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CASE COMMENTARY:

LAXMI NARAYAN TRIPATHI V. UNION OF INDIA

WRIT PETITION (CIVIL) NO. 548 OF 2026 (SUPREME COURT OF INDIA
2026)

- *Ishti Singhal*

INTRODUCTION

Laxmi Narayan Tripathi v Union of India is a recent and significant petition filed before the Supreme Court of India challenging the constitutional validity of Transgender Persons (Protection of Rights) Amendment Act, 2026. The petition states that the Amendment Act significantly changes the rights regime as created by the Transgender Persons (Protection of Rights) Act, 2019, which had provided for recognition of a person's gender identity, in favour of medicalization and bureaucratization.¹

The issue before the Court is whether the previous constitutional decisions on transgender rights and privacy can be enforced in the context of a new law which seeks to “rationalise” gender recognition and, in the opinion of the petitioners, actually restricts it.

FACTUAL BACKGROUND AND LEGISLATIVE CONTEXT

The original definition of transgender persons in the 2019 Act also included the term “self-perceived gender identity”, which is the core tenet of NALSA, namely that each person has the right to choose which gender they want to be without having to undergo any medical procedures. The Transgender Persons (Protection of Rights) Amendment Act, 2026 has made several controversial amendments to this scheme including:

- Removes or weakens the legal definition of self-perceived gender identity.

¹ *Challenge to the Transgender Persons Amendment Act, 2026*, Supreme Court Observer (May 4, 2026), <https://www.scobserver.in/cases/challenge-to-the-transgender-persons-amendment-act-2026/>.

- Establishes medical boards or other medical authorities as a means to formally recognize transgender status through certification.
- Creates a National Transgender Registry and reporting requirements for gender affirming procedures.

Soon after the receipt of the presidential assent, a petition was filed by the Chairperson of the National Council for Transgender Persons, Laxmi Narayan Tripathi, and member of the Council, Zainab Patel, and others. They claim that the amendments cause “irreparable constitutional injury” to the basic rights of transgender people as guaranteed by Articles 14, 15, 19 and 21.²

The Supreme Court has issued notice and has refused to grant an interim stay to the operation of the Amendment Act and has also accepted a plea to transfer similar challenges raised by different High Courts to itself till May-June 2026. The issue is now a live and pending constitutional challenge.

PARTIES AND PROCEDURAL HISTORY

The petitioners are transgender women and prominent rights activists, such as Laxmi Narayan Tripathi and Zainab Patel, who have played an active role in institutional bodies relating to transgender rights. Their role is important, as they contest the very Act on which the National Council for Transgender Persons is based, saying that the Amendment reverses the inclusive tone of the original Act.

The Union of India, has argued that it is a necessary measure to ensure that the gender identity is “accuracy” and “integrity” and to prevent “alleged misuse”. The case is pending before the Chief Justice of India Surya Kant and Justice Joymalya Bagchi on a Division Bench.³

The proceedings till now are as follows:

- Notice has been given to the Union Government.
- As of late May 2026, requests for interim stay on the Amendment Act have been denied and the Court stated that the constitutional challenge will be heard on merits.
- The Union has filed a transfer petition, asking for the consolidation of similar petitions pending in various High Courts, which the Supreme Court has partially stayed the proceedings before the High Courts and transferred the matter to the Supreme Court.

² Satya Prakash, *Transgender Persons (Protection of Rights) Amendment Act challenged in Supreme Court*, The Tribune (Apr. 4, 2026), <https://www.tribuneindia.com/news/india/transgender-persons-protection-of-rights-amendment-act-challenged-in-supreme-court/>.

³ Supra note 1.

ISSUES RAISED

There are three main constitutional issues identified in this case till now:

1. IDENTIFICATION AND GENDERING OF SELVES

- Whether the modified definition of “transgender person” and the exclusion of statutory recognition of self-perceived gender identity infringes upon the rights to equality as guaranteed under Article 14, the right to life and personal liberty under Article 15, the right to freedom of expression under Article 19 and the right to self-identification established by the *NALSA v Union of India (2014)*⁴ case.
- The petitioners argue that the elimination of the self-perception clause is a clear rejection by the legislature of the NALSA's understanding of gender identity as a part of personal autonomy.⁵

2. MEDICAL VERIFICATION AND ADMINISTRATIVE VERIFICATION

- Does the compulsory medical board certification and bureaucratic processes for the recognition of the transgender identity infringe on the right to dignity, autonomy and personal liberty, guaranteed in Article 21?
- The worry is that the medicalisation of recognition amounts to a legalisation of medical opinion, which is against the law of forced medicalisation.

3. THE NATIONAL TRANSGENDER REGISTRY AND INFORMATIONAL PRIVACY

- Whether the establishment of a National Transgender Registry, which also requires reporting of gender affirming procedures, and penal consequences for non-compliance, infringes on the right to privacy and to informational autonomy as recognised in *K.S. Puttaswamy v Union of India (2017)*⁶.
- The petitioners argue that the forced registration and centralized collection of data on transgender status and medical interventions is a breach of privacy and a source of stigma for transgender individuals, without sufficient protections.

These issues place the case in the nexus of equality, anti-discrimination, autonomy, privacy and data protection and are a test of the extent to which Parliament can go to change the legal framework of transgender rights, following NALSA and Puttaswamy.

⁴ National Legal Ser.Auth vs Union Of India & Ors (2014) 5 S.C.C. 438 (India)

⁵ Supra note 2

⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

PETITIONERS' ARGUMENTS

The petitioners' submissions can be summarized into four key themes.

1. Breach of the doctrine of self-identification of NALSA:

The petition also states that the Amendment Act “abridges transgender persons' fundamental right to self-determination of gender”, which directly contradicts NALSA, which equated with self-identification, the rights to freedom of expression guaranteed by Articles 14, 15, 16 and 21. The Act allegedly reintroduces the gatekeeping system that NALSA had already dismantled, by forcing identity verification to go through medical boards and bureaucracy.

2. Articles 14 and 15 - equality and non-discrimination:

The petition contends that the Amendment is irrational and discriminatory because it places different requirements on transgender persons with respect to medical certification and registration in a transgender registry that it does not impose on cisgender persons. This imbalanced approach is reported to be in violation of the reasonable classification criterion and discrimination based on sex and gender identity, which is prohibited by Article 15.

3. Right to autonomy, dignity and liberty under Article 21:

The Amendment is said to undermine personal autonomy and bodily integrity by making identity a category that needs to be proven by the State's designated experts. The petitioners stress that dignity is about self-conception and forcing transgender persons to undergo intrusive medical examination for legal recognition is a disproportionate infringement on liberty.⁷

4. Structural surveillance and informational privacy:

Puttaswamy's argument for the right to privacy as part of Article 21 is based on the challenge to the National Transgender Registry and the compulsory reporting. The petitioners state that the lack of purpose limitation, data minimisation and strong safeguards allows transgender people to be structurally monitored by the centralised data on gender identity and medical procedures, which leaves them more susceptible to stigma and discrimination.

⁷ Live Law, *Plea In Supreme Court Challenges Transgender Persons Amendment Act 2026, Says Omitting Self-Identification Violates Art 21*, (Apr. 4, 2026), <https://www.livelaw.in/top-stories/plea-in-supreme-court-challenges-transgender-persons-amendment-act-2026-says-omitting-self-identification-violates-art-21-528986>.

The relief sought is for the unconstitutionality of the Amendment Act and restoration of the self-perceived identity framework of the 2019 Act as per the NALSA.

PRELIMINARY COURT RESPONSE

A Division Bench on May 3, 2026, issued notice to the Union Government, saying that the petition raises significant constitutional issues. The Court, however, refused to issue an interim stay of the Amendment Act, pointing out that a merits hearing would be the correct way to proceed, rather than an interim stay.⁸

The Supreme Court went on to stay proceedings in the High Courts in related matters and consolidated the challenge, stating that it was desirable that the challenge of transgender rights and identity be determined on a uniform basis across the country. This position highlights the Court's recognition of the value of the case and its awareness of the limitations of institutions and the need for reasoned adjudication before granting intrusive interim relief.⁹

ANALYTICAL ASSESSMENT

On a doctrinal note, this case can be treated as the next significant chapter in the constitutional narrative of gender identity and privacy. The case involves a clash between the policy of the legislature and the past rights articulation by the judiciary, thus posing the question of the strength of the principles of NALSA in the Parliament.

On the other hand, the State could claim that medical and registry procedures are designed to combat fraud, ensure that benefits are delivered to those who are eligible for them and to keep records accurate, in the interests of the State. The petitioners point out, however, that these mechanisms are institutional and structural in nature, and are specifically directed against transgender persons and may constitute systemic discrimination.¹⁰

The central normative tension lies in whether gender identity should be treated as a self-defined, experiential category or as a status that must be validated by external authorities. NALSA's argument is compellingly in favour of the former, and the Amendment Act seems to reintroduce the latter via medical boards and bureaucratic certification. If the Court follows

⁸ Ashish Tripathi, *Supreme Court issues notice to Union govt on plea against constitutional validity of Transgender Amendment Act 2026*, (May 4, 2026), <https://www.deccanherald.com/india/supreme-court-issues-notice-to-union-govt-on-plea-against-constitutional-validity-of-transgender-amendment-act-2026-3990930>.

⁹ Suchitra Kalyan Mohanty, *SC stays HC proceedings, issues notices on pleas challenging Transgender Amendment Act 2026*, (June 15, 2026), <https://www.newindianexpress.com/amp/story/india/2026/Jun/15/sc-stays-hc-proceedings-issues-notices-on-pleas-challenging-transgender-amendment-act-2026>.

¹⁰ Supra note 5.

NALSA's reasoning, it may need to look at how the new regime would be able to accommodate self-identification or whether it would render it redundant.

Likewise, the National Transgender Registry asks a question that can't be answered without strong legislation to protect their data, an independent oversight, and voluntary informed participation: Can centralised data collection about a marginalised group be rights compliant without these elements?

Since the matter is still pending and there is no final judgment yet, any comments must be provisional. But the case has the potential to become a landmark decision for constitutional rights; it could either formalize NALSA's jurisprudence of self-identification or give Parliament the opportunity to redraw the lines of transgender rights through medicalized and surveillance-based structures.