundamental rights under Article 19(1)(a) and 19(1)(c) of the Indian Constitution. The fear of criminal liability created by these vague provisions, coupled with the denial of legal recognition without State Certification, deters transgender persons from expressing their gender identity and seeking support or associating with community networks. This Hon'ble Court has consistently held that laws which create a chilling effect

on free expression and association are unconstitutional, even in the absence of direct prosecution.

VI. ARTICLE 21 OF THE CONSTITUTION OF INDIA

- 29. THAT** Section 3 of the Impugned Amendment Act, which omits Section 4(2) of the principal Act and thereby abolishes the right to self-perceived gender identity, violates the right to life with dignity and personal autonomy guaranteed under Article 21 of the Constitution. In *NALSA* (supra) @ para 74, this Hon'ble Court held that a person's gender identity, which forms an integral component of a person's identity, falls under the meaning of personal liberty guaranteed by Article 21, and that self-determination of gender is an integral part of personal autonomy and self-expression within the realm of personal liberty. In *Puttaswamy* (supra), the nine-Judge Bench unanimously held that the right to privacy protects individual autonomy and the right to make intimate personal choices, including choices pertaining to gender identity, as an intrinsic element of the right to life and personal liberty under Article 21. The deletion of the statutory recognition of self-perceived gender identity is a direct abridgement of this constitutional guarantee, depriving transgender persons of the legal acknowledgement of the most intimate aspect of their personhood.
- 30. THAT** the introduction of a mandatory medical board assessment as a prerequisite to the issuance of a transgender identity certificate by Sections 2(aa) and 4

of the impugned Amendment Act not only runs the risk of over medicalising the procedure but constitutes an invasion of bodily autonomy contrary to Article 21, as interpreted by the this Hon'ble Court in *NALSA* (supra) and *Puttaswamy* (supra). In *NALSA* (supra) @ para 75, this Hon'ble Court held that personal autonomy includes both the negative right of not being subject to interference by others and the positive right of individuals to make decisions about their life, to express themselves, and to choose which activities to take part in. Compelling a transgender person to submit to a medical examination by a medical board as a condition of obtaining legal recognition of their identity forces them to expose their body to medical scrutiny as a price for exercising a constitutional right, violating their bodily integrity and dignity under Article 21. The Yogyakarta Principles, which this Hon'ble Court in *NALSA* (supra) @ para 53 directed must be followed in India, expressly provide that no one shall be forced to undergo medical procedures as a requirement for legal recognition of their gender identity.

31. **THAT** Section 5(b) of the Impugned Amendment Act, which inserts Section 7(1A) mandating medical institutions to furnish the details of persons who have undergone gender affirmation surgery to the District Magistrate and the authority, violates the right to privacy under Article 21 as affirmed in *Puttaswamy* (supra). In *Puttaswamy* (supra) @ para 180

(Chandrachud, J.), this Hon'ble Court held that informational privacy, i.e., the ability of individuals to control information about themselves, is a facet of the right to privacy protected under Article 21, and that the collection and disclosure of sensitive personal information by the State without the informed consent of the individual violates this right. Medical information pertaining to gender affirmation surgery is among the most sensitive categories of personal information; its compulsory disclosure to the District Magistrate and the authority constitutes an unjustified intrusion into the protected zone of informational privacy.

- 32. THAT** the substituted Section 18 of the principal Act, as introduced by Section 7 of the Amendment, violates the right to life with liberty, dignity and self-determination under Article 21 by criminalising the presentation of a transgender identity and the support of transgender persons by their communities, thereby subjecting the entire existence of transgender persons to the threat of criminal prosecution. In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981) 1 SCC 608*, this Hon'ble Court held that the right to life includes the right to live with dignity and all that goes along with it, including the right to express oneself in diverse forms, to move freely and to associate and commingle with fellow human beings. A penal provision that criminalises the very expression of transgender identity in community life deprives

transgender persons of the minimum conditions necessary for living with dignity, contrary to Article 21.

33. **THAT** the Impugned Amendment violates the right to decisional autonomy, bodily integrity and informational privacy under Article 21. Gender identity is an intrinsic and deeply personal aspect of individual autonomy and cannot be made contingent upon medical certification or bureaucratic approval. The requirement of disclosure of medical procedures and submission to evaluation by medical boards amounts to forced disclosure of intimate personal information and violates the right to privacy as recognised in *Puttaswamy* (supra). The State cannot compel individuals to undergo or disclose medical interventions as a precondition for legal recognition of identity.

VII. DISPROPORTIONATE AND DISCRIMINATORY IMPACT ON TRANSGENDER PERSONS IN MANIPUR

34. **THAT** the impugned Amendment has a disproportionate and discriminatory impact on transgender persons in Manipur, who are situated in a culturally vulnerable position, given the ongoing conflict, displacement and administrative disruption. The impugned amendment's arbitrary scrutiny mechanism and mandatory requirement of repeated interaction with State authorities, medical boards and law enforcement agencies exposes them to heightened risks of harassment, violence and exclusion. The

Amendment fails to account for regional realities and imposes burdens that operate unequally in practice, thereby violating the guarantee of substantive equality under Article 14.

VIII. UNCONSTITUTIONALLY NULLIFIES THE BINDING DIRECTIONS OF THIS HON'BLE COURT

- 35. THAT** the Impugned Amendment Act directly violates the binding constitutional directions issued by this Hon'ble Court in *NALSA* (supra) @ para 129, which upheld transgender persons' right to decide their self-identified gender and directed the Central and State Governments to grant legal recognition of their gender identity as male, female or as third gender. The Amendment, by abolishing the right to self-perceived gender identity through the deletion of Section 4(2) of the Principal Act, substituting a definition of "transgender person" that expressly excludes self-perceived identities, and introducing a medical board to evaluate and certify identity claims, legislatively negates the specific constitutional directions of *NALSA* (supra). The colourable act of enacting legislation that directly contradicts binding directions of this Hon'ble Court has been found unconstitutional in *Supreme Court Advocates-on-Record Association v. Union of India (2016) 5 SCC 1* and *Madras Bar Association v. Union of India 2025 INSC 1330*.
- 36. THAT** International Human Rights principles recognise the right to self-determined gender identity without

medical or administrative barriers. The Yogyakarta Principles and global medical standards affirm that gender identity must not be subject to pathologisation or compulsory certification. The Impugned Amendment is contrary to these evolving global standards and places India at the risk of violating its International Human Rights commitments.

- 37. THAT** the Impugned Amendment is vitiated by procedural arbitrariness as it was enacted without meaningful consultation with transgender communities, the National Council for Transgender Persons, or the Advisory Committee constituted pursuant to judicial directions. The absence of consultation with affected communities renders the legislative process arbitrary and contrary to the principles of participatory governance and substantive equality.

PRAYER

Therefore, in the facts and circumstances narrated above, it is humbly prayed before this Hon'ble Court that this Hon'ble Court may graciously be pleased to:

- 1.** Issue a Writ of Declaration or any other appropriate writ, order or direction, declaring sections 2(ii), (iii), (iv), 3, 4, 5 and 7 of the Transgender Persons (Protection of Rights) Amendment Act, 2026 (Act No. 3 of 2026) published in the Extraordinary Gazette of India on 30.03.2026 by Respondent Nos.1-3, as being unconstitutional, ultra vires and in violation of Articles 13(2), 14, 15(1), 16, 19 and 21 of the Constitution of India and set it aside; and

2. Grant any other relief, which the Hon'ble Court deems fit and proper in light of the facts and circumstances of the case in the interests of justice and equity.
3. Pass such other orders as this Hon'ble Court may deem fit in the interests of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER ABOVENAMED, AS IS DUTY BOUND, SHALL EVER PRAY.

DRAWN BY:

Rajagopalan R @ Kanmani R, Adv

Muskan Tibrewala, Adv.

Harshit Anand, Adv

Payal Gaikwad, Adv

Sithara Sarangan, Adv

Place: New Delhi

Dated: 24.06.2026

FILED BY:

Shakeel Ahmed

**Mr. Shakeel Ahmed
Advocate for the Petitioners**

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

I. A. No. _____ of 2026

IN

Writ Petition Civil No. _____ of 2026

IN THE MATTER OF:

Thangjam Santa Singh @ Santa Khurai & Ors. ... **Petitioners**

Versus

Union of India & Ors. ... **Respondents**

AN APPLICATION FOR INTERIM RELIEF

TO

HON'BLE THE CHIEF JUSTICE OF INDIA AND

HIS COMPANION JUDGES OF THE HON'BLE

SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE

PETITIONER ABOVE NAMED;

MOST RESPECTFULLY SHOWETH:

1. That the aforementioned writ petition, has been filed by the Petitioner/applicant challenging challenges the constitutional validity of all provisions, except sections 2(i) and 6, of the Transgender Persons (Protection of Rights) Amendment Act, 2026 (Act No. 3 of 2026) ('Impugned Amendment'), which amends the Transgender Persons (Protection of Rights) Act of 2019 ('the Principal Act'). The Impugned Amendment was enacted into legislation by the Respondents 1 and 2. Respondents 1-3 are also the "appropriate government" under the Principal Act for implementation of the Principal Act and Impugned Amendment. By this application, the

Petitioner/Applicant prays for the stay of the impugned provisions and for ancillary interim directions, pending final disposal of the writ petition.

2. That the Impugned Amendment *prima facie* violates the right to self-identification of gender identity recognised under Articles 13, 14, 15, 19 and 21 of the Constitution of India by this Hon'ble Court upheld in its judgements in *NALSA v. Union of India* (2014) 5 SCC 438, *Navtej Singh Johar* (2018) 10 SCC 1, *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1 and *Jane Kaushik v. Union of India* 2026 INSC 129. In brief:

A. Article 13: This Hon'ble Court in *NALSA* (supra) directed, at paragraph 129, that the Central and State Governments must “grant legal recognition of [transgender persons’] gender identity such as male, female or as third gender” and that such recognition must be based on *self-identification*. The Impugned Amendment abolishes the right to self-perceived gender identity by deleting Section 4(2) of the Principal Act, introduces a mandatory six-stage medical and bureaucratic certification process, and restricts the definition of transgender person to exclude self-identified identities. In *Supreme Court Advocates-on-Record Association v. Union of India* (2016) 5 SCC 1 and *Madras Bar Association v. Union of India* 2025 INSC 1330, this Hon'ble Court held that legislation that constitutionally negates binding judicial directions is unconstitutional. The Impugned Amendment is a direct

legislative reversal of the constitutional mandate of *NALSA* (supra), subsequently affirmed in *Navtej Singh Johar* (supra), *K.S. Puttaswamy* (supra), and *Jane Kaushik*(supra). The Hon'ble High Court of Manipur also in *Dr. Beoncy Laishram v. State of Manipur* W.P.(C) 392 of 2024 (decided 19.08.2025), gave effect to the right to self-identification and directed that transgender persons holding certificates under Sections 6 and 7 of the Principal Act are entitled to have their name and gender updated in all official records. The Impugned Amendment directly negates the judgments of this very Court.

- B. Article 14:** That Impugned Amendment creates an unconstitutional classification between “genuine” and “not genuine” transgender persons, violative of Article 14, leaving several marginalised and oppressed Nupi Maanbi and Nupi Maanba without protection and welfare. There is no rationale or principled basis for creating arbitrary differentia between transgender persons recognised by the Principal Act by extinguishing the right to self-identification, which was enacted in the Principal Act in direct implementation of the binding constitutional mandate in *NALSA* (supra) as upheld by judgements of this Hon'ble Court and the Hon'ble High Court of Manipur. The creation of additional barriers to receive legal recognition via the medical board and the discretion of the District Magistrate is arbitrary and lacks realistic

implementation. The Impugned Amendment is arbitrary, capricious and lacks any adequate determining principle and thus violates Article 14 on the basis of manifest arbitrariness.

- C. Article 15:** The Impugned Amendment discriminates against socio-cultural groups like Nupi Maanbi and Nupi Maanba and also trans men, trans women and gender-queer persons, which is violative of Article 15 on the ground of sex and gender identity. For Manipuri Nupi Maanbi and Nupi Maanba, there is heightened intersectional discrimination on the grounds of race and place of birth due to the ongoing ethnic conflict, as the effect of the criminalising provisions, removal of legal recognition and barriers to access to healthcare and welfare schemes is compounded. Internet shutdowns remove access to several support networks and the assistance of lawyers. The overmilitarization in Manipur increases the dangers and risks of the criminalising provisions, and the immense strain on administrative functioning creates further barriers for healthcare, legal recognition and access to welfare schemes. The criminalising provisions of the Impugned Amendment threaten the existence and lives of the Nupi Maanbi and Nupa Maanba communities in Manipur. The removal of the right to self-identification and the creation of additional barriers to legal recognition remove from Nupi Maanbi and Nupa Maanba in Manipur the ability to express themselves freely and feel safe in their

expression. The newly inserted Section 2(k)(ii) compounds this by defining as ‘transgender persons’ those who are compelled to present as transgender by force, deceit, or undue influence, associating transgender identity with victimhood and coercion. As held in *Navtej Singh Johar* (supra), laws that perpetuate stereotypes about a class protected under Article 15(1) are unconstitutional.

D. Article 19(1)(a) and (c): The Impugned Amendment prevents transgender persons, including Nupi Maanbi and Nupa Maanba, from expressing their gender identity as protected by Article 19(1)(a) and threatens the existence of Nupi Maanbi and Nupa Maanba support collectives like the Petitioner in violation of Article 19(1)(c). The Impugned Amendment criminalises the outward presentation of transgender identity under the newly inserted Section 18(e)-(h). These vague, overbroad provisions using undefined terms such as “*force, allurement, deceit, undue influence*” and “*compelling a person to outwardly present as a transgender person*” create a chilling effect on the freedom of expression and association of transgender persons, their families, support groups, civil society organisations, and community-based organisations. In *Shreya Singhal v. Union of India AIR 2015 SC 1523*, this Hon’ble Court struck down overbroad penal provisions on speech for their chilling effect. The provisions also reinstate the colonial Criminal Tribes

Act, 1871 and the Telangana Eunuchs Act (struck down by the Hon'ble Telangana High Court as unconstitutional in *Vjayanti Vasanta Mogli v. State of Telangana* W.P. (PIL) No. 44 and 355 of 2018).

E. Article 21: The mandatory six-stage certification process introduced by the Impugned Amendment: comprising a medical procedure, application to the District Magistrate, evaluation by a medical board, examination of the board's recommendation, potential referral to additional medical experts, and a final determination by the District Magistrate — compels transgender persons to submit their bodies and identities to medical and bureaucratic scrutiny as a prerequisite for legal recognition. This violates the right to bodily autonomy and decisional privacy under Article 21 as affirmed in *Puttaswamy* (supra). Further, Section 7(1A) of the Impugned Amendment mandates medical institutions to report details of gender-affirmation surgeries to the District Magistrate and medical board — violating informational privacy in the most intimate domain of personal identity.

3. That the implementation of the impugned provisions of the Amendment Act will cause irreparable injury to the Petitioners, and all other trans persons in India who are excluded from this Act.

A. Near-total exclusion of Manipur's transgender population: Even out of the gross underestimation of 4.88 lakh transgender persons counted in the 2011

general census, only 32,818 identity cards and certificates - 6.72% - have been issued. In Manipur alone, conservative estimates place the transgender population at over 4,000 persons. Transgender identity in Manipur is expressed through the indigenous identities of Nupi Maanbi (trans women) and Nupa Maanba (trans men): identities that fall within the 'trans woman' and 'trans man' categories that the Impugned Amendment has deleted from the definition of transgender persons. The Impugned Amendment, therefore, excludes virtually the entire transgender population of Manipur from legal recognition.

B. Loss of anti-discrimination protections and welfare entitlements: Upon the Impugned Amendment coming into force, transgender persons who have already obtained identity certificates under Sections 6 and 7 of the Principal Act on the basis of self-identification will face legal uncertainty as to the anti-discrimination protections, since the Impugned Amendment removes the right to self-identification and replaces it with a medical board process. Transgender persons in Manipur stand to lose access to: anti-discrimination protections in education and employment; access to housing, property ownership and access to shelter homes; entitlements under ration, food security schemes and social security schemes like pensions; access to subsidised healthcare; legal recourse under the legal services authorities, complaints officers in

establishments and transgender protection cells at the state and district level; and the minimal protections against sexual, physical, and emotional abuse under Section 18 of the Principal Act.

- C. Impossible implementation in Manipur of the six-stage medical certification process:** In Manipur, 70.79% of the population resides in rural areas, and 52.81% of workers are cultivators or agricultural labourers. Manipur has only seven District Hospitals across its nine districts. The Impugned Amendment, in a practical sense, would require the constitution of a medical board in each district government hospital. Transgender persons, many of whom are unemployed or working in the informal unorganised sector as daily wage earners would have to: (i) attend multiple appointments before the medical board at the district hospital; (ii) forego daily wages for each such appointment; (iii) bear travel expenses to the district government hospital; (iv) appear before the District Magistrate's office in addition to the medical board; and (v) potentially be subjected to a further round of "other medical experts" at the District Magistrate's discretion. Trans men (Nupa Maanba) face the additional burden of explaining to medical and bureaucratic officials how they are covered by the Impugned Amendment when the Act no longer mentions the term trans men at all. This process imposes an unconstitutional burden on the most marginalised persons in an already administratively

strained state.

- D. Compounded vulnerability due to ongoing ethnic conflict:** Manipur has been in a state of active ethnic conflict since May 2023. The State has experienced extensive displacement, loss of life, and sustained damage to institutions and infrastructure. The mass deployment of State police and Central armed forces creates a heightened threat for Nupi Maanbis and Nupa Maanbas in Manipur. The broadly worded criminal provisions of Sections 18(e)-(h) will enable police harassment, arbitrary arrest, and violence against transgender persons under the guise of enforcement. A recent incident that we became aware of involved a trans man (Nupa Maanba) suffering alleged sexual assault at the hands of a male police officer in Manipur.
- E. Internet shutdowns and access to justice:** The Government of Manipur has imposed mobile internet service shutdowns and broadband restrictions across five districts owing to violent incidents arising from the ongoing ethnic conflict. These shutdowns severely limit transgender persons' ability to access legal resources, support networks, assistance from lawyers, and information about the Impugned Amendment's provisions and their rights thereunder.
4. That the balance of convenience is in favour of the Petitioners, as the implementation of the impugned provisions of the Amendment Act requires the creation of expensive state infrastructure and administrative roles. The

creation of medical boards under the impugned Amendment will come at the expense of both the affected communities and groups, which include transgender persons and intersex persons. It will also come at the expense of the public healthcare, which is already strained and reeling under a lack of enough resources. Further, the state shall not stand to lose anything by delaying registration of FIRs or prosecution under Section 18(e) to (h) of the amended Principal Act. However, this would in the interim protect transgender persons and those who support transgender persons at the ground level, including natal and chosen families, friends, legal aid services authorities, healthcare professionals, those running shelter homes and crisis interventions and from the threat of criminal prosecution.

5. That the balance of convenience overwhelmingly favours the grant of interim relief, and no convenience lies with the Respondents in having the Impugned Amendment come into force during the pendency of this petition.

A. The Impugned Amendment has not yet been notified into force: As on the date of filing, the Impugned Amendment is not in force. The grant of an interim stay on the operation of the impugned provisions accordingly entails no disruption of the legal changes or operational reality, but only seeks to maintain the status quo. It is trite that some institutional authorities like District Magistrates and Hospitals are taking action under the Impugned Amendment, but such action is illegal and must be rejected until the Impugned Amendment and the

Rules operationalising it come into force. The Respondents suffer no inconvenience whatsoever from a stay at this stage, since they have not yet exercised their power to bring the Amendment into force.

- B. Expensive and unready state infrastructure:** The Impugned Amendment requires the creation of medical boards in each of Manipur's seven district government hospitals. Manipur's seven district hospitals are already strained; the ethnic conflict has placed severe additional burdens on the healthcare infrastructure across the State. The creation of additional specialised medical boards to evaluate transgender identity claims is not merely financially burdensome; it is realistically unachievable in the current situation in Manipur. Any interim stay simply preserves the status quo, incurring no additional cost.
- C. Status quo is a rights-protective framework:** The effect of an interim stay is to maintain the rights-based framework of the Principal Act: self-identification, protection from discrimination, welfare scheme access, and certificate validity, pending final adjudication. No rights of any third party are adversely affected by the maintenance of the status quo. Conversely, allowing the Impugned Amendment to come into force without a stay will cause immediate, concrete, and irreversible harm to transgender persons in Manipur (over 4,000 by conservative estimates) and across India.

6. In *S.G. Vombatkere v. Union of India* (WP(C) 682 of 2021,

Supreme Court, Order dated 11.05.2022), a three-judge bench of this Hon'ble Court, stayed the operation of Section 124-A of the Indian Penal Code, 1860 while hearing petitions challenging its constitutional validity. The Court directed that all pending trials, appeals and proceedings with respect to charges under Section 124-A be kept in abeyance, and urged the Central and State Governments to refrain from registering any FIR, continuing any investigation, or taking coercive steps under Section 124-A until the review was complete. The stay was granted on the prima facie finding that the provision may be unconstitutional and that its continued operation would cause prejudice. The stay of a Parliamentary penal provision establishes that this Hon'ble Court has ample precedent to grant similar relief in relation to the criminal provisions of the Impugned Amendment. In particular, the newly inserted Sections 18(e)-(h) of the Principal Act are overbroad, vague, and criminalise constitutionally protected expression and association. In the present case, a similar interim direction restraining registration of FIRs and coercive action under Sections 18(e)-(h) is warranted.

7. In *Kunal Kamra v. Union of India* (SLP(C) No. 6871-6873/2024, Supreme Court, Order dated 21.03.2024), this Hon'ble Court stayed the notification constituting the Government's Fact Check Unit under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, while petitions challenging its constitutionality were pending before the Hon'ble High Court of Bombay. This Hon'ble Court held

that there was a *prima facie* case in favour of the petitioners, warranting the staying of the notification, taking into account the chilling effect of the Rules on freedom of speech under Article 19(1)(a) of the Indian Constitution. This Hon'ble Court did not wait for the High Court to resolve the merits before granting interim relief. In the present case, the provisions of Sections 18(e)-(h) of the Impugned Amendment are similarly vague and overbroad, with a far more severe chilling effect (criminal prosecution carrying up to life imprisonment) on the expression of gender identity and the activities of support organisations for transgender persons.

8. This Hon'ble Court, while dealing with challenges to the Waqf (Amendment) Act, 2025, (*Asaduddin Owaisi v. Union of India*, WP(C) 276 of 2025, Supreme Court, Order dated 15.09.2025), recognised the power to grant interim stays of specific provisions of Central legislation during pending constitutional challenges. The Court stayed key provisions of the Amendment Act, including the provision empowering District Collectors to determine whether a property is Waqf or government property during an inquiry, on the ground that the same was *prima facie* arbitrary and a violation of the separation of powers. The Court held that property disputes must be decided by courts and tribunals, not executive officers. In the present case, an analogous infirmity exists: the Impugned Amendment vests in District Magistrates the power to determine a person's gender identity, a matter the Hon'ble Supreme Court in *NALSA* @para 81 (supra) has held

must be determined by the 'psychological test' and not any biological or medical criterion conferring wholly unguided discretion over the most intimate and subjective aspect of personhood upon an executive officer. The *Waqf* stay order supports the grant of a stay of these provisions in the present petition.

9. That this application is filed *bona fide* and for securing the ends of justice.

PRAYER

In view of the above facts and circumstances, it is most humbly and respectfully prayed that this Hon'ble Court may most graciously be pleased to -

- a. Pending the disposal of this writ, the Petitioners pray that this Hon'ble Court be pleased to the stay the operation of Sections 2(ii), (iii), (iv), 3, 4, 5 and 7 of the Transgender Persons (Protection of Rights) Amendment Act, 2026, in the interest of justice and equity;
- b. Pending disposal of this writ, the Petitioners pray that this Hon'ble Court may be pleased to direct that the Impugned Amendment would not affect any right, privilege or entitlement accrued to any person under the Principal Act, and in particular, would not affect (i) any certificate of identity issued under Section 6 or a revised certificate of identity issued under Section 7 of the Principal Act prior to the Impugned Amendment coming into force; (ii) any pending applications made under Section 6 or 7 prior to the Impugned Amendment coming into force (iii) the right of a person to make an application under Section 7, having made

an application, or being issued a certificate under Section 6 prior to the Impugned Amendment coming into force, in the interest of justice and equity;

- c. Pending disposal of this writ, the Petitioners pray that this Hon'ble Court may be pleased to declare that the Government of Manipur and Union of India shall be restrained from registering any FIR, continuing any investigation or taking any coercive measures by invoking Sections 18(e) to (h) of the Transgender Persons (Protection of Rights) Act, 2019 as amended by the impugned Amendment, in the interest of justice and equity.
- d. Pending disposal of this writ, the Petitioner prays that this Hon'ble Court may be pleased to issue a declaration that no actions can be taken under the Transgender Persons (Protection of Rights) Amendment Act, 2026 until it is brought into force as per Section 1(2) of the impugned Amendment in the interest of justice and equity.
- e. Pending disposal of this writ, the Petitioners pray that this Hon'ble Court may be pleased to issue directions to the Respondents that there shall be no ban or barriers against access to gender-affirmative medical interventions, including hormone therapy, surgical procedures, etc., by any person, regardless of when they start such procedures.
- f. Pending disposal of this writ, the Petitioners pray that this Hon'ble Court may be pleased to stay the operation of Section 5(a) and (b) of the Transgender Persons (Protection of Rights) Amendment Act, 2026;

- g. Pending disposal of this writ, the Petitioners pray that this Hon'ble Court may be pleased to direct the Respondents not to take any coercive action under the provisions of the Transgender Persons (Protection of Rights) Amendment Act, 2026.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS IN DUTY BOUND SHALL EVER PRAY.**

DRAWN BY:

Rajagopalan R @ Kanmani R, Adv
Muskan Tibrewala, Adv.
Harshit Anand, Adv
Payal Gaikwad, Adv
Sithara Sarangan, Adv

Place: New Delhi

Dated: 24.06.2026

FILED BY:

Shakeel Ahmed J.

**Mr. Shakeel Ahmed
Advocate for the Petitioners**