

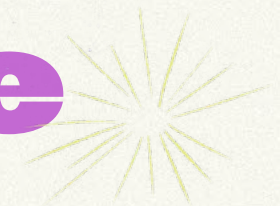
Queering the Law: Making Tamil Nadu's Laws LGBTIA+ Inclusive



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Legal Policy

Queering
the Law:

Making **Tamil**
Nadu's Laws
LGBTIA+
Inclusive



This is an independent, non-commissioned piece of work by the **Vidhi Centre for Legal Policy**, an independent think-tank doing legal research to help make better laws.

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We would specifically like to acknowledge the decades of resistance, conversations and literature produced by the LGBTIA+ rights movement on the issue of LGBTIA+ inclusion in India's laws. This report is built on the rich foundations laid down by the community.

Note



The Vidhi Centre for Legal Policy shared detailed written submissions on the Transgender Persons (Protection of Rights) Amendment Act, 2026 ('Amendment Act') with the Ministry of Social Justice and Empowerment prior to its introduction in the Lok Sabha. These submissions are available on our website.

At the time of finalisation of this report, the Amendment Act was not in force. Consequently, the recommendations in this report are informed by the position of law under the Transgender Persons (Protection of Rights) Act, 2019 ('2019 Act') as it stands prior to the amendment. Further, recommendations in this report are not directly affected by the Amendment Act.

Vidhi has also published a report titled 'The Transgender Persons (Protection of Rights) Amendment Act, 2026: What Can State Governments Do?' which provides how State Governments can exercise their rule making powers under the 2019 Act to continue to recognise and protect the rights of the transgender community despite the Amendment Act.

At the time of publication of this report, the Amendment Act was notified and is in force.

Executive Summary



The State of Tamil Nadu has established itself as a pioneer in advancing rights for the LGBTIA+ community in the country. This can be witnessed in the executive interventions carried out by the State Government aimed at addressing discrimination faced by members of the community and making space for queer identities within the law. The Madras High Court has also served as a trailblazer in this regard. The Court has contributed towards recognising and expanding rights articulated in landmark Supreme Court judgements such as *NALSA v. Union of India*, *Navtej Singh Johar v Union of India*, and *Supriyo Chakraborty v Union of India*. It has also issued several binding directions to the State Government, several of which have been implemented.

While these are welcome developments, there is considerable scope for a comprehensive queering of Tamil Nadu's laws and practices. This is where this report comes in. 'Queering the Law: Making Tamil Nadu's Laws LGBTIA+ Inclusive' is a continuation of Vidhi's work in ensuring India's laws are made queer-inclusive. This work is informed by extensive legal research, and consultations with the community. The lived experiences of the community serve as critical inputs to inform community centred law reform.

The methodology for the report is as follows:

- a. A detailed desk review of the legal and policy landscape pertaining to LGBTIA+ rights, with a focus on Tamil Nadu;

by the Madras High Court, the Supreme Court of India, and other State High Courts on LGBTIA+ rights;

- b. Identification and analysis of legal and policy measures undertaken by the Government of Tamil Nadu, along with an assessment of existing gaps and implementation challenges;
- c. Extensive stakeholder consultations and deliberations across Tamil Nadu, including in-person meetings, focused group discussions, informal group interactions, and both in-person and virtual one-on-one consultations; and
- d. Development of tailored recommendations across eight thematic areas, aimed at strengthening the implementation of existing legal and policy frameworks and proposing additional measures to advance inclusion, equality, and non-discrimination for the LGBTIA+ community.

Recommendations for legal and policy reform are set out across eight chapters. Each chapter outlines the relevant legal background for its thematic area, examines the existing legal and policy landscape in Tamil Nadu, highlights insights from stakeholder consultations, and presents issue-specific recommendations for reform:

Chapter I, Gender Identity and Expression:	Chapter II, Recognition of Relationships:
Recommends an inclusive, uniform, self-identification-based framework for recognition of gender identity across State documents, and horizontal reservations in education and employment.	Recommends legal recognition for queer relationships through three frameworks. Legal recognition of the Deed of Familial Association, a Nominations regime, and finally making secular marriage laws queer inclusive.

Chapter III, Queer-Inclusive Healthcare:	Chapter IV, Labour, Employment and Welfare Benefits:
Recommends accessible, non-discriminatory and affirmative healthcare through regulation of medical practices, holistic prohibition of conversion therapy, inclusive treatment standards, queer inclusive mental healthcare norms, and recognition of chosen family in care decisions.	Advances workplace equality through measures for anti-discrimination protections, inclusive employment practices, reservations, and expanded livelihood and social security measures across formal and informal sectors.
Chapter V, Queer-Inclusive Education:	Chapter VI, Protection of Queer Minors:
Addresses exclusion in educational institutions through recommendations on inclusive admissions, reservations, safe campus infrastructure (including hostels and restrooms), and strengthened grievance redressal and anti-ragging mechanisms.	Recommends child-sensitive legal and institutional safeguards for LGBTIA+ minors, including identity recognition, supportive care frameworks, queer inclusive care-giving arrangements, and parent and institutional sensitisation mechanisms.
Chapter VII, Measures to Address Violence:	Chapter VIII, Monitoring and Enforcement:
Strengthens institutional responses to violence by recommending dedicated protection cells, police and prison reforms, sensitisation of authorities, and accessible legal aid and shelter systems.	Recommends institutional mechanisms for oversight, coordination, and accountability, including strengthening the Transgender Welfare Board and extending monitoring functions to cover sexual minorities.

Glossary



Term	Definition
Asexual Persons	A person with a complete or partial lack of sexual attraction or interest in sexual activity with others. Asexuality exists on a spectrum.
Binary Gender	The presumption that there are only two genders, namely man and woman.
Bisexual	A person emotionally, romantically or sexually attracted to more than one gender, though not necessarily simultaneously, in the same way or to the same degree.
Cisgender Person	A person whose gender identity corresponds with the sex assigned to them at birth.
Chosen Family	Chosen family usually refers to kinship bonds not defined by biology or a marital relationship.
Gay	A person, usually a man, who is emotionally, romantically or sexually attracted to members of the same gender.
Gender	Gender is how society perceives persons, based on the norms, behaviours and roles associated with the sex assigned at birth. The law currently recognises three genders: man, woman, transgender.
Gender Identity	A person's subjective sense of their gender. This can be man, woman, a combination of both, or relation to neither.
Gender-Fluid	A gender-fluid person is one who does not have a fixed gender identity.

Term	Definition
Gender Non-Conforming	A gender non-conforming person is one whose gender expression is different from the social expectation. Such social expectation is informed by the sex assigned to a person at birth.
Heteronormative	The presumption that everyone is heterosexual and cisgendered.
Jamaat	A traditional transgender kinship unit comprising transfeminine transgender persons.
Lesbian	A woman who is emotionally, romantically or sexually attracted to other women.
LGBTIA+ and allied acronyms	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other queer identities that are not heterosexual or cisgender.
Natal Family	The family into which a person is born.
Queer	An umbrella term that includes persons who are not cisgender or heterosexual.
Sex	This is the biological difference based on genetics, hormones, and genitalia. Traditionally, it has been assumed to be male and female, but also includes intersex persons.
Sexual Orientation	A person's enduring physical, romantic and/or emotional attraction to members of any sexes or genders.
Third Gender	Third gender refers to a gender identity other than man or woman.
Thirunar	Tamil word for transgender persons.
Thirunambi	Tamil word for transgender man.
Thirunangai	Tamil word for transgender women.
Transgender Man	A transgender man is a person who was assigned female at birth but identifies as a man.

Term	Definition
Transgender Woman	A transgender woman is a person who was assigned male at birth but identifies as a woman.
Transgender Person	A person whose gender identity does not correspond with the sex assigned to them at birth.
Idaipalinathavar	Tamil word for person with intersex variations.



List of Abbreviations

Term	Abbreviations
AMD	Advanced Medical Directive
Community Policy, 2024	Tamil Nadu State Sexual and Gender Minorities (LGBTIQA+) Policy, 2024
DLC	District Level Committee
LGBTIA+	Lesbian, Gay, Bisexual, Transgender, Intersex, Asexual and Allied Terms
MSM	Men who have sex with men
National TG Card	National Transgender Identity Card issued by the Central Government
RTE Act	Right of Children to Free and Compulsory Education Act, 2009
SOGI	Sexual Orientation and Gender Identity
State Policy, 2025	Tamil Nadu State Policy for Transgender Persons, 2025
State TG Card	Tamil Nadu State Transgender Identity Card issued by the Tamil Nadu Government
State TG Board	Tamil Nadu State Transgender Welfare Board

Term	Abbreviations
TG Act, 2019	Transgender Persons (Protection of Rights) Act, 2019
TG Rules, 2020	Transgender Persons (Protection of Rights) Rules, 2020
TG Amendment Act	Transgender Persons (Protection of Rights) Amendment Act, 2026
TN Rules	Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022



Action Points

S. No.	Proposed Action	Implementing Authority
Chapter 1: Gender Identity and Expression		
1.	Formulate a uniform State-wide protocol for application of the State TG Cards, including waiver of requirement for permanent address, acceptance of accessible documents like Aadhaar or utility bills, District Collector assistance for incomplete applications, oversight by the State TG Board and District Level Committees, and sensitisation of all officials involved.	Department of Social Welfare and Women Empowerment
2.	Prescribe a uniform and time-bound process for update of name, gender, and photograph across government-issued identity documents, mandating reliance on the certificate of identity, prohibiting intrusive questions, and binding all nodal authorities to a common protocol.	Department of Social Welfare and Women Empowerment; relevant line departments
3.	Permit access to State welfare schemes for transgender persons through either the National TG Card or the State TG Card, while moving towards harmonisation under a single-card framework.	Department of Social Welfare and Women Empowerment
4.	Update the State TG Card to reflect inclusive identities such as man, woman, transgender person, and person with intersex variations, while preserving autonomy in self-identification in State data collection.	Department of Social Welfare and Women Empowerment

S. No.	Proposed Action	Implementing Authority
Chapter 1: Gender Identity and Expression		
5.	Establish a uniform protocol for disbursal of welfare benefits requiring only essential documents and prohibiting intrusive or additional demands unrelated to eligibility.	Department of Social Welfare and Women Empowerment; Health and Family Welfare Department; other departments administering transgender welfare schemes
6.	Rename the State Board and related State instruments in Tamil to refer inclusively to all transgender persons, and revise government orders, policies, circulars, and digital applications accordingly.	Department of Social Welfare and Women Empowerment
7.	Amend the Tamil Nadu TG Rules and related forms to dilute the requirement of medical intervention for binary gender markers and recognise self-declaration as sufficient for the State TG Card.	Department of Social Welfare and Women Empowerment
8.	Operationalise horizontal, compartmentalised reservations for transgender persons in public employment and education, and determining the extent of reservation in consultation with transgender communities.	Department of Social Welfare and Women Empowerment; Labour Welfare and Skill Development Department; Personnel and Administrative Reforms Department; Higher Education Department

S. No.	Proposed Action	Implementing Authority
Chapter 2: Recognition of Relationships		
1.	Extend legal recognition to queer relationships through a Deed of Familial Association, a nomination framework, and queer-inclusive reform of family laws, including access to relationship-linked benefits across healthcare, employment, rations, financial services, and prison visitation.	Department of Social Welfare and Women Empowerment; Registration Department; Health and Family Welfare Department; Labour Welfare and Skill Development Department; Civil Supplies and Consumer Protection Department; Finance Department; Tamil Nadu Prison Department; Law Department
2.	Clarify the legal position on marriage and parenthood upon transition by preserving subsisting marriages where parties choose to continue them, recognising voidability where parties do not, and protecting parental rights and family entitlements from being extinguished solely on account of transition.	Department of Social Welfare and Women Empowerment; Registration Department; Home Department; Law Department
3.	Limit bureaucratic discretion in registration of transgender marriages by prescribing technical grounds alone for refusal, permitting curing of defects; amend the Tamil Nadu Registration of Marriages framework to include grievance redress and penalties for unlawful refusal.	Registration Department; Home Department

S. No.	Proposed Action	Implementing Authority
Chapter 3: Queer-Inclusive Healthcare		
1.	Extend the ban on conversion therapy across medical systems and service providers by treating conversion therapy, and its advertising as professional misconduct, prohibiting it through mental-health service standards, and enabling criminal complaints where applicable.	Department of Health and Family Welfare; Tamil Nadu State Medical Council; Tamil Nadu Siddha Medical Council; Board under the Tamil Nadu Registration of Practitioners of Integrated Medicine Act; Tamil Nadu State Mental Health Authority; Home, Prohibition and Excise Department
2.	Issue a framework for classification, treatment, and birth registration of infants with intersex variations, and prohibit medically unnecessary sex-assignment or 'sex-normalising interventions' on intersex infants and children.	Department of Health and Family Welfare; registration authorities
3.	Operationalise discrimination-free access to healthcare by treating denial, discontinuation, or unfair treatment based on gender identity, intersex status, or sexual orientation as professional misconduct, publicising complaint pathways, and monitoring complaints.	Department of Health and Family Welfare; Tamil Nadu State Medical Council; Tamil Nadu Siddha Medical Council; Tamil Nadu State Mental Health Authority; State TG Board
4.	Strengthen queer-inclusive and sex worker-affirmative HIV-AIDS care by improving confidentiality, informed consent, non-discriminatory access, stigma reduction, and access to prevention, testing, treatment, and counselling.	Department of Health and Family Welfare; Tamil Nadu State AIDS Control Society
5.	Create a framework for nomination of queer partners and chosen family members to act as healthcare decision-makers and next of kin, including through hospital forms and consent processes.	Department of Health and Family Welfare; Tamil Nadu State Medical Council; hospital administrations

S. No.	Proposed Action	Implementing Authority
Chapter 3: Queer-Inclusive Healthcare		
6.	Reform healthcare education and hospital protocols to make them queer-affirmative, including changes to medical and allied-health curricula and institutional treatment standards.	Department of Health and Family Welfare; medical education authorities; professional councils; hospital administrations
7.	Develop LGBTIA+ affirmative mental healthcare standards, prohibit discrimination and conversion therapy in mental healthcare settings, and create accessible queer-affirmative psychosocial support and suicide-prevention pathways.	Department of Health and Family Welfare; Tamil Nadu State Mental Health Authority
Chapter 4: Labour, Employment and Welfare Benefits		
1.	Prescribe detailed, enforceable Equal Opportunity Protocol standards for establishments employing transgender persons, including anti-discrimination duties, grievance procedures, confidentiality, recruitment, retention, promotion, and disciplinary consequences.	Labour Welfare and Skill Development Department
2.	Introduce workplace protections for transitioning employees, including protocols on name and gender change in service records, confidentiality, facilities access, and protection from adverse employment action.	Labour Welfare and Skill Development Department; Personnel and Administrative Reforms Department; employers
3.	Recognise discrimination based on sexual orientation as a distinct form of workplace discrimination and extend employment protections beyond transgender status alone.	Labour Welfare and Skill Development Department; Personnel and Administrative Reforms Department
4.	Expand livelihood, employment, and welfare support for transgender persons in the informal sector, including social security, self-employment support, and targeted labour-linked benefits.	Labour Welfare and Skill Development Department; Department of Social Welfare and Women Empowerment

S. No.	Proposed Action	Implementing Authority
Chapter 4: Labour, Employment and Welfare Benefits		
5.	Clarify and operationalise horizontal reservations for transgender persons in public employment, including through amendment of the Tamil Nadu State and Subordinate Service Rules, 2011.	Personnel and Administrative Reforms Department; Labour Welfare and Skill Development Department; Department of Social Welfare and Women Empowerment
6.	Create inter-operable identity and benefit-access systems and reduce bureaucratic barriers so that mismatch across identity documents does not obstruct access to schemes.	Department of Social Welfare and Women Empowerment; relevant line departments
7.	Frame inclusive housing policy and anti-discrimination safeguards recognising queer households and non-normative family units in rental housing and housing-scheme access.	Housing and Urban Development Department; Department of Social Welfare and Women Empowerment; local authorities
8.	Revise Tamil Nadu's Senior Citizen Policy and related care frameworks to recognise queer elders, chosen family, and non-normative care arrangements.	Department of Social Welfare and Women Empowerment; relevant senior-citizen welfare authorities
Chapter 5: Queer-Inclusive Education		
1.	Reform exclusionary and hostile admission procedures at schools and universities by issuing orders against denial or delay of admission and aligning fee and scholarship processes to remove access barriers.	Department of School Education; Department of Higher Education
2.	Revise higher-education admission orders to introduce reservation or affirmative measures for transgender persons, including compartmentalised horizontal reservations.	Department of Higher Education

S. No.	Proposed Action	Implementing Authority
Chapter 5: Queer-Inclusive Education		
3.	Issue institutional directions to hostels, restrooms, uniforms, counselling, and other campus practices to address exclusionary and hostile school and university environments.	Department of School Education; Department of Higher Education; educational institutions
4.	Strengthen monitoring, enforcement, and grievance-redressal mechanisms through grievance committees, university grievance bodies, School Management Committees, annual reporting, and anonymised data collection.	Department of Social Welfare and Women Empowerment; Department of School Education; Department of Higher Education; District Committees
5.	Amend or clarify the anti-ragging framework so that harassment based on sexual orientation, gender identity, or gender expression is expressly recognised as ragging under the Tamil Nadu Prohibition of Ragging Act, 1997.	Department of Higher Education
Chapter 6: Protection of Queer Minors		
1.	Introduce inclusive safeguards for gender non-conforming and LGBTIA+ children under the Juvenile Justice framework, including revision of forms, placement standards, accommodation protocols, and sensitisation of child-protection authorities.	Department of Children Welfare and Special Services; Department of Social Welfare and Women Empowerment
2.	Frame protocols under the Tamil Nadu TG Rules, 2022 for transgender minors without legal guardians to access chosen gender identity and obtain certificates of identity, along with institutional support for updating documents.	Department of Children Welfare and Special Services; relevant line departments
3.	Create State support systems for parents of gender non-conforming children, including counselling, sensitisation, expert support, and structured follow-up in restoration cases.	Department of Children Welfare and Special Services; Department of School Education

S. No.	Proposed Action	Implementing Authority
Chapter 6: Protection of Queer Minors		
4.	Conduct proactive awareness and educational initiatives on gender, sexuality, and LGBTIA+ children, especially in parent-facing public settings such as schools.	Department of Children Welfare and Special Services; Department of School Education
Chapter 7: Measures to Address Violence		
1.	Establish State and District Transgender Protection Cells in compliance with Rule 11(5) of the TG Rules, and prescribe their jurisdiction, composition, and functions for complaint handling, referral, monitoring, and pre-emptive protection.	Home, Prohibition and Excise Department; Department of Social Welfare and Women Empowerment; DGP; District Magistrates
2.	Mandate periodic and rigorous sensitisation of the judiciary, law-enforcement authorities, legal services authorities, and TG Cell personnel through updated LGBTIA+ training modules and official glossaries.	Department of Social Welfare and Women Empowerment; Home, Prohibition and Excise Department; Tamil Nadu State Judicial Academy; Tamil Nadu State Legal Services Authority
3.	Issue a consolidated police and prison SOP under Rule 24-C of the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964, implementing applicable judicial directions, MHA advisories, and the TG Act, 2019.	Home, Prohibition and Excise Department; DGP; Tamil Nadu Police Training College and Police Academy; Director General of Prisons and Correctional Services
4.	Frame a holistic State policy on shelter homes covering admission, safety, livelihood support, access without mandatory identity documents, and linkage with domestic violence and child-protection frameworks.	Department of Social Welfare and Women Empowerment; Home Department; Labour Welfare and Skill Development Department; Department of Children Welfare and Special Services

S. No.	Proposed Action	Implementing Authority
Chapter 7: Measures to Address Violence		
5.	Amend Rule 6(11) of the Tamil Nadu Criminal Rules of Practice, 2019 to replace the "predominant sex orientation" test with a self-identified gender-based remand and prison-allocation framework.	Home, Prohibition and Excise Department
6.	Make legal aid accessible to the LGBTIA+ community by clarifying that transgender women are included within "women" under the Legal Services Authorities Act, 1987, and by strengthening referrals and sensitisation of legal-aid personnel.	Tamil Nadu State Legal Services Authority; Department of Social Welfare and Women Empowerment
Chapter 8: Monitoring and Enforcement		
1.	Prescribe a governing framework for the Tamil Nadu Transgender Welfare Board, including composition, representation, tenure, sub-committees, functions, transparency, and reporting.	Department of Social Welfare and Women Empowerment
2.	Designate a government officer as a Sexual Minorities Commissioner to bring sexual minorities within the fold of monitoring and enforcement and incrementally bring them within the ambit of a Board.	Department of Social Welfare and Women Empowerment

Contents



Authors and Contributors	06
Executive Summary	09
Glossary	12
List of Abbreviations	15
Action Points	17
Contents	26
Introduction	32
Making Tamil Nadu's Laws LGBTIA+ Inclusive	38
Why Tamil Nadu?	38
Can Tamil Nadu Make Queer-Inclusive Laws?	39
Methodology	41
The Way Forward	46

50

Chapter 1 Gender Identity & Expression

- I. Background 50
- II. Legal Developments in Tamil Nadu 55
- III. Inputs from Consultations 57
- IV. Recommendations 62



- Issue 1:** Absence of uniform protocol for application of State TG Card 64
- Issue 2:** Transgender persons face several bureaucratic hurdles when applying for name and gender change 68
- Issue 3:** Those who do not possess a State TG Card cannot access state benefits 72
- Issue 4:** The terms used to refer to transgender persons in the State TG Card and the National TG Card are not aligned 73
- Issue 5:** No uniform protocol for disbursement of welfare benefits 75
- Issue 6:** Government policies habitually conflating transgender persons with 'transgender women' 78
- Issue 7:** Requirement of medical intervention as a mandatory prerequisite for legal identification as a man or a woman and lack of clarity on this issue across identity documents 80
- Issue 8:** No State policy on and implementation of reservations for transgender persons in public employment and education 87

94

Chapter 2 Recognition of Relationships

- I. Background 94
- II. Legal Developments in Tamil Nadu 98
- III. Inputs from Consultations 101
- IV. Recommendations 104



- Issue 1:** There is no legal recognition of certain queer relationships 104
- Issue 2:** There is no clarity on rights in relation to marriage and parenthood for persons who have transitioned 127

Issue 3: There are bureaucratic hurdles in registering transgender marriages, even though recognised legally **132**

Chapter 3 Queer-Inclusive Healthcare 136

- I. Background **136**
- II. Legal Developments in Tamil Nadu **139**
- III. Inputs from Consultations **141**
- IV. Recommendations **145**



Issue 1: The ban on conversion therapy is insufficient **146**

Issue 2: Mis-classification of infants with intersex variations **152**

Issue 3: Absence of discrimination-free access to healthcare facilities **155**

Issue 4: Inadequacies of queer-inclusive and sex worker affirmative HIV-AIDS care **159**

Issue 5: Lack of framework for nomination of queer partners to make healthcare decisions **163**

Issue 6: Need for queer affirmative education for professionals and protocols in hospitals **171**

Issue 7: Need for LGBTIA+ affirmative mental healthcare **174**

Chapter 4 Labour, Employment and Welfare Benefits 180

- I. Background **180**
- II. Legal Developments in Tamil Nadu **184**
- III. Inputs from Consultations **187**
- IV. Recommendations **192**



Issue 1: Lack of detailed, enforceable equal opportunity protocol standards **194**

Issue 2: Absence of workplace protections for transitioning employees **199**

Issue 3: No protections for discrimination based on sexual orientation **204**

Issue 4: Limited Employment and Welfare Support for Transgender Persons working in Informal Sector **208**

Issue 5: No horizontal reservations for transgender persons in public employment **214**

Issue 6: Absence of inter-operability and lack of bureaucratic facilitation for access to schemes **217**

Issue 7: Lack of Access to Housing **221**

Issue 8: Need to make Tamil Nadu's senior citizen policy queer-inclusive **222**



232

Chapter 5 Queer-Inclusive Education

- I. Background **232**
- II. Legal Developments in Tamil Nadu **236**
- III. Inputs from Consultations **238**
- IV. Recommendations **240**



Issue 1: Exclusionary and hostile admission procedures at schools and universities **242**

Issue 2: Absence of reservation in higher educational institutions **245**

Issue 3: Exclusionary and hostile school and university environments **247**

Issue 4: Need for strengthened monitoring and enforcement and grievance redressal mechanisms **254**

Issue 5: Need for amendment to the anti-ragging legislation **258**

260

Chapter 6 Protection of Queer Minors

- I. Background **260**
- II. Legal Developments in Tamil Nadu **265**
- III. Inputs from Consultations **266**
- IV. Recommendations **269**



- Issue 1:** Absence of inclusive safeguards for gender non-conforming children under the JJ System **270**
- Issue 2:** Lack of protocols allowing minors without legal guardians to chosen gender identity **276**
- Issue 3:** Lack of State Support for Parents of Gender non-conforming children **278**
- Issue 4:** Need for Proactive Awareness and Educational Initiatives **282**



Chapter 7 Measures to Address Violence **284**

- I. Background **284**
- II. Legal Developments in Tamil Nadu **290**
- III. Inputs from Consultations **292**
- IV. Recommendations **295**

- Issue 1:** Need for establishment of transgender protection cells **296**
- Issue 2:** Periodic and rigorous sensitisation of the judiciary, law enforcement and legal services authorities **300**
- Issue 3:** Enforcement of directions issued to Law Enforcement in applicable Judgements, Orders of the Ministry of Home Affairs, and TG Act, 2019 **303**
- Issue 4:** Need for holistic State Policy on shelter homes **307**
- Issue 5:** Discrimination under the Tamil Nadu Criminal Rules of Practice, 2019 **310**
- Issue 6:** Need to make legal aid accessible to LGBTIA+ Community **313**



Chapter 8 Monitoring and Enforcement **316**

- I. Background **316**
- II. Legal Developments in Tamil Nadu **319**
- III. Inputs from Consultations **322**
- IV. Recommendations **324**



- Issue 1:** There is no governing framework for the State Transgender Welfare Board **324**

- Issue 2:** Monitoring and Enforcement measures for sexual minorities **331**

334 Annexure 1: Draft of Deed of Familial Association



Introduction

The past decade has witnessed the advancement of India's queer rights movement through a series of decisive judicial decisions that have redefined the constitutional landscape for the LGBTIA+ community. In *NALSA v Union of India*,¹ the Supreme Court extended legal recognition to the third gender and held that transgender persons have the right to their self-identified gender identity.² In *Navtej Johar v Union of India*³ ('Navtej') the Supreme Court read down Section 377 of the Indian Penal Code, 1860 to decriminalise consensual same-sex relations, re-affirming the right to equality and non-discrimination for the LGBTIA+ community. On the legislative front, the year 2019 witnessed the enactment of the Transgender Persons (Protection of Rights) Act, 2019 ('TG Act, 2019'), followed by the Transgender Persons (Protection of Rights) Rules, 2020 ('TG Rules, 2020'). While the TG Act, 2019 promised expansive rights, it mandated medical intervention for the purpose of identifying within the binary of man and woman, was silent on reservations and lacked strong guarantees for enforcement. In 2025, the Supreme Court in *Jane Kaushik v Union of India*,⁴ noted the poor implementation of the TG Act, 2019 and directed the Union and State Governments to

address this.⁵ It also directed the Union Government to set up an Advisory Committee to come up with a draft policy or report for its consideration on how to give effect to the TG Act, 2019 and further transgender rights in India.⁶

This progressive streak was interrupted by two developments. In 2023, the Supreme Court in *Supriyo v Union of India*⁷ ('Supriyo'), denied marriage equality to certain sections of the queer community.⁸ However, it directed the Union Government to set up a High Powered Committee ('HPC') to address the discrimination that LGBTIA+ persons face on account of their identity, and the non-recognition of their relationships. In 2024, the Vidhi Centre for Legal Policy ('Vidhi') in collaboration with the Keshav Suri Foundation ('KSF') made submissions to the High-Powered Committee.⁹ The HPC's report is awaited. Subsequently, in March, 2026 the Parliament passed the Transgender Persons (Protection of Rights) Amendment Act, 2026 ('TG Amendment Act') despite pushback from the transgender community and allies. The TG Amendment Act stands in tension with the fundamental rights recognised by the Supreme Court in *NALSA*. First, it narrows the definition of transgender persons to include only certain socio-cultural groups (such as *kinner*, *hijra*, *aravani* and *jogta*), persons with intersex variations, and persons compelled to 'outwardly present' as a transgender person.¹⁰ This definition deviates from *NALSA* which defined a transgender person broadly to include any person who does not identify with the sex-assigned at birth¹¹ and recognised a transgender

¹ National Legal Services Authority v Union of India, (2014) 5 SCC 438.

² *ibid*, Para 129(1), (2).

³ Navtej Singh Johar v Union of India, (2018) 10 SCC 1.

⁴ Jane Kaushik v Union of India, 2025 INSC 1248.

⁵ *ibid*, Para 199.

⁶ *ibid*, Para 201, 202, 203.

⁷ Supriyo @ Supriya Chakraborty & Anr v Union of India, 2023 SCC OnLine SC 1348.

⁸ The Supreme Court recognised that transgender persons who are in heterosexual relationships have a right to marry under India's marriage laws.

⁹ Keshav Suri Foundation and Vidhi Centre for Legal Policy, 'Submissions to the High-Powered Committee set up in pursuance of the Supreme Court's judgement in Supriyo @ Supriya Chakraborty v Union of India' (Vidhi Centre for Legal Policy & Keshav Suri Foundation, July 2025) <https://vidhilegalpolicy.in/wp-content/uploads/2025/07/Vidhi_KSF_Submissions-to-Supriyo-HPC-1.pdf> accessed 5 March 2026.

¹⁰ S. 2(k) Amendment Act.

¹¹ *NALSA v Union of India*, Para 11.

person's right to identify either as a man, woman or a transgender person.¹² Further, it leaves out several transgender communities from its ambit: transgender men, non-binary transgender persons, and gender-fluid persons. Second, it omits the right to self-identified gender identity¹³ despite NALSA's explicit affirmation of this right.¹⁴ Third, it introduces a requirement of a medical board to make recommendations to the District Magistrate before she issues a transgender identity card to an applicant.¹⁵ This despite NALSA noting that gender identity is "based on self-identification and not on surgical or medical procedure".¹⁶ Finally, it broadens the net of criminalisation by introducing a new set of offences. Offences include compelling persons to "to assume, adopt, or outwardly present a transgender identity".¹⁷ Further, broad and undefined terms including "allurement, deception, inducement"¹⁸ are used in criminalising begging and solicitation while presenting as a transgender person. Such vague offences based on harmful stereotyping renders the community vulnerable to harassment and prosecution.¹⁹ Vidhi shared a detailed clause-by-clause analysis of the Amendment Act to the Ministry of Social Justice and Empowerment and notes that the Amendment Act is both legally untenable and has the potential to harm the transgender community.²⁰

At the level of States, the Tamil Nadu Government has attempted to pioneer the inclusion of the LGBTIA+ community within the State's legal landscape. Pursuant to the TG Act, 2019 the Governor of Tamil Nadu notified the State TG Rules in

2022. However, like its central counterpart, the rules omitted any provision for reservation for transgender persons. In the same year, Tamil Nadu made an amendment to the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 to prohibit police harassment of any person from the LGBTIA+ community and people working for the community's welfare.²¹ In line with the National Medical Commission's mandate,²² the Tamil Nadu State Medical Council has banned conversion therapy.²³ Finally, in a welcome development the Tamil Nadu Government opposed the Amendment Act in Parliament and urged the Union Government to engage and build consensus with the transgender community before moving forward with any amendments.²⁴

The Madras High Court too has also been a frontrunner on LGBTIA+ rights, illustrated by the Court's proactive stance on mandating institutional sensitisation of authorities²⁵ and protecting queer relationships from directed natal violence.²⁶ The Court has also moved beyond granting relief in individual cases to supervising the architecture of governance itself: monitoring reservation frameworks, mandating sensitisation, directing welfare expansion, and requiring periodic compliance. The continuing mandamus in *S. Sushma and Ors. v Commissioner of Police, Greater Chennai Police and Ors.*²⁷ (*Sushma*) exemplifies this evolution, transforming judicial orders into an ongoing mechanism of policy oversight.

¹² NALSA v Union of India, Para 129(2).

¹³ Amendment to s. 4 via the Amendment Act.

¹⁴ NALSA v Union of India, Para 129(1) and (2).

¹⁵ S. 6(a), Amendment Act.

¹⁶ NALSA v Union of India, Para 76.

¹⁷ S. 18(g) & (h), Amendment Act.

¹⁸ S. 18(g) & (h), Amendment Act.

¹⁹ Aashna Mansata, et al, 'Submissions on the Transgender Persons (Protection of Rights) Amendment Bill, 2026', available at <https://vidhilegalpolicy.in/research/submissions-on-the-transgender-persons-protection-of-rights-amendment-bill-2026/>

²⁰ Aashna Mansata, et al, 'Submissions on the Transgender Persons (Protection of Rights) Amendment Bill, 2026', available at <https://vidhilegalpolicy.in/research/submissions-on-the-transgender-persons-protection-of-rights-amendment-bill-2026/>

²¹ Amendment to the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964, available at https://cms.tn.gov.in/cms_migrated/document/GO/home_e_52_2022_ms.pdf

²² Bindu Shajan Perappadan, 'Conversion therapy' is misconduct, declares National Medical Commission' (September 5, 2022) available at <https://www.thehindu.com/news/national/nmc-declares-conversion-therapy-to-be-professional-misconduct/article65842557.ece>

²³ Tamil Nadu Medical Council, LGBTIA+ Sensitisation and Transgender Health Training Circular (2025) <https://www.tamilnadumedicalcouncil.org/info/FX678XSBD> accessed 18 March 2026.

²⁴ "Trans Amendment Bill 2026: Don't impose changes without consensus, T.N. CM Stalin tells Centre" The Hindu (March 25, 2026) available at <https://www.thehindu.com/news/national/tamil-nadu/transgender-amendment-bill-2026-dont-impose-changes-without-consensus-tn-cm-stalin-tells-centre/article70782468.ece>

²⁵ Jayalakshmi v State of Tamil Nadu ((2007) 4 MLJ 849 paras 10-18, 24; S. Swapna vs. State of Tamil Nadu, W.P.MD No. 10882 of 2014 paras 5-6; S. Sushma and Others v Commissioner of Police, W.P.No.7284 of 2021, para 43G

²⁶ S. Sushma and Others v Commissioner of Police, W.P.No.7284 of 2021

²⁷ W.P. No. 7284 of 2021, Para 43.

Building on this judicial momentum, the Tamil Nadu Government came up with the 'Draft Tamil Nadu State Sexual and Gender Minorities (LGBTIA+) Policy' ('Community Policy, 2024') in 2024.²⁸ The draft policy was informed by consultations with around 300 persons from the queer community in the state and was drafted by a Committee comprising community members and activists. However, the Community Policy, 2024 was not implemented in its original form. Instead, the Tamil Nadu Government notified the 'Tamil Nadu State Policy for Transgender Persons, 2025' ('State Policy, 2025') in August 2025.²⁹ The State Policy, 2025, unlike the Community Policy, was narrower in scope both in terms of the groups covered and the measures prescribed. For instance, the policy applies only to transgender persons and persons with intersex variations, is silent on affirmative action, and largely reproduces mandates already prescribed in the TG Act, 2019. While a welcome and progressive development, it falls short of the State's duty prescribed in *NALSA, Supriyo and Sushma*.

While the current momentum in Tamil Nadu is transformative, it requires three critical interventions. *First*, identifying pathways to implement binding directions issued by the Supreme Court and the Madras High Court on LGBTIA+ rights. *Second*, measures to enforce rights and entitlements already recognised in the TG Act, 2019, the State Policy, 2025, and other State initiatives (such as the State ban on conversion therapy and updation of medical curriculum for LGBTIA+ inclusion). *Third*, interrogating the piecemeal approach to reform and advocating for more intersectional and holistic queering of law: one that embraces all spectrums of the LGBTIA+ community and covers all sectors of governance. Towards this end, this report seeks to serve as a guiding document for the State, civil society, the queer community and lawyers on all three fronts. It provides a comprehensive

overview of Tamil Nadu's legal landscape and makes recommendations on how it can be made LGBTIA+ inclusive. The report analyses the legal landscape across eight themes: gender identity and expression; recognition of relationships; healthcare; labour and welfare; education; minors' rights; violence; and monitoring and enforcement. Each thematic chapter identifies the issues and bottlenecks to queer inclusion, recommends measures to address them, and identifies the State Government department or regulatory body which has the authority to implement the measure. It is critical to note that this report is an output of the collective labour of the stakeholders who engaged with us in relation to this initiative. Like all our past work on LGBTIA+ rights, this report builds on decades of work carried out by the queer movement and is a product of the collective.

²⁸ Draft Tamil Nadu State Sexual and Gender Minorities (LGBTIA+) Policy

²⁹ Tamil Nadu State Policy for Transgender Persons, 2025

Making Tamil Nadu's Laws **LGBTIA+** Inclusive



Why Tamil Nadu?

The queer community has played a critical role in creating the enabling conditions for progressive legal and policy developments on LGBTIA+ rights in Tamil Nadu. The State has been at the forefront of queer inclusion in the country and was the first to set up a Transgender Welfare Board in 2008 to extend legal recognition and welfare benefits to transgender persons. Further, it has taken proactive steps to protect community rights by banning harmful practices like conversion therapy, intersex surgeries, and by imposing a formal prohibition on police harassment. In addition, the inclusive processes³⁰ followed by the State to formulate the Community Policy, 2024 demonstrates its intent to centre community engagement in the law reform process. We believe Tamil Nadu can set a progressive precedent for other States to undertake queer-inclusive law and policy reform.

Can Tamil Nadu Make Queer-Inclusive Laws?

The Constitution distributes law-making powers between Parliament and State Legislatures through Articles 246 and 254 and the Seventh Schedule. Parliament has exclusive power to legislate on subjects in the Union List, while State Legislatures have exclusive authority over matters in the State List. Both Parliament and States can legislate on subjects in the Concurrent List. Relevant areas for LGBTIA+ rights are spread across these lists. For instance, public health and sanitation fall within the State List,³¹ while subjects such as family law,³² social security,³³ insurance,³⁴ employment,³⁵ education,³⁶ and labour welfare³⁷ are all placed under Concurrent List. Constitutional interpretation also recognises that each entry in the lists includes related and ancillary matters.³⁸ As a result, both Parliament and State Legislatures have

³⁰ The Tamil Nadu State Sexual and Gender Minorities (LGBTIA+) Policy which was a product of the collective efforts of the queer community in Tamil Nadu, the Tamil Nadu State Planning Commission and the Department of Social Welfare and Women Empowerment. The drafting committee consisted of: Adv. B.S. Ajeetha (she/her) – Advocate; Mr. Arun Karthick (he/him) – Trans activist, Member Transgender Welfare Board; Ms. Busaina Ahamed (she/they) – Finance professional, community member, volunteer - Orinam; Ms. Kalaimamani Sudha (she/her) – Sahodaran; Mr. Chandramouleee (he/him) Co-Founder Queer Chennai Chronicles & Equity Strategist in Development Sector; Dr. L. Ramakrishnan (he/they) – public health professional at SAATHII, volunteer - Orinam; Dr. Tiju Thomas (he/him) – Professor, IIT Madras, volunteer - Orinam; Ms. Vidya Dinakaran (she/her) – Psychotherapist, Member Transgender Welfare Board; and Mx. Vinothan (they/them) – VoIS india Collective, Activist and Counsellor for intersex persons and intersectional Minorities.

³¹ Entry 6, List II.

³² Entry 5, List III.

³³ Entry 23, List III.

³⁴ Entry 23, List III.

³⁵ Entry 23, List III.

³⁶ Entry 25, List III.

³⁷ Entry 24, List III.

³⁸ Navinchandra Mafatlal v Commissioner of Income Tax, Bombay, [1965] 1 SCR 829.

the constitutional competence to enact measures affecting LGBTIA+ persons in areas that fall within these subjects.

In situations where a State law conflicts with a Central law on the same subject on the Concurrent List, Article 254 provides that the central law will prevail to the extent of the inconsistency. However, if a State law on a Concurrent List subject is reserved for the President's consideration and receives Presidential assent, it can continue to operate within that State, unless Parliament later overrides it.

Within this framework, States such as Tamil Nadu have multiple avenues to advance LGBTIA+ inclusion. Legislative measures may be introduced in areas that fall within the scope of subjects covered in the State or Concurrent List. For transgender persons specifically, the Transgender Persons (Protection of Rights) Act, 2019 ('TG Act, 2019') recognises State Governments as the "appropriate government" and requires them to implement the Act. In addition to legislation, States can act through executive measures such as government orders, notifications, and circulars issued under their administrative powers. These instruments function as the administrative tools of implementation and allow departments to improve access to healthcare, education and housing, sensitise officials, and coordinate across institutions. Together, legislative and executive actions provide practical pathways for States to undertake queer-inclusive measures.

Methodology

Legislative, Judicial and Policy Overview

The starting point of this report involved comprehensive desk-based research where we analysed Supreme Court judgements, High Court judgements with a focus on the Madras High Court, and legislations on LGBTIA+ rights. This was followed by an analysis of the legal developments in Tamil Nadu pertaining to LGBTIA+ rights. Specifically, we focused on the Community Policy, 2024, the State Policy, 2025 and executive measures taken by the government to enforce directions issued by Courts. This research and analysis led to the formulation of a white paper, and a concept paper which outlines the legislative and executive measures for implementation of the State Policy, 2025 ('concept paper'). The white paper presented the position of law in Tamil Nadu and identified questions pertaining to the themes reflected in the core chapters of this report: gender identity and expression; recognition of relationships; healthcare; labour and welfare; education; minors' rights; violence; and monitoring and enforcement. The concept paper identified tentative legal pathways to implement the State Policy, 2025.

Consultations

The white paper and concept paper served as the basis of deliberation, consultation and dialogue amongst stakeholders. Stakeholders included: civil society organisations, activists, lawyers, academics, doctors,

mental health care professionals, community members involved with the drafting of the Community Policy, 2024, and members of the LGBTIA+ community generally. Consultations took place both in person and online and adopted the following formats: focus group discussions ('FGD'), informal deliberations and dialogue in a group setting, and one-on-one conversations. Each consultation was preceded by a context setting exercise where the objective of the report was explained along with a brief presentation on the white paper and concept paper. At the end questions were presented thematically or were aligned with the core expertise of the stakeholder. For the FGD, questions were framed to invite lived experiences, specifically in relation to exercise of rights and entitlements on the ground and interactions with the State.

Consultations revealed emerging consensus on the following issues:

- **Implementation:**
There is a need for binding administrative protocols to guide implementation of the provisions of the TG Act, 2019 and rules thereunder.
- **Reservations:**
All stakeholders agreed that reservations must be introduced for transgender persons in matters of public employment and education.
- **Sensitisation:**
Stakeholders emphasised that frontline officials across sectors often lack awareness of existing legal protections and procedures, which leads to inconsistent treatment and delays in accessing services. Consequently, sensitisation of government officers was critical.
- **Discrimination:**
There is a need for measures to address discrimination in access to goods and services (such as housing

and financial services). Similar measures must be introduced in educational institutions, the workplace and healthcare settings.

- **Welfare Board:**
All stakeholders agreed that there must be a clear governing framework for the State Transgender Welfare Board to ensure effective discharge of functions and accountability.

Consultations revealed differences of opinions across the following issues:

- **Form of Reservations:**
Stakeholders expressed varying views on the form of reservation for transgender persons. While the majority were in favour of horizontal reservations, a few stakeholders favoured vertical reservations.
- **Terminology:**
There were also differences in opinion on the use of terminology, particularly to represent the spectrum that exists within the transgender community. Some stakeholders wanted their identity documents to use the terms man/woman while some were in favour of transgender man/transgender woman.
- **Policy Approach:**
Stakeholders had a difference of opinion on whether the State should enact a comprehensive policy for the LGBTIA+ community or a different standalone policy for transgender persons and likewise for sexual minorities. However, all stakeholders agreed that the State must undertake measures to recognise the rights and address the needs of both groups.

Identification of Issues

The information and lived experiences shared in the course of consultations formed the basis of framing issues for each of the chapters. We went through the detailed minutes of each consultation to

identify recurring themes and points of consensus and difference. The draft report was shared with all stakeholders for inputs. Certain stakeholders shared their inputs in writing, while others did so over a meeting. These inputs were incorporated before the report was finalised. As outlined above, we have identified broad consensus across several areas and differences of opinion across a few. This shows that different groups within the community are aligned on many issues.

Further, stakeholder inputs about law and policy measures that may be considered to address an issue informed our recommendations. The approach of this report is to ensure law reform is also shaped by those who are directly impacted by the law or its absence. To this end, it is critical to flag that this report is a collaborative project, and each stakeholder has contributed their intellectual labour towards arriving at our recommendations.

Approach for the Report:

Based on primary and secondary research, we have adopted the following approach towards drafting this report:

- The Community Policy, 2024, the State Policy, 2025, and inputs from consultations form the foundation of this report. This is because each of these documents and processes involves centring of lived experiences of the community. Further, they reveal a certain degree of consensus amongst the community on the policy approach towards law reform. For example, the Community Policy, 2024 recommends a 'Deed of Familial Association' as a starting point for recognition of queer relationships and prescribes a format for the same. This demonstrates that in the absence of

marriage the community is keen to adopt other means for their relationship to be legible to the law.

- The recommendations in this report focus on an incremental approach, spotlighting executive and administrative action while laying down the groundwork for legislative action. Executive action is a quicker and more adaptable route for addressing pressing issues faced by the community. Further, the impact of executive decisions on the ground can also inform evidence based legislative action. However, it is critical to note that executive action should not be seen as an alternative to legislative action. Legislative action in some cases is the end goal. For instance, while joint access to certain classes of benefits could be a starting point for queer couples, ultimately marriage laws must be amended to be made queer-inclusive.
- The recommendations in this report do not only focus on recognition of rights and entitlements but also provide measures for implementation of existing rights and entitlements. The source of these rights and entitlements is existing laws, policies and binding directions of Courts. For example, Chapter One focuses purely on the executive measures that the State must undertake to ensure better enforcement of the TG Act, 2019 and rules thereunder. Implementation and enforcement centred measures are thus a key part of this report.

The Way Forward

While the way forward involves the Tamil Nadu state legislature and government undertaking LGBTIA+ inclusive legislative and executive measures, respectively, the following considerations must be taken into account:

TG Amendment Act:

Tamil Nadu's opposition to the TG Amendment Act is welcome. Despite its passage in Parliament, Tamil Nadu must continue to recognise a transgender person's fundamental right to self-identified gender identity. At a policy level, the State must adopt a holistic, inclusive and legally sound understanding of the term 'transgender person' as including any person who does not identify with the gender assigned at birth. Here, it is critical to note that the transgender community is not a monolithic group and comprises a plurality of identities. It *includes*: socio-cultural groups (such as *hijras*, *jogappas* and *aravanis*), transgender women, transgender men, non-binary transgender persons (also referred to as 'third gender transgender persons' in this report) and gender fluid persons. Despite this, in practice, Tamil Nadu (as evidenced in the State Policy, 2025 and the nomenclature used across State documents)³⁹ understands transgender persons as including only transgender women. Such an approach leads to exclusion of several transgender communities

³⁹ Tamil Nadu's official state schemes, orders and policies on transgender persons use the term *thirunangai* to denote all transgender persons even though the term means 'transgender woman' and is not representative of the transgender community at large. Consultations reveal that government officers and the police still do not comprehend transgender persons beyond transgender women who present as feminine. Consequently, transgender men and non-binary transgender persons face several bottlenecks when accessing State benefits and services.

and adversely impacts them, especially transgender men and third-gender transgender persons. In light of the TG Amendment Act, it is critical that Tamil Nadu's laws and policies are inclusive of all transgender groups. This may be addressed via a Government Order holistically clarifying which socio-cultural groups in Tamil Nadu fall within the definition of transgender persons.

Inclusion of Sexual Minorities:

The Community Policy, 2024 covered transgender persons, persons with intersex variations and sexual minorities. However, the State Policy, 2025 covers only transgender persons and persons with intersex variations. While Tamil Nadu may choose to draft and implement a different policy for sexual minorities, it is critical to bring them within the fold of State measures to address the discrimination that they face on account of their sexual orientation. This is further reinforced by the duty that the State has in light of *Supriyo* where the Supreme Court directed the Government to undertake appropriate measures to address the discrimination that LGBTIA+ persons face on account of their identity and the non-recognition of their relationships. It must be noted that while sexual minorities and transgender persons are two different groups, both are subject to identity based discrimination and are excluded from joint access to goods and services on account of non-recognition of their relationship.⁴⁰ However, aligned with NALSA and given the historical and material deprivation that transgender persons are subject to, welfare benefits and reservations must also be extended to them.

⁴⁰ It is critical to note here that transgender persons in heterosexual relationships can marry under India's marriage laws.

Plurality of Representation:

Consultations reveal that the State's understanding of LGBTIA+ issues is informed by inputs from a limited number of groups and civil society organisations (located largely in urban areas). While the State's engagement with the community is welcome and encouraged, in order to gain a holistic understanding of the challenges faced by the community at large, it is critical for the State to ensure plurality of representation in State-led consultations and engagement. This could be enabled by tasking District Level Committees⁴¹ with carrying out regular public consultations at the district level and a proactive outreach to civil society organisations beyond urban Tamil Nadu. Towards this, the Transgender Welfare Board can be tasked with the function of outreach and engagement.

Sensitisation and Awareness:

While several laws and executive measures exist to recognise and protect the rights of transgender persons and sexual minorities, consultations reveal that bottlenecks arise at the stage of exercise of rights. Officials who are in-charge of provision of goods or delivery of services are not sensitised about the law including the NALSA judgement and the TG Act, 2019. Further, they are not versed with who transgender persons are and the several sub-groups that constitute the community. For instance, consultations reveal that transgender men often face several challenges when attempting to register criminal complaints with the police including complaints under the TG Act, 2019. This is because they are deemed to be women by police officers. Even when transgender men have identity

documents reflecting their gender identity as men, perception often overrides State recognition of their self-identified gender identity. Consequently, it is critical that the State organise periodic training and sensitisation programmes for government officers and employees which includes baseline material on the LGBTIA+ community and their rights.

Decentralisation and Coordination:

The State Policy, 2025's vision to form District Level Committees is a welcome move as it ensures a decentralised approach towards monitoring and implementation. While the State Policy, 2025 envisages broad overarching functions for these Committees, certain standard operating protocols which clearly prescribe their role and functions would ensure that they are able to efficiently discharge their mandate. There must also be a clear channel of communication, reporting and coordination—from District Level Committees to the State Level Committee to the State TG Board and finally the Department of Social Welfare and Women Empowerment. This mechanism can be put in place through administrative protocols that apply to officials across all these bodies. Consultations reveal that while cities such as Chennai perform well on issues of delivery of benefits and services earmarked for the transgender community, outside of urban areas, transgender persons are largely unaware of their rights and struggle to access basic goods and services. Incremental efforts must be made to resolve this by ensuring that a clear role and protocols are laid down for all the authorities and bodies envisaged by the State Policy, 2025.

⁴¹ The State Policy, 2025 envisages District Level Committee which will be responsible for the monitoring and implementation of the policy at the ground level.

CHAPTER 1



Gender Identity & Expression

Background

The Supreme Court in *NALSA* affirmed that transgender persons have the right to be recognised in law as per their self-identified gender identity: man, woman or transgender person.¹ Such a right was recognised as independent of any form of medical intervention.² Further, the Court directed the State to address the systemic exclusion that transgender persons face by providing reservations in public employment and education.³ Subsequently, the Parliament enacted the TG Act, 2019 and TG Rules, 2020.

The TG Act, 2019 operationalised the right to perceived gender identity by prescribing that while a person could identify as a transgender person without any proof of medical intervention, to identify within the binary of man and woman they had to produce proof of surgery.⁴ Specifically, they had to produce a *'certificate issued ... by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery'*.⁵ The TG Rules, 2020 diluted this requirement by prescribing proof of 'medical intervention' which includes any form of gender-affirming procedure including hormone therapy or counselling.⁶ However, some form of medical intervention continues to be a pre-condition for legal recognition as a man or woman. Further, while the TG Act, 2019 comprises provisions on anti-discrimination, it does not provide for an effective grievance redressal forum or reservations in matters of education and employment.

In March, 2026 the Parliament passed the Transgender Persons (Protection of Rights) Amendment Act, 2026 ('TG Amendment Act') despite pushback from the transgender community and allies. It received presidential assent on March 30, 2026. The Amendment Act narrows the definition of the term 'transgender person' to include only certain socio-cultural terms such as kinner, hijra, aravani and jogta, persons with intersex variations and persons 'compelled to present as transgender'.⁷ Further, it omits the right to self-perceived gender identity and mandates that a medical authority submit its recommendations to the District Magistrate before she

¹ *NALSA v Union of India*, [29], [129(1)]-[129(2)].

² *NALSA v Union of India*, [29], [76], [129(1)]-[129(2)].

³ *NALSA v Union of India*, [129(3)].

⁴ S 7, TG Act, 2019.

⁵ S 7, TG Act, 2019.

⁶ R. 2(i), TG Rules, 2020.

⁷ S. 2(k), Transgender Persons (Protection of Rights) Amendment Act, 2026.

can issue a certificate of identity.⁸ The Amendment Act stands challenged before the Supreme Court, the Delhi High Court, the Kerala High Court and the Karnataka High Court. The Supreme Court has issued notice and has decided to constitute a three judge bench to hear this matter.

Similarly, several provisions of the TG Act, 2019 have been challenged before the Supreme Court,⁹ including its silence on reservation and the prerequisite of medical intervention to be legally recognised within the binary of man and woman. At the time of publication of this report, these petitions too are pending before the Supreme Court.



Note:

At the time of finalisation of this report, the Amendment Act was not in force. Consequently, recommendations in this report are informed by the position of law under the Transgender Persons (Protection of Rights) Act, 2019 as it stands prior to the amendment. At the time of publication of this report, the Amendment Act was notified and is in force. Please note however, that most recommendations in this report will not be impacted by the Amendment Act.

While the TG Act, 2019 suffers from several shortcomings, at the core of it lies the recognition of the fundamental right to choose one's gender identity. As with most rights, recognition is only the first step. There is a duty on the State to create enabling conditions to allow for the effective exercise of a right.¹⁰ Further, the exercise of the right to gender identity is also intrinsically linked to other rights, specifically, the right to non-discrimination and accommodation, and access to State welfare benefits. It also affects the status of other rights, especially those available to a family or married couples under family law (See, **Chapter 2**). This is because family laws in India do not recognise gender outside the binary of man and woman, and in the absence of recognition of same-sex and same-gender marriages, it is unclear what happens to the marital and parental rights of a transgender person when they legally transition. The TG Act 2019 is completely silent on this.

The Supreme Court in its recent judgement *Jane Kaushik v Union of India*¹¹ ('Jane Kaushik') has also expressed its discontent with the TG Act, 2019. The Court noted that the omissions in the Act are discriminatory in nature.¹² Specifically, it pointed to the fact that while the Act recognises rights and prescribes anti-discrimination provisions, it does not create mechanisms for their enforcement.¹³ At the level of implementation, it pointed out the failure of Governments, both Union and States, to enforce the Act.¹⁴ In the context of gender identity, the Court noted that simplification and streamlining the process of issuance of identity documents is critical

⁸ S. 6(1), Transgender Persons (Protection of Rights) Amendment Act, 2026.

⁹ Grace Banu v Union of India, see <https://www.scobserver.in/reports/swati-bidhan-baruah-union-of-india-challenges-to-transgender-persons-act-writ-petition-summary-grace-banu/>

¹⁰ See, Supriyo Chakraborty v Union of India, Lata Singh v Union of India (Writ Petition (Criminal) No. 208 of 2004) and Shakti Vahini v Union of India, AIR2018SC1601, [53].

¹¹ Jane Kaushik v Union of India, 2025 INSC 1248.

¹² Jane Kaushik v Union of India, [68].

¹³ *ibid*, [68], [121].

¹⁴ *ibid* [126].

as access to benefits are contingent on it.¹⁵ It noted the practical challenges transgender persons face in accessing identity documents and directed the State to address this through proactive measures.¹⁶ The Court also went on to issue a series of recommendations and directions to the Union and State Government to address the discrimination and violence transgender persons face across various realms of their life.¹⁷



“It is discernible from the aforesaid that under the 2019 Act, the appropriate Government and the “establishments”, have a positive obligation to ensure that there is no discrimination against transgender persons, through affirmative action.”

Jane Kaushik v Union of India

¹⁵ *ibid*, [198(i)].

¹⁶ *ibid*, [188].

¹⁷ *ibid*, [198], [199].

Legal Developments in Tamil Nadu



The State of Tamil Nadu was the first to establish the Transgender Welfare Board (‘State TG Board’) in 2008. The State TG Board amongst other things is supposed to assist transgender persons in accessing their gender identity documents and welfare measures. While the Government Order¹⁸ establishing the Board does not clearly prescribe its functions (See, **Chapter 8**), one can infer that it has a role to play in assisting transgender persons in exercising their right to chosen gender identity. This should include, in addition to the State Transgender Identity Card (‘State TG Card’), assisting transgender persons in changing their name and gender across other identity documents.

Under the TN Rules, the District Collector is the authority which issues the transgender identity card (‘TG Card’). If a transgender person wants to identify within the binary genders of man or woman, they must submit proof of medical intervention to the District Collector. Thereafter, the District Collector issues a certificate for change of gender identity and an identity card with the chosen gender marker. The Madras High Court recently ruled¹⁹ that while a State TG Card may be necessary

¹⁸ G.O. (MS) No. 38 (Date 15.04.2008).

¹⁹ *Sivakumar v State of Tamil Nadu*, W.P No.31702 of 2019.

for availing social welfare schemes, such an identity card cannot be demanded by authorities for the purpose of name and gender change in the official gazette. It noted that other documents such as Aadhaar may serve as sufficient proof.

The Community Policy, 2024 recommended that transgender persons should be able to change their legal name and gender in: (a) academic certificates, and (b) the Tamil Nadu Gazette, based on either the National or State TG Cards, without being asked to produce proof of surgery. The State Policy, 2025 states that a person holding the National and State TG Card will be eligible for Central and State benefits, respectively. This indicates that the National TG Card cannot be used to access State benefits earmarked for transgender persons.



Inputs from Consultations

Stakeholders noted that Tamil Nadu has performed better than other states when it comes to providing transgender persons with gender identity documents. However, they noted that there was scope for reform, both at a policy and implementation level, to ensure effective exercise of the right to gender identity.

Government's understanding of transgender persons is limited to transgender women

At a policy level concerns were raised that the government's approach to transgender rights was limited to only transgender women. For instance, the transgender persons mobile application, government orders and notifications used the word 'transgender woman' ('*thirunangai*') to refer to the entire community. This despite the diversity of identities in the community.

This issue was not restricted to language. Most government officers understood transgender persons

as comprising only transgender women. Consequently, transgender men and non-binary transgender persons are invisibilised in State discourse. State officials, including the police, often invalidated the gender identity of transgender men by assuming that they are women. The state's limited understanding of the community also reflects in the State Policy, 2025 which largely centres transgender women. A concrete illustration of this is the silence on gender-affirming gynaecological care for transgender men—a recommendation which found place in the Community Policy, 2024. At the same time, certain stakeholders pointed out that within the transgender community, transgender women are disproportionately present in precarious and risky work such as sex work and begging. Consequently, it is critical to acknowledge this when the State is framing policies.

Gender Markers in State TG Card

Another issue flagged was concerning the terminology used in the State TG Card as: transgender man, transgender woman and person with intersex variations. It was recommended that the card must use the terms man and woman instead to affirm the gender identities of transgender persons. However, it was also pointed out that there is disagreement on this issue within the community as being recorded as a man or a woman during a census exercise may erase transgender persons from State records.

Medical Intervention as pre-requisite to identify within the binary

Concerns were raised regarding the pre-requisite of medical intervention to identify within the binary of man and woman. This despite NALSA, which recognised the right to gender independent of any medical intervention.

The requirement of proof of medical intervention was also regarded as very onerous. This especially holds true for a community that is economically marginalised and may find it difficult to access formal healthcare services.

Stakeholders stated that this requirement may be reconsidered to ensure all transgender persons are able to exercise their right to chosen identity.

Absence of Uniform and Clear Protocol for Access to Identity Documents & Benefits

Issues were also flagged regarding the absence of a transparent and uniform protocol for access to identity documents and benefits. Officers on the ground responsible for implementation were ignorant and often had arbitrary demands of transgender persons who were attempting to apply for documents or benefits. Transgender

persons who were members of a jamaat or supported by a civil society organisation found it easier to navigate the state bureaucracy. However, this did not hold true for others, especially transgender men, who had to face harassment and intrusive questioning at the hands of state officers on the ground.

Absence of Reservations

One of the key demands that came up across all consultations was the issue of reservations. All stakeholders noted the government's lethargy in implementing reservations as an issue. They pointed out that reservations were key to ensuring access to employment and educational opportunities for the community. While there was disagreement on what form reservations should take: horizontal vs vertical, the majority was in favour of the horizontal reservations. Stakeholders pointed to the litigation that has been initiated across Courts on this issue and stressed the urgency of the State coming up with a policy on reservations and implementing it.

Poor Implementation of TG Act, 2019

Finally, all stakeholders spoke of the poor status of implementation of the TG Act, 2019. They noted that discrimination continued to be rampant. They presented cases where transgender persons who worked in a government department faced hostility. However, the need for job security compelled them to endure the daily humiliation they were subject to. They observed that despite the TG Act, 2019, very few cases in relation to discrimination had been initiated because the community lacked awareness of their rights. Further, they pointed to the need for sensitisation of government officers on the LGBTIA+ community and their rights as critical to addressing the systemic issues the community faced.



Recommendations

Despite the passage of time, the TG Act, 2019 remains a paper tiger. To address this, it needs reform from a policy perspective, and efforts by the Government towards on-ground enforcement. As the Act is a law made by Parliament, amendments to it can only be effected at the Central level. However, State Governments have two tools available to them. First, they have rule-making powers under the Act. Second, they are responsible for designing and adopting protocol for on-ground implementation. The 2019 Act is sufficiently broad in its scope to allow State Governments to innovatively fill gaps through executive and administrative measures, while staying in line with the intent of the law.

Tamil Nadu has a fairly good track record in ensuring access to gender identity documents. Designating the District Collector as the authority for the issuance of identity documents has ensured decentralised access. The 'Thirunangai Mobile Application' through which transgender persons can apply for documents has also served as an important tool in simplifying the process. Despite this, there are bottlenecks that need to be addressed through appropriate policy and administrative measures.



"One of the biggest hurdles that the transgender persons face is with regard to obtaining a certificate of identity as provided for in the 2019 Act read with the 2020 Rules. Even though the framework recognises the right of the transgender persons to change their names and gender in their documents, there are several practical hurdles involved. Documentary inconsistency can pose a lot of hurdles in claiming social welfare benefits or even in exercising other rights. We think that this one aspect where the States and its authorities need to strengthen their efforts. The State also has a positive obligation to sensitise its authorities who are responsible for making such changes in documents towards the realities of transgender identity."

Jane Kaushik v Union of India

Below, outlined are the issues and challenges that still persist in the effective exercise of the right to gender identity and expression, and the proposed steps to address them.

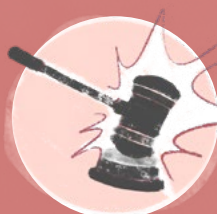
Issue: 01

Absence of uniform protocol for application of State TG Card

While the TN Rules clearly prescribe the process for application of the State TG Card, the on-ground protocol varies from district to district. In some cases, onerous documentation requirements are mandated, and government officers have been known to ask intrusive questions. Often, transgender persons who flee their natal homes or have been rendered homeless do not have any official documents or a permanent address. Transgender persons who do not have the support of civil society, a local transgender collective or are not members of a *jamaat* find it challenging to apply for a State TG Card.



Instrument:
Executive



Nodal Authority:
Department of Social Welfare & Women Empowerment



Proposed Step:

Four measures are proposed:

Absence of Documents:

The Government must formulate guidelines to assist transgender persons who do not have any official documents or a permanent address. Ideally, the District Collector's office must assist such a person to apply for identity documents such as an Aadhaar card. For transgender persons who are homeless, have migrated, or in shelters, the requirement for permanent address must be waived. Further, easily accessible documents such as utility bills should suffice as proof of domicile when required. This will ensure that their applications for change in name and gender identity are not rejected on account of an incomplete application.

Directions to District Collector:

The Government must issue clear and binding directions to all District Collectors mandating that they comply with the TN Rules. The directions must clearly prescribe the following:

- documents required for a complete application. As an Aadhaar card is often the easiest to access,²⁰ it should suffice for the purpose of a complete application.
- clear and narrow grounds for rejection of the application. Further, if the application is deemed

²⁰ Arijeet Ghosh et al, 'The Law Isn't Straight: A Queer Person's Guide to Accessing Rights', Vidhi Centre for Legal Policy, available at https://vidhilegalpolicy.in/wp-content/uploads/2020/06/180514_TheLawisntstraight-web.pdf accessed 06 June 2026.

incomplete or has errors, the District Collector must assist the person to complete the application and address errors as opposed to outright rejecting it.

- explicit prohibition of questions pertaining to information other than those necessary in relation to the application.
- a mandate to transfer the application to the District Collector who has jurisdiction, if the application is filed before a Collector who does not have jurisdiction. The notice of such transfer must be communicated to the applicant.
- a mandate to assist and support an applicant in the event it is necessary for them to make a correct application.
- mandate for adherence to prescribed timelines, the failure of which may lead to the issue of a show cause notice in case of inordinate delay.

Proactive Role of State TG Board:

The State Policy, 2025 prescribes that the State TG Board will serve as an advisory body at the State level. First, it is critical that the functions of the Board are clearly laid down. A function to assist and guide transgender persons in applying for identity documents and welfare schemes must be explicitly mandated via a Government Order (See, **Chapter 8**). Second, the State Policy, 2025 provides for a District Level Committee ('DLC') comprising government officials, transgender and intersex members, and civil society representatives. The DLC is vested with the function of conducting camps for identity documents.²¹ To ensure accountability, the Government must prescribe the minimum number of camps to be conducted, the

intervals of such camps, and mandate that the DLC notify residents of the district of such camps. The Government must prescribe a guiding protocol for DLC members when approached for assistance in applying for identity documents and welfare schemes. Finally, the DLC must be required to submit periodic reports about the number of camps conducted and their frequency, the number of transgender persons assisted and for what purpose, and the status of applications submitted for identity documents.

Sensitisation:

It is critical that all officers and employees of the Department of Social Justice and Welfare are sensitised about transgender persons, persons with intersex variations and sexual minorities. The mandate for such sensitisation comes from judgements such as *NALSA*, *Navtej*, *Supriyo*, *Jane Kaushik*, *Sushma*, the TG Act, 2019 and TG Rules, 2020. Members of the State TG Board, the State Level Committee, and DLC must be covered. The Government must partner with queer-led civil society organisations for the purpose of such sensitisation. Such sensitisation must be comprehensive and periodic.

²¹ Tamil Nadu State Policy for Transgender Persons, 2025, 25.

Issue: 02

Transgender persons face several bureaucratic hurdles when applying for name & gender change

Annexure II of the TN Rules lists a set of official documents where a person can apply for their name, gender and photograph to be changed based on the certificate of identity issued by the District Collector. However, consultations and on-ground reporting²² reveals that despite this right, transgender persons face challenges in changing their name and gender across other identity documents. This is because officials responsible for change of name and gender identity markers in government documents across different departments do not have knowledge about the community or their rights.



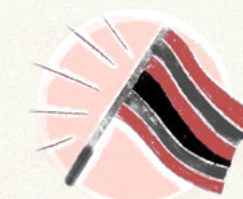
Instrument: Executive

²² Brindaalakshmi K, 'Trans Act 2019: The continued misunderstandings about transgender as a gender category', Tarshi, available at <https://www.tarshi.net/inplainspeak/trans-act-2019-the-continued-misunderstandings-about-transgender-as-a-gender-category/#:~:text=The%20ordeal%20with%20the%20name,certificates%29%20issued%20in%20the%20state> accessed 06 June 2026.



Nodal Authority:

Department of **Social Welfare & Women Empowerment & Departments** mentioned in **Column 3** of **Table 1**.



Proposed Step:

The Department of Social Welfare and Women Empowerment must circulate guidelines to all the parent departments who have jurisdiction over the official documents mentioned in Annexure II (to the TG Rules) to bring to their notice Rule 5 and Rule 7 of the TN Rules. The Departments in Column 3 must issue a binding direction to all officers who are responsible for processing such an application for change of name, gender and photograph and issuing the changed official document. Such a direction must also clarify that besides the certificate of identity issued under the TG Act, 2019 or the TN Rules, no other document will be demanded for the purpose of change of name, gender and/or photograph in an official document. Further, an applicant will not be subject to any intrusive questions regarding their gender identity, expression or medical records. A timeline not exceeding thirty days or so must be prescribed and adhered to for the purpose of reissue of the document.

Table 1

Identity Documents & Corresponding Nodal Authorities

S. No.	Official Document	Nodal Authority
1.	Birth Certificate	Tamil Nadu Chief Registrar of Births and Deaths (Director of Public Health and Preventive Medicine)
2.	Community Certificate (SC/ST)	Department of Revenue, Tahsildar (SC Certificate) Revenue Divisional Officers, Sub Collector, Assistant collector (ST Certificates)
3.	Any educational certificate issued by a school, board, college, University or any such academic institution	Department of School Education and Department of Higher Education, Tamil Nadu Department of Social Welfare and Women Empowerment
4.	Voters Identity Card	Tamil Nadu State Election Commission
5.	Aadhaar Card	-23
6.	PAN Card	-24
7.	Driving Licence	Transport Department

²³ The nodal authority for aadhaar is the Unique Identification Authority ('UIDAI') of India which is a national authority. Consequently, the Central Government and not State Governments would be the appropriate authority to issue a direction to the UIDAI to ensure adherence to the TG Act and the rules thereunder.

²⁴ The nodal authority for PAN Cards is the Central Board of Direct Taxes ('CBDT'), Income Tax Department which is a national authority. Consequently, the Central Government and not State Governments would be the appropriate authority to issue a direction to the CBDT to ensure adherence to the TG Act and the rules thereunder.

S. No.	Official Document	Nodal Authority
8.	BPL Ration Card	Civil Supplies and Consumer Protection Department, Assistant Commissioner, Taluk Supply Officer
9.	Post Office/Bank Passbook with photo	Tamil Nadu Head Post Office
10.	Passport	-25
11.	Kisan Pass Book	Tahsildar, Revenue Divisional Officer
12.	Marriage Certificate	Registration Department
13.	Electricity/water/gas connection document	Electricity and Gas - Energy Department; Water - Water Resources Department
14.	Property documents	Revenue Department
15.	Vehicle registration	Regional Transport Office/Motor Vehicle Inspector
16.	Service Book, Employment papers	Labour Welfare and Skill Development Department
17.	Identity card issued by the Bar Council of the State or India	Tamil Nadu State Bar Council

²⁵ The appropriate authority for passports is the Ministry of External Affairs, Government of India. Consequently, the Central Government and not State Governments would be the appropriate authority for change of name and gender identity on passports.

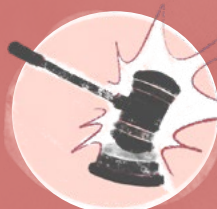
Issue: 03

Those who do not possess a **State TG Card** cannot access **state benefits**

The State TG Card is mandatory for accessing state welfare schemes. Those who possess only the National TG Card are not able to access state-level benefits. This makes it particularly challenging for transgender persons who migrate from other States or those who only have the National TG Card to access benefits earmarked for them. The State Policy 2025 states that a person holding a National TG Card will be eligible only for central scheme benefits, while a person holding a State TG Card will be eligible for state schemes.



Instrument:
Executive



Nodal Authority:
Department of **Social Welfare & Women Empowerment**



Proposed Step:

The purpose of a TG Card (whether National or State) is to legally recognise a person as a transgender person. There is no legitimate state objective in denying a transgender person benefits under a state welfare scheme based on the National TG Card. The Government must issue a direction which states that state welfare schemes earmarked for transgender persons can be accessed using either a National TG Card or a State TG Card.

Issue: 04

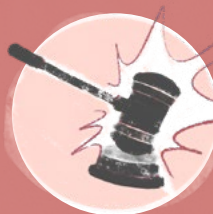
The terms used to refer to **transgender persons** in the **State TG Card** & the **National TG Card** are not aligned

The State TG Card uses the terms 'transgender man' (*thirunambi*), 'transgender woman' (*thirunangai*) and 'person with intersex variations' (*'idaipalinathavar'*).

The National TG Card uses the terms 'male', 'female' and 'transgender person'. First, for those who want to identify within the binary of 'man' and 'woman' the State TG Card does not reflect such binary gender identity. This also creates difficulty for transgender persons within the binary, who are in heterosexual relationships, to register their marriages. This is because registering officers often lack the knowledge of these identities and deny registration in the absence of male and female gender markers in the card.



**Instrument:
Executive**



**Nodal Authority:
Department of Social
Welfare & Women
Empowerment**



Proposed Step:

The Court in *NALSA* recognises a transgender person's right to identify as a man, woman or transgender person. Aligned with this, the National TG Card uses these terms. The possession of the State TG Card by itself is legal recognition of the holder being a

transgender person. Using the word transgender man and transgender woman thus does not affirm the binary identity of many transgender persons. The Department must update the State TG Card to reflect the following four identities: man, woman, transgender person, and person with intersex variations. This recommendation is made in the Community Policy, 2024. As far as data collection by the State is concerned (such as census), transgender persons who identify within the binary genders of man and woman must have the autonomy to decide how they want to identify (as a transgender person or within the binary genders) in the course of such exercises.

Issue: 05

No uniform protocol for disbursal of welfare benefits

There is no clear protocol or guideline for nodal departments to follow when disbursing welfare benefits. Consequently, officials responsible for implementation of welfare schemes often exercise their discretion in an arbitrary manner and impose onerous documentation requirements which have no nexus with disbursal of benefits under the scheme or refuse benefits on arbitrary grounds.



Consultations revealed that in a health camp organised for transgender persons by the Tamil Nadu Government, transgender men were refused access to benefits under the relevant health scheme because their identity documents carried the marker 'M'. Further, officials demanded the State TG Card, the Aadhaar card and the ration card from applicants. Many transgender persons did not possess the ration card. Subsequently, the requirement for a ration card was removed for transgender persons who were on the official list prepared by the government. For those who were not on the list, access became a challenge.

SAATHII Consultation



Instrument: Executive



Nodal Authority:

Department of **Social Welfare & Women Empowerment, Health & Family Welfare** Department, & other **Departments** that administer welfare schemes which cover **transgender persons**



Proposed Step:

The nodal authority must devise a clear protocol to be followed by officers administering schemes for transgender persons. Such a protocol must list the documents to be submitted by the applicant and prohibit the officials from demanding additional documentation or asking onerous questions pertaining to the gender identity of the applicant. At a policy level, only documents necessary for proving eligibility for a particular scheme must be mandated. For instance, if a scheme applies to transgender persons generally, the State or National TG Card should suffice. If a scheme is devised for transgender persons who are below the poverty line, then the State TG or National TG Card along with a BPL certificate should alone suffice.

Issue: 06

Government policies habitually conflating transgender persons with 'transgender women'

Many official government policies, boards and schemes continue to use the word 'transgender woman' (*thirunangai*) for all transgender persons, thus invisibilising transgender men and non-binary transgender persons. For example, the Tamil name for the State Welfare Board is '*Thirunangaigal Nala Variyam*' which translates to 'Transgender Woman Welfare Board'. Similarly, a recent Government Order²⁶ which applied to all transgender persons used the word 'transgender woman'. The notified policy is called '*Thirunangaiyar Kolgai 2025*' which means 'Transwomen Policy 2025' in English. Similarly, the mobile application for certificate of identity is called '*Thirunangai Mobile Application*' which translates to 'Transgender Woman Mobile Application'. Use of such language contributes to the erasure of transgender persons who are not women and reinforces the idea that transgender persons include only transgender women. Beyond terminology, this also

²⁶ GO Ms No 52 issued by the Social Welfare and Women Empowerment Department SW-3 dated 26/08/2021 uses the term 'thirunangai' to refer to all transgender persons. We thank Advocate Ajeetha for informing us of this order in the course of consultations.

leads to a misconception amongst government officers and society generally, that transgender persons include only transgender women. This is in stark contrast to NALSA and the TG Act, 2019 which broadly defines the term 'transgender person' to include any person who does not identify with the gender assigned to them at birth. This includes transgender women, transgender men and third gender transgender persons.



**Instrument:
Executive**



**Nodal Authority:
Department of Social
Welfare & Women
Empowerment**



Proposed Step:

The State Board must be renamed in Tamil as '*Thirunar Nala Variyam*' to include all transgender persons. Similarly, all government orders, policies and circulars which apply to or cover transgender persons must use the term 'transgender persons' and not only 'transgender woman'. The '*Thirunangai Mobile Application*' must be renamed in Tamil as '*Thirunar Mobile Application*' and the app must include the options man, woman and transgender person.

Issue: 07

Requirement of **medical intervention** as a mandatory prerequisite for **legal identification** as a **man** or a **woman** & lack of clarity on this issue across **identity documents**

While the TG Rules, 2020 and the TN Rules dilute the requirement of sex reassignment surgery for the purpose of identifying within the binary of man and woman, the pre-condition of providing proof of some form of medical intervention continues to exist. Specifically, the TN Rules provide the requirement of proof in the form of a certificate issued by the “*Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone the said medical intervention.*” Consultations revealed that not all transgender persons have the resources or means to approach medical establishments to access such a certificate. The Madras High Court in *Sivakumar TD v State of Tamil Nadu*²⁷ has directed that a medical

certificate endorsing sex reassignment surgery cannot be demanded of transgender persons for changing their name and gender identity in the official gazette. The Court also noted that while the State TG Card is required for accessing welfare benefits earmarked for transgender persons, when it comes to publication of name and gender identity in the official gazette, the State TG Card cannot be mandated. Other authentic documents such as ‘Aadhaar card or such other documents which are sufficient proof of identity’ will suffice.²⁸

The position of law on binary gender identity documents in Tamil Nadu thus stands as follows:

- a. If a transgender person wants to apply for the State TG Card with gender markers in the binary, then proof of medical intervention is required as per the TN rules.
- b. If a transgender person wants to change their name or gender identity (including within the binary of man or woman) in the State official gazette, the State TG Card is not mandatory and other authentic identity documents will suffice as proof.

What this effectively translates to is that a transgender person who does not possess the State TG Card with binary markers can still use other documents such as the Aadhaar card to apply to identify within the binary of man or woman in the State’s official gazette. The question for consideration is: if a transgender person has a State TG Card identifying them as third gender (not a transgender man or a transgender woman) but is legally recognised as a man or woman (depending on their application) in the State’s official gazette, what is their legal gender? The Tamil Nadu Government must clarify this to ensure the law is clear on this issue.

²⁷ Sivakumar TD v State of Tamil Nadu, WP. No. 31702 of 2019.

²⁸ *ibid*, para 6.



**Instrument:
Executive**



**Nodal Authority:
Department of Social
Welfare & Women
Empowerment**



Proposed Step:

As articulated above, the provision requiring proof of medical intervention to identify within the binary of a man or a woman stands challenged before the Supreme Court. The Court in *NALSA* clearly declared that the right to gender identity can be exercised independent of any proof of medical intervention. Despite this, the 2019 Act, 2020 Rules and the TN Rules continue to require medical proof in some form. The easiest way to resolve this is to do away with the requirement of medical intervention in any form and make self-declaration the sufficient basis for granting binary markers to transgender persons in the State TG Card. The Tamil Nadu Government has already issued an order doing away with the requirement of proof of gender-affirming surgery for the purpose of publication of name and gender (as man, woman or transgender person) in the Tamil Nadu Government Gazette.²⁹ This position can now be reflected in the Rules in relation to State TG Cards.

Towards this end, the following amendments may be made to the TN Rules as per **Table 2**.

Table 2

Proposed amendments to TN Rules to uphold the fundamental right to chosen gender identity as a man, woman or transgender person

Rule	Existing Clause	Proposed Clause
3	3. Application for issue of certificate of identity under section 6 or section 7.- - Any transgender person desirous of obtaining a certificate of identity shall make an application in Form-I. - The application shall be submitted to the District Collector through "Thirunangai Mobile Application": ...	3. Application for issue of certificate of identity under section 6 or section 7.- - Any transgender person desirous of obtaining a certificate of identity identifying as a man, woman or a transgender person shall make an application in Form-I. - The application shall be submitted to the District Collector through "Thirunangai Mobile Application":

²⁹ Apoorva, 'Transgenders cannot be insisted on producing third gender identity card for publishing of name and gender change in Gazette: Madras HC', SCC Online, available at <https://www.scconline.com/blog/post/2024/04/06/transgenders-cannot-insisted-producing-third-gender-identity-card-publishing-name-gender-change-gazette-mad-hc/> accessed 06 June 2026.

Rule	Existing Clause	Proposed Clause
3		3. A transgender person does not have to submit any proof of medical intervention to apply to be identified as a man or a woman in their certificate of identity but may submit such documents only if they choose to.
Rule 6	6. Procedure for issue of a certificate of identity for change of gender.- 1. If a transgender person undergoes medical intervention towards a gender affirming procedure, either as a male or female, such person may apply in Form – I, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone the said medical intervention, to the District Collector for the issue of a revised certificate of identity.	Delete Rule 6
Rule 7	7. Issue of certificate of identity under Section 7.- 1. The District Collector shall issue a certificate of identity in Form – IV to the applicant seeking change in gender, indicating the gender of such a person as male or female, as the case may be. 2. The District Collector shall issue the certificate under sub-rule (1) within fifteen days from the date of receipt of the application.	Delete Rule 7

Rule	Existing Clause	Proposed Clause
FORMS		
Form I	Application for Certificate of Identity / Revised Certificate of Identity (under Rule 3(1) & Rule 6(1)) Column 9: “Medical history (for those applying under Section 7 of the Act)”	Application for Certificate of Identity / Revised Certificate of Identity (under Rule 3(1)) Column 9: “Medical history (if any)”
Form II	Affidavit by a person applying for certificate of identity I, (Name), son/daughter/ward/spouse of (name of the parent/guardian/ husband), aged (in completed years), residing at (address), (Taluk), (District), (State) (Pin Code) do hereby solemnly affirm and declare as under: 1. I am currently residing in the above address. 2. I perceive myself as a transgender person whose gender does not match with the gender assigned at birth. 3. I declare myself as transgender. 4. I am executing this affidavit for issue of certificate of identity as transgender person under section 6 of the Act read with rule 4 (1) of the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022.	Affidavit by a person applying for certificate of identity I, (Name), son/daughter/ward/ spouse of (name of the parent/ guardian), aged (in completed years), residing at (address), (Taluk), (District), (State) (Pin Code) do hereby solemnly affirm and declare as under: 1. I am currently residing in the above address. 2. I am a transgender person whose gender does not match with the gender assigned at birth. 3. I identify as a (tick what is applicable): • man • woman • transgender person • person with intersex variation 4. I am executing this affidavit for the issue of certificate of identity as per my chosen gender identity under section 6 of the Act read with rule 4 (1) of the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022.

Rule	Existing Clause	Proposed Clause
FORMS		
Form IV	Certificate of Identity for Change of Gender (under Rule 7(1))	Delete
Form V	Transgender Identity Card (under Rule 5(4)) Column 4: "Gender : Transgender"	Transgender Identity Card (under Rule 5(4)) Column 4: "Gender : Man/ Woman/Transgender Person (as applicable)"
Form VI	Identity Card (under Rule 7(4))	Delete

Issue: 08

No State policy on and implementation of **reservations** for **transgender** persons in public **employment & education**

The State Policy, 2025 provides that transgender persons will be deemed ‘socially and economically most disadvantaged’ and the government will take steps to ensure their representation in education and employment. However, the notified policy is silent on the issue of reservations. At present, transgender persons are classified as ‘Most Backward Classes’ (‘MBC’). The Madras High Court in *Swapna v Chief Secretary & Ors.*³⁰ directed the State to reconsider classifying transgender persons as MBC and instead provide for percentage or post based reservations. In an order dated March 8, 2024, the High Court directed the Tamil Nadu Government to consider providing one percent horizontal reservations for transgender persons in public employment and education.³¹ However, as of date, the Tamil Nadu Government does not have a clear policy on reservations for transgender persons.

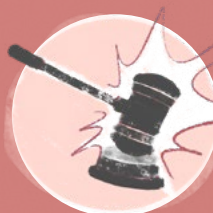
³⁰ Swapna v Chief Secretary & Ors., WRIT PETITION NO. 31091 OF 2013.
³¹ Rakshika Raj v State of Tamil Nadu, W.P. No. 6967 of 2022 and W.M.P. No. 7002 of 2022.



As of date, transgender persons in Tamil Nadu have not been able to access reservations despite being classified as Most Backward Class. Transgender women are eligible to access horizontal reservation available for women across all caste categories. Transgender men and non-binary transgender persons are considered either under their caste category or as MBC category.



Instrument:
Executive



Nodal Authority:
Department of Social Welfare & Women Empowerment, Labour Welfare & Skill Development Department, Personnel & Administrative Reforms Department, & Higher Education Department



Proposed Step:

The State Government must reconsider classifying transgender persons as MBC and must instead implement horizontal reservations for transgender persons. On this issue this report reiterates support for a position articulated by large sections of the transgender movement and organisations representing transgender communities.³² Outlined below are principled arguments supported by insights from consultations carried out with stakeholders in Tamil Nadu.

Categorisation:

Consultations revealed that there was consensus that transgender persons must not be treated as MBC for reservations. This position extends beyond stakeholders consulted. Transgender persons movements in Tamil Nadu and pan-India disagree with the classification of transgender persons as SEBC or OBC. This is because being classified as SEBC or OBC erases transgender persons who belong to SC/ST groups. When it comes to transgender women, they should be able to continue to avail reservations as women. Transgender women who want to access reservations as 'women' and not 'transgender persons' must have the choice. This also aligns with the position of the High Court of Madras on this issue.³³

³² Jayna Kothari, Deekshitha Ganesan and Sudhir Krishnaswamy, 'Making Rights Real: Implementing Reservations for Transgender & Intersex Persons in Education and Employment', Centre for Law and Policy Research, available at <https://clpr.org.in/wp-content/uploads/2018/12/Policy-Brief-2018-Implementing-Reservations-for-Transgender-and-Intersex-Persons.pdf> accessed 06 June 2026.

³³ T.Thanasu v Secretary to the Government of Tamil Nadu, W.P. No. 16539 of 2014 and M.P. No. 1 of 2014.

Form:

While there were differing views on whether reservations must be vertical or horizontal, there exists a stronger case for horizontal reservations. First, the movement for legal inclusion as witnessed in petitions filed by transgender petitioners and groups across the Supreme Court and High Courts, including the High Court of Madras, reveals a certain degree of consensus on horizontal reservations being the optimal policy choice.³⁴ Second, horizontal reservations (which are extended to women, persons with disabilities, military veterans, etc.) accounts for the intersectional discrimination that transgender persons who also belong to SC/ST groups face on account of their gender and caste. If transgender persons were prescribed vertical reservations, they would have to pick between their gender identity and their caste identity [if they belong to SC/ST groups]. Horizontal reservations on the other hand will cut across vertical reservations that are available for SC/ST groups.



Vertical reservations are reservations available to social groups such as Scheduled Castes ('SC'), Scheduled Tribes ('ST') and Other Backward Classes ('OBC').

Horizontal reservations are available to groups such as women and persons with disabilities and cut across vertical reservations. Thus, seats are reserved for women as a 'class' across vertical categories of General Category, SC, ST and OBC.

Compartmentalised reservations (as opposed to overall reservations) apply horizontal reservations separately across each vertical category. This means within the vertical category: GC, SC, ST, OBC a certain proportion or percentage of seats will be reserved for women as opposed to a certain proportion or percentage of seats being reserved for women across all categories. This method ensures better representation of women within each social group.

³⁴ Jayna Kothari, Deekshitha Ganesan and Sudhir Krishnaswamy, 'Making Rights Real: Implementing Reservations for Transgender & Intersex Persons in Education and Employment', Centre for Law and Policy Research, available at <https://clpr.org.in/wp-content/uploads/2018/12/Policy-Brief-2018-Implementing-Reservations-for-Transgender-and-Intersex-Persons.pdf>

Method of Application:

Horizontal reservations can be applied in two ways: overall or compartmentalised. The limitation of overall representation is that it does not ensure that the group is well represented across vertical categories. For instance, in case of overall representation, if three seats out of a total of ten seats are reserved for women and women from the General Category fill up those seats, then women SC, ST and OBC will not be considered. In case of compartmentalised reservations, if three seats out of ten seats are reserved for women then the State has to ensure that these seats are filled in such a manner that women from the General Category, SC, ST and OBC categories are represented in these seats. This accounts for the relative disadvantage within a class as a woman from the General Category and the SC category are not on an equal footing given the compounded discrimination a woman from the SC category faces. Consequently, it is recommended that compartmentalised horizontal reservations are provided for transgender persons. This position is also aligned with community demands on the issue.

Extent:

Stakeholder consultations revealed that the extent of reservations must be determined in consultation with the transgender groups in the State. An empirical analysis, either through a census exercise, or otherwise must be carried out to ensure the quota is representative of the transgender population in the State.

Nodal Authority:

While the Higher Education Department must implement reservations in matters of public education, the Personnel and Administrative Reforms Department is the responsible authority for reservations in matters of public employment (See, *Chapters 4 and 5*).

CHAPTER 2



Recognition of Relationships

Background

The central issue in *Supriyo* was that of same-sex and same-gender marriages and the right of queer partners to jointly adopt children. The Supreme Court held that transgender persons in a heterosexual relationship can marry under existing marriage laws, however it was the prerogative of the legislature to enact inclusive marriage laws for other members of the queer community.¹ The Court however noted the discrimination that LGBTQIA+ persons face on account of the non-recognition of their relationships, and directed the State to take appropriate remedial measures to address this.²

While the ability to marry a person of one's choice is a valuable right, marriage is also critical for social and economic security. This is because marriage is an entry point to several other rights including the right to joint parenthood, the right to inherit from each other, the right to share financial benefits such as pension, insurance, joint bank accounts, taxation benefits, and take healthcare decisions on behalf of each other, amongst others. This was noted by the Court in *Supriyo* and recognised as sites of discrimination for queer couples.



“The State may choose from a number of policy outcomes; they may make all marriage and family related laws gender-neutral, or they may create a separate SMA-like statute in gender-neutral terms to give the queer community an avenue for marriage, they may pass an Act creating civil unions, or a domestic partnership legislation, among many other alternatives. Another consequence may be that rather than the Union Government, the State legislatures take action and enacts law or frameworks, in the absence of a central law”

Supriyo v Union of India

Prior to the judgement in *Supriyo*, the Supreme Court had noted that the Constitution protects diverse family forms and state benefits cannot be denied based on rigid or moralistic definitions of the family, thus recognising queer relationships and atypical family formations as

¹ *Supriyo v Union of India*, [164]-[165] (Bhat J.)

² *ibid.*

legitimate forms of families³. Post *Supriyo*, the Supreme Court has recognised the importance of recognition of chosen family which has gained heightened significance for LGBTQIA+ persons on account of the violence and lack of safety that they may experience at the hands of their natal family.⁴ The Court framed a set of guidelines as a mandatory minimum measure to secure the fundamental rights and dignity of intimate partners, and members of the LGBTQIA+ communities in illegal detention.⁵ Similarly, several High Courts have recognised that the right to live with a partner of one's choice, including same-sex and same-gender partners, is a facet of the fundamental right to life and personal liberty.⁶ In *Sreeja S. v Commissioner of Police*,⁷ the Kerala High Court held that the inability to enter into a valid marriage cannot be a ground to deny the right to cohabitation to two consenting adult women. In *Paramjit Kaur v State of Punjab*, the Punjab and Haryana High Court held that the legal or societal non-recognition of a same-sex relationship does not affect their constitutional rights and guarantees, especially their fundamental right to live together peacefully.⁸ These decisions point towards a gaping hole in the law for queer couples looking to enter into a legally recognised consensual relationship with a partner of their choice. While marriage remains one of the most celebrated institutions in society, its exclusivity to heterosexual unions disentitles and isolates LGBTQIA+ persons from an important social institution.

On the heels of these judgements, the Central Government has already begun the exercise of recognising queer relationships for certain benefits. The Ministry of Finance issued a circular clarifying that there is no bar on queer partners opening a joint bank account.⁹ A clarification in this regard was also issued by the Reserve Bank of India (RBI) to all the Scheduled Commercial Banks.¹⁰ Similarly, the Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution issued a circular clarifying that persons in queer relationships can be recognised as part of the same household for the purposes of a ration card.¹¹ These steps are welcome and might have the effect of moving the needle on recognition of queer relationships and associated rights, thus nudging further policy action. However, they do little in terms of on-ground implementation due to several enforcement issues. The purview of what constitutes a legally recognised “queer relationship” or “queer partnership” for the purpose of availing these benefits has not been defined in these executive orders. Therefore, steps aimed at ensuring inclusion and equality for queer families in the law must provide for a holistic understanding of the processes involved and have a binding effect on implementing authorities.

³ Deepika Singh v CAT, AIR 2022 SC4108.

⁴ Devu G. Nair v State of Kerala, 2024(2)KLT572.

⁵ *ibid.*

⁶ Madhu Bala v State of Uttarakhand, 2020 SCC OnLine Utt 276.

⁷ 2018 SCC OnLine Ker 3578.

⁸ Paramjit Kaur v State of Punjab, 2020 SCC OnLine P&H 994

⁹ Ministry of Finance, Department of Financial Services, 'Advisory', dated 28 August 2024, available at <https://financialservices.gov.in/beta/sites/default/files/Advisory.pdf>, accessed 06 June 2026

¹⁰ *ibid.*

¹¹ Ministry of Consumer Affairs, Food and Public Distribution, 'Advisory on enabling partners in a queer relationship to be treated as a part of the same household for the purposes of ration card - reg', available at <https://vartagensex.org/wp-content/uploads/2025/10/177a-mocafpd-advisory-queer-trans-pds-inclusion-23aug24.pdf>, accessed 06 June 2026.

Legal Developments in Tamil Nadu



The Madras High Court has been at the forefront of recognising family rights for the queer community, progressively expanding the understanding of “family” beyond heterosexual couples. In *Arunkumar v Inspector General of Registration*,¹² the Madras High Court held that a marriage between a cisgender man and a transgender woman constitutes a valid marriage under Hindu personal law, directing registration authorities to recognise such unions. In *Prasanna J. v S. Sushma*, the Court endorsed the use of a Deed of Familial Association (DFA) for queer partners.¹³ Drawing on scholarship that highlighted the absence of statutory recognition for same-sex and non-heteronormative unions,¹⁴ the Court approved a DFA recognising a civil union between queer partners and noted that such a deed is not barred by the Contract Act and can give “respect and status” to the relationship. In *M.A. v Superintendent of Police*, the Madras High Court explicitly affirmed that queer couples can constitute a family. Relying on *NALSA*, *Deepika Singh* and *Supriyo*, the Court held that

family structures extend beyond heterosexual marriage and that “chosen family” is now part of constitutional jurisprudence.¹⁵ Most recently, in *S. Sushma v Director General of Police*, the Court examined the State’s notified 2025 Transgender Policy and recommended that Tamil Nadu evolve a procedure for registration of DFAs or other forms of domestic partnerships and civil unions.¹⁶ It stressed that such mechanisms must address rights relating to parenting, custody, adoption and surrogacy, and that the State’s policy framework must reflect the broader constitutional protection accorded to queer families. Recently, the Madras High Court has asked the Union Government to submit its response on the question of adoption by transgender persons.¹⁷



“Marriage is not the sole mode to found a family. The concept of “chosen family” is now well settled and acknowledged in LGBTQIA+ jurisprudence.”

M.A v Superintendent of Police

While the judiciary has charted a progressive course, the Tamil Nadu Government’s response has been uneven. The Community Policy 2024 proposed a comprehensive approach to the right to family. It recognised same-sex and same-gender partnerships through a Deed of Familial Association, included a draft format for its registration,

¹² *Arunkumar v Inspector General of Registration*, AIR2019Mad265.

¹³ *Prasanna J. v S. Sushma*, MANU/TN/7445/2023.

¹⁴ Tiju Thomas, ‘Deed Of Familial Association’ As A Putative Means To Affirm And Secure LGBTQIA+ Families’ (2021) Law School Policy Review; also see Sourav Mandal, Impact of Family Jurisprudence on Queer Lives in India: A Queer-Qualitative Study (PhD Thesis, National Law School of India University, 2018) 424-450. <https://dans.nls.ac.in/items/d081148c-6703-4e59-a83d-a3f514328bff/full>. Accessed 13 February 2026.

¹⁵ *M.A. v Superintendent of Police*, H.C.P.No.990 of 2025, [8].

¹⁶ *Sushma v Director General of Police*, W.P.No.7284 of 2021, dated 4 August 2025, available at https://images.assettype.com/barandbench/2025-08-06/1w85mtna/S_Sushma__Anr_v_State__Ors.pdf

¹⁷ Mohamed Imranullah S, ‘Why transgender persons should not be allowed to adopt children, Madras High Court asks Centre’, *The Hindu*, 10 November 2025, available at <https://www.thehindu.com/news/national/tamil-nadu/why-transgender-persons-should-not-be-allowed-to-adopt-children-madras-high-court-asks-centre/article70261764.ece>

and articulated the objective of removing barriers that prevent sexual and gender minorities from forming families of choice.¹⁸ It also identified protection from natal-family violence, including corrective assault, as a core element of safeguarding this right. The notified policy, however, adopts a narrower formulation. The policy is framed against a backdrop where the right of transgender and intersex persons in heterosexual relationships to marry is already legally recognised. It commits to amending the Hindu Succession Act, 1956 and Indian Succession Act, 1925 to facilitate this. However, it does not retain the DFA framework or any other mechanism for recognising same-gender or queer partnerships. Consequently, the State Policy 2025 protects familial rights only for transgender persons who identify within the binary and enter heterosexual unions, leaving the broader LGBTIA+ community without formal legal recognition of their chosen families.



Inputs from Consultations

Invisibilisation *in* Family Laws

Consultations reveal significant barriers faced by LGBTQIA+ individuals in exercising familial rights on the ground. The State's imagination of transgender families remains narrowly confined to the *jamaat* system, leaving other family structures unrecognised. This invisibility extends particularly to transgender men, intersex persons, non-binary persons, and gender non-conforming individuals. The community faces challenges on-ground at the level of the registry—resulting in practical difficulties. For instance, transgender men find it difficult to register marriages to cisgender women despite judgements like *Arunkumar v Inspector General of Police*. Moreover, queer couples lack joint access to essential services and benefits: ration cards cannot be issued to same-sex and same-gender couples as a single unit. Healthcare decision-making is also constricted to natal families rather than chosen partners. Stakeholders highlighted that the State Policy, 2025's silence on the DFA—despite its endorsement by the Madras High Court and inclusion

¹⁸ Tamil Nadu Sexual and Gender Minority (LGBTIA+) Policy, 2024, 25, 65.

in the Community Policy, 2024—leaves queer couples without a formal mechanism for legal recognition, protection from natal family violence, or the ability to establish rights in housing, leasing, and cohabitation.

Children in Queer Families

Transgender persons who transition after marriage frequently lose custody of their children, which, according to stakeholders, may be due to possible judicial stereotyping that transgender persons do not make good parents. One of the stakeholders consulted shared his experience of struggling to update his name and gender in his children's school certificates and official records. A struggle faced by the community is that changing name and gender markers in children's documents often becomes "a fight for each document," often affecting parental rights. Informal adoptions are noted as "fairly common" in Tamil Nadu, including within transgender families, though these occur outside formal legal procedures.

Deed of Familial Association

Advocates that have been part of the litigation in *Sushma* stressed on the need for implementation of the High Court's directive on recognising a DFA. It was discussed that family law is closely interlinked so

it will be difficult to undertake piece-meal legislative amendments, and therefore, until substantive legislative changes are possible, alternatives such as the DFA must be considered. The DFA can function as the site of first-level recognition for purposes such as protection from harassment by police and natal family.

It may also be extended to allow for joint access to benefits. Stakeholders, however, also cautioned that no relationship is a 50-50 dynamic and therefore, in private ordering, factors such as equal economic contribution cannot be considered. Additionally, it was pointed out that abandonment is a very common phenomenon in a lot of queer relationships and therefore, dissolution provisions must be drafted carefully.

Joint Benefits critical for Livelihood

One of the questions posed to all stakeholders concerned joint benefits that were critical for a dignified life. Certain common areas that emerged included medical decision-making, joint access to financial goods and services, housing rights, protection from violence and harassment, essential services such as ration cards and other social welfare schemes. Further, as noted during consultations, the only way to stop violence by natal families against queer persons was if the law were to recognise queer families.



Recommendations

Family laws,¹⁹ such as marriage, divorce, adoption and succession, fall within the concurrent list of the Constitution. This means that both Parliament and the State Legislature have the power to make family laws. The Supreme Court, in *Supriyo*, recognising this, had noted that State Legislatures could take appropriate action and enact queer-inclusive family laws as well.²⁰ Consequently, Tamil Nadu has sufficient powers to undertake measures to extend legal recognition to queer relationships.

Issue: 01

There is no **legal recognition** of **certain queer relationships**

The State Policy, 2025 only provides for legal recognition of relationships of transgender persons who are within the binary of male and female and are in heterosexual marriages. Specifically, it stipulates that Hindu Succession Act, 1956 and the Indian Succession Act, 1925 will be amended.²¹ Consequently, while the Court in *Supriyo* identified that it is the duty of the state to address the discrimination queer couples face, same-sex and same-gender relationships do not have recognition in the law. This also holds true for transgender relationships where one or both partners is a third gender transgender person.

The Supreme Court in *Supriyo* recognised that there are several rights and benefits that accrue from marriage. These include maintenance, alimony, adoption, inheritance and access to surrogacy services.²² Such rights cannot be accessed by certain queer couples because their relationship is not recognised by the law. Benefits under employment laws, welfare laws, healthcare laws and family laws were also flagged by the Court.²³ The Court recognised the discriminatory impact that non-recognition of queer relationships has on queer couples. Specifically, it stated that such 'discriminatory impact cannot be ignored by the State'²⁴ and directed the State 'to take suitable remedial action.'²⁵ One pressing area that required 'urgent state intervention'²⁶ was the discriminatory impact of adoption laws on queer parents. The Court noted that given that queer parents are already adopting children and forming families, the State needs to take urgent action to 'enable the full gamut of rights to such children, qua both

¹⁹ Entry 5, List III, Seventh Schedule, Constitution of India.

²⁰ *Supriyo v Union of India*, [580] (Bhat J.)

²¹ Tamil Nadu State Policy for Transgender Persons, 2025, p. 19.

²² *Supriyo*, [150] (As per Chandrachud J.)

²³ *Supriyo*, [113]-[115] (976-978).

²⁴ *Supriyo v Union of India*, [563] (Bhat J.)

²⁵ *ibid*, [146], [147(vi)] (As per Bhat J.)

²⁶ *ibid*, [128] (Bhat J.)

parents’.²⁷ This approach was informed by the principle of ‘welfare of the child’ to ensure that the rights of children in de facto queer families are safeguarded.²⁸

As per *Supriyo*, the State of Tamil Nadu has a duty to remedy the discrimination that some queer couples face (same-sex and same-gender couples and transgender couples where either one or both partners do not identify within the binary of man and woman) because of non-recognition of their relationships. Further, as outlined above, the Tamil Nadu State legislature has the legislative competence to enact queer-inclusive family laws. It can do so either by enacting fresh laws or by amending existing laws. To comply with the Supreme Court’s judgement in *Supriyo* the Tamil Nadu Government will have to extend legal recognition in some form to same-sex and same-gender relationships.

There are three alternative routes available to the Tamil Nadu Government to recognise queer relationships: (a) extending legal recognition through the ‘Deed of Familial Association’, and/or (b) prescribing a nomination regime, and/or (c) State amendments to family laws including secular laws and codified personal laws. All three options are presented below for consideration.

a) Recognise *the Deed of Familial Association*

²⁷ *ibid*, [132] (Bhat J.)

²⁸ *ibid*, 547, 564(x) (Bhat J.)



Instrument:

Executive, incrementally translating to legislative



Nodal Authority:

The Department of **Social Welfare & Women Empowerment** must frame the **executive guidelines** for **recognition of DFAs** & notify the **following departments**:

- **Registration Department:** To ensure DFAs are registered by the State,
- **Health and Family Welfare Department:** To ensure that partners in a DFA can take healthcare decisions for each other in the capacity of ‘next of kin’,
- **Labour Welfare and Skill Development Department:** To ensure spousal benefits provided by employers in private and public establishments are extended to partners in a DFA,
- **Tamil Nadu Civil Supplies Corporation, Civil Supplies and Consumer Protection Department:** To ensure partners in a DFA can access ration as a queer household,
- **Public and Private Sector Financial Institutions:** To ensure partners in a DFA can jointly open a bank account, and avail financial goods such as loans and insurance jointly, and

- **Tamil Nadu Prison Department:** To ensure partners in a DFA have jail visitation rights if one party is incarcerated.



Proposed Step:

The Community Policy, 2024 prescribes the DFA as a means to extend legal recognition to queer couples.²⁹ It also prescribes a template for it and recommends registration by a state authority, if required. The primary objective of the DFA is to deter harassment and violence by society and natal families and the discrimination they face in different aspects of life such as employment and access to housing.³⁰ Like the Community Policy 2024, this report recommends the DFA as a means to extend legal recognition to queer couples. Second, in line with *Supriyo*, it also recommends that those in a registered DFA be able to jointly access certain benefits that otherwise accrue only to married couples. These benefits have been outlined by the community as key to a liveable and dignified life, in the absence of marriage.

For the DFA to have legal sanctity, it needs to be backed by an instrument of law and cannot be treated only as an agreement between private parties. As the core function of the DFA is to extend legal recognition to the relationship and provide for joint access to certain benefits, executive guidelines can serve as a starting

point. There is precedent for this in relation to joint access to ration, bank accounts and jail visitation rights (See, **Box 1**).³¹ Through executive directions the Union Government and its agencies have already provided for recognition of queer couples for the purpose of access to certain welfare benefits. The State Government now has a mandate to ensure that there is a protocol in place which allows queer couples to exercise this entitlement. Executive guidelines prescribing who can enter into a DFA, registration, joint entitlements of those in a DFA, and grounds for dissolution of the DFA can be a starting point. Incrementally, the DFA may be translated into a civil union law which provides queer couples with all the benefits that accrue to a married couple.

Box 1

Ministry of Social Justice & Empowerment, Excerpt from Press Release on 'Measures of Core for the LGBTIQ Community' in relation to recognising **Queer families**

Various measures taken by Government for LGBTIQ care are as follows:

1. **Department of Food and Public Distribution (D/oF&PD)** has issued an advisory to all the States and UTs, that as per existing provisions, enabling partners in a queer relationship are to be treated as a part of the same household for

²⁹ Tamil Nadu State Sexual and Gender Minorities (LGBTQIA+) Policy (draft v2), 25.

³⁰ Dr. Tiju Thomas, 'Deed Of Familial Association' As A Putative Means To Affirm And Secure LGBTQIA+ Families' available at <https://lawschoolpolicyreview.com/2021/02/09/deed-of-familial-association-as-a-putative-means-to-affirm-and-secure-LGBTI-families/> accessed 06 June 2026.

³¹ Ministry of Social Justice and Empowerment, 'Parliament Questions: Measures for Care of LGBTIQ Community', available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2099650®=3&lang=2> accessed 06 June 2026

the purposes of ration card. Further, States/UTs have been asked to take necessary measures to ensure that partners in queer relationships are not subjected to any discrimination in the issuance of ration cards.

2. **Department of Financial Services (DFS)** has issued an advisory that there are no restrictions for persons of the queer community to open a joint bank account and also to nominate a person in queer relationship as a nominee to receive the balance in the account, in the event of death of the account holder.
3. **Ministry of Home Affairs** has issued advisory to all States/UTs regarding prison visitation rights of the Queer Community and an advisory, on law & order measures to be taken to ensure that queer community do not face any threat of violence, harassment or coercion.

FRAMEWORK:

The key features of the executive guidelines regulating a DFA are prescribed below.

Who can enter a DFA?

To be eligible to enter into a DFA the persons must be:

- a. age of majority (above 18 years of age);
- b. in a consensual queer relationship (same-sex and same-gender relationships or one or both of the parties to the relationship must be a transgender person); and
- c. not in a subsisting marriage or in a DFA with another party.

Who will register a DFA?

Registration of the DFA by the State is necessary to accord legal recognition to it. As the purpose of the DFA is to extend legal recognition to a queer family, the District Registrar of Marriage who acts as the Marriage Officer in Tamil Nadu under the Special Marriage Act, 1954 can act as the registering authority. A register of DFAs ('DFA register') must be maintained by the registering authority.

What should be the form of the DFA?

The DFA form must be drafted in a simple and accessible manner. As in the absence of marriage, a party to the DFA will not have inheritance rights or parental rights, the form of the DFA can be designed in such a manner that it encourages parties to declare if they have named each other in their will, are raising children jointly, and are cohabiting. The disclosure of this information can ensure that the DFA has evidentiary value if and when disputes arise in relation to these issues. See Annexure 1 for the draft template of the DFA.³²

What joint benefits will partners in a DFA have?

Partners in a DFA should be able to have joint access to the following benefits, which can be incrementally expanded:

- a. access to ration as a queer family,³³
- b. joint opening of bank account,³⁴

³² It is critical to acknowledge that the Tamil Nadu State Sexual and Gender Minorities (LGBTQIA+) Policy (draft v2) informs the format prescribed and we would like to thank the drafters for prescribing a template which serves as the basis of the draft template recommended in this report.

³³ Ministry of Social Justice and Empowerment, 'Parliament Questions: Measures for Care of LGBTIQ Community', available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2099650®=3&lang=2> accessed 06 June 2026

³⁴ Ministry of Social Justice and Empowerment, 'Parliament Questions: Measures for Care of LGBTIQ Community', available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2099650®=3&lang=2> accessed 06 June 2026

- c. joint access to loans,
- d. name each other as nominees for the purpose of health insurance, life insurance, employment benefits, etc.
- e. take healthcare decisions for each other in the capacity of 'next of kin' if one of the partners does not have the mental capacity to take a decision for themselves,
- f. jail visitation rights,³⁵ and
- g. any other welfare benefits as may be notified by the State Government

On what grounds can a DFA be dissolved?

The following may be the grounds on which a DFA may be dissolved:

- a. a party to the DFA has been subject to domestic violence as defined in section 3 of the Protection of Women from Domestic Violence Act, 2005,
- b. a party to the DFA has deserted or abandoned the relationship, or
- c. one or both parties to the DFA no longer want to continue to be a part of the DFA.

Procedure for dissolution of the DFA?

The following may be the procedure for dissolution of the DFA:

- a. the party must give the other express notice of intent to dissolve the DFA, and
- b. after the expiry of thirty days from the date of express notice approach the registering authority to dissolve the DFA, or
- c. in the event that the decision to dissolve the DFA is mutual, both parties must approach the registering authority and express their intent to dissolve the DFA.

Upon satisfaction of the above conditions, the registering authority will attest to the fact that the DFA stands dissolved and make an entry in the DFA Register to this effect.

b) Prescribe a Nomination Regime *for* Benefits



Instrument: Executive



Nodal Authority:

As nominations are spread across different classes of benefits, the following departments will have to frame executive directions to enable them:

- **Health and Family Welfare Department:** To ensure individuals can nominate any person of their choice for the purpose of healthcare decision-making,
- **Finance Department:** To enable nominations for pension benefits,
- **Labour Welfare and Skill Development Department:** To enable nominations for certain classes of labour benefits,

³⁵ Supriyo v Union of India, [366(iii)] (Chandrachud J.)

- **Tamil Nadu Civil Supplies Corporation, Civil Supplies and Consumer Protection Department:** To enable nominations for joint access to ration benefits,
- **Tamil Nadu Prison Department:** To enable jail visitation rights for queer partners and chosen families.

What is a Nomination Regime?

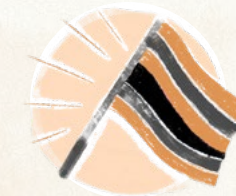
A nomination regime³⁶ for queer family members refers to a legally recognised administrative framework that allows an individual to formally designate a person of their choice, irrespective of marital status or natal relation to receive specified benefits or exercise defined decision-making powers that would otherwise accrue only to “family members” recognised by law. In the absence of marriage or a legally recognised DFA, the government of Tamil Nadu may consider prescribing a nomination regime.

³⁶ One of the petitions filed in the marriage equality matter was the Rituparna Borah petition (‘Borah petition’). This petition, while arguing for marriage equality, also made a case for a nomination regime that allows unmarried people to enjoy certain entitlements that are otherwise linked to marriage. The petition asked for extending protection to chosen families, such that any individual who plays the role of a family member towards the concerned person may be nominated as the next-of-kin for benefits.



“The indirect discriminatory impacts in relation to earned or compensatory benefits, or social welfare entitlements for which marital status is a relevant eligibility factor, for queer couples who in their exercise of choice form relationships, have to be suitably redressed and removed by the State ... As held earlier, this court cannot within the judicial framework engage in this complex task; the State has to study the impact of these policies, and entitlements.”

Supriyo v Union of India



Proposed Step:

The Government may prescribe a simple nomination regime through a government order or circular accompanied by a nomination form which allows people to nominate a person of their choice for certain benefits. The following may be prescribed as pre-conditions:

- a. The nominating party and nominee must have attained the age of majority;
- b. The nominating party must provide written consent; and
- c. The nominating party must not be in a subsisting marriage. This pre-condition is critical to safeguard the rights of spouses in a marriage.

Below are the key benefits and entitlements that may be considered for a nomination regime:

Welfare Benefits

- **Ration cards:**

The Department of Food and Public Distribution, Government of India issued an advisory to all the States and UTs to enable partners in a queer relationship to be treated as a part of the same household for the purposes of ration card.³⁷ States/UTs have been asked to take necessary measures to ensure that partners in a queer relationship are not subjected to any discrimination in the issuance of ration cards.³⁸ There is thus a mandate on the State Government to prescribe guidelines/protocols such that queer couples are able to access ration as a household. The Public Distribution System (PDS) wing of the Civil Supplies and Consumer Protection (CSCP) department issues ration cards in the state of Tamil Nadu. These ration cards are issued under the Tamil Nadu PDS (Control) Order, 2008 passed under the Essential Commodities Act, 1955 and the National Food Security Act, 2013 ('2013 Act'). The State Government has broad powers to frame rules under 2013 Act, including the power to prescribe guidelines for identification priority households in the State.³⁹ The Tamil Nadu Government may consider exercising its rule-making powers under the 2013 Act to explicitly recognise queer households as eligible for accessing ration cards as a family. In the absence of marriage, the CSCP must provide queer persons the option to nominate a person of choice while applying for a ration card through a standardised nomination form. Identification of priority families and families under the

Antyodaya Anna Yojana⁴⁰ must also recognise queer partners as part of the same household for accessing benefits, on providing proof of cohabitation or other non-onerous proof.

- **Affordable Housing Schemes:**

Affordable housing schemes, such as the *housing patta* scheme administered by the State TG Board must allow persons to nominate persons as their chosen families or partners to ensure they have joint access to housing benefits.

Labour Benefits:

Certain labour laws afford flexibility to the State Government to bring queer partners or chosen families within the ambit of the definition of 'dependent'. In this context, the Government of Tamil Nadu may consider the following measures to set a critical precedent for queer-inclusive labour laws.

- **Pension benefits:**

Death pension accrues to the immediate family members of a person under Rule 45 of Tamil Nadu Pension Rules, 1978. The Tamil Nadu Finance Department issued G.O.Ms. No.180, Dated 20 June 2017 recognising the right of "transgender/Eunuch⁴¹ (Thirunangai / Aravani) child of a Government servant / Pensioners" to receive family pension.⁴² A similar order may be issued to allow persons in queer relationships to nominate their partners for the purpose of pension benefits.

³⁷ Ministry of Consumer Affairs, Food and Public Distribution, 'Advisory on enabling partners in a queer relationship to be treated as a part of the same household for the purposes of ration card - reg', available at <https://vartagensex.org/wp-content/uploads/2025/10/177a-mocafpd-advisory-queer-trans-pds-inclusion-23aug24.pdf>, accessed 06 June 2026.

³⁸ *ibid.*

³⁹ Section 40(2)(a), National Food Security Act, 2013.

⁴⁰ The Antyodaya Anna Yojana (AAY) in Tamil Nadu is a targeted public distribution scheme for the poorest and most vulnerable households, providing them with 35 kg of rice per month free of cost through the state's Public Distribution System. Implemented under the National Food Security Act, 2013, Tamil Nadu integrates AAY into its universal PDS framework, ensuring enhanced food security for destitute and marginalised families.

⁴¹ It is recommended that the word eunuch be removed as it is used as a derogatory term to refer to transgender persons.

⁴² Finance [Pension] Department, 'Payment of family pension to the transgender/Eunuch (Thirunangai / Aravani) child of the Government servant / Pensioners treating them as woman child - Orders - Issued', dated 20 June 2017, available at <https://www.cag.gov.in/uploads/media/G-O-180-TRANSGENDER-CHILD-PENSION-064cb8c6beb5220-83791027.pdf> accessed 06 June 2026.

- **Gratuity:**

The Code on Social Security, 2020 ('SS Code') which consolidates labour laws in relation to social security provides that in case of gratuity benefits, upon the death of the employee, gratuity will be paid to her nominee, and in the absence of a nominee, her legal heir.⁴³ If the employee has family, then a nomination can be made only in favour of a family member⁴⁴ and in the absence of family, the nomination can be made in favour of any person.⁴⁵ In this context, it is recommended that the Labour Department must undertake the following measures:

- ◇ issue a circular which clarifies that there is no bar on an individual nominating any person of their choice for receiving gratuity benefits, and
- ◇ reissue the Nomination Form 'F' under the Payments of Gratuity Act, 1973 to enable this.

- **Tamil Nadu Building and Other Construction Workers (Regulation Of Employment And Conditions Of Service) Rules, 2006:**

The Building and Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996 ('1996 Act') provides that the Welfare Board established by the State Government can prescribe benefits for dependents of workers. The 1996 Act does not define the term 'dependent'. Thus, the State Government has considerable flexibility to determine who can constitute a dependent under the 1996 Act via its State Rules. Consequently, the Tamil Nadu Government can define the term 'dependent' as including a person nominated by the worker as a dependent, provided that he or she is not in a subsisting marriage.

⁴³ S. 53 (Second Proviso), The Code on Social Security, 2020.

⁴⁴ S. 55(3), The Code on Social Security, 2020. Family is defined as including a spouse, children and dependent parents.

⁴⁵ S. 55(4), The Code on Social Security, 2020.

Medical decision-making:

In an ongoing matter before the Delhi High Court,⁴⁶ the petitioners—a lesbian couple—have prayed that same-sex and same-gender partners must have a right to take medical decisions for their partners. The present framework governing this, namely Indian Medical Council (Professional Conduct, Conduct and Ethics) Regulations, 2002 only recognises 'spouses' as 'next of kin' for medical decision-making. To address this, the Tamil Nadu Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations, 2003 must be modified by the Tamil Nadu State Medical Council to recognise 'nominated healthcare proxies' who can act as decision makers in cases where the patient loses capacity to give informed consent for medical treatments. Further, to extend recognition to same-sex and same-gender partners and chosen families, the following must be recognised as next of kin: 'a spouse or de facto spouse or a partner with whom the patient has a relationship in the nature of marriage or a friend of long standing who regularly attends to the patient in the hospital'⁴⁷ (See, **Chapter 3**).

Jail Visitation Rights:

The Ministry of Home Affairs has issued an advisory to all States/UTs to ensure prison visitation rights for queer partners. The Madras High Court, in the case of *P. Nedumaran v State of Tamil Nadu*⁴⁹ struck down

⁴⁶ Suprakash Majumdar & Mia Jose, 'A queer couple's fight for the right to make medical decisions for each other', queerbeat, available at <https://www.queerbeat.org/stories/a-queer-couples-fight-for-the-right-to-make-medical-decisions-for-each-other/> accessed 06 June 2026.

⁴⁷ The Vidhi Centre for Legal Policy, 'Protecting Dignity at the End of Life', <<https://vidhilegalpolicy.in/impact/protecting-dignity-at-the-end-of-life/#:~:text=end%20of%20life.,Impact,have%20lost%20decision%20making%20capacity>> accessed on 19 February 2026: See also: Guidelines for End of Life Care, AIIMS, New Delhi, Annexure 3.3, <<https://aiims.edu/images/pdf/notice/irch-9-3-20.pdf>> accessed on 19 February 2026.

⁴⁸ Ministry of Home Affairs, 'Prison Visitation Rights of Queer Community (LGBTQIA+)', dated 15 July 2024, available at https://www.mha.gov.in/sites/default/files/2024-07/LGBTQ_16072024.pdf. accessed 06 June 2026.

⁴⁹ *P. Nedumaran v The State of Tamil Nadu*, W.P. Nos. 3238 to 3240 of 2001, decided on 14th August, 2001.

an amendment to the Tamil Nadu Prison Rules, 2024 which excluded “friends” from the right of visitation.⁵⁰ This case reinforced the fundamental right of prisoners to receive visits from friends, which is an aspect of the right to life. This landmark interpretation by the Madras High Court creates broad scope for visitation rights by non-family members including friends. Accordingly, a circular must be issued by the Directorate of Prisons and Correctional Services to all jail Superintendents to allow nomination of a queer partner for the purpose of jail visitation rights.

c) Amend Secular Laws on Marriage & Succession



Instrument:
Legislative



Nodal Authority:
Registration Department
& the **Law Departments**

⁵⁰ P. Nedumaran v The State of Tamil Nadu W.P. Nos. 3238 to 3240 of 2001, decided on 14th August, 2001.

Context:

While the Supreme Court in *Supriyo* denied marriage equality, it recognised the prerogative of the legislature, including state legislatures to recognise queer relationships, including through marriage. Marriage and associated rights in India are determined through civil laws such as the Special Marriage Act, 1954 ('SMA') and the Indian Succession Act, 1925 ('ISA') and religious personal laws applicable to marrying parties including the Hindu Marriage Act, 1955, Indian Christian Marriage Act, 1872, Parsi Marriage and Divorce Act, 1936 and codified and uncoded Muslim personal laws. Tamil Nadu has already taken a trailblazing step in recognising self-respect marriages through an amendment to the Hindu Marriage Act, which does not require rituals such as the saptapadi, extending validation to different forms of marriage.⁵¹ Several rights and entitlements flow out of a marriage and non-recognition of queer marriages disentitles LGBTIA+ individuals and discriminates against them. A clear statutory recognition of marriage and a statutory right to intestate succession (in absence of a will) naturally would lead to the bouquet of rights without the administrative burden of sector-specific amendments or executive orders under specific laws. This could be undertaken through a standalone legislation recognising queer relationships or less onerously, through amendments to the Special Marriage Act, 1954 ('SMA') and Indian Succession Act, 1925 ('ISA'). Secular civil laws lend themselves more easily to reform and amendment as compared to religious personal laws as they are based on the idea of providing a non-traditional form of marriage.

⁵¹ Section 7A, Hindu Marriage (Tamil Nadu) Amendment Act, 1967.



Proposed Step:

Amendments to the Special Marriage Act, 1954

The SMA may be amended as follows:

- **Gender-inclusive language**

While section 4 of the SMA recognises the eligibility of “two persons” to enter into a valid marriage, the law uses gendered language such as husband and wife, or male and female. Reference here may be made to section 15 (Registration of marriage celebrated in other forms), section 23 (judicial separation), section 27 (divorce). Reference to “husband” or “wife” in these provisions must be replaced by gender-inclusive terms such as “spouse” or “parties to the marriage”. An exception may be made in case of provisions which are especially catering to a specific gender based on historical jurisprudence. For example, certain grounds for divorce are exclusively available to the wife under the SMA.⁵² This provision may be retained in its gendered form.

- **Age of marriage to be gender-neutral**

Under the SMA,⁵³ the condition for eligibility to marry is prescribed as 21 for male and 18 for female. This distinction is based on outdated ideas informed by sex-stereotyping. Accordingly, a common age of consent for marriage must be prescribed such that both parties to the marriage must have completed 18 years of age aligning it with the general age of consent.

- **Maintenance to be awarded on the basis of vulnerability instead of sex**

Maintenance provisions in law, whether it is in the SMA or section 125 of the Code of Criminal Procedure, 1973 (new section 144, Bhartiya Nagrik Suraksha Sanhita, 2023) is catered towards protecting women in a heterosexual marriage. This is based on significant jurisprudence and scholarship identifying women as disproportionately vulnerable in heterosexual relationships.⁵⁴ In a non-heterosexual relationship however, power dynamics may manifest differently requiring a shift in the gendered understanding of the need for maintenance and alimony. Accordingly, section 37 of the SMA must be amended to make it gender-inclusive, while continuing to protect vulnerable parties through certain identified factors. An illustrative amended provision is being provided below

Box 2

Illustration Gender Inclusive Provision on Maintenance⁵⁵

Permanent alimony and maintenance—

(1) Any court exercising jurisdiction under Chapter V or Chapter VI may, at the time of passing any decree of judicial separation or divorce or at a time subsequent to such decree, on an application made by either of the parties to the

⁵² Section 27(1A), Special Marriage Act, 1954.

⁵³ Section 4, SMA.

⁵⁴ S. 55(3), The Code on Social Security, 2020. Family is defined as including a spouse, children and dependent parents.

⁵⁵ Model Code on Indian Family Law (Vidhi Centre for Legal Policy, May 2024) <https://vidhilegalpolicy.in/wp-content/uploads/2024/05/ModelCodeonIndianFamilyLaw2024.pdf> accessed 18 March 2026.

marriage, order that the respondent will pay to the applicant such sum as it deems just as maintenance and support.

Explanation: For the purpose of sub-section (1), the sum payable may be a gross amount, or a monthly amount, or any other periodical amount.

(1A) An order for payment of sum for maintenance and support under sub-section (1), may be made for any term not exceeding the life of the applicant.

(1B) Payment in pursuance of any order made under sub-section (1) may be secured by a charge on the immovable property of the respondent, if necessary.

(1C) **While determining the amount of maintenance to be granted under sub-section (1), the Court must take into consideration the following factors:**⁵⁶

- (a) duration of the relationship;
- (b) the respondent's own income and other property, if any;
- (c) the income and other property of the applicant;
- (d) the needs of the applicant;
- (e) applicant's liabilities, financial responsibilities, or responsibility to maintain dependants;
- (f) the age and employment status of the parties;
- (g) the residential arrangements of the parties;
- (h) any illness or disability;
- (i) any contributions made by the applicant during the subsistence of the relationship, which may have given rise to a sustained benefit for the relationship and/or an economic disadvantage for the applicant;

Provided that absence of contributions made by the applicant as described in this sub-clause will not disentitle the applicant from claiming maintenance.

- (j) protection of vulnerable parties;
- (k) preservation of the status of living as it existed during the subsistence of marriage; and
- (l) any other circumstances of the case, that the court may deem relevant.

Explanation: For the purpose of this sub-section,

i) "contributions made" will include any action which seeks to contribute to the welfare of the spouse and/or their family, such as acquiring, conserving, or improving the property

(ii) "economic disadvantage" will include making a substantial financial contribution and/or foregoing an independent income, independent ability to accumulate wealth, growth in career and profession, or such other disadvantages that the court may determine arising out of the relationship.

(iii) "dependants" mean and include the following:

- (a) parents;
- (b) minor children;
- (c) adult children unable to maintain themselves; and,
- (d) widowed daughter-in-law, so long as not re-married;

(2) If the district court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as it may seem to the court to be just.

(3) If the district court is satisfied that the person in whose favour an order has been made under this section has remarried, it may, at the instance of the former spouse vary, modify or rescind any such order and in such manner as the court may deem just.

⁵⁶ Rajnesh v Neha (2021) 2 SCC 324, Jasbir Kaur Sehgal v District Judge Dehradun (1997) 7 SCC 7; Kulbhushan Kumar v Raj Kumari (1970) 3 SCC 129; Kalyan Dey Chowdhury v Rita Dey Chowdhury Nee Nandy (2017) 14 SCC 200.

- **Grounds for void marriages and divorce**

The SMA provides impotence as a ground for declaring the marriage null and void.⁵⁷ Courts have interpreted “impotence” in this context to include “relative impotence”, that is, a situation where a person might be capable of having intercourse but incapable of performing it with the spouse specifically.⁵⁸ Such a provision may be stigmatising towards couples, including queer couples, and couples in intimate relationships without sexual intercourse. Accordingly, to make space for such relationships, this provision must be deleted.

Similarly, the provision on divorce under section 27 provides for stigmatising grounds such as suffering from venereal disease in a communicable form. Such a provision can have discriminatory effects on persons suffering from HIV or other sexually transmitted diseases, especially queer persons who tend to be disproportionately vulnerable in such scenarios. Accordingly, this provision must be removed from the Act. This position is aligned with s. 3 of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 which prohibits discrimination against HIV-Positive persons.

Amendments to the Indian Succession Act, 1925

The ISA is primarily gender-neutral and most provisions apply equally to all genders. Accordingly, inheritance rights would flow automatically from a recognition of same-sex and same-gender marriages in the SMA. Certain specific changes may, however, be suggested.

⁵⁷ Section 24, Special Marriage Act.

⁵⁸ Ameya v Isha, Family Court Appeal No.18 OF 2024, Bombay HC, dated 15th April 2024, available at <https://share.google/1LlCgAVuDzsT74ITB>. accessed 06 June 2026

Several provisions in the ISA use gendered language even where the intent of the provision may not be gendered. For example, sections 32-35 (deal with the rules of devolution of property) provide for separate rules for widows and widowers, these provisions may use the term “surviving spouse” instead of “widow” and “widower” and have common devolution provisions. Similarly, provisions where gendered relationships such as father, grandfather, brother are used may be changed to use gender-inclusive terms such as parent, grandparent, sibling. Sections 25 and 27, for example, deal with how relationships are established between people for the purpose of determining succession rights. They use gendered language such as father and grandfather. The language here can be made gender-inclusive to cover persons of all gender identities.

Issue: 02

There is no clarity on rights in relation to marriage & parenthood for persons who have transitioned

Individuals in a valid heterosexual marriage may, at a later stage, transition. The law is completely silent on the status of such marriages and the marital and

parental rights of the transitioning or transitioned parent in such a situation. It was also submitted in the *Rituparna Borah* petition that in cases of pre-existing marriages recognised under law, where one partner has transitioned to affirm their self-determined gender identity and parties mutually choose to continue the marriage, there exists uncertainty in terms of social, economic and legal consequences as to the status of the marriage thereafter.⁵⁹ Certificate of identity for change of gender issued under Rule 5 of the Tamil Nadu Transgender Rules, 2022 allows individuals to apply for change of name and gender in marriage certificate issued under the SMA as well as relevant personal laws. This means that two persons of the same-gender can be named as spouses in a marriage in the certificate. At the same time India does not recognise same-sex and same-gender marriages. This leads to great ambiguity and confusion in relation to the status of the marriage of spouses where one partner (or both) have decided to transition or transitioned and legally changed their gender. It was submitted in the *Rituparna Borah* petition that as long as parties to the marriage do not object to one partner transitioning to affirm their self-determined gender identity, the law must continue to recognise the validity of the marriage between the parties.⁶⁰ Accordingly, the validity of a marriage registered with a marriage certificate must continue to be recognised as valid, while providing the parties the option to declare the marriage as void, if either of them does not wish to be a part of the marriage. A family cannot be stripped of the rights and entitlements accruing through a marriage merely because of the fact of transition.

⁵⁹ Rituparna Borah petition, [194].

⁶⁰ *ibid*, [195].



In one of the consultations, it was mentioned that there is no clarity on the status of the marriage after one of the parties undergoes transition, even though they have been able to apply for a change of gender identity in the Marriage Certificate. One of the stakeholders mentioned that he continues to retain custody and guardianship rights over the children born out of their previous marriage through social custom and by virtue of legal ambiguity.



Instrument:

- a. Executive:** Amendments to the **Tamil Nadu Transgender (Protection of Rights) Rules, 2022**
- b. Legislative:** State-level amendment to the **Special Marriage Act, 1954**



Nodal Authority:

Department of **Social Welfare; Registration Department; Home Department.**



Proposed Step:

Amendment to Rules

Annexure II to the Tamil Nadu Transgender (Protection of Rights) Rules, 2022 provides a list of documents in which change of gender as well as name and photograph may be made on the basis of the certificate of identity issued under the Transgender Act and Rules.⁶¹ Marriage Certificate is one of the documents enlisted where such change in gender, name and photograph may be made. The status of the marriage so registered through the Marriage Certificate in which the change is made is unclear in law.

In order to preserve the validity of such a marriage, where either of the parties has undergone transition to a self-identified gender and/or obtained a certificate of identity under the Rules, the following provision must be added to Annexure II of the Rules, *"A change in gender identity in the Marriage Certificate will not affect the status of the subsisting marriage registered through this Certificate."*

State-level amendment to the Special Marriage Act, 1954

In cases where either one of the parties do not wish to continue the marriage, they may file an application for voidability of the marriage. This provision may be included through state-level amendments in the Special

Marriage Act, 1954. An illustrative provision for adding additional grounds for voidability is provided below:

"Any marriage under this Act will be voidable and may be annulled by a decree of nullity at the instance of either of the parties if,—

- a. such party was under the age of 18 at the time of marriage;
- b. either of the parties refuses to cohabit with the other party;
- c. if their spouse was pregnant at the time of marriage through another person and the fact of the pregnancy was not known to either of the parties at the time of marriage;
 - ca. either of the parties is undergoing transition or has undergone gender transition in course of the marriage or has changed their gender identity as per the provisions of the Transgender Persons (Protection of Rights) Act, 2019; or
- d. the consent of such party to the marriage was obtained by coercion, fraud, or undue influence, as defined in the Indian Contract Act, 1872.⁶²

Explanation: For the purposes of this section, "transition" means a process that a transgender person undergoes when they decide to live as the gender with which they identify and not the gender they were assigned at birth and may or may not involve medical processes such as hormone therapy or surgery."

⁶¹ Rule 5 (read with section 6 of the TG Act) as well as under Rule 7 (read with section 7 of the TG Act).

⁶² Keshav Suri Foundation and Vidhi Centre for Legal Policy, 'Submissions to the High-Powered Committee set up in pursuance of the Supreme Court's judgement in *Supriyo @Supriya Chakraborty v Union of India*'.

Issue: 03

There are bureaucratic hurdles in registering transgender marriages, even though recognised legally

The Madras High Court in *Arunkumar v Inspector General of Registration*⁶³ held that a marriage solemnised between a man and a transgender woman, both professing Hindu religion, is a valid marriage in terms of Section 5 of the Hindu Marriage Act, 1955 and that the Registrar of Marriages is bound to register the same. Further, *Supriyo* held that heterosexual marriages between transgender persons are valid within the scope of marriage laws. However, such couples often face ground-level challenges when they seek the registration of their marriages before the registering officer ('Marriage Officer'), who more often than not undertakes a narrow interpretation of marriage and refuses registration. Several consultations have revealed that the mere fact of recognition in law does not allow parties to a marriage to be able to exercise their court-recognised right to marry. Unfettered discretion available to the Marriage Officers responsible for registration

of marriage allows them to refuse the registration of marriage despite legal recognition. Accordingly, there is a need to restrict the discretion available to Marriage Officers to limited technical grounds.



Consultations with the organisations Orinam and SAATHII revealed that despite the judgement of the High Court of Madras in *Arunkumar v Inspector General of Registration*, the marriage of the parties had not been registered on account of refusal by the marriage officer.



Instrument:
Executive



Nodal Authority:
Registration Department
& **Home Department.**

⁶³ *Arunkumar v Inspector General of Registration*, WP(MD)No.4125 of 2019, dated 22nd April, 2019, available at <https://translaw.clpr.org.in/wp-content/uploads/2019/06/Arun-Kumar-Vs-Inspector-General-of-Registration.pdf>



Proposed Step:

Circular by Registration Department

There is a need to limit the discretion exercised by a Marriage Officer in registration of marriage. The following circular may be issued to all District Registrars designated as Marriage Officers under the Special Marriage Act, 1954:

1. "The Marriage Officer appointed under the Special Marriage Act, 1954 will not refuse to register the marriage except on the following grounds—
 - a. Any of the conditions of marriage under section 4 of the Act have not been fulfilled; or
 - b. There is an error or gap in the memorandum or form of registration.
2. In case the registration of marriage is refused on-grounds of error or gap, the Marriage Officer will provide the parties a period of 15 days to correct the error or gap and re-apply for registration."

Amendment to Tamil Nadu (Registration of Marriages) Rules, 2009

In addition to limiting the discretion of a Marriage Officer, it is necessary to incorporate such a limitation into the law relating to registration of marriages in the State, along with the provision of an administrative penalty in case of violation of the provision. Such a provision is necessitated due to

several accounts of bureaucratic discretion, not just in case of transgender marriages, but also inter-caste and inter-faith marriages.⁶⁴ Despite a High Court directing the registration of marriage in *Arunkumar*, there has been non-compliance on the part of the bureaucracy operating at the ground level. This necessitates a grievance redressal mechanism with punitive measures to deter exercise of unregulated discretion. Accordingly, an additional provision may be added to the Tamil Nadu (Registration of Marriages) Rules, 2009, as illustrated below. Such an amendment to the Rules would apply to all registrations happening under the SMA as well as other personal laws:

1. The Registrar may not refuse to register the marriage except on the following grounds—
 - a. any of the following conditions of marriage has not been fulfilled:
 - i) neither of the parties has a living spouse;
 - ii) both parties have attained the age of 18 years;
 - iii) the parties are not within prohibited degrees of relationship with each other;
 - iv) both parties were capable of giving valid consent; or,
 - b. there is an error or gap in the memorandum for registration of marriage.
2. In case the registration of marriage is refused on-grounds of error or gap, the Marriage Officer will provide the parties a period of 15 days to correct the error or gap and re-apply for registration."

Explanation: "incapacity of giving valid consent" would have the meaning prescribed under the section 4 of the Special Marriage Act, 1954.

3. Refusal to register a marriage on any other grounds not specified in (1) would qualify as 'misconduct' and may attract disciplinary proceedings under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

⁶⁴ Poorvi Gupta, 'The Weaponisation of Laws to Prevent Interfaith Marriages in Uttarakhand' The Polis Project (28 January 2025) <<https://thepolisproject.com/read/the-weaponisation-of-laws-to-prevent-interfaith-marriages-in-uttarakhand/>> accessed 10 March 2026.

CHAPTER 3



Queer Inclusive Healthcare

Background

In *Navtej Singh Johar v Union of India*,¹ the Supreme Court noted that sexual health is a facet of the right to health² and stated that gender and sexual minorities often experience discrimination and denial of healthcare based on their identity.³ It went on to state that the right to health includes both the freedom to one's health and a body free from interference, and the right to a system of healthcare that gives everyone an equal opportunity.⁴ In the context of HIV-AIDS care, the Court

noted the mandate of the State to ensure effective HIV prevention and treatment services, especially for high risk populations (such as transgender persons and men who have sex with men ('MSM')).⁵ In *NALSA v. Union of India*,⁶ the Supreme Court directed governments to operate dedicated HIV Sero-surveillance Centers for transgender persons to ensure affirmative sexual health care for the community.⁷ The Court has reiterated this in *Jane Kaushik*⁸ and flagged that governments have a duty to sensitise healthcare professionals and provide for transgender inclusive health wards in hospitals.⁹ In *Supriyo*, the Court held that pseudo-medical treatments to cure 'queerness' (such as conversion therapy) violate a queer person's right to health and autonomy.¹⁰ In the context of mental health, it directed the State to design mental health programmes that address the needs of the LGBTIA+ community and address suicides by queer persons and couples.¹¹

Legislations have also made headway into recognising the right to health of gender and sexual minorities. For instance, the TG Act, 2019 prohibits discrimination in access to healthcare services¹² and imposes an affirmative duty on the government to ensure gender affirmative care, establish sero-surveillance centers for transgender persons, review medical curricula, and provide medical coverage for gender affirmative procedures.¹³ Similarly, the Mental Healthcare Act, 2017 prohibits discrimination based on sex, gender and sexual orientation

¹ AIR 2018 SC 4321.

² *Navtej Johar v Union of India* (Chandrachud J.), Paras 423, 424, 425, 428.

³ *Navtej Johar v Union of India* (Chandrachud J.), Para 424.

⁴ *Navtej Johar v Union of India* (Chandrachud J.), Para 429.

⁵ *Navtej Johar v Union of India* (Chandrachud J.), Para 443.

⁶ (2014) 5 SCC 438.

⁷ *NALSA v Union of India*, Para 129(4).

⁸ (2023) SCC OnLine SC 1241.

⁹ *Jane Kaushik v Union of India*, Para 145.

¹⁰ *Supriyo v Union of India* (Chandrachud J.), Para 303.

¹¹ *Supriyo v Union of India* (Chandrachud J.), Para 303, 304.

¹² S. 3(d), TG Act.

¹³ S. 15, TG Act.

in access to mental healthcare and treatment.¹⁴ Taking note of various judicial precedents and statutory provisions, the Supreme Court in *Supriyo* has issued binding directions to the State to ensure the realisation of the right to health of queer persons. These directions are as follows:¹⁵

- a. Take suitable steps to ensure that queer and/or transgender persons are not subject to any involuntary medical or surgical treatments;
- b. Take steps to sensitise the public about queer identity, including that it is not a mental disorder;
- c. Ensure that “treatments” offered by doctors or other persons which aim to change gender identity or sexual orientation are ceased with immediate effect;
- d. Ensure that intersex children are not forced to undergo operations with regard to their sex, especially at an age where they are unable to comprehend and consent to such operations fully;
- e. Ensure that no person should be forced to undergo hormonal therapy or sterilisation or any other medical procedure either as a condition or prerequisite to grant legal recognition to their gender identity; and
- f. Medical professionals to consult family, next of kin, and next friend in case a person is terminally ill and does not have an Advance Directive.

¹⁴ S. 18(2), TG Act.

¹⁵ *Supriyo v Union of India*, Para 149(xi) (Bhat J.); Paras 339-A(iii), 339-A(vi), 339-A(vii), 339-1(viii), 340 (Chandrachud J.).

Legal Developments in Tamil Nadu



The State of Tamil Nadu has emerged as a leading state in advancing queer-inclusive healthcare through a combination of judicial intervention, executive action, and professional regulation. The Madras High Court in *Arunkumar & Sreeja v. Inspector General of Registration*¹⁶ (*‘Arunkumar’*) banned sex-assignment or sex-normalising surgeries on infants and children with intersex variations, except in life-threatening situations. The Health Department¹⁷ issued a coterminous order implementing this prohibition, with life-threatening exceptions determined by a multi-disciplinary committee comprising a pediatric surgeon/urologist, endocrinologist, social worker/psychology professional or intersex activist, and a government representative. This marked the first instance in India where the informed consent rights of persons with intersex variations were formally recognised within public healthcare governance.¹⁸

¹⁶ *Arunkumar and Another v The Inspector General of Registration and Others* (MD) No. 6044 of 2019, Madras High Court, decided 22 April 2019.

¹⁷ Government of Tamil Nadu, Health and Family Welfare Department, G.O. (Ms) No. 355, Ban on Sex Reassignment Surgeries on Intersex Infants and Children (22 August 2019) <https://translaw.clpr.org.in/wp-content/uploads/2020/10/Tamil-Nadu-GO-Intersex-Surgery.pdf> accessed 30 December 2025.

¹⁸ Sowmiya Ashok, ‘First: TN Govt Bans Sex Reassignment Surgeries on Intersex Infants and Children’ *The News Minute* (online, 23 June 2019) <https://www.thenewsminute.com/tamil-nadu/first-tn-govt-bans-sex-reassignment-surgeries-intersex-infants-and-children-108025> accessed on 20 February 2026.

Subsequently, in *S. Sushma & Anr. v. Commissioner of Police & Ors.*¹⁹ ('Sushma'), the Madras High Court held that conversion therapy constitutes professional misconduct, recognising the severe mental and physical harm caused by such practices. The Court directed the National Medical Commission and State Medical Councils to take disciplinary action against practitioners engaging in conversion therapy and encouraged sensitisation of healthcare professionals. In compliance, the Tamil Nadu State Medical Council issued a circular in September 2025²⁰ stating that conversion therapy constitutes professional misconduct, and it holds authority to inquire into complaints relating to conversion therapy against registered medical practitioners and take necessary action.

Pursuant to *Sushma*, the Tamil Nadu State Medical Council also mandated Continuing Medical Education ('CME') programmes for all medical practitioners, medical students, and faculty on transgender health and LGBTIA+ rights. The directive is aimed at ethical and legal responsibilities in providing healthcare without discrimination, prohibition of coercive and discredited practices, including conversion therapy and promoting the best practices in medical education pertaining to LGBTIA+ health.

The Tamil Nadu government is also running the central government led AIDS control project and has constituted the State AIDS Control Society ('TANSACS') to support HIV prevention and sexual health services. These centres offer free testing for sexually transmitted infections, distribution of condoms, and counselling funded through public health schemes and National AIDS Control Organisation support. While these measures are to be lauded, consultations reveal gaps that require State action to address.

¹⁹ *Sushma v Commissioner of Police* WP No 7284 of 2021 (Madras High Court, 8 April 2022).

²⁰ Tamil Nadu Medical Council, 'Professional Conduct, Etiquette and Ethics Regulations' <https://www.tamilnadumedicalcouncil.org/info/FX678XSB> accessed 16 March 2026.



Inputs from Consultations

Accessibility & Institutional Barriers in Healthcare

There was a broad consensus among experts and stakeholders that state-run healthcare facilities remain inaccessible and ineffective for LGBTIA+ persons. A few reasons identified for this are: fragmented and inconsistent documentation requirements, inadequate training of healthcare professionals, discrimination in hospital admission, limited clinical access to transgender-specific services in government hospitals, and the absence of accountability and grievance redressal mechanisms. For instance, transgender persons are frequently required to submit additional documents not demanded of cisgender patients, such as proof of surgeries and other medical processes. A suggestion for standardised hospital checklists and sensitisation of admission staff was given. Several stakeholders also highlighted the lack of awareness among healthcare

professionals and the general public regarding the availability of existing services for members. Access to gender-affirming surgeries remains limited at government facilities and costly at private facilities. Stakeholders highlighted the lack of equipment, trained personnel, and post-operative care infrastructure, creating a service gap in government hospitals.

Gaps *in* Gender-Affirming Healthcare

Stakeholders suggested the need for a comprehensive ethical and operational protocol for queer and trans-affirming care to ensure the prohibition of the two-finger test, and reaffirmed that standards such as World Professional Association for Transgender Health ('WPATH')²¹ guidelines should be adopted. There are ground-level challenges emanating from the linkage of State health insurance schemes with Ayushman Bharat, particularly regarding coverage for gender-affirming surgeries. Lack of clarity around identity documentation has resulted in the exclusion of eligible transgender persons from insurance benefits. Other barriers to access included familial opposition, financial dependence, and limited medical awareness. A key recommendation was the establishment of dedicated clinic days for transgender healthcare in major government hospitals, with expansion to additional hospitals statewide.

²¹ World Professional Association for Transgender Health, 'Home' (WPATH) <https://wpath.org/> accessed 16 March 2026.

Mental Healthcare & Medical Support for Queer Persons

It was revealed during consultations that medical support for transgender persons is largely community-driven, with minimal family or State support. Surgical costs are often met through community fundraising, while associated expenses such as travel, caregiving, and post-operative care are borne out of pocket. Privacy concerns were raised, particularly regarding inadequate consent processes and hospital nominee requirements that fail to recognise community-based caregivers. Stakeholders pointed to the need for policy reform to recognise community nominees and strengthen patient autonomy. A key concern repeatedly raised was the neglect of mental health needs, especially of queer youth. This gap was attributed to the weak enforcement of the Mental Healthcare Act, 2017, and the National Health Policy. Stakeholders pointed out the absence of state-run, pro bono counselling services and the lack of clear guidelines or standard operating procedures for queer-affirmative mental healthcare. Stakeholders recommended leveraging existing public infrastructure, such as State helplines and One Stop Centres, by providing periodic short-term training to frontline staff to enable timely mental health support for queer youth.

HIV-AIDS Care

Access to HIV-related healthcare was identified as another critical gap. Stakeholders pointed out that while preventive services receive comparatively greater attention, access to post-diagnosis supportive care remains limited due to stigma and discrimination. Preventive medications such as PrEP and Doxy-PrEP were reported to be available only to healthcare professionals who were at risk of exposure. Stakeholders recommended expanding access to these medicines within 72 hours of exposure to all and ensuring affordability.

Conversion Therapy & Regulatory Oversight

Several stakeholders also underscored the continuing prevalence of conversion therapy in varied and informal forms, recommending that prohibition be expanded beyond registered medical practitioners covered by the National Medical Commission's regulation to include oversight by the Rehabilitation Council of India, Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy ('AYUSH'), etc, in order to address practices carried out through sexologists, religious institutions, shelter homes, and mental healthcare settings.



Recommendations

The health sector in Tamil Nadu is regulated by the Department of Health and Family Welfare and various State health authorities such as the Tamil Nadu State Medical Council, the Tamil Nadu Siddha Medical Council, the Tamil Nadu Registration of Practitioners of Integrated Medicine Board, and the Tamil Nadu State Mental Health Authority. Each of these authorities regulate different sectors and are accordingly empowered to make rules, issue directions and orders, and take disciplinary action against errant practitioners and hospitals. Recommendations in this chapter focus on sector wise measures and identify the nodal authority responsible for implementation and enforcement.

Issue: 01

The **ban on conversion therapy is insufficient**

Conversion therapy, also known as *sexual orientation change efforts*, reparative therapy, reintegrative therapy, or reorientation therapy, is practiced in varied forms beyond overt medical interventions such as medication or hormone administration. These practices are often carried out under the guise of therapy and include talk therapy or psychotherapy, electroconvulsive therapy, hypnosis, and other coercive methods, as well as physical and mental violence, including verbal abuse, humiliation, and so-called “corrective rape”.²² The State of Tamil Nadu has made considerable progress when it comes to outlawing conversion therapy. For instance, pursuant to *Sushma*²³ and the National Medical Commission (‘NMC’)²⁴ classifying conversion therapy as ‘professional misconduct’,²⁵ the Tamil Nadu

State Medical Council (‘TN SMC’) has declared that conversion therapy is professional misconduct.²⁶

While the TN SMC’s proactive stance on this issue is welcome, the prohibition applies only to practitioners governed by it, limiting the scope of this measure to those engaged in modern medicine (allopathy). However, consultations revealed that conversion therapy is carried out across multiple systems of medicine and service providers, including AYUSH systems, mental health professionals, and actors operating entirely outside formal healthcare regulation.



The notification on conversion therapy covers only certain categories of healthcare professionals and needs to be expanded to cover all entities that engage in advertising or carrying out such ‘therapies’. It should also be deemed as a form of ‘malpractice’, in addition to misconduct, and invite penalties, accordingly, including revocation of license. As of now, the notification has helped CSOs issue warnings to professionals in public healthcare settings but psy-professionals, and religious bodies must also be brought under the ambit of ban on conversion therapy. For instance, there are still cases where queerness is viewed as a mental illness and ‘treatment’ accordingly prescribed

SAATHII Consultation

²² Djordje Alempijevic et al, ‘Statement of the Independent Forensic Expert Group on Conversion Therapy’ (2020) Torture 30(1) 66–78 <<https://pubmed.ncbi.nlm.nih.gov/32657772/>> accessed on 17 February 2026.

²³ S Sushma v Commissioner of Police 2021 SCC OnLine Mad 2096. Para 43, H, 4. <https://clpr.org.in/wp-content/uploads/2024/11/41_S_Sushma_v_Director_General_of_Police.pdf> accessed on 17 February 2026.

²⁴ Notification no. 11029/49/2022-UGMEB, <<https://www.nmc.org.in/MCIRest/open/getDocument?path=%2FDocuments%2FPublic%2FPortal%2FLatestNews%2Fdoc00039820220822155626.pdf&utm=>> accessed on 17 February 2026.

²⁵ Bindu Shajan Perappadan, ‘‘Conversion therapy’ is misconduct, declares National Medical Commission’ The Hindu (September 05, 2022), <<https://www.thehindu.com/news/national/nmc-declares-conversion-therapy-to-be-professional-misconduct/article65842557.ece>> accessed on 17 February 2026.

²⁶ Tamil Nadu Medical Council ‘Conversion Therapy of LGPTQIA Plus Community Group Declared as Professional Misconduct’, <<https://www.tamilnadumedicalcouncil.org/info/FX678XSBD>> accessed on 17 February 2026.

At the regulatory level, the TN SMC's declaration binds only medical practitioners registered under the Tamil Nadu Medical Registration Act, 1914. Practitioners of Siddha medicine are governed by the Tamil Nadu Siddha Medical Council ('Siddha Council') under the Tamil Nadu Siddha System of Medicine (Development and Registration of Practitioners) Act, 1997, while practitioners of integrated medicine (conjoint practice of ayurveda, unani or siddha and modern medicine) are regulated under the Tamil Nadu Registration of Practitioners of Integrated Medicine Act, 1956. Mental health professionals are subject to registration with the Tamil Nadu State Mental Health Authority.²⁷ Each of these regulatory frameworks currently operates in isolation, without a shared or explicit prohibition on conversion therapy.

Further, conversion therapy is frequently practiced by religious practitioners,²⁸ traditional healers,²⁹ family members, and community actors in informal settings that fall entirely outside professional regulation.³⁰ The absence of a comprehensive and binding definition of 'conversion therapy' across systems enables such practices to continue unchecked, particularly when framed as non-medical counselling or familial intervention.

These gaps demonstrate that the existing ban on conversion therapy, while significant, is insufficient. A fragmented regulatory approach allows conversion therapy to persist, underscoring the need for a clear, express definition and a comprehensive prohibition that applies across medical systems and service providers.



**Instrument:
Executive**



Nodal Authority:
Department of Health & Family Welfare; Tamil Nadu State Medical Council; Tamil Nadu Siddha Medical Council; Board under the Tamil Nadu Registration of Practitioners of Integrated Medicine Act; Tamil Nadu State Mental Health Authority; & the Department of Home, Prohibition and Excise.

²⁷ Tamil Nadu Mental Health Authority, 'Application for Registration of Mental Health Professionals' <https://tnhealth.tn.gov.in/online_notification/notification/N20082553.pdf> accessed on 19 February 2026.

²⁸ Asia Pacific Transgender Network, Conversion Therapy Practices in India: Country Snapshot (May 2021) <https://www.weareaptn.org/wp-content/uploads/2021/06/Conversion-Therapy-India_CountrySnapshot_FinalMay2021-2.pdf> accessed on 19 February 2026.

²⁹ Ibid.

³⁰ Ibid.



Proposed Step:

The ban on conversion therapy must extend beyond practitioners of modern medicine and also apply to advertising conversion therapy. Towards this end, the following measures must be taken:

Nodal Authority	Relevant Provision	Measure
Tamil Nadu State Medical Council	The Code of Medical Ethics Regulations, 2002 empowers the State Medical Council to '(consider) and (deal) with any other form of professional misconduct on the part of a registered practitioner', ³¹ in addition to those prescribed in the regulations.	The TN SMC has already notified 'conversion therapy' as professional misconduct. In addition, the TN SMC must also treat advertising conversion therapy services as a form of professional misconduct.
Tamil Nadu Siddha Medical Council	The Tamil Nadu Siddha System of Medicine (Development And Registration of Practitioners) Act, 1997 empowers the Siddha Council to prescribe the standards of professional conduct, etiquette and ethics for registered practitioners. ³² Further, it empowers the Council from revoking the registration of practitioners guilty of 'infamous conduct in any professional respect'. ³³	The Council in exercise of its power to set standards for professional conduct and ethics must declare conversion therapy and advertising conversion therapy services as a form of misconduct and take action against practitioners engaging in it.

³¹ Regulation 8, Code of Medical Ethics Regulations, 2002.

³² S. 13 (s) and 36 (1) (d), The Tamil Nadu Siddha System of Medicine (Development And Registration of Practitioners) Act, 1997.

³³ S. 22 (ii), The Tamil Nadu Siddha System of Medicine (Development And Registration of Practitioners) Act, 1997.

³⁴ S. 8, The Tamil Nadu Registration of Practitioners of Integrated Medicine Act, 1956.

³⁵ S. 55(b), The Mental Healthcare Act, 2017.

Nodal Authority	Relevant Provision	Measure
Board under the Tamil Nadu Registration of Practitioners of Integrated Medicine Act	The Tamil Nadu Registration of Practitioners of Integrated Medicine Act, 1956 empowers the Board to revoke the registration of a practitioner who is guilty of professional misconduct. ³⁴	The Board must treat conversion therapy and advertising conversion therapy services as professional misconduct, which can lead to revocation of registration.
Tamil Nadu State Mental Health Authority	The State Mental Health Authority is empowered to develop quality and service provision norms for establishments ³⁵ and supervise and receive complaints about deficiency in provision of service. ³⁶ It also has the power to prescribe regulations relating to the 'minimum quality standards of mental health services'. ³⁷ The contravention of these regulations invites criminal penalties under the Act. ³⁸	The State Mental Health Authority must ensure that the standards it issues for provision of mental health services explicitly prohibits discrimination based on gender identity and sexual orientation ³⁹ which must be interpreted to include pathologisation of queer bodies and provision of services related to conversion therapy. Any such conduct must be treated as a deficiency in provision of service.
Home Department	The Bharatiya Nyaaya Sanhita under Section 318 and 319 lay down offences related to cheating. These provisions criminalise acts of deception and dishonest inducement, including representations made with intent to cause harm or wrongful loss. The police are empowered to register complaints and investigate such offences in accordance with law.	The police must be directed to register criminal complaints against any person who carries out or advertises conversion therapy under Sections 318 and 319, and the Home Department must issue a public order to bring this to the notice of the public.

³⁶ S. 55(c), The Mental Healthcare Act, 2017.

³⁷ S. 123(2)(a), The Mental Healthcare Act, 2017.

³⁸ S. 108, The Mental Healthcare Act, 2017.

³⁹ S. 18(2) of the Mental Healthcare Act, 2017 provides that access to mental healthcare treatment must be without discrimination based on gender identity and sexual orientation.

Issue: 02

Mis-classification of infants with intersex variations

Tamil Nadu's birth registration framework does not adequately account for children born with variations in sex characteristics. The Tamil Nadu Registration of Births and Deaths Rules, 2025 provide for sex classification as "male", "female", or "transgender person", with no provision for intersex status. Form-1 (birth report) merely provides three options for registering the sex of an infant: male, female and transgender. It is critical to note that the transgender identity relates to gender identity and develops over time, and is not related to sex characteristics observed at birth.⁴⁰ Consequently, the conflation of intersex status with transgender identity results in inaccurate categorisation of children with intersex variations. More fundamentally, the insistence on registering infants with intersex variations strictly as 'M' or 'F', without recognising bodily variation, can create indirect pressure⁴¹ on families to pursue medical or surgical interventions to align the child's body with the registered sex. Such practices risk foreclosing the child's future ability to make an informed decision about irreversible and often

harmful medical interventions affecting their sex characteristics. This undermines the right to bodily autonomy and informed consent recognised by the Madras High Court in *Arunkumar*.

Further, the Department of Health and Family Welfare was directed in *Arunkumar* to frame appropriate guidelines concerning the treatment and registration of infants with intersex variations. Comprehensive State-wide guidelines, however, are yet to be issued. The absence of clear executive guidance on recording intersex births also generates administrative uncertainty for hospitals and registration authorities, and can result in downstream barriers in accessing healthcare, welfare entitlements, and identity documentation. Consequently, despite judicial protections against non-consensual intersex surgeries, children with intersex variations remain vulnerable at their first point of State interaction, namely birth registration.



Instrument:
Executive



Nodal Authority:
Department of Health & Family Welfare & Director of Public Health & Prevention Medicine
(who is the **Chief Registrar of Births & Deaths**)

⁴⁰ National Legal Services Authority v. Union of India (2014) 5 SCC 438.

⁴¹ UN Office of the High Commissioner for Human Rights, Discrimination and violence against intersex persons (2015).



Proposed Step:

The following measures are recommended:

- a. The State must in consultation with queer affirmative healthcare experts and the intersex community devise guidelines regarding the registration and treatment of infants and persons with intersex variations.
- b. Aligned with NALSA and the TG Act, 2019, guidelines must provide a clear administrative pathway enabling the individual to self-identify as male, female, or a transgender person in the future, sans any requirement for medical or surgical intervention. Accordingly, there must be a provision for issuance of a revised birth certificate and coordinated updating of identity documents. Such a framework would harmonise birth registration practice with the TG Act, 2019 while preserving the individual's future autonomy.
- c. Form-1 of the Tamil Nadu Registration of Births and Deaths Rules, 2025 should be amended to replace the term "transgender" with "infant with intersex variations" to avoid incorrect classification.

Table 3

Proposed amendment to Form 1 of the Tamil Nadu Registration of Births & Deaths Rules, 2025

Existing Provision	Amended Provision
FORM 1 (See rule 5) BIRTH REPORT Statistical information [SEE REVERSE FOR INSTRUCTIONS] This part to be added to the Birth Report To be filled by the informant Date of Birth : D D - M M - Y Y Y Y Sex (Enter "Male" or "Female" or "Transgender person") :	FORM 1 (See rule 5) BIRTH REPORT Statistical information [SEE REVERSE FOR INSTRUCTIONS] This part to be added to the Birth Report To be filled by the informant Date of Birth : D D - M M - Y Y Y Y Sex (Enter "Male" or "Female" or "Infant with intersex variations") :

Issue: 03

Absence of discrimination-free access to healthcare facilities

In addition to a prohibition on intersex surgeries and conversion therapy, the TG Act, 2019 explicitly prohibits discrimination against transgender persons in the provision of healthcare services⁴³ The Mental Healthcare Act, 2017 recognises the right of gender and sexual minorities to access discrimination free

⁴³ S 2, TG Act.

mental healthcare services.⁴⁴ In *Navtej Johar*, the Supreme Court, while holding that section 377 violates the right to health,⁴⁵ noted that ‘discrimination, stigma, fear and violence prevent (queer persons) them from attaining basic sexual rights and health.’⁴⁶ In *S. Sushma*, the Madras High Court similarly noted the need to sensitise healthcare professionals to provide discrimination free healthcare to gender and sexual minorities.⁴⁷ In *NALSA* and subsequently *Jane Kaushik*, the Supreme Court recognised an affirmative obligation on the State to provide queer and trans-affirming healthcare to transgender persons.⁴⁸ Consequently, there is a mandate on the State Government and State health regulators to undertake measures towards this end.



Instrument: Executive

⁴⁴ S 18(2), The Mental Healthcare Act, 2017.

⁴⁵ *Navtej Johar v. Union of India* (Chandrachud J.), para 428,

⁴⁶ *Navtej Johar v. Union of India* (Chandrachud J.), Para 423.

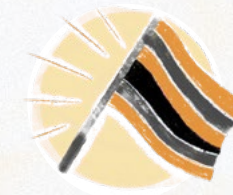
⁴⁷ *S. Sushma v. Commissioner of Police*, Para 43(H)(4).

⁴⁸ *NALSA v Union of India*, Para 129(4) ; *Jane Kaushik v Union of India*, Para 145.



Nodal Authority:

Department of Health & Family Welfare; Tamil Nadu State Medical Council; Tamil Nadu Siddha Medical Council & Tamil Nadu State Mental Health Authority.



Proposed Step:

Existing judicial and statutory obligations to ensure discrimination free access to healthcare services must be operationalised across healthcare establishments. Towards this end, the following recommendations are made:

- The Tamil Nadu State Medical Council must treat ‘the denial or discontinuation of, or unfair treatment in, healthcare services, based on gender identity, intersex status, and sexual orientation’ as professional misconduct inviting disciplinary action. A similar measure must be undertaken by the Tamil Nadu Siddha Medical Council.
- The Tamil Nadu State Mental Health Authority, in exercise of its powers to prescribe binding regulations⁴⁹

⁴⁹ S. 123(2)(a), Mental HealthCare Act, 2017.

in relation to quality standards, must set standards for provision of mental healthcare to the LGBTIA+ community. Such regulations must:

- a) explicitly prohibit conversion therapy in mental healthcare institutions and by professionals,
 - b) prohibit discrimination in access to mental healthcare, and
 - c) prescribe standards for queer affirmative mental healthcare.
- State health regulators⁵⁰ must actively publicise, on their website and otherwise, the manner and form in which complaints must be filed before them in the event of violations. Further, the State TG Board directly and through District Officers must actively sensitise the community about their right to access discrimination free healthcare and the pathways available to file complaints.
 - The Department of Health and Family Welfare must actively monitor complaints regarding discrimination in access to healthcare and ensure an evidence-based approach towards addressing this in collaboration with State health regulators.

⁵⁰ State health regulators include the Tamil Nadu State Medical Council, the Tamil Nadu Siddha Medical Council, the Board under the Tamil Nadu Registration of Practitioners of Integrated Medicine Act, and the Tamil Nadu State Mental Health Authority.

Issue: 04

Inadequacies of queer inclusive and sex worker affirmative HIV-AIDS care

The HIV and AIDS (Prevention and Control) Act, 2017 ('HIV-AIDS Act') mandates informed consent for the purpose of HIV testing and treatment⁵¹ and restrictions on disclosure of HIV status/private information except in narrowly defined circumstances.⁵² In *Navtej Johar*, the Supreme Court recognised that the stigma and social exclusion faced by sexual minorities have direct consequences for access to healthcare, and held that the State bears a positive obligation under Article 21 to ensure conditions of dignity, privacy, and health.⁵³ The Court expressly acknowledged that discrimination and fear of disclosure deter individuals from seeking timely medical care, including HIV-related services.⁵⁴ Further, the Court noted a duty to provide effective HIV prevention and treatment services to high risk populations such as transgender persons and men who have sex with men.⁵⁵

In practice, the Court noted the duty of the State to guarantee that dignity, confidentiality and access to treatment are realised on the ground. The Tamil Nadu

⁵¹ S.5, HIV and AIDS (Prevention and Control) Act, 2017.

⁵² S.8, HIV and AIDS (Prevention and Control) Act, 2017.

⁵³ (2018) 10 SCC 1.

⁵⁴ Ibid.

⁵⁵ *Navtej Johar v Union of India* (Chandrachud J.), Para 443.

PLHIV Stigma Index (2011)⁵⁶ identifies healthcare settings as sites where stigma manifests through practices such as testing for HIV without consent, breach of confidentiality, irresponsible labelling (hospital files and notices being left out in view of all), and withholding treatment.⁵⁷ It records a continuing trust deficit among key populations, with 35% of MSM and 28% of transgender respondents expressing doubt that medical records are kept confidential, instances of disclosure without consent, and qualitative accounts of HIV status being revealed within government hospital settings.⁵⁸ These risks are compounded for queer persons and sex workers, for whom fear of disclosure and stigma undermine timely access to HIV prevention and care, particularly PEP, which is time-sensitive and most effective when initiated promptly. The Tamil Nadu PLHIV Stigma Index also highlights the intersectional discrimination faced by transgender persons living with HIV, noting that stigma linked to gender identity is often compounded following an HIV diagnosis. This intersectional stigma contributes to social isolation and exclusion not only from healthcare services, but also from family and household support systems, employment and livelihood opportunities, housing, community spaces, and access to welfare and other State institutions. Fear of disclosure and prior experiences of discrimination deter transgender persons living with HIV from accessing these institutions, reinforcing marginalisation across multiple domains of social life.⁵⁹

While the HIV-AIDS Act prescribes a comprehensive framework rooted in a dignitarian approach and

national technical guidance exists for prevention tools such as PrEP, discrimination free access to HIV-AIDS care requires proactive State measures.



**Instrument:
Executive**



**Nodal Authority:
Department of Health
& Family Welfare &
TANSACS**



Proposed Step:

Tamil Nadu has notified the Tamil Nadu State HIV and AIDS (Prevention & Control) Rules, 2020 to operationalise the HIV-AIDS Act and has set up an ombudsman to adjudicate violations. The Rules empower the TANSACS to drive implementation on the ground.⁶⁰ In light of this, the following measures are recommended:

⁵⁶ Family Planning Association of India & International Planned Parenthood Federation, 'PLHIV Stigma Index: India – Tamil Nadu State Report 2011' (April 2011) <<https://www.stigmaindex.org/wp-content/uploads/2022/04/India-Tamil-Nadu-SI-Report-2011.pdf>> accessed on 19 February 2026.

⁵⁷ *ibid*, 7.

⁵⁸ *ibid*, 27.

⁵⁹ *ibid*, 24.

⁶⁰ Rule 3, 4, Tamil Nadu State HIV and AIDS (Prevention & Control) Rules, 2020.

- a. TANSACS must undertake the development of training material for healthcare professionals and hospital staff on statutory obligations under the HIV-AIDS Act (informed consent, confidentiality, duty to prevent discrimination). The material must also cover contemporary developments in relation to prevention and treatment of HIV-AIDS (PrEP, PEP, ART) and the rights of the LGBTIA+ community, particularly in the context of HIV-AIDS care.
- b. The material should be integrated into routine training calendars to be executed through workshops, orientations and CME, in collaboration with civil society organisations where required. Additionally, the training materials should be made accessible and available in both physical and online formats.
- c. The Health Department must consider establishing a dedicated online portal for filing complaints before the Ombudsman and publicise the same.
- d. The Health Department must mandate all hospitals providing HIV-AIDS care and treatment to publish a notice on the rights of persons with HIV-AIDS on the notice boards of such hospitals and in HIV-AIDS wings and wards. Such notice must also contain information about PrEP and PEP and contact information of the Ombudsman.

Issue: 05

Lack of framework for nomination of queer partners to make healthcare decisions

Tamil Nadu presently lacks a state-level protocol that sets out how healthcare institutions and medical practitioners are to identify and recognise a surrogate decision-maker when a patient is unable to provide informed consent to healthcare treatment. In practice, there is no consistency among hospitals. Consultations with doctors reveal that while some hospitals rely on procedures which prioritise the patient attendant (person accompanying the patient), others rely on NMC's medical ethics regulations and TN SMC medical ethics regulations. These regulations explicitly prescribe the need for consent of the 'husband or wife'⁶¹ in case of operations, thus recognising only the heterosexual marital family. Further, they are silent on surrogate decision-making in the event the patient lacks the capacity to provide informed consent to procedures or treatments other than operations. Consequently, in cases where the person is unmarried, doctors have discretion in deciding who would be deemed 'next of kin'.

⁶¹ Regulation 7.16, Tamil Nadu Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2003; Regulation 7.16 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.



In practice, primary authority to consent to treatment is generally accorded to the patient's spouse or parents, while other relationships, including partners who are not legally recognised, are typically not considered. In emergency situations, hospitals may seek consent from the person accompanying the patient, but this is largely an ad hoc arrangement and not based on a structured recognition of surrogate decision-making authority.

Dr. Yogitha, Chennai

For many LGBTIA+ persons, especially those alienated from their natal families, their partner or chosen family may be best placed to understand their wishes and act in their interests during medical emergencies. However, since rights to make medical decisions flowing from same-sex/gender relationships are not legally recognised, such partners do not acquire any formal status as 'next of kin' or 'authorised decision-makers'.⁶² Hospital admission and consent forms in healthcare institutions are often structured to recognise only blood relatives or legally recognised spouses, thereby institutionally excluding partners in queer relationships.⁶³ Consequently, medical

⁶² Reply on medical consent rights of same-sex partners, The New Indian Express (New Delhi, 18 July 2025) <https://www.newindianexpress.com/cities/delhi/2025/Jul/18/reply-on-medical-consent-rights-of-same-sex-partners> accessed on 19 February 2026; See also: Shipra Parashar, Why can't same-sex partner be medical proxy: Court asks government, medical body India Today (18 July 2025) <<https://www.indiatoday.in/india/law-news/story/why-cant-same-sex-partner-be-medical-proxy-court-asks-government-medical-body-2757477-2025-07-18>> accessed 19 February 2026.

⁶³ Suprakash Majumdar, 'A queer couple's fight for the right to make medical decisions for each other' Queerbeat (1 October 2025) <<https://www.queerbeat.org/stories/a-queer-couples-fight-for-the-right-to-make-medical-decisions-for-each-other/>> accessed on 19 February 2026. body-2757477-2025-07-18> accessed 19 February 2026.

professionals routinely defer decision-making to the natal family, even where the patient is estranged from them or where the family is openly hostile to the patient's sexual orientation or gender identity.

This legal and institutional vacuum is compounded by social hierarchies. In practice, medical decision-making authority is frequently delegated to male relatives or to those who exercise economic control over treatment costs, reflecting entrenched patriarchal norms and power structures within families.⁶⁴ Thus, other caregivers such as queer partners present at the hospital often get sidelined.



In practice, determining who should take medical decisions for a patient is an intersectional and gendered practice, often a confluence of patriarchy, economic strength, power and influence. This is often limited to "next-of-kin" and excludes chosen family or same-sex partners whose relationships lack formal recognition.

Dr. Souradipta Chandra

In *Supriyo*, the Supreme Court affirmed that an individual, irrespective of gender identity or sexual orientation, has the right to form intimate relationships and to define their significance and consequences. It held that the freedom to choose a

⁶⁴ Christianez Ratna Kiruba, 'Indian Women Have No Say In Their Own Healthcare. Here Is How That Can Be Changed' BehanBox (14 September 2023) <<https://behanbox.com/2023/09/14/indian-women-have-no-say-in-their-own-healthcare-here-is-how-that-can-be-changed/>> accessed on 19 February 2026.

life partner, and to have that relationship respected in matters touching dignity, autonomy, privacy and health, is an integral facet of the right to life and personal liberty; denial of such recognition would amount to a denial of these constitutional guarantees.

In the absence of a corresponding statutory or executive framework in Tamil Nadu that operationalises this principle in the healthcare context, queer persons remain vulnerable to having critical medical decisions taken by natal family members who may neither reflect their wishes nor act in their best interests, while their partners and chosen families remain legally invisible.



Nodal Authority:
Department of Health & Family Welfare & the Tamil Nadu State Medical Council



Instrument:
Executive



Proposed Step:

Modification of Tamil Nadu Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations, 2003:

This regulation prescribes consent requirements only in case of operations and recognises only heterosexual marital partners as next of kin in such cases.⁶⁵

Consequently, it leaves out same sex/gender partners and chosen families, and does not provide clarity on who constitutes next of kin when the patient ceases to have capacity to give informed consent for healthcare decisions. To address this, it is recommended that the regulation be amended as follows:

- First, regulations must be introduced to recognise 'nominated healthcare proxies' who can act as decision makers in cases where the patient loses capacity to give informed consent for medical treatments;
- To extend recognition to same sex/gender partners and chosen families, the following must be recognised as next of kin: 'spouse or de facto spouse or a partner with whom the patient has a relationship in the nature of marriage or a friend of long-standing who regularly attends to the patient in the hospital';⁶⁶
- Similarly, the term 'wife or husband' must be replaced with the above recommended language in the regulations pertaining to consent for operations.

⁶⁵ Ibid

⁶⁶ The Vidhi Centre for Legal Policy, 'Protecting Dignity at the End of Life', <<https://vidhilegalpolicy.in/impact/protecting-dignity-at-the-end-of-life/#:~:text=end%20of%20life.-,Impact,have%20lost%20decision%20making%20capacity>> accessed on 19 February 2026: See also: Guidelines for End of Life Care, AIIMS, New Delhi, Annexure 3.3, <<https://aiims.edu/images/pdf/notice/irch-9-3-20.pdf>> accessed on 19 February 2026.

Directions to Hospitals:

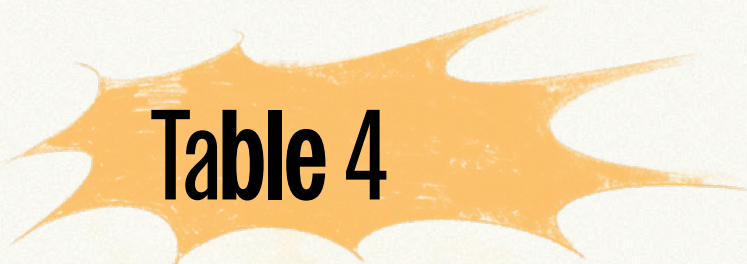
Aligned with the above, the Department of Health and Family Welfare must issue the following directions to all hospitals:

- Mandatory inclusion of a ‘nominated healthcare representative/proxy’ field in hospital admission and consent forms;
- Hospitals to treat the consent of such nominated representatives as legally valid and binding; and
- Sensitisation of doctors and staff to ensure that they do not discriminate against same sex/gender partners and chosen families in determining who constitutes ‘next of kin’.

Framework for Advance Medical Directives:

The Mental Healthcare Act, 2017 has provided statutory recognition to advance directives,⁶⁷ giving primacy to an individual’s autonomy as the basis of nominating a decision maker over natal or marital relationship in cases of treatment for mental illness. In 2018, the Supreme Court in *Common Cause v. Union of India* (‘*Common Cause*’)⁶⁸ recognised the legality of Advance Medical Directives (‘AMD’) and the right of individuals to appoint surrogate decision-makers of their choice for the purpose of withdrawing/withholding life-sustaining treatment. In October 2025 the Tamil Nadu Government set up an expert committee to analyse and recommend draft guidelines to implement AMDs in line with *Common Cause*. The committee must ensure

that the guidelines recognise same sex/gender partners and chosen families as ‘next of kin’ and ‘nominated healthcare proxy’. Towards this end, the language recommended for healthcare decision-making, namely, ‘spouse or de facto spouse or a partner with whom the patient has a relationship in the nature of marriage or a friend of long-standing who regularly attends to the patient in the hospital’ may be adopted.



An illustrative framework for advance medical directive⁶⁹

ADVANCE MEDICAL DIRECTIVE

Personal details

This advance medical directive (living will) and the designation of healthcare representative(s) is made by me:

1. Full name
2. Gender
3. Date of Birth DD/MM/YYYY
4. Government ID 1. Document Name: 2. ID No.:
5. Full permanent residential address
6. Full current residential address:
7. Municipality/ Panchayat

⁶⁷ F S 5, The Mental Healthcare Act, 2017.
⁶⁸ *Common Cause v Union of India*, (2018) 5 SCC
⁶⁹ Drafted by Vidhi Centre for Legal Policy, End of Life Care Toolkit available at: <https://vidhilegalpolicy.in/eolctoolkit/>

⁶⁹ Drafted by Vidhi Centre for Legal Policy, End of Life Care Toolkit available at: <https://vidhilegalpolicy.in/eolctoolkit/>

If and when the time comes that I can no longer participate in decision-making regarding my own health and medical treatment, this directive should be treated as the final expression of my wishes.

[If you wish, you may provide more details about why you wish to make this directive, and any beliefs and values that you wish to be taken note of and respected during decision-making on your behalf. This directive can also be as detailed as desired on treatment options, extent of medical intervention, etc.]

I request that all concerned (including my designated healthcare representative(s), my treating team, and the others involved) must treat my wishes in this document as the primary basis for any decision regarding my medical treatment, particularly decisions relating to life-sustaining treatment.

Validity of Directive

I declare that this directive, and my authorisations for Designated Healthcare Representatives, shall be valid and remain in force throughout my lifetime, unless I modify or revoke them. In any case, I reserve the right to execute a revised version of this document, which makes changes to my directions/wishes, or revoke this document in its entirety.

I shall also share copies of the revised version with:

- designated healthcare representative(s) (DHRs) mentioned in this directive
- [name of family/chosen physician - optional]
- the Competent officer/custodian of the [relevant local government - panchayat, municipality, district administration, municipal corporation, etc.] [It is necessary to send the executed AMD to the custodian, but it is optional to mention this here]

Issue: 06

Need for queer affirmative education for professionals & protocols in hospitals

The TN SMC has already issued a directive to doctors, educators and students to undergo mandatory sensitisation on transgender health and LGBTIA+ rights, particularly as a part of CME.⁷⁰ However, the impact of this directive remains uneven. Training is not yet embedded as a recurring, standardised requirement across health institutions, and there is no uniform, publicly notified operational protocol for queer and trans-affirming care in government hospitals. The absence of clear guidelines disproportionately affects first-point caregivers (nurses, registration staff, ward administrators) who shape patients' initial experience of care.



Nodal Authority:
Department of Health & Family Welfare

⁷⁰ Anuradha Gandhi and Surbhi Gandotra, 'Tamil Nadu Becomes First Indian State to Mandate LGBTQIA+ Sensitisation in Medical Education' SSRANA.in (3 January 2026) <<https://www.ssrana.in/articles/tamil-nadu-becomes-first-indian-state-to-mandate-lgbtqia-sensitisation-in-medical-education/>> accessed on 19 February 2026.



Instrument: Executive



Proposed Step:

The Department of Health and Family Welfare should adopt a two-pronged approach: operational protocols for institutions; and recurring, mandatory capacity-building for healthcare personnel. It should take the following actions:

- a. notify State-level operational guidelines for queer and trans-affirming care in government hospitals. The guidelines should be published on the Department website, circulated to all hospitals, and displayed in transgender clinics and wards. These must include:
 - ◇ individualised, patient-centred model of care that affirms autonomy with inclusion of multidisciplinary caregivers such as physicians, psychologists, and social workers;
 - ◇ clear internal referral pathway for hormone therapy, counselling, surgical procedures, and allied services to identified, trained providers within district and tertiary-level hospitals;
 - ◇ confidential and respectful administrative practices, including chosen name and gender recognition in registration processes, and secure record-keeping protocols;

- ◇ reinforcement of the prohibition of unlawful and invasive practices (including the two-finger test) in line with existing Supreme Court jurisprudence;
 - ◇ ward allocation based on self-identified gender or, where feasible, access to gender-neutral wards; and provision of gender-neutral, single-occupancy restroom facilities; and
 - ◇ identification of a hospital or clinic level complaints' portal/process, which should be routed to the appropriate statutory body (See, Issue 3).
- b. issue an Order mandating periodic and recurring queer-affirmative training for all government healthcare personnel, including doctors, nurses, paramedical staff, counsellors, and frontline administrative staff. This should be integrated into in-service training, CME and orientation/induction of new staff. The training material should be co-developed with the TN SMC and designed in consultation with queer-affirmative healthcare professionals and community representatives to ensure clinical accuracy and lived-experience integration. It should clearly specify minimum clinical, and ethical standards, including:
 - ◇ foundational understanding of gender identity, sexual orientation and intersex status;
 - ◇ standards of queer and trans-affirming medical care, including evolving international best practices such as the WPATH Guidelines⁷¹;
 - ◇ patient confidentiality, informed consent and supported decision-making
 - ◇ standards of age-appropriate, family-inclusive, and affirming care for children and adolescents; and
 - ◇ anti-discrimination obligations under judicial decisions and applicable laws.

⁷¹ World Professional Association for Transgender Health, 'Home' (WPATH) <https://wpath.org/> accessed 16 March 2026.

Issue: 07

Need *for* LGBTIA+ affirmative mental healthcare

LGBTIA+ individuals are at a disproportionate risk of vulnerability and mental distress. Several studies reveal the concerning state of mental health amongst queer youth in India.⁷² Specifically, in the State of Tamil Nadu, the capital city of Chennai sees a rate of 54.8% depression amongst a sample size of about 220 MSM.⁷³ The State of Tamil Nadu, in comparison with other states, has made some significant strides in developing regulatory frameworks for mental healthcare and persons suffering from mental illness. The Tamil Nadu Health and Family Welfare Department has released the Tamil Nadu Mental Health Care Policy and Implementation Framework ('MH Policy') in 2019 operationalising the Mental Healthcare Act, 2017. The MH Policy has a strong rights-based focus, in alignment with the 2017 Act and promotes community-based care for mental illness, moving away from a purely institutionalised care system.

⁷² Jagruti R Wandrekar and Advaita S Nigudkar, 'What Do We Know About LGBTQIA+ Mental Health in India? A Review of Research From 2009 to 2019' (2020) Journal of Psychosexual Health 2(1) 26–36 <https://doi.org/10.1177/2631831820918129> accessed on 20 February 2026; See also: Chitra Anand, 'The Prevalence of Depression and Suicide Ideation among the LGBTQIA+ Community', IJPSL Vol. 2 Issue 1, <https://ijpsl.in/wp-content/uploads/2021/10/The-Prevalence-of-Depression-and-Suicide-Ideation-among-the-LGBTQIA-Community_Chitra-Anand.pdf> accessed on 19 February 2026.

⁷³ Harikeerthan Raghuram, Sana Parakh, Deepak Tugnawat, Satendra Singh, Aqsa Shaikh and Anant Bhan, 'Experiences of Transgender Persons in Accessing Routine Healthcare Services in India: Findings from a Participatory Qualitative Study' (2024) PLOS Global Public Health 4(2) e0002933 <https://doi.org/10.1371/journal.pgph.0002933> accessed on 19 February 2026.

The TN SMC has also issued a directive to all doctors, educators and students in the State to undergo mandatory sensitisation on transgender health and LGBTIA+ issues, particularly in CME.⁷⁴ The State has also implemented a District Mental Health Programme ('DMHP'), offering awareness creation, outreach, counselling services, and training for school teachers on life skills. The Gender Guidance Clinics ('GGC') set up in prominent hospitals in Tamil Nadu for gender-affirming surgeries and care also include services of a psychiatrist.⁷⁵

These measures are path-breaking and may be used as a blueprint for designing queer-inclusive mental healthcare frameworks in other states. However, conversations with stakeholders pointed towards implementation gaps and lack of last-mile solutions. Consequently, measures are required towards this end.



Instrument:
Executive



Nodal Authority:
Department of Health & Family Welfare & Tamil Nadu State Mental Health Authority

⁷⁴ Kajal Rajput, 'Tamil Nadu Medical Council makes LGBTQIA+ sensitivity training mandatory for doctors, students', Medical Dialogues, <<https://medicaldialogues.in/news/education/tamil-nadu-medical-council-makes-lgbtqia-sensitivity-training-mandatory-for-doctors-students-155440>> accessed on 19 February 2026.

⁷⁵ Nivedita Singh, 'How six years of gender clinics in TN have improved access to healthcare for transpersons' The Hindu (4 June 2025) <https://www.thehindu.com/sci-tech/health/how-six-years-of-gender-clinics-in-tn-have-improved-access-to-healthcare-for-transpersons/article69655540.ece> accessed on 19 February 2026.



Proposed Step:

LGBTIA+ Inclusive Mental Health Care Programmes:

The Mental Healthcare Act, 2017 explicitly prescribes a right to discrimination free access to mental healthcare and treatment for transgender persons and sexual minorities.⁷⁶ In *Supriyo*, the Court stated that the 'programme for promotion of mental health must include provisions for mental health of queer persons'.⁷⁷ In the same breath, the Court recognised the mandate of the government to prevent suicides by queer persons and queer couples.⁷⁸



"The appropriate Government under the Mental Healthcare Act must formulate modules covering the mental health of queer persons in their programmes under Section 29(1). Programmes to reduce suicides and attempted suicides (envisaged by Section 29(2)) must include provisions which tackle queer identity;"

Supriyo Chakraborty v. Union of India

⁷⁶ S. 18(2), The Mental Healthcare Act, 2017.

⁷⁷ *Supriyo v Union of India* (Chandrachud J.), Para 304.

⁷⁸ *Ibid.*

In light of this mandate, the State Government in collaboration with the State Mental Health Authority must formulate a queer-affirmative mental health programme for the State. Towards this end, it may consider establishing a committee comprising representatives from queer affirmative mental healthcare workers and community members to ensure that the lived experiences and needs of the community are central to the design of the programme. Further, protocols and guidelines for implementation of such programmes must be devised for mental healthcare institutions and professionals to ensure that the programme is not a mere paper tiger. The programme should be enforced through the State Mental Health Authority's regulatory powers.⁷⁹

LGBTIA+ Inclusive Mental Health Regulations:

The Mental Healthcare Act, 2017 empowers the State Mental Health Authority to frame regulations to implement the provisions of the Act.⁸⁰ Specifically, the Authority can prescribe regulations pertaining to the minimum quality standards of mental healthcare services. Violations of regulations invite criminal penalties.⁸¹ Further, Tamil Nadu has set up an expert committee to establish standards for mental healthcare establishments which includes standalone psychiatric hospitals, nursing homes, psychiatry units attached to medical college hospitals, psychiatry wards within general or multi-speciality hospitals and long-term care establishments.⁸² Standards devised by the Authority

⁷⁹ S. 55(e), The Mental Healthcare Act, 2017.

⁸⁰ S. 123(2), The Mental Healthcare Act, 2017.

⁸¹ S. 108, 109, The Mental Healthcare Act, 2017.

⁸² Expert Committee constituted to set minimum standards for mental health establishments, *The Hindu* (August 16, 2025), <<https://www.thehindu.com/news/cities/chennai/expert-committee-constituted-to-set-minimum-standards-for-mental-health-establishments/article69937046.ece>> accessed on 20 February 2026.

and the recommendations of the Expert Committee must affirmatively account for the LGBTIA+ community. The following must be reflected in the same:

- There will be no discrimination based on sexual orientation, gender identity, gender expression or intersex status, and the LGBTIA+ identity will not be treated as a mental illness;
- Prohibition on conversion therapy;
- Treatment and care plans followed by the mental healthcare establishments should be individualised, evidence-based and free from religious, moral or cultural judgment;
- Transgender persons must not be placed in wards inconsistent with their gender identity;
- Transgender persons must be extended gender-affirming mental health treatment and care;
- Natal families of LGBTIA+ persons must be counselled to help them understand the queer identity and work towards acceptance and inclusion; and
- Public sensitisation and awareness on issues of gender and sexuality in schools, universities, hospitals, healthcare establishments and other public spaces.

State Mental Healthcare Policy:

The State Mental Healthcare Policy is a guiding executive document aimed at ensuring implementation of the Mental Healthcare Act, 2017. While the Policy formulates a comprehensive implementation mechanism, it is not binding. The Policy seeks to establish a state-level coordinating unit with additional technical and administrative expertise to undertake close supervision and assistance on an ongoing basis to realise the objectives of the Policy.⁸³ Screening of vulnerable

populations and intervention has been identified as an activity which is an integral part of the Mental Health Action Plan laid out in the Mental Health Policy. However, the policy does not identify the nodal authority or officer responsible for such screening and intervention. The state-level coordinating unit must undertake the responsibility of screening of vulnerable populations and gender and sexual minorities must be identified as a vulnerable population. Tailored mental healthcare interventions for this group must be framed in consultation with LGBTIA+ civil society organisations and LGBTIA+ affirmative mental healthcare professionals.

Other Supportive Measures:

- Sustained assistance in helplines and emergency care systems: The State Mental Health Policy mandates the establishment of a mental health helpline and suicide prevention helpline. A 24x7 TeleMental counselling service has been launched by the State. Drawing from the mandate in Supriyo to prevent suicides by queer persons and couples, individuals in-charge of these helplines must be sensitised on the LGBTIA+ community, their lived experiences and mental health support needs.
- Schemes for promotion of art and culture catered towards LGBTIA+ community: Grants-in-aid and funding support must be provided for art projects including filmography, fine arts, music and dance focussing on the mental health concerns of the LGBTIA+ community by the State Government. Art and cultural centres in the State may also incorporate LGBTIA+ focussed elements in the curricula as well as outputs including exhibitions, or performances.

⁸³ Health and Family Welfare Department, 'Tamil Nadu State Mental Healthcare Policy and Implementation Framework', 14.

CHAPTER 4



Labour, Employment & Welfare Benefits

Background

The Supreme Court in *NALSA* noted that transgender persons are entitled to legal protection in all spheres of State activity, including employment.¹ It went on to direct the State to extend reservations to them in public employment.² In *Supriyo*, the Supreme Court directed the State to address the indirect discrimination that queer couples face in relation to employment benefits because of non-recognition of their relationship.³ The

High Powered Committee, set up post *Supriyo*, is now tasked with addressing the legal consequences that flow from employment such as gratuity, pension and insurance for queer couples in the absence of recognition of marriage.⁴

The TG Act, 2019 also recognises the right to a discrimination free workplace for transgender persons. Section 3 prohibits unfair treatment and wrongful termination in matters of employment.⁵ Section 9 prohibits discrimination in matters of recruitment and promotion.⁶ The Act also mandates that every establishment, public or private, has to designate a complaints officer to address violations.⁷ However, despite *NALSA*, it is silent on reservation in public employment.

Noting the provisions of the TG Act, 2019 Courts have pressed for measures on inclusive employment for transgender persons. Recently, in *Jane Kaushik*,⁸ the Supreme Court dealt with a matter concerning a transgender woman, who faced discrimination at two private schools, while applying for a teaching post. While the first school forced her to resign, the second withdrew her offer of employment upon learning that she is a transgender woman. While condoning such discrimination, the Court noted that the substantive equality guarantee under the Constitution requires the State to eliminate '*structural and institutional discrimination to achieve true participation in social settings by the community.*'⁹ It directed all States to

¹ *NALSA v Union of India*, Para 54.

² *NALSA*, Para 129(3).

³ *Supriyo*, Para 564 (Bhat J.).

⁴ *Supriyo*, Para 366 (Chandrachud J.).

⁵ The Transgender Person (Protection of Rights) Act 2019, s 3(b) & (c).

⁶ *Ibid*, s 9.

⁷ *Ibid*, s 11.

⁸ *Ibid* [201], [206].

⁹ *Jane Kaushik*, Para 97.

ensure that establishments designate a Complaints Officer as required by the Act¹⁰ and held that transgender employees do not have to seek their employer's permission to undergo gender-affirming procedures, provided a reasonable notice is supplied.¹¹ Further, noting systemic and institutional failures in upholding transgender rights, the Court critiqued the "grossly apathetic" government inaction in enforcing the TG Act, 2019 and its rules.¹² It went on to set up an eight-member Advisory Committee headed by former Delhi High Court Hon'ble Justice Asha Menon. This committee is tasked with consulting stakeholders to formulate a practical policy draft or report for the Union's consideration, to give effect to the provisions of the TG Act, 2019.¹³



"Rights of transgender persons, hard-won after decades of struggle, remain aspirational promises rather than a lived reality. As established above, it is not just state action that is amenable to review, but also omissions, especially those that result in the state failing to fulfil its obligation to protect fundamental rights. If not for such inaction and apathy, the petitioner would have been in a significantly better position to exercise her rights, especially those related to employment"

Jane Kaushik v. Union of India

Despite these legal developments, the community, particularly transgender persons, are often denied employment opportunities in the formal sector and are forced to take up low-paying, menial and unsafe jobs in the unorganised sector. Similarly, sexual minorities face their own challenges at the workplace. First, they often face implicit or explicit discrimination in hiring, promotions, or with respect to accessing a safe and inclusive workplace. Consultations reveal that people often remain closeted at work in order to avoid judgement and in fear of adverse repercussions. The absence of a comprehensive anti-discrimination law for the private sector further compounds this issue, as grievances and instances of discrimination cannot be adequately redressed. Further, as noted in *Supriyo*, due to lack of legal recognition, queer relationships are not perceived as family for the purpose of functioning as beneficiaries in relation to employment benefits such as pension, compensation, health insurance etc. Despite landmark judgements, the absence of enforceable legislative and policy interventions by the State covering sexual minorities results in exclusion by omission.

¹⁰ Jane Kaushik, Para 199 (iv).

¹¹ Jane Kaushik, Para 192.

¹² Jane Kaushik, Para 35.

¹³ Ibid [201], [206].

¹⁴ Kerala Development Society, 'Study on Human Rights of Transgender as Third Gender', (PARI, 10 February 2017) <<https://ruralindiaonline.org/en/library/resource/study-on-human-rights-of-transgender-as-a-third-gender/>> accessed 5 February 2026.

Legal Developments in Tamil Nadu



The Madras High Court has played an active role in upholding rights of transgender persons and sexual minorities in matters of employment and welfare benefits. In *K. Prithika Yashini vs. Chairman*,¹⁵ the recruitment notification issued by the Tamil Nadu Uniformed Services Recruitment Board for the post of Sub-Inspector provided only two gender options—male and female—and did not include a column for the “third gender.” The Court ruled in favour of the petitioner, a transgender woman, and directed that she be considered for appointment. The Court adopted a flexible approach to the physical test requirements¹⁶ for recruitment, highlighting the underrepresentation of the transgender community amongst constables. In *Saratha v. The Member Secretary, TNUSRB*, the Court quashed the disqualification of transgender candidates in police recruitment on the ground that the process was discriminatory and unconstitutional, particularly due to the failure to provide special reservation and adequate relaxations for transgender candidates.¹⁷

¹⁵ [2015] SCC OnLine Mad 11830, Para 3.

¹⁶ Allowed the petitioner to continue in the recruitment process even though she exceeded the prescribed time for the 100-metre run by 1.11 seconds, considering the minimal shortfall and the recruitment authority's failure to provide a third-gender category in the notification, *K. Prithika Yashini v. Chairman, Tamil Nadu Uniformed Services Recruitment Board* [2015] SCC OnLine Mad 11830, Para 12.

¹⁷ MANU/TN/1651/2022, Para 45.

In *S. Tharika Banu v. Health and Family Welfare Department*,¹⁸ the Court directed the State Government to issue guidelines on determining community classification and reservations in employment for transgender persons. In *Nangai-III vs. Secretary to Government of Tamil Nadu*,¹⁹ the Court held that the petitioner cannot be denied employment based on the congenital absence of the uterus and ovaries. Additionally, in *Sushma*, the Court held that discrimination in employment on the basis of sexual orientation or gender identity constituted discrimination on the ground of sex, and is therefore not permissible under Articles 14 and 15 of the Constitution.²⁰

Tamil Nadu has undertaken several measures for economic empowerment of transgender persons. For instance, the State TG Board actively supports transgender self-help groups ('SHGs'), which have taken up diverse economic activities. The State additionally runs schemes for transgender self-help groups with training and sewing machines and offers subsidies up to ₹50,000 for transgender entrepreneurs.²¹ Through this initiative, over ₹1 crore per year has been allocated for self-employment subsidies, benefiting 811 transgender persons till May 2025.²² Recently, the State Government has also enacted a Special Scheme to incentivise the employment of transgender persons, which provides a 10% payroll subsidy for two years to new manufacturing projects employing women, differently abled persons, and transgender persons.²³

¹⁸ *S. Tharika Banu v. Secretary to Govt* [2017] JSCC OnLine Mad 10220, Para 15.

¹⁹ MANU/TN/0972/2014, Para 17.

²⁰ W.P. No. 7284 of 2021, Para 40 & 41.

²¹ 'Tamil Nadu Transgender Welfare Board' (TN Social Welfare Dept) <<https://www.tnsocialwelfare.tn.gov.in/en/specilisationtransgenders-welfare/tamil-nadu-transgender-welfare-board>> accessed 5 February 2026.

²² 'Special Schemes being implemented for welfare of transgender people: Tamil Nadu Government' (The Economic Times, May 25 2025) <<https://economictimes.indiatimes.com/news/india/special-schemes-being-implemented-for-welfare-of-transgender-people-tamil-nadu-govt/articleshow/121393037.cms?from=mdr>> accessed 5 February 2026.

²³ 'Special scheme to incentivize employment of women, differently abled and transgender persons in Tamil Nadu', Industries Investment Promotion and Commerce Department, Tamil Nadu Government, G.O. (Ms.) No. 35 (12 March 2024) <<https://www.teamleaseregtech.com/updates/article/40550/govt-of-tamil-nadu-issued-the-special-scheme-to-incentivize-the-employ/#:~:text=The%20Special%20Scheme%20shall%20provide,%2C%20domicile%2C%20and%20operational%20conditions.>>> accessed 5 February 2026.

The Community Policy, 2024 made several recommendations to address the challenges faced by transgender individuals and sexual minorities in the sphere of employment. The maintenance of an information database, containing a list of potential employers and self-employment schemes, including subsidies and grants, has been recommended for transgender persons. For sexual minorities, recommendations include anti-discrimination policies enforced by the Labour Welfare and Skill Development Department, corporate social responsibility ('CSR') grants offered by private employers, and appointment of grievance redressal officers at the workplace.²⁴ The State Policy, 2025 excludes sexual minorities from its scope, while mirroring the recommendations of the Community Policy, 2024 for transgender persons and persons with intersex variations.



Inputs from Consultations

Consultations highlighted persistent barriers to employment, welfare, and economic and financial security faced by the queer community, specifically transgender persons.

Absence of Reservation Policy

Stakeholders emphasised that *"reservation is a big miss,"* underlining the need for reservation to enable access to public employment. While there was a difference in views regarding the form of reservation: horizontal or vertical, most stakeholders supported horizontal reservations, and all agreed on the need for implementation of a State reservation policy. Stakeholders pointed out that while transgender persons have been classified as Most Backward Class ('MBC'), they have not been able to avail reservations. They were of the opinion that classifying transgender persons as MBC must be reconsidered at a policy level, and they must be classified as a gender-based category.

²⁴ Azeefa Fathima, 'Vague, unambitious, exclusionary: trans rights group critique TN transgender policy' The News Minute (Aug 6 2025) <<https://www.thenewsminute.com/tamil-nadu/vague-unambitious-exclusionary-trans-rights-groups-critique-tn-transgender-policy#:~:text=Employment%20reforms%20include%20self,through%20the%20Transgender%20Welfare%20Board>> accessed 5 February 2026.

Absence of Safeguards for Transitioning Persons

Some stakeholders spoke of transgender persons' apprehension to legally transition on account of the fear that they will be subject to adverse repercussions at the workplace, including termination of employment. The need for safeguards in this regard was emphasised.



An anecdote was shared regarding a transgender man working with the State police who has not legally transitioned because he is worried he may lose his job. While his chosen name and gender identity are respected at the workplace, he has been told by his superior that they cannot guarantee security of employment in the event of transition.

SAATHII Consultation

Rampant Discrimination at the Workplace

Instances of workplace discrimination were highlighted time and again. While access to formal employment is the first site of exclusion for transgender persons, even when they are onboarded, they face direct and indirect discrimination.²⁵ This also holds true for sexual minorities who often remain closeted at work for fear of repercussion. Despite a legal mandate under the TG Act, 2019 most workplaces, including the public sector, have not appointed a 'complaints officer'. Only a handful of multinational corporations cover queer partners for employment benefits or provide gender-affirming care as a part of health insurance. The majority of workplaces are ignorant of their base level obligations under the TG Act, 2019.

Poor Implementation of Schemes

Poor implementation of schemes pertaining to entrepreneurship and financial inclusion was highlighted. Subsidy grants through the State TG Board require multiple documents and a letter of intent, and even

²⁵ After I joined, Meenambikai (Inspector of the Special Juvenile Aid Police and senior) repeatedly harassed me, referring to my gender identity and my caste ... They would put me on extra duty ... I had intended to be a role model, but the harassment is the reason I am not going to continue this work anymore", 'Dalit trans woman cop resigns from TN police force after continued harassment', The News Minute (March 20, 2023), available at <https://www.thenewsminute.com/tamil-nadu/dalit-trans-woman-cop-resigns-tn-police-force-after-continued-harassment-174824>, accessed 05 June 2026.

approved grants face significant delays, with one stakeholder noting funds remained pending for four years. The absence of clear guidelines outlining eligibility and process of application for schemes was brought to light. Multiple stakeholders shared being familiar with or knowing a member of the State TG Board played a pivotal role in being able to access benefits administered by the Board. When it came to informal sector workers, including sex workers and beggars, government support was minimal or absent.

Poor Last Mile Reach *of* Welfare Benefits

Access to welfare was described as uneven and inadequate. Participation in State and Central schemes remains low due to poor publicity, district-level variations, and limited outreach. Skill-training programmes are rarely accessed, while SHG-based livelihoods are widely relied upon, supported by a State allocation of ₹50,000 per district for groups of 10 to 20 transgender persons.²⁶ Stakeholders described themselves as “orphans” in a systemic sense, expressing anxiety about living with dignity, particularly in later life.

²⁶ Consultation with Kalaimamani Sudha, 09 December 2025.

Rampant Housing Discrimination

Stakeholders pointed out how housing discrimination compounded economic exclusion, with landlords charging higher rents/security deposits or refusing to rent to transgender persons and families. Poor implementation of the housing patta scheme administered by the State TG Board was also brought to light, in the context of processing of documentation and the actual delivery of houses promised under these schemes. Challenges in joint access to housing by same sex/gender couples were emphasised. Despite formal recognition of cohabitation rights of queer couples, the exercise of the right was constrained on account of homophobia and transphobia. Benefits such as “free housing pattas” (land ownership documents) for transgender persons nominally exist on paper, the process of accessing them is difficult, with little institutional support from the State TG Board to navigate applications.

Precarity *on account of* old age

Several transgender persons pointed to the fact that many aged transgender persons are single and lack familial support on account of exclusion by natal families. Once they are unable to participate in the labour market on account of age, they are rendered vulnerable to a life of indignity, economic insecurity and loneliness. The need to undertake measures to protect aged members of the LGBTIA+ persons who did not have natal or chosen families was emphasised.



Recommendations

Regulation of labour falls within the domain of both the Parliament and State legislatures.²⁷ While the Parliament has enacted the new Central labour laws,²⁸ State legislatures have considerable flexibility to shape the direction of labour policy by enacting State-level amendments to labour laws and by operationalising Central laws through State rules and administrative action. Similarly, the State Government retains full authority to operationalise and enforce the promises of the TG Act, 2019 through State rules, and administrative measures such as: notifications, orders and model State policies. Binding directions in judgements such as *NALSA*, *Supriyo* and *Jane Kaushik*, also mandate the State Legislature and Government to undertake legislative and executive measures to ensure discrimination free and inclusive workplaces for the queer community.

This chapter proposes recommendations under two heads: first, employment and labour, and second, welfare. Here, 'employment' means the 'work for pay' relationship governed by law, ensuring regular wages, and certain enforceable

protections against discrimination and exploitation. 'Welfare' means discretionary, often time-bound support from the Government in the form of short term or long-term schemes, to reduce vulnerability.



"There is no gainsaying that the Union of India and the States need to do a lot more to create mechanisms for the transgender persons to translate their rights into reality. The lethargy exhibited on part of the concerned Government has also led the non-state establishments to put the compliance of the 2019 Act and of the Transgender Persons (Protection of Rights) Rules, 2020 (the "2020 Rules") in a cold freeze."

Jane Kaushik v. Union of India

²⁷ Entries 23 and 24, List III, Constitution of India.

²⁸ Code of Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020, and Code on Safety, Health and Working Conditions, 2020.



Part A: Employment & Labour

Issue: O1

Lack of detailed, enforceable Equal Opportunity Policy standards

The TG Act, 2019 mandates non-discrimination in matters of employment in public and private establishments,²⁹ and requires all workplaces to appoint a complaints officer.³⁰ Similarly, the Tamil

²⁹ S. 3(b), 3 (c) and 9, TG Act.

³⁰ S. 11, TG Act: "Every establishment shall designate a complaint officer within the establishment to deal with complaints relating to violation of the provisions of this Act.". Section 2 (b) "establishment" means— (i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013 (18 of 2013), and includes a Department of the Government; or (ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;".

Nadu TG Rules require all workplaces to implement an Equal Opportunity Policy for transgender persons ('EoP')³¹ and prescribes the procedure to be followed by the complaints officer for inquiries.³² However, in the absence of a State nudge to ensure compliance, implementation remains poor.



Instrument:
Executive



Nodal Authority:
Department of **Social
Welfare & Women
Empowerment &
Labour Welfare & Skill
Development** Department



Proposed Step:

The following measures are recommended:

³¹ R. 12, Tamil Nadu TG Rules.

³² R. 13, Tamil Nadu TG Rules.

Prescribe a Model EoP for compliance by establishments:

The Tamil Nadu TG Rules mandate that all establishments must ensure a discrimination free and safe working environment for transgender persons. Towards this a positive obligation to provide reasonable accommodation is prescribed.³³ In light of this mandate, the Department of Social Welfare and Women Empowerment in coordination with the Labour Welfare and Skill Development Department, should:

- Aligned with the Ministry of Social Justice and Empowerment which has adopted a EoP for transgender inclusion at the Union level,³⁴ draft and adopt an EoP at the Department level and nudge other Departments of the Tamil Nadu Government to follow suit.
- develop and publish a model EoP that can serve as a template for establishments;
- through a Government Order mandate that every “establishment” as defined under Section 2(b) of the TG Act, 2019 adopt a EoP within a clear timeframe. Such an order must comprise:
 - ◊ the model EoP as a guiding template for adoption;
 - ◊ prescribe minimum mandatory components of an EoP (infrastructure and accommodation standards, applicability of service conditions, designation of complaints officer, confidentiality norms, and mandates in relation to non-discrimination in recruitment, promotion and pay), and
 - ◊ mandate annual compliance reporting in a prescribed format.

³³ R. 12, Tamil Nadu TG Rules, Jane Kaushik.

³⁴ Ministry of Social Justice and Empowerment, ‘Equal Opportunity Policy for Transgender Persons’, A. Introduction, <<https://socialjustice.gov.in/writereaddata/UploadFile/67311708075108.pdf>> accessed on 06 March 2026.

Inclusive Infrastructure and Accommodation Standards:

In furtherance of the TG Act, 2019 the Department of Social Welfare and Women Empowerment Department should prescribe implementable standards for “*fostering an inclusive, diverse and supportive work environment where all individuals, regardless of gender identity, can thrive*”,³⁵ that workplaces can adhere to. The following is an illustrative list that can be included:

- provision of gender-neutral toilets (with phased compliance through amendments in the Tamil Nadu Combined Development and Building Rules, 2019);
- flexibility in uniform, dress-code and grooming practices;
- inclusive and safe travel and accommodation practices;
- housing in single-occupancy rooms or safe neutral accommodation for transgender employees;
- mandatory and automatic updating of name and gender in employment records upon legal change; and
- confidentiality protocols governing collection, storage, and processing of gender identity data.

Enforceable Equal Remuneration Standards for Transgender Persons:

In contrast to the Equal Remuneration Act, 1976 which prohibited discrimination against “women” in the workplace, the Code of Wages, 2019 (‘Wages Code’) prohibits discrimination on the “ground of gender” in matters relating to wages, recruitment, and conditions

³⁵ Ministry of Social Justice and Empowerment, ‘Equal Opportunity Policy for Transgender Persons’, A. Introduction, <<https://socialjustice.gov.in/writereaddata/UploadFile/67311708075108.pdf>> accessed on 06 March 2026.

of work, and mandates equal remuneration for work of equal value.³⁶ In light of the NALSA judgement, it is clear that the Wages Code prohibits discrimination against transgender persons as well. To implement this interpretation of gender-based discrimination, the Labour Welfare and Skill Development Department should:

- issue an order clarifying that the Wages Code covers transgender persons;
- ensure that the inspection scheme devised under section 51 of the Wages Code accounts for transgender persons;³⁷
- sensitise and direct the Inspector-cum-Facilitators who implement the Wages Code to do so in a manner that is inclusive of transgender persons and ensure that their advisory to employers clarifies that the Code applies to transgender workers; and
- expand the scope of the State Advisory Board under Section 42 of the Wages Code to not only look at employment for women but also assess and cater to the employment and economic security requirements through the lens of gender-diversity and transgender inclusion.

Monitoring Framework:

In light of the mandate under the TG Act, 2019 and the Wages Code, the Department of Social Welfare and Women Empowerment in coordination with the Labour Welfare and Skill Development Department should set up a State Compliance Monitoring Framework through an Order. To this end, it should:

- set up a Compliance Dashboard where all establishments upload their EoP and details in relation to grievance redressal mechanisms in place including the Complaints Officer;
- create a joint inspection protocol between labour inspectors to monitor the status of implementation of prescribed legal mandates for workplace inclusion and accommodation;
- publish aggregated, anonymised compliance data received through the dashboard; and
- use data collected via monitoring efforts to support evidence based policymaking for workplace inclusion.

Issue: 02

Absence of workplace protections for transitioning employees

Consultations reveal that fear of termination, punitive transfers, denial of leave, coerced disclosure, and administrative resistance to updating employee records operate as barriers to transition and open self-identification at the workplace. In *Jane Kaushik* the Supreme Court held that a transgender person

³⁶ S 3, Code of Wages, 2019.

³⁷ S. 51 prescribes the appointment of inspectors cum facilitators and provides their powers. Further, it empowers the State Government to draw up an inspection scheme to be followed by inspectors cum facilitators.

does not have to take an employer's permission to undergo gender-affirming procedures unless their work is based on gender identity.³⁸ The only mandate is to ensure an employer is given reasonable notice for the purpose of making modifications in records.³⁹



"Another hurdle that we have identified is that persons who are in the workforce and wish to undergo SRS or change their documents in line with their self-perceived identity are forced to not undergo the same. They are put in fear of their employment being terminated, or they are asked to seek permission from superior authorities."

Jane Kaushik v. Union of India



**Instrument:
Executive**

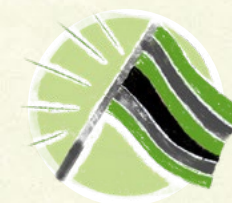
³⁸ Jane Kaushik, Para 192.

³⁹ Jane Kaushik, Para 192.

⁴⁰ In *Executive Secretary of District Health Society & Ors. v K. S. Subha Karuthukhan (A.(MD) No.182 of 2020)* the Madurai Bench of the High Court of Madras held that misconduct is not confined to acts expressly enumerated in service rules and may extend to conduct that undermines dignity, fairness, and lawful administrative functioning.



Nodal Authority:
The **Labour Welfare & Skill Development Department & Department of Personnel & Administrative Reforms**



Proposed Step:

Amend Service Conduct Rules to safeguard rights of transgender and transitioning employees:

In light of the direction in *Jane Kaushik*, the Personnel and Administrative Reforms Department can do two things:

- amend the Tamil Nadu Government Servants' Conduct Rules, 1973 to prohibit discrimination against transgender, intersex and transitioning government servants (See, **Table 5**).
- issue an order to all government departments clarifying that discrimination against employees who seek to transition or are undergoing transition is prohibited and will be treated as 'misconduct'.⁴⁰ The definition of discrimination and acts that constitute discrimination must be clearly spelt out in such an order.

Table 5

Proposed amendment to Tamil Nadu Government Servants' Conduct Rules, 1973

After rule 20(B), the following rule will be inserted—

"Rule 20(C) Prohibition of Discrimination Against Transgender and Transitioning Government Servants

No Government servant shall, in the course of their employment, discriminate against another Government servant on the ground of their gender identity, intersex status, or their decision to transition to their self-perceived gender identity.

Explanation 1

For the purposes of this rule, "discriminate" shall include, but not be limited to—

- a. mandating prior permission or approval for transition-related medical procedures;
- b. initiating or threatening disciplinary action, transfer, or termination of employment;
- c. withholding or delaying pay, increments, leave, or service benefits;
- d. unauthorised disclosure of information relating to gender identity or intersex status;
- e. creating a hostile work environment;
- f. terminating or discontinuing employment; or
- g. any other unfair treatment in relation to the terms and conditions of employment.

Explanation 2

For the purposes of this rule, "transition" means the process through which a person affirms their transgender identity and includes undergoing gender-affirming medical procedures, change of name, pronouns, or gender expression."

Publish 'No Adverse Action' Protocol for all Establishments:

The Labour Welfare and Skill Development Department may issue a no adverse action protocol applicable to both public sector undertakings and private establishments in light of mandates under the TG Act, 2019⁴¹ read with *Jane Kaushik*, with the following:

- No employer will discriminate against or take any adverse action against an employee if they are undergoing or are proposing to undergo any procedure in relation to gender transition;
- No employer will mandate any permission or approval requirements from employees prior to undertaking any procedure in relation to gender transition;
- Employers shall maintain confidentiality of an employee's transition status;
- All employers will ensure name and gender markers in employment records are updated as per an individual's chosen name and gender identity as recognised per the TG Act, 2019 and Tamil Nadu TG Rules (See, **Chapter 1**); and
- Any violation of the directive will be reported to the Complaints Officer instituted under the TG Act, 2019.

⁴¹ S. 3, 9, TG Act, 2019

Issue: 03

No protections *for* discrimination based *on* sexual orientation

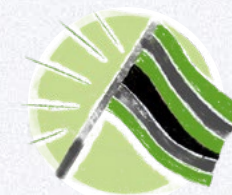
Judgments such as *Navtej* and *Supriyo* have made clear that 'sex' under Article 15 also includes sexual orientation. As directed, there is now a mandate on the State to undertake measures to outlaw such discrimination.⁴² However, in the absence of a comprehensive anti-discrimination law, the only recourse available to individuals is to file a writ petition before constitutional courts. Such a route is onerous and cumbersome, and inaccessible to most.



Instrument:
Executive



Nodal Authority:
The **Labour Welfare & Skill Development** Department & Department of **Personnel & Administrative Reforms**



Proposed Step:

Amend Service Conduct Rules to safeguard rights of sexual minorities:

The Department of Personnel and Administrative Reforms can do two things:

- Amend the Tamil Nadu Government Servants' Conduct Rules, 1973 to prohibit discrimination based on 'sexual orientation' (See, **Table 6**), or
- Issue an order to all government departments and clarify that discrimination based on sexual orientation is prohibited and will be treated as 'misconduct'. The definition of discrimination and acts that constitute discrimination must be clearly spelt out in such an order.

⁴² *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 and *Supriyo @ Supriya Chakraborty v. Union of India*, 2023 INSC 920; See also: Tarunabh Khaitan, 'Sexual Orientation and the Indian Constitution: A Critical Analysis of the Naz Foundation Judgment' (2010) 22(1) National Law School of India Review 1.

Table 6

Proposed amendment to Tamil Nadu Government Servants' Conduct Rules, 1973⁴³

After rule 20(x), the following rule will be inserted—

"Rule 20(x) Prohibition of Discrimination based on Sexual Orientation

No Government servant shall, in the course of their employment, discriminate against another Government servant on the ground of their sexual orientation.

Explanation 1

For the purposes of this rule, "discriminate" shall include, but not be limited to—

- initiating or threatening disciplinary action, transfer, or termination of employment;
- withholding or delaying pay, increments, leave, or service benefits;
- creating a hostile work environment;
- termination or discontinuation from employment; or
- any other unfair treatment in relation to the terms and conditions of employment."

⁴³ W.A.(MD) No.182 of 2020, Madras High Court, Madurai Bench <https://24law.in/pdf/1750415101_3064-madras-hc-re-ks-subha-karuthukhanpdf> accessed 5 February 2026.

Safeguarding rights of sexual minorities in public sector undertakings and private establishments:

The Labour Welfare and Skill Development Department must do the following:

- Issue a direction to all State Public Sector Undertakings⁴⁴ clarifying that discrimination based on 'sexual orientation' is prohibited and mandating they undertake measures to ensure the workplace is inclusive of sexual minorities; and
- Issue an advisory to all private establishments to undertake measures through their workplace policies to create a safe and discrimination free environment for sexual minorities.⁴⁵ Eventually, the state legislature may consider passing a law prohibiting workplace discrimination in private establishments on grounds protected under Article 15 which would include sexual orientation.⁴⁶

⁴⁴ Public Sector Undertakings are 'State' for the purpose of Article 12 of the Constitution and thus judgements such as *Navtej* and *Supriyo* directly apply to them.

⁴⁵ In *Kaushal Kishor v State of Uttar Pradesh* (2023) 4 SCC 1, the Supreme Court clarified that the State may have a duty to protect fundamental rights even where violations arise from the acts of non-state actors, recognising the possibility of horizontal application of certain constitutional rights.

⁴⁶ Precedent exists with labour laws prohibiting sex-based discrimination, as demonstrated by the Code on Wages, 2019 (equal pay and non-discrimination, S. 6 and 7), the Code on Social Security, 2020 (maternity benefits, Chapter VI), and the POSH Act, 2013 (S 3, 4 and 19). See also: *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1, where the Supreme Court held that "sex" under Article 15 includes sexual orientation, and that discrimination on this ground is a form of prohibited sex-based discrimination.

Issue: 04

Limited Employment & Welfare Support *for* Transgender Persons working in Informal Sector

State support for transgender persons engaged in informal and precarious forms of work, including sex work, begging, casual labour, and micro-enterprises remains minimal and fragmented. Transgender sex workers report high levels of workplace violence,⁴⁷ harassment, and exploitation, with little institutional response or access to protective mechanisms.⁴⁸ In the case of persons engaged in begging, the State's approach continues to be framed through general vagrancy and rehabilitation models, offering generic skill development options without sustained consultation with the community or recognition of structural exclusion.⁴⁹

⁴⁷ 'Stigma drives transgenders to begging, sex work: Study' *Times of India* (24 April 2023) <<https://timesofindia.indiatimes.com/city/visakhapatnam/stigma-drives-transgenders-to-begging-sex-work-study/articleshow/99718695.cms>> accessed 5 February 2026.

⁴⁸ Ajita Banerjee, 'Decriminalising Begging Will Protect Transgender Persons from Police Harassment' (*The Wire*, 17 August 2018) <<https://thewire.in/law/decriminalising-begging-will-protect-transgender-persons-from-police-harassment>> accessed 5 February 2026.

⁴⁹ Ministry of Social Justice and Empowerment, Government of India, Press Release (PIB, 3 February 2021) <<https://www.pib.gov.in/PressNoteDetails.aspx?NotelD=154411&ModuleId=3®=3&lang=2>> accessed 5 February 2026.



Self-Help Groups (SHGs) have emerged as one of the most effective livelihood support mechanisms for transgender persons. SHG loans are commonly used to establish micro-enterprises such as tea shops, flower stalls, tailoring units, and catering services. The Tamil Nadu Government's provision of ₹50,000 per district for SHGs comprising 10–20 persons is viewed as valuable, but its scale and outreach remain limited.

Consultations at Pollachi with transgender women associated with Sahodari

Government-run skill development programmes are widely perceived as misaligned with lived realities. Consultations indicate that these programmes are poorly publicised and designed without engagement with local transgender groups. In contrast, community-led and CSR-funded initiatives demonstrate that flexible, home-based, and online training formats are more responsive to community needs. The absence of disaggregated data on transgender persons engaged in casual and informal work further hampers scheme design. This gap in State support assumes added significance in light of the Madurai Bench of Madras High Court's recent direction to formulate comprehensive rehabilitation frameworks ensuring sustainable livelihood opportunities for transgender persons, underscoring the State's obligation to move beyond fragmented and generic interventions.⁵⁰

⁵⁰ V Sarathkumar v. State, CrI OP (MD) No 5185 of 2026.



In Pollachi and Coimbatore, transgender-led catering units, tiffin services, and small food businesses have shown viability, yet government schemes continue to prioritise narrow vocational tracks such as tailoring or beauty courses. Stakeholders also noted that Coimbatore has one of the largest concentrations of transgender persons engaged in self-run businesses and entrepreneurial activities; however, they observed that government livelihood interventions continue to treat transgender persons primarily through a rehabilitative and welfare-based lens rather than recognising and supporting existing entrepreneurial efforts.

Consultations at Pollachi with transgender women associated with Sahodari



**Instrument:
Executive**



Nodal Authority:
The Labour Welfare & Skill Development Department, Tamil Nadu Skill Development Corporation, and State TG Board



Proposed Step:

Community-Co-Designed Skill Development and Livelihood Pathways:

The Labour Welfare and Skill Development Department in collaboration with the Tamil Nadu Skill Development Corporation, and with respect to state's obligations under Rule 11 of the Tamil Nadu TG Rules, should reorient livelihood and skill-development interventions for transgender persons away from rehabilitative models towards an empowerment-based framework that recognises and supports transgender persons as workers, entrepreneurs, and economic decision-makers. Towards this end it should:

- undertake independent systematic mapping of sectors where transgender persons are already demonstrating entrepreneurial success, such as catering, food services, and self-run businesses, to guide targeted policy design and resource allocation;
- organise structured consultations with CSOs, community members and identified experts, beginning at the Taluk level, on the findings of the mapping exercise, with such consultations feeding into iterative refinement of programme design at the district and State levels to ensure continued responsiveness to community needs and on-ground realities; and
- co-design flexible, demand-driven skill development and enterprise support programmes, including home-based and online models, with a focus on strengthening entrepreneurship and SHG-based micro-enterprises, supported by the development of objective viability criteria (including market demand assessments, income stability potential, scalability, and access to credit and supply chains) that do not rely solely on prior sectoral success.



I see many transgender persons pushed into sex work or begging because there is no meaningful support from the State. Those in sex work face routine violence and disrespect from clients and are abandoned not only by society, but often by institutions meant to protect them. When the government intervenes, it does so through a general vagrancy lens, offering standard skill-training options like tailoring or beauty courses without ever consulting the community. This disconnect is especially visible in places like Coimbatore, where many transgender persons are already entrepreneurs, yet training programmes do not reflect this reality. Even in formal employment, protections remain weak.

Kalki Subramaniam (Founder, Sahodari)

Inclusive Social Security and Informal Sector Coverage:

- The State TG Board should,
 - ◇ undertake a study to assess how to best provide access to workplace related insurance, pensions, maternity benefits, and livelihood support. This exercise should be undertaken in close collaboration with the community to ensure that the policy measures are tied to lived experience of the community, and
 - ◇ institute transparent and time-bound mechanisms by issuing public calls for entrepreneurship grants that clearly specify eligibility criteria, application procedures, required documentation, evaluation metrics, and timelines for approval and disbursement of funds.

- The Labour Welfare and Skill Development Department while operationalising the Code on Social Security, 2020 must frame social security schemes for transgender workers.⁵¹ Similarly, the State Government must ensure that transgender workers in the unorganised sector are registered as per their legal gender identity for the purpose of disbursing labour benefits.⁵²



I applied for an entrepreneurship subsidy through the State Transgender Board and received formal approval, but the funds have still not been released even after nearly four years. While I continue to follow up, there is no clarity on timelines or reasons for delay.

Fred Rogers, Orinam Collective and Urimai Kural Trust

⁵¹ Section 109(2) of the Code on Social Security, 2020 empowers the State Government to frame social security schemes for unorganised sector workers.

⁵² Section 113 provides that electronic registration of unorganised sector workers will be maintained by the State Government.

Issue: 05

No reservations *for* transgender persons *in* public employment

The Supreme Court in *NALSA* has directed the State to extend reservations to transgender persons in matters of public employment.⁵³ The demand for reservations was significantly amplified again in early 2024 when the Madras High Court asked the Tamil Nadu government to consider implementing a 1% horizontal reservation for the community in education and public employment across all caste categories.⁵⁴ Subsequently, later that year, the Court observed that reservation for transgender persons must address intersectional marginalisation.⁵⁵ The Court held that the homogenisation of transgender persons under either their respective caste categories or a broader MBC category flattens intersectional differences, since a Dalit transgender person faces compounded discrimination that upper-caste transgender individuals do not. The Court held that transgender identity, like male or female, warrants horizontal reservation.⁵⁶ Despite these directions and observations, the State of Tamil Nadu has not undertaken any measures to extend reservations to transgender persons in matters of public employment.

⁵³ *NALSA*, Para 129(4).

⁵⁴ *Grace Banu Ganeshan v. Govt. of T.N.* [2021]SCC OnLine Mad 5728.

⁵⁵ *Rakshika Raj v. State of Tamil Nadu* [2024] SCC OnLine Mad 1624.

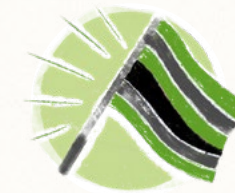
⁵⁶ *Ibid.*



Instrument:
Executive



Nodal Authority:
The **Labour Welfare & Skill Development Department & Department of Personnel & Administrative Reforms**



Proposed Step:

The Tamil Nadu State and Subordinate Service Rules, 2011, under Rule 22 provides for reservation in matters of appointments. It is recommended that Rule 22 be amended to introduce horizontal reservations for transgender persons (See, **Chapter 1**).⁵⁷ This approach follows that of Karnataka wherein the Karnataka Civil Services (General Recruitment) (Amendment) Rules, 2021⁵⁸ was amended to introduce one percent horizontal reservations for transgender persons. In the case of Tamil Nadu, the percentage of reservations is a policy call that must be decided based on consultations with the community and informed by an evidence-based approach.

⁵⁷ Tamil Nadu State Subordinate Services Rules 2011, < https://cms.tn.gov.in/cms_migrated/document/rules_regulations/tnsss_rule.pdf > accessed 5 February 2026.

⁵⁸ Mihir Rajamane, 'Horizontal Reservations for Transgender Persons: Taking Intersectionality Forward' (CLPR, 21 August 2021) <<https://clpr.org.in/blog/horizontal-reservations-for-transgender-persons-taking-intersectionality-forward/>> accessed 5 February 2026.

Table 7

Proposed amendment to Rule 22 of the Tamil Nadu State & Subordinate Service Rules *for* introduction of **horizontal reservations**

"22. Reservation of Appointments -

Insert the following via a Government order—

(h) Out of the total number of appointments reserved in the categories referred to in clause (a), in the case of appointments made by direct recruitment, (-) **percent** in each such category shall be separately reserved for transgender candidates."



Part B: Welfare Benefits

Issue: 06

Absence *of* inter-operability & lack *of* bureaucratic facilitation *for* access *to* schemes

Access to welfare for transgender persons in Tamil Nadu is severely impeded by inconsistent procedures across departments, unclear documentation requirements, and bureaucratic discretion. Although Tamil Nadu was the first state to establish a State TG Board in 2008 and issue State specific ID cards for transgender persons, this ID has not translated into seamless access to other essential services.⁵⁹

⁵⁹ Vidhi Centre for Legal Policy, 'The Law Isn't Straight' (2018) <https://vidhilegalpolicy.in/wp-content/uploads/2020/06/180514_TheLawisntstraight-web.pdf> accessed 5 February 2026.



Proposed Step:

Digital Single Window Platform for Access to Welfare:

Tamil Nadu should leverage its existing e-Governance infrastructure ('TNeGA')⁶⁰ to create a one-stop single window mechanism for access to welfare benefits. Currently, the TG ID card acts as a standalone document; it must be transformed into a functional "seed" document, i.e., the primary identity record from which eligibility for other schemes and services is derived. To operationalise this, the Department of Social Welfare and Women Empowerment should operate as a nodal department to set up the following logistical network and workflow:

- upon a TG ID card issued by the State TG Board, the *Thirunar Mobile Application* ('App') should operate as a single-window platform for accessing State welfare schemes benefits, in addition to processing TG ID applications. It should host a consolidated repository of all relevant schemes with clear eligibility criteria and documentation requirement, enable end-to-end application and processing link with TNeGA which can be the platform for taking further actions; and
- once the process of application of a scheme has been started on the App, it should adopt a "once-only" principle, where documents submitted for the scheme are digitally stored, on a platform such as the DigiLocker, and fetched by other departments as valid KYC, eliminating the need for repeated applications at multiple counters or access the original physical IDs.

⁶⁰ Tamil Nadu e-Governance Agency, 'Tamil Nadu e-Governance Agency (TNeGA), as a State Nodal Agency has been formed to support and drive all e-Governance initiatives of the Government of Tamil Nadu. TNeGA is implementing various e-Governance projects with the objective of making all Government services, wherever feasible & accessible to the common man in an efficient and transparent manner' <<https://tnega.tn.gov.in/aboutus/tnega>> accessed on 10 March 2026.

Because each department, Civil Supplies and Consumer Protection Department for ration cards, Revenue Department for legal heir or income certificates, and Housing Department for pattas, applies its own standards for verification, individuals must repeatedly navigate a system not designed to recognise their complete identity and lived experiences (See, **Chapter 1**).

Officers at the district and village level frequently lack awareness of existing entitlements, creating unpredictable outcomes where access depends entirely on local discretion. This is particularly acute for ration cards and joint bank accounts for chosen families, where frontline staff demand proof of biological relationships that the law does not require.



**Instrument:
Executive**



Nodal Authority:

**Department of Social
Welfare & Women
Empowerment &
State TG Board.**

Operationalise District Committees for Purpose Specific Tasks:

The State Policy, 2025 has empowered the District Level Monitoring Committees to function as active problem-solving bodies by vesting them with the function to monitor and implement the policy at the ground level. To perform its functions in relation to access to welfare:

- The District Social Welfare Officer, supported by the District Committee, should be charged to undertake a local area audit to identify on-ground bottlenecks in accessing welfare benefits and be empowered to address those;
- District Collectors should hold a dedicated “Access to Welfare Schemes Day” at regular intervals to resolve pending applications for identity documents, pattas, loans and other welfare measures on the spot; and
- Mandatory and regular training should be conducted for district and village-level officers and other certificate issuance authorities to accept both the State and National TG card as conclusive proof of personal identity, with protocols about requesting other documents only if they are relevant for the operationalisation of the semantics of the scheme (See, *Chapter 1*).

Issue: 07

Lack of access to Housing

Housing remains a pressing concern for queer individuals in India, who are often excluded systematically by both state schemes and private rental markets. The International Commission of Jurists conducted a study in 2019 which poignantly reflected on the housing crisis faced by queer individuals.⁶¹ Housing available to them is often in areas distant from basic amenities such as sanitation, public transport and healthcare etc.⁶² This segregation is further compounded for queer persons with intersecting identities on lines of caste, religion or occupation. For instance, gay Muslim men face particular difficulty renting homes,⁶³ while sex workers are frequently evicted or denied housing altogether based on the assumption that the property will be used for sex work.⁶⁴

⁶¹ International Commission of Jurists, ‘Living with Dignity: Sexual Orientation and Gender Identity-Based Human Rights Violations in Housing, Work, and Public Spaces in India’ (ICJ 2019) <<https://www.icj.org/wp-content/uploads/2019/06/India-Living-with-dignity-Publications-Reports-thematic-report-2019-ENG.pdf>> accessed 5 February 2026.

⁶² Centre for Equity Studies, “India Exclusion Report 2013-14” 91 <<http://www.indianet.nl/pdf/IndiaExclusionReport2013-2014.pdf>> accessed 5 February 2026.

Rozelle Laha, ‘Hunting for a home not easy for transgenders’ *Hindustan Times* (14 September 2015) <<https://www.hindustantimes.com/real-estate/hunting-for-a-home-not-easy-for-transgenders/story-eKnNNU4ZYdlbCkPt0ZCtRM.html>> accessed 5 February 2026.

⁶³ Bindisha Sarang, “Why it’s doubly difficult for gay renters to find homes”, *Firstpost* (12 November 2013) <<https://www.firstpost.com/living/why-its-doubly-difficult-for-gay-renters-to-findhomes-1224225.html>> accessed 5 February 2026; International Commission of Jurists, ‘Living with Dignity: Sexual Orientation and Gender Identity-Based Human Rights Violations in Housing, Work, and Public Spaces in India’ (ICJ 2019) <<https://www.icj.org/wp-content/uploads/2019/06/India-Living-with-dignity-Publications-Reports-thematic-report-2019-ENG.pdf>> accessed 5 February 2026.

⁶⁴ United Nations Development Programme, “Sex Work and the Law in Asia and the Pacific” (2013) <<http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/sex-work-and-the-law-in-asia-and-the-pacific.html>> accessed 5 February 2026.



Proposed Step:

Comprehensive housing patta scheme for transgender persons:

One of the functions of the State TG Board is to facilitate the issuance of free house site *pattas* to members of the transgender community.⁶⁵ While consultations and anecdotal evidence reveal that transgender members have made attempts to avail the same, as at the outset of the chapter there are several bottlenecks to accessing this benefit. First, there is no comprehensive scheme in the public domain on *housing pattas* for transgender persons. Second, there is no clarity regarding eligibility criteria, documentation requirements and the procedure to be followed by an applicant.

To address this, the State TG Board, in collaboration with the Housing Department and Revenue Department, must formulate a housing *patta* scheme for the community and publish it on their website. In addition to outlining the key features of the scheme, it must clearly prescribe eligibility criteria, documentation requirements and application procedure. Such scheme may provide any or all of the following benefits:

- Allotment of free housing pattas for transgender persons and families;
- allotment of Tamil Nadu Housing Board units to transgender persons or families, through amendment to the requisite Order on reservation for various categories;⁶⁶

⁶⁵ Tamil Nadu Transgender Welfare Schemes, Social Welfare and Women Empowerment Department <<https://tg.tnsw.in/webapp/scheme.aspx>> accessed 5 February 2026.

⁶⁶ Government of Tamil Nadu, G.O. Ms. No. 1466 (Tamil Nadu Government) <<https://www.tniscbe.org/download/go/go1466.pdf>> accessed 12 March 2026.

Consultations affirmed this, wherein it was noted that landlords are hesitant to rent to transgender persons and often raise rents and security deposit requirements for them based on the stereotype that they are 'unreliable renters'. Further, despite the State Government housing patta scheme for transgender persons, very few have benefitted because of lack of transparency in allocation and the poor design of the scheme. Similarly, stakeholders flagged the challenges queer couples face when renting together. Despite decriminalisation and courts recognising queer partner's right to cohabit, very little has changed on the ground.



Instrument:
Executive & Legislative



Nodal Authority:
Department of Social Welfare & Women Empowerment;
Tamil Nadu Housing & Urban Development ('Housing Department') & the Revenue & Disaster Management Department ('Revenue Department')

- allotment of land at a subsidised rate for purchase by transgender persons or families;
- financial assistance for the construction of a house; and
- ensuring beneficiaries of such housing schemes should include atypical families, queer partners, and hijra gharanas.

The State TG Board should be the single-window facilitation point. Applicants could apply through the State TG Board, which must actively assist with documents, route applicants to the right benefits and schemes, coordinate with the Revenue Department and the Housing Board, and track timelines to help the applications access these schemes efficiently.

Tenancy benefits for people in LGBTIA+ families:

The Tamil Nadu Regulation of Rights and Responsibility of Landlords and Tenants Act, 2017⁶⁷ states that if the tenant dies, the right to continue the tenancy for the remaining tenancy period can pass to the tenant's successors in this order: first the spouse; then the sons and unmarried daughters; then the parents; and then the daughter-in-law who is the widow of a son who died before the tenant.

This transfer is allowed only if the successor had ordinarily been living or working in the premises with the tenant up to the tenant's death. In many cases, trans persons are unmarried and therefore the tenancy devolves upon their natal family, with whom they may not have good relations. Further, many transgender

persons in the consultations expressed their desire that tenancy should devolve upon other members of their community.

Table 8

Proposed amendment to the Tamil Nadu Regulation of Rights and Responsibility of Landlords & Tenants Act, 2017

Existing provision	Proposed amendment	Rationale
6. (1) Save as provided in sub-section (2), the tenancy shall cease immediately after the death of the tenant.	6.(1) Save as provided in sub-section (2), the tenancy shall cease immediately after the death of the tenant.	If the tenant is married, then to protect the wife's and children's interests, the right of tenancy should devolve upon them for the remaining period of the tenancy. In the event of legal recognition of the Deed of Familial Association, the tenancy must devolve to the partner named in it.
(2) In the event of the death of a tenant, the right of tenancy of residential and non-residential premises shall devolve for the remaining period of tenancy to his successors in the following order:— (a) spouse;	(2) In the event of the death of an unmarried tenant, the right of tenancy of residential and non-residential premises shall devolve for the remaining period of tenancy to the tenant's nominee, as may be specified in the rent agreement:	

⁶⁷ Tamil Nadu Industrial Establishments (National and Festival Holidays) Amendment Act, 2017 (T.N. Act No. 34 of 2017) <<https://www.tenancy.tn.gov.in/Content/Documents/TNRRRLTact2017.pdf>> accessed 5 February 2026.

Existing provision	Proposed amendment	Rationale
(b) sons/unmarried daughters; (c) parents; (d) daughter-in-law being the widow of a predeceased son: <i>Provided that the successor had been ordinarily living or working in the premises with the deceased tenant upto his death.</i>	(3) In the event of the death of a married tenant, the right of tenancy of residential and non-residential premises shall devolve for the remaining period of tenancy to his successors in the following order:— (a) spouse or the person who is named as a partner in a registered Deed of Familial Association; (b) children; (c) parents; (d) daughter-in-law being the widow of a predeceased son: <i>Provided that the successor had been ordinarily living or working in the premises with the deceased tenant upto his death.</i>	If the tenant is unmarried, then a nomination can be put in place for the right of tenancy to devolve upon the nominee for the remaining period of the tenancy. This is to ensure that queer partners can have some form of rental security, in the absence of formal marriage or recognition of the Deed of Familial Association.

Discrimination in the private housing market:

The State Legislature must consider expanding the mandate of the Regulation of Rights and Responsibility of Landlords and Tenants Act, 2017 to prohibit discrimination in the housing market on grounds protected under Article 15 of the Constitution including sex, gender identity, sexual orientation, caste, religion, race and place of birth. The jurisdiction of 'Rent Courts' under the Act may be expanded to adjudicate discrimination claims.

Issue: 08

Need to make Tamil Nadu's senior citizen policy queer inclusive

LGBTIA+ senior citizens face acute marginalisation as they are often estranged from natal families, lack access to pensions or caregiving support, and face isolation and economic insecurity.⁶⁸ The absence of targeted protections leaves them without any dependable safety net, despite clear evidence from consultations about their disproportionate risk of homelessness and maltreatment. It is critical that senior citizen schemes and policies recognise LGBTIA+ elders as a vulnerable class given they do not enjoy the security of traditional support structures such as the natal family or a spouse (in the absence of marriage equality). The state of Tamil Nadu introduced the Tamil Nadu Senior Citizen Policy in 2023 (Senior Policy),⁶⁹ a commendable step that comprehensively identifies and seeks to address the needs of senior citizens. It covers issues such as healthcare, social security, housing, institutional care and research and

⁶⁸ Mikhal Weiner, 'Queer and trans elders find overwhelming barriers and discrimination in search of safe housing' Prism (19 January 2023) <<https://prismreports.org/2023/01/19/queer-trans-elders-housing-discrimination/>> accessed 5 February 2026.

⁶⁹ Government of Tamil Nadu, Social Welfare and Women Empowerment Department, G.O.(Ms) No.59 (4 September 2023) SW6(1) <https://cms.tn.gov.in/cms_migrated/document/GO/swwe_e_59_2023.pdf> accessed 5 February 2026.

documentation. Further, the Senior Policy explicitly refers to transgender persons for the purpose of livelihood schemes specifically forming 'Elders Self Help Groups' with transgender persons.⁷⁰ Beyond this, it is silent on LGBTIA+ senior citizens.



LGBT+ persons are single and do not have any family support because of natal family rejection. The State Government has not made any efforts to ensure senior citizen measures cover transgender persons on account for their specific vulnerability. Once transgender elders are no longer able to engage in livelihood activities they end up alone, homeless and living an undignified life in their old age.

Kalki Subramaniam (Founder, Sahodari)



Nodal Authority:

Department of **Social Welfare & Women Empowerment**



**Instrument:
Executive**



Proposed Step:

Two key reforms are proposed:

Queer Inclusive Senior Policy:

The Senior Policy provides a great opportunity for expansion to include LGBTIA+ persons. An explicit recognition of LGBTIA+ elders would be a critical step towards making the community visible and responding to their specific vulnerabilities. The following are recommendations to update the Senior Policy to ensure queer inclusion.

- **Vulnerability based classification**

The Senior Policy classifies senior citizens based on age to determine vulnerability and needs. It also recognises destitute women, homeless elders, elders with disabilities as groups that are especially vulnerable given their marginalisation on account of factors in addition to their age. Such classification is welcome, as the degree of vulnerability a group suffers from is informed by their demographic. Aligned with this, It is critical for the policy to explicitly identify LGBTIA+ elders as a vulnerable class, given the systemic discrimination they face on account of their identities and the absence of natal family support.

⁷⁰ Ibid, pg. 8.

- **Tailoring Measures:**

The Senior Policy provides that the State will collect gender-based data to ensure policies are effective and backed by evidence. It is critical that gender-based data also includes data pertaining to transgender persons. Further, the State should consult LGBTIA+ civil society organisations to identify the specific vulnerabilities that LGBTIA+ elders face. This will allow the State to tailor schemes to meet their needs.

- **Queer Inclusive Geriatric Healthcare:**

The Senior Policy prescribes several measures for accessible geriatric healthcare. It provides that the State will establish specialised centres for the elderly, comprising multidisciplinary teams in all district hospitals. Such a team of healthcare professionals should be supported by doctors who have experience in providing queer affirmative healthcare. Certain district hospitals providing queer inclusive healthcare may be earmarked and actively advertised to the community through the State TG Board and local media.

- **Inclusive Social Security Schemes:**

The Senior Policy provides that “The State will consider reviewing the existing norms of Social Security Schemes to ensure easy access, adequate coverage and effective redressal of grievances to all needy elders including elderly single, destitute, widow, differently abled elders who are above 60 years of age”. It is critical to explicitly include LGBTIA+ elders above the age of 60 years in this exercise.

- **Senior Homes:**

The Senior Policy provides for interim shelters for senior citizens who are homeless, strengthening old age homes (including government aided homes) and developing standard operating protocols for management of old age homes. Two measures are recommended:

- ◊ one, certain government or government aided old age homes be earmarked for the LGBTIA+ community, and
- ◊ standard operating protocols prescribe LGBTIA+ inclusive mandates for queer elders. This would include explicit prohibition of discrimination, as well as guidelines to ensure creation of safe spaces for the community in such homes.

- **State Council for Welfare of Senior Citizens:**

The State Council for Welfare of Senior Citizens should engage with the State TG Board to ensure dialogue and collaboration towards efforts for monitoring and enforcement for LGBTIA+ elders.

Queer Inclusive Senior Policy:

The Tamil Nadu Government provides for several pension schemes for different vulnerable groups, including vulnerable elders. Pensions schemes cover destitute women, widowed women, persons with disabilities, landless agricultural workers, amongst others. The India Gandhi National Old Age Pension Scheme (‘IGNOAPS’) covers all destitute persons over the age of sixty. While transgender elders who are associated with civil society organisations have registered for IGNOAPS and are able to avail pension benefits, this is not the case for the community at large. Towards this end, two measures are recommended: (a) the State TG Board and the District Committee must actively identify and assist transgender elders to register for the IGNOAPS, and (b) an LGBTIA+ old age pension scheme may be considered for LGBTIA+ elders above the age of 60.

⁷¹ Chennai District, ‘OAP Eligibility’, Government of Tamil Nadu (27 January 2026) <<https://chennai.nic.in/oap-eligibility/>> accessed 4 February 2026.

⁷² Shared in the course of consultations carried out with transgender women in Pollachi.

CHAPTER 5



Queer Inclusive Education

Background

The right to free and compulsory education is reflected in Article 21A of the Indian Constitution, which guarantees education as a fundamental right for children between the ages of 6 and 14 years. In furtherance of this constitutional mandate, the central government passed the Right of Children to Free and Compulsory Education Act, 2009 ('RTE Act') to reinforce this right and the manner in which it would be operationalised. The RTE Act clarifies that the right to free and compulsory elementary education extends to all children,

specifically defining and bringing children belonging to 'disadvantaged groups' within its ambit. The broad definition of 'children belonging to disadvantaged groups' has been expanded by some State Governments to include transgender children within its ambit.¹ In parallel, India's education laws have evolved to incorporate gender inclusivity to include transgender persons through executive action, judicial decisions and legislative change.

In NALSA, the Supreme Court of India affirmed the constitutional rights of transgender persons, recognising gender identity as integral to personal autonomy, dignity, and equality and directed governments to treat transgender persons as socially and educationally backward classes for reservations in education and employment. The University Grants Commission ('UGC') issued multiple guidelines requiring universities to adopt transgender-inclusive admission processes, provide gender-neutral infrastructure,² and establish grievance redressal mechanisms.³ The Union Government enacted the TG Act, 2019, which prohibits discrimination in education⁴ and mandates that all educational institutions, funded or recognised by the State,⁵ provide

¹ GNCDT, Directorate of Education, Notification No. F.DE.15/ Act- 1/08/155/2013/28012-22, (26 December 2014) < <https://it.delhigovt.nic.in/writereaddata/Cir2015521533.pdf> >; See also: Government of Tamil Nadu, G.O.(Ms) No. 174, School Education (C2) Department: Notifications under The Right of Children to Free and Compulsory Education Act, 2009 <https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/Tamil_Nadu-DDWS2.pdf>; See also: S 2, RTE Act 2009 defines "child belonging to disadvantaged group" as a child belonging to the Scheduled Caste, the Scheduled Tribe, the socially and educationally backward class or such other group having disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification. Ss 35 and 38 empower the appropriate government to effectively implement the Act. It also provides for the appropriate government to issue guidelines and directions for the same.

² University Grants Commission 'COMPREHENSIVE ACCESSIBILITY GUIDELINES AND STANDARDS FOR HIGHER EDUCATION INSTITUTIONS AND UNIVERSITIES (DRAFT)', (2021) <https://www.ugc.gov.in/pdfnews/8381868_Draft-Guidelines-UGC_20-Feb-2021.pdf> accessed on 03 February 2026.

³ Business Standard 'Enrolment of Transgenders in Higher Educational Institutions', (2016), https://www.business-standard.com/article/government-press-release/enrolment-of-transgenders-in-higher-educational-institutions-116050501391_1.html > accessed on 04 February 2026. See also: Saksham, Advisories, <<https://saksham.ugc.ac.in/Home/advisor>> accessed on 03 February 2026.

⁴ S 3, TG Act.

⁵ S 13, TG Act.

inclusive education⁶ environments for transgender persons.⁷ Rule 11 of the TG Rules, 2020 further strengthens the promise of non-discrimination and mandates that the Government “take adequate steps to prohibit discrimination in any Government or private organisation, including in the areas of education”.

Together, these legal developments reflect a shift from a narrow focus on mere admission to schools, towards a broader conception of inclusion for transgender persons that requires institutional transformation. Despite this evolving framework, gaps remain and implementation is poor.⁸

The RTE Act, enacted prior to the Supreme Court’s recognition of gender identity rights in *NALSA* does not expressly articulate standards for gender-inclusive education. However, as a result of the above-mentioned legal developments, there is now a mandate to ensure that both school education policies (governed by the Department of School Education) and higher education policies (governed by the Department of Higher Education) are inclusive of transgender students. While the RTE framework applies primarily to school education, the constitutional mandate of inclusive education extends equally to higher education institutions through the TG Act, 2019, UGC regulations, and binding judicial directions. However, much like earlier debates distinguishing “integration” from “inclusion,” true inclusion requires more than just admission; it requires systemic adaptations to ensure that the

educational system adapts to the child (inclusion), rather than compelling the child to conform to institutional norms (integration).⁹

Courts have reinforced this position. In *Jeeva M.*,¹⁰ the Karnataka High Court directed recognition of self-identified name and gender in educational records. In *Anamika*,¹¹ the Kerala High Court held that transgender students must be allowed to compete in their chosen category in sports. In *Yashika*,¹² the Punjab and Haryana High Court intervened where a transgender student was denied hostel accommodation. Most recently, the Supreme Court in *Supriyo* and *Jane Kaushik* again expanded the scope of inclusive education. They emphasised the need to reassess educational systems with the specific goal of ensuring academic, cultural, and physical inclusion for not only transgender, but students with intersex variations, and gender non-conforming students at both higher education and school levels.¹³ Notably, the National Education Policy, 2020, only refers to the inclusion of the transgender children as one of its goals, not mentioning the LGBTIA+ student population as a whole.¹⁴

In this sense, the constitutional promise of inclusive education demands not only access to schooling and university for LGBTIA+ students but the creation of an educational environment that affirms their identity, dignity, and full participation.

⁶ ““inclusive education” 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”, S 2(d), TG Act.

⁷ S 8, TG Act.

⁸ *Jane Kaushik v Union of India*, para 126. Kaavya Mukherjee Saha vs. Union of India & Ors. See also: Aishwarya Iyer, ‘Trans Rights: Plea in Supreme Court seeks inclusive sexuality education’, *Law Beat*, (02 September 2025), available here: <https://lawbeat.in/news-updates/trans-rights-plea-in-supreme-court-seeks-inclusive-sexuality-education-1516609>; Dipika Jain et. al., ‘Education Equity for Transgender and Gender-Diverse Persons in India: Insights Into Implementation Hurdles’, 32 *Michigan Journal of Gender & Law* 1 (2025), available here: <https://repository.law.umich.edu/mjgl/vol32/iss1/2/>

⁹ Umesh Sharma and Deppeler Joanne, ‘Integrated Education in India: Challenges and Prospects’ (2005) 25 *Disability Studies Quarterly* 1.

¹⁰ W.P. No. 12113/2019. See also: *Vinod H.N. v. State of Karnataka and Others*, W.P. 32978/2013.

¹¹ W.P. (C) No. 24571 of 2022 (V).

¹² CWP-5782-2022.

¹³ *Jane Kaushik v Union of India* (2023) SCC OnLine SC 1241, Para 198 (iii). See also: Kumari Sarika and Sucharita Maji ‘Victimization Experienced by LGBTQIA+ Students in Academic Institutions: A Qualitative Exploration in India’, *Psychology in the Schools* (Volume 62, Issue 6 June 2025), <<https://onlinelibrary.wiley.com/doi/10.1002/pits.23433>>

¹⁴ National Education Policy, 2020 <https://www.education.gov.in/sites/upload_files/mhrd/files/NEP_Final_English_0.pdf>

Legal Developments in Tamil Nadu



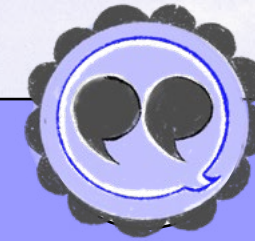
Tamil Nadu has introduced measures including tuition and hostel support for transgender students,¹⁵ inclusion in schemes such as *Pudhumai Penn* and *Tamil Pudhalvan*,¹⁶ and a one-time fee waiver for name, gender and photograph changes in academic certificates.¹⁷ However, access is often conditioned on possession of a State TG identity card. Delays, inconsistent district practices and intrusive verification create admission-stage barriers.¹⁸ A key judicial decision to note is the *Sushma* case, in which the Court issued directions with direct implications for educational institutions in Tamil Nadu.

¹⁵ சென்னை மாவட்டம் Chennai District, 'Government will cover all educational expenses, including tuition and hostel fees, for transgender individuals pursuing higher education', (30 June 2025), available here: <https://chennai.nic.in/government-will-cover-all-educational-expenses-including-tuition-and-hostel-fees-for-transgender-individuals-pursuing-higher-education/> and TNN, 'Tamil Nadu Budget 2024: State to cover higher education expenses of transgender students', The Education Times, (09 February 2025), available here: <https://www.educationtimes.com/article/newsroom/99734872/tamil-nadu-budget-2024-state-to-cover-higher-education-expenses-of-transgender-students>

¹⁶ திருவள்ளூர் மாவட்டம் Tiruvallur District, 'Transgender women pursuing higher education can register with the college to join the "Puthumai Pen and Tamil Puthalvan" program and benefit from a monthly scholarship of Rs. 1,000.', (02 July 2025), available here: <https://www.tnpsctheruvupettagam.com/currentaffairs-detail/education-schemes-for-transgender-and-intersex-persons> and https://tiruvallur.nic.in/pr-515_01072025/

¹⁷ Mugil Anbu Vasantha, 'Transgender students to get one-time free changes in educational documents in Tamil Nadu: Government Order', Transgender Despatch Online, (12 August 2024), available here: <https://transgenderdespatch.online/transgender-students-to-get-one-time-free-changes-in-educational-documents-in-tamil-nadu-government-order/>

¹⁸ Meghna M, 'Create awareness on college-level scholarship for transpersons in Tamil Nadu: activists', The Hindu, (11 June 2025), available here: <https://www.thehindu.com/news/national/sc-seeks-centre-ncert-response-on-plea-seeking-transgender-inclusive-sexuality-education/article69999968.ece>



"Ensure availability of gender-neutral restrooms, change of name and gender on academic records, inclusion of 'transgender' in addition to M and F gender columns in application forms for admission, appointment of counsellors who are LGBTQIA+ inclusive."

S. Sushma v. Commissioner of Police

The Court also pressed for reform in curriculum, encouraging the inclusion of transgender-inclusive National Council of Educational Research and Training ('NCERT') modules,¹⁹ recognising that exclusion is reproduced not only through infrastructure, but also through pedagogy and socialisation within schools.²⁰

Aligned with *Sushma*, the Community Policy, 2024 adopted an inclusive approach to expanding educational access. It proposed horizontal reservation in education and advocated for revision of state curriculum to reflect gender diversity and recommended prohibiting the enforcement of gendered norms such as uniforms and access to gendered washrooms on gender non-conforming students. In contrast, the State Policy, 2025 does not make LGBTQIA+ students direct beneficiaries of the education-specific protections and welfare measures. It also fails to mention the long-standing demand for horizontal reservations.

¹⁹ Upasana Sajeev, 'NCERT Module To Integrate Transgender Concerns In School Curriculum Pending Since 2 Yrs, Show More Sensitivity: Madras HC To WCD Ministry', (20 September 2024), available here: <https://www.livelaw.in/high-court/madras-high-court/madras-high-court-ministry-women-and-child-development-priority-to-lgbtq-issues-270158>

²⁰ *S Sushma v Commissioner of Police*, W.P. No. 7284 of 2021, Para 43.



Inputs from Consultations

Institutional Barriers to Inclusion Beyond Admission

Consultations confirmed that exclusion persists beyond admission. Key concerns included refusal to update records, unsafe hostel access, rigid uniform rules, absence of trained counsellors, and non-functional Complaint Officers under the TG Act. Welfare schemes alone are insufficient without enforceable institutional standards. Sexual minorities remain largely invisible within current frameworks.

Divergent Views on Accommodation & Documentation Frameworks

While many participants called for gender-inclusive or self-identified-gender-based hostel accommodation, others expressed concern that poorly designed “separate” arrangements could lead to surveillance or segregation rather than safety and inclusion. Similarly, there were differing views on documentation thresholds: some stakeholders supported interim affidavits for admission and record updates, while others cautioned against creating new bureaucratic layers that could be unevenly enforced at the district or institutional level.

Administrative Facilitation & the Role of Community Consultation

Stakeholders stressed the importance of administrative facilitation rather than exceptional accommodation. There was also consensus that community consultation must be embedded at the stage of drafting formats, protocols, and training modules, to ensure that measures intended to protect students do not inadvertently end up in exclusion.



Recommendations

Education falls under Entry 25 of the Concurrent List in the Seventh Schedule, allowing Parliament to set minimum standards (e.g., the RTE Act and the University Grants Commission Act, 1956 under Entry 66) while States retain broad regulatory and implementation powers. State universities established by State laws are subject to State regulation, in contrast to universities established under Union laws, which fall within the regulatory framework of the Union Government.

Table 9

A snapshot of educational structure in Tamil Nadu

	Departments & Authorities	Jurisdiction & Duties
School Education	* Department of School Education, Government of Tamil Nadu (includes: Directorate of Elementary Education, Directorate of School Education, Directorate of Government Examinations, District Institutes of Education and Training, Directorate of Private Schools) * Tamil Nadu State Council of Educational Research and Training * Tamil Nadu State Common Board of School Education	* Regulation, recognition, and administration of Government schools, Government-aided schools, and Private unaided schools recognised under the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973, and the Tamil Nadu Uniform System of School Education Act, 2010 * Implementation of obligations under the RTE Act, Tamil Nadu RTE Rules, TG Act and the TN Rules insofar as they apply to elementary and secondary education * Issuance of binding executive directions to recognised schools, including in relation to admissions, curriculum, infrastructure, grievance redressal, and compliance with judicial directions * Curriculum design, teacher training, textbook development, and unified syllabus standards
Higher Education	* Department of Higher Education, Government of Tamil Nadu * Tamil Nadu State Council for Higher Education	* Regulation and administrative oversight of State Universities, Government colleges, Government-aided colleges, Private universities established under Tamil Nadu Private Universities Act, 2019, and colleges under State University Acts (e.g., University of Madras, Anna University) * Issuance of executive directions under relevant State University Acts governing admissions, reservation, institutional governance, hostel and residential accommodation, student welfare, and compliance monitoring * Ensuring compliance with the Tamil Nadu State Council for Higher Education Act, 1992, TG Act, applicable/adopted UGC regulations, and binding judicial directions.

Although protections exist under the TG Act, 2019; RTE Act and binding judicial directions, their effectiveness depends on State measures towards implementation. The State Government has ample authority to amend legislations, issue binding directions through Government Orders and establish institutional protocols through operational guidelines and SOPs.

Issue: 01

Exclusionary & hostile admission procedures at schools & universities

Admission processes in schools and universities structurally exclude LGBTIA+ students. Forms enforce binary categories and heteronormative family structures, while documentation requirements operate as de facto barriers. Many transgender students lack certificates reflecting their self-identified name and gender due to family rejection, migration, or administrative refusal to update records. Despite State fee-support schemes, institutions often demand upfront payment, shifting financial burdens onto students.

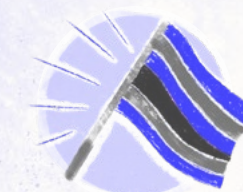


**Instrument:
Executive**



Nodal Authority:

Department of **Social Welfare & Women Empowerment**; Department of **School Education**; Department of **Higher Education**; State Council of **Educational Research & Training** & Tamil Nadu State Council for **Higher Education**.



Proposed Step:

Inclusive Process of Admission into Educational Institutes

The Department of School Education (for schools) and the Department of Higher Education in collaboration with the Tamil Nadu State Council for Higher Education (for State universities) should issue orders providing for the following measures, in furtherance of the State's inclusive education obligations under section 8(c) of the RTE for school education, and the inclusive education mandate under the TG Act, 2019:

- mandatory use of gender-inclusive terminology across all admission forms, registers, examination records, and digital portals, including provision of a third gender field beyond binary options. This should include: 'male', 'female' and 'transgender person'. The term 'other' must be avoided;
- use of "parent/guardian name" in place of gender-specific identifiers such as "father's name" or "mother's name to include same sex/gender parents;
- acceptance of a self-attested affidavit declaring the student's self-identified gender for the limited purpose of ensuring immediate, non-discriminatory access to admission, which shall be sufficient to provisionally secure admission and associated benefits for a defined interim period (e.g., six months), within which statutory identity documentation may be submitted; and
- sensitisation and capacity-building programmes for admission officials at school and university levels, coordinated by State Council of Educational Research and Training (for schools) and the Tamil Nadu State Council for Higher Education (for universities), to ensure admission-related documentation is examined confidentially and in a non-discriminatory manner.

Payments For Admission and Fees

Akin to the National Portal for Transgender Persons, which provides a scholarship dashboard²¹ with single-point application and tracking of the same, the Department of Social Welfare and Women Empowerment, in collaboration with the State TG Board, should operationalise a state-specific dashboard

²¹ National Portal for Transgender Persons, Ministry of Social Justice and Empowerment, Government of India, Scholarship Dashboard, <https://transgender.dosje.gov.in/Applicant/Registration/ApplyNow_2#> accessed on 20 February 2026

for students to access all available and applicable scholarships in the state. Additionally, to smoothen the operation of already existing schemes, the Department of School Education (for schools) and the Department of Higher Education (for universities) should issue orders providing that:

- no school or college or university, where a transgender student is eligible for a State-sponsored scholarship, shall deny, delay, or condition admission, or hostel allotment; and
- compliance with State scholarship or fee-reimbursement schemes shall include provision for deferred payment or instalment-based schedules aligned with scholarship disbursement timelines.

Issue: 02

Absence of reservation in higher educational institutions

While the State Policy, 2025 recognises transgender persons as socially and educationally most disadvantaged and commits to ensuring representation in education, it is silent on reservations in educational institutions. This despite the binding mandate

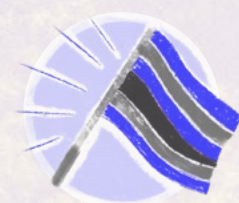
in NALSA on this issue. At present, reservation entitlements remain unclear across higher educational institutions. In practice, classification of transgender persons under the MBC category has not translated into meaningful access to reservations in higher education. Judicial directions of the Madras High Court, including recent orders calling upon the State to consider a fixed percentage of reservation in education, underscore the need for a clear, state policy applicable to higher education admissions (See, **Chapter 1**).²²



**Instrument:
Executive**



**Nodal Authority:
Department of Higher
Education.**



Proposed Step:

Transgender persons must be extended compartmentalised horizontal reservations in admissions to higher education institutes in the State. Such an approach recognises transgender persons as a gender-based category while preserving access to caste-based

²² S Sushma v Commissioner of Police, W.P. No. 7284 of 2021.

reservations for those belonging to Scheduled Caste, Scheduled Tribe, and Other Backward Classes. In Tamil Nadu, vertical reservations are governed by the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and Appointments in the Services under the State) Act, 1993. Horizontal reservations operate through Government Orders.²³ The Department should revise all admission-related Government Orders to include “Transgender Persons” as a horizontal category across streams, with the percentage determined through consultation and data (See, **Chapter 1**).

Issue: 03

Exclusionary & hostile school & university environments

While admission itself remains a barrier, even students who secure entry face daily institutional discrimination that undermines their ability to continue education with dignity.²⁴ Uniform and grooming codes remain

²³ Department of Higher Education, Government of Tamil Nadu, ‘Guidelines for Admission of Students to UG/PG Courses in Government /Government Aided/ University Constituent/ Self-financing Colleges of Arts and Science for Academic Year 2020-21’ (Collegiate Education Order) <https://www.drngpasc.ac.in/pdf/naac/criterion_2/State-Government-Reservation-Policy.pdf> accessed on 04 February 2026.

²⁴ Husain Aanis Khan, ‘Without inclusive curricula, transgender students’ access to education is a half victory’, (17 October 2025), available here: <https://indianexpress.com/article/opinion/columns/transgenders-students-access-education-10312387/>

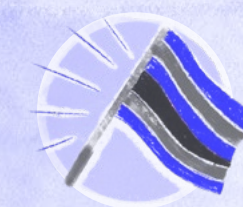
rigidly gender-binary, rendering gender-diverse students non-compliant by default.²⁵ The absence of counsellors trained in queer-affirmative support and teachers who are not sensitised towards the issues faced by queer students exacerbates the impact of bullying, family rejection, and institutional neglect. Transgender students are frequently denied gender inclusive hostel accommodation or are placed in unsafe or unsuitable hostels.²⁶



Instrument: Executive



Nodal Authority: Department of **School Education**, Department of **Higher Education**; **State Common Board** of School Education & **Tamil Nadu State Council** for Higher Education.



Proposed Step:

Inclusive Infrastructure, hostel and toilet facilities:

The following measures may be taken by the (i) Department of School Education, exercising their powers under the RTE framework and (ii) the Department of Higher Education, exercising their powers under State University Acts in accordance with UGC regulations²⁷:

- direct schools, universities and colleges to adopt policies for residential accommodation consistent with a student's self-identified gender and personal choice. If a student does not wish to be accommodated in either male or female hostels, schools and universities may, based on available infrastructure, designate a separate wing, ensuring the student is not socially isolated. Pending final allocation, institutions shall provide interim accommodation to prevent denial of access;
- ensure the construction of gender-neutral restrooms, with single-occupancy units, in hostels and academic buildings in existing and new constructions. These should be easily accessible and located in high-traffic areas; and
- mandate training and periodic sensitisation of

²⁵ Sheetal Banchariya 'School uniforms: Struggles, trauma of gender diverse students', Indian Express, (4 December 2021), available at: <https://indianexpress.com/article/education/school-uniforms-struggles-trauma-of-gender-diverse-students-7647501/>

²⁶ 1 in 3 Chennai LGBT students drops out of school due to bullying, Times of India, (18 November 2017) <<https://timesofindia.indiatimes.com/city/chennai/1-in-3-chennai-lgbt-students-drops-out-of-school-due-to-bullying/articleshow/61695670.cms>> accessed on 15th February 2026.

²⁷ For example, the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2026. See also: 'UGC directed universities to include a "transgender" category in application forms', Press Trust of India, 'Universities asked to include column for transgenders in forms' The Economic Times (7 May 2015) <<https://economictimes.indiatimes.com/industry/services/education/universities-asked-to-include-column-for-transgenders-in-forms/articleshow/47188470.cms>> accessed 21 February 2026. See: UGC issued gender sensitisation guidelines including appointing "gender champions", Times of India, 'UGC directs universities to appoint gender champions to increase inclusivity' Times of India (8 June 2023) <<https://timesofindia.indiatimes.com/education/news/ugc-directs-universities-to-appoint-gender-champions-to-increase-inclusivity/articleshow/100849419.cms>> accessed 21 February 2026.

headmasters, hostel wardens, School Management Committees, residential supervisors, anti-ragging committees, and transport authorities to operationalise inclusive infrastructure and residential accommodation norm.

No-Discrimination in Dressing and Uniform Requirements at Schools:

The Department of School under the Tamil Nadu RTE Rules may through a circular, encourage schools in the State to:

- release model guidelines to be followed by schools promoting gender inclusive-practices (for instance, discouraging sex based segregation in assembly lines, seating arrangements, and sex stereotyping in allocation of classes such as tabla for boys, dance for girls, etc.), recognising that such measures are necessary to address broader structural gender norms that disproportionately impact students at an impressionable and vulnerable age; and
- encourage a gender-inclusive uniform option in accordance with the student's self-identified gender expression or identity, (e.g., choice to choose between trousers or skirts).

Mental Health Support for Students:

The Department of Social Welfare and Women Empowerment shall issue standardised sensitisation modules, which shall be adopted and implemented by the Departments of School Education and Higher Education within their respective jurisdictions, in compliance of Section 31 of the Mental Healthcare Act 2017²⁸:

- direct institutions to appoint qualified counsellors or establish formal referral linkages with a State-approved panel of professionals experienced in inclusive, SOGI-affirmative, and trauma-informed support;
- establish district-level tele-counselling and referral systems in districts lacking in-house counsellors to ensure universal access to mental healthcare;
- mandate strict confidentiality protocols to ensure that any disclosure of information pertaining to a student's gender identity or sexual orientation to school personnel in a private or support-seeking context, or otherwise is treated as confidential. Such information shall not be disclosed to parents, guardians, or other staff or any other person without the student's informed and explicit consent;
- the State of Tamil Nadu launched the '14417' Education Helpline²⁹ to address queries by students and parents on higher education and has expanded its mandate to provide psychological support to students with depression. It may consider incrementally integrating holistic mental health support into the helpline and ensure that those operating it are trained on issues of gender and sexuality amongst adolescents; and
- require annual reporting on the utilisation of counselling services and mental health outreach.

²⁸ S. 31 (1), Mental Healthcare Act, 2017: "Appropriate Government to take measures as regard to human resource development and training, etc.—(1) The appropriate Government shall take measures to address the human resource requirements of mental health services in the country by planning, developing and implementing educational and training programmes in collaboration with institutions of higher education and training, to increase the human resources available to deliver mental health interventions and to improve the skills of the available human resources to better address the needs of persons with mental illness".

²⁹ India Today Web Desk, 'New toll free helpline launched by Tamil Nadu govt to provide solutions to students' queries' India Today (4 March 2018) <https://www.indiatoday.in/education-today/news/story/new-toll-free-helpline-launched-by-tami-nadu-government-to-provide-solutions-to-students-queries-1181526-2018-03-04> accessed 20 February 2026.

Staff and Parent Sensitisation:

The Department of Social Welfare and Women Empowerment may direct the District Level Committees under the TG Act, 2019 to conduct teacher, administrative staff, and parent-centred sensitisation programmes, through forums such as the parent-teacher associations, supported by standardised information, education, and communication ('IEC') materials in Tamil, English, and other applicable languages. The Department of School Education and Higher Education shall integrate completion of such sensitisation into institutional compliance reviews.

Inclusive Educational Material at Schools:

To address this, for the schools falling under the Tamil Nadu Uniform System of School Education Act, 2010, the State Common Board of School Education and the State Council of Educational Research and Training, Tamil Nadu ('SCERT') in general may undertake the following steps:

- incorporate gender and sexuality as part of the syllabus and incorporate age-appropriate modules on gender diversity and constitutional values relating to equality and dignity within the prescribed curriculum; and
- undertake periodic review of published textbooks and learning materials to ensure consistency with gender-inclusive educational frameworks and advisories issued by NCERT.

For universities and colleges falling under the regulatory control of the Department of Higher Education, such as State Universities, the Department may take the following steps:

- direct the universities and colleges³⁰ to incorporate gender and sexuality as part of the appropriate courses and incorporate modules on gender diversity and constitutional values relating to equality and dignity within the prescribed curriculum.

For both schools and higher education institutions, the appropriate Departments should:

- issue teacher handbooks and library acquisition advisories to schools encouraging the availability of age-appropriate reference and supplementary materials that support awareness of diversity and inclusion; and
- clarify, through circulars, that the use of supplementary educational materials aimed at promoting age-appropriate understanding of gender and sexuality, diversity and inclusion is permissible, subject to existing academic and institutional guidelines.

³⁰ For example, under S. 24 (1) (f), Madras University Act, 1923 provides that the Academic Council of the University of Madras has the power to "make regulations regarding courses of study, examinations and the conditions on which students of University colleges and laboratories and of affiliated and approved colleges shall be admitted to examinations of the University".

Issue: 04

Need *for* strengthened monitoring & enforcement & grievance redressal mechanisms

Tamil Nadu's progressive policies often fail at the last mile because of a monitoring and grievance redressal vacuum. While the Madras High Court in *Sushma* has provided a blueprint for inclusion and identified a range of executive measures to be undertaken by different stakeholders including the government to address the concerns of the LGBTIA+ community, implementation remains contingent on sustained oversight and accessible enforcement structures.³¹

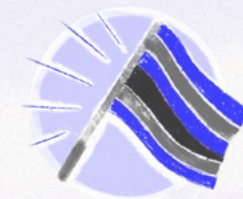


**Instrument:
Executive**



Nodal Authority:

Department of **Social Welfare** & Women Empowerment;
Department of **School Education** & Department of **Higher Education**



Proposed Step:

Operationalising Grievance Redressal for Transgender University and School Students under the Tamil Nadu TG Rules:

The Department of Social Welfare and Women Empowerment must move grievance redressal from a nominal to an operational framework under the Tamil Nadu TG Rules. Additionally, under Rule 10(4) of the Tamil Nadu TG Rules, all educational institutions must constitute a committee for transgender persons to address harassment or discrimination that such students may face. To operationalise this, the Department must by an Order:

³¹ *S Sushma v Commissioner of Police*, W.P. No. 7284 of 2021, Para 43, Para 43 (H) 5.

- standardise the composition of such committees to include at least one external member with demonstrated experience in gender issues, and require gender diversity within the committee;
- provide for a model framework for inquiry, with the following minimum content:
 - ◊ form for receipt of complaint,
 - ◊ process of inquiry and applicable timelines,
 - ◊ provisions to ensure the confidentiality;
 - ◊ adherence to the principles of natural justice throughout all stages of the inquiry; and
 - ◊ communication of outcomes to the relevant parties; and
- require quarterly reporting by the committees to the Department, and the State TG Board, including data (disaggregated and anonymised) on complaints received, disposed of, and pending.

Grievance Redressal for LGB Students:

The Department of School Education should by an Order:

- expand the mandate of the School Management Committee to include SOGI-based discrimination, as per Rule 14 (9) (j) of the Tamil Nadu RTE Rules, 2011, by which all schools are required to constitute a School Management Committee with a special function to “ensure that no child is subject to physical or mental harassment”; and
- clarify that “mental harassment” includes harassment on the basis of sexual orientation, gender identity, or gender expression, mandate that SMCs include at least one parent or community member from the LGBTIA+ community or sensitised on LGBTIA+ issues where possible and require SMCs to maintain confidential complaint registers along with regular reporting mandate to the Department.

The Department of Higher Education should by an Order direct the State universities to:

- mandate an existing student grievance redressal body (for example, the Student Grievance Redressal Cell at the University of Madras and Anna University³²) to explicitly receive and redress complaints relating to SOGI issues; and
- require mandatory reporting from such redressal bodies, in the form of an annual report, and also report the publication notice of the constitution of the body.

Data collection for Monitoring and Evidence-based policy formulation:

Both Departments of School and Higher Education shall examine how anonymised collection of data on admissions, dropout, scholarship utilisation, hostel allocation, and grievance complaints relating to queer students may be collected, to enable evidence-based policy calibration in the future. Towards this end, the District Level Committees envisaged for implementation under the State Policy, 2025 may be leveraged.

³² Student Grievance Redressal Cell, University of Madras, <<https://www.unom.ac.in/index.php?route=committee/sgrc>>; See also: Student Grievance Redressal, Anna University <<https://annauniv.edu/dsa/grievance-redressal-mechanism.html>> both accessed on 23 February 2026.

Issue: 05

Need *for* amendment *to the* anti-ragging legislation

While the Tamil Nadu Prohibition of Ragging Act, 1997 and the rules under it³³ establishes a framework to curb ragging in higher educational institutions, it does not explicitly recognise harassment or victimisation on the basis of sexual orientation, gender identity, or gender expression as a distinct form of ragging.³⁴ In practice, queer and transgender students frequently experience targeted bullying, social exclusion, verbal humiliation, and intimidation that may not be recorded or addressed as “ragging” due to the absence of explicit statutory language.³⁵



Instrument:
Executive

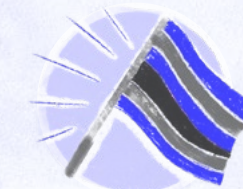
³³ Tamil Nadu Prohibition of Ragging Rules, 1999.

³⁴ S. 2, Tamil Nadu Prohibition of Ragging Act, 1997.

³⁵ Dipika Jain, Natasha Aggarwal, Kanmani Ray, Surbhi Karwa, Disha Chaudhari and Rishav Devrani, ‘Education Equity for Transgender and Gender-Diverse Persons in India: Insights into Implementation Hurdles’ (2025) 32 Mich J Gender & L 1 <<https://repository.law.umich.edu/mjgl/vol32/iss1/2/>> accessed on 23 February 2026.



Nodal Authority:
Department of **Higher Education.**



Proposed Step:

To this end, the Department of Higher Education should publish an order clarifying that under Section 2 of the Tamil Nadu Prohibition of Ragging Act, 1997 i.e., the definition clause, “ragging” will also include “any act of harassment, discrimination, bullying, intimidation, or victimisation directed at a student on the basis of sexual orientation, gender identity, or gender expression” and outline the duty of educational institutions to comply with the mandate to provide inclusive education under the TG Act, 2019.³⁶ Such a clarification is necessary to remove ambiguity in enforcement, ensure that transgender, queer and gender-diverse students are unequivocally protected within the statutory anti-ragging framework, and align the State’s anti-ragging law with constitutional guarantees of non-discrimination for LGBTIA+ persons.

³⁶ S. 13, TG Act, 2019.

CHAPTER 6



Protection of Queer Minors

Background

Minors¹ are persons who have not attained the age of legal majority and are entitled to special protections in law. In India, the primary legal doctrine governing minors is the 'best interest of the child' often framed as the 'welfare of the child' principle by Indian Courts. The Juvenile Justice (Care and Protection of Children) Act, 2015 ('JJ Act') is the primary legislation governing minors in India. It classifies them into two categories

namely 'children in conflict with the law'² and 'children in need of care and protection'.³ Decisions relating to both categories are informed by the best interest of the child doctrine which the JJ Act defines as, 'the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development'.⁴ Consequently, even though minors do not have the entire range of rights that adults do, their well-being is a central tenet informing legislative, policy and judicial decisions concerning them.

Further, the law does not treat all minors at par. For example, the Rights of Persons with Disabilities Act, 2016 identifies "women and children with disabilities" as a distinct class needing additional protection.⁵ Similarly, several State measures are directed towards ensuring the well-being of female children⁶ given they may be subject to systemic discrimination on account of their sex. Similar guarantees are especially crucial for minors who are trans or are sexual minorities, as they are more vulnerable to heightened risks of family rejection, homelessness, learning discontinuity and mental health issues.

Psychology and public health studies confirm that LGBTIA+ adolescents experience markedly higher levels of bullying, stigma, and mental distress (anxiety, depression, suicidal ideation) than their peers.⁷ A majority

¹ The terms 'children' and 'minor' are being used interchangeably in this chapter. Both refer to persons below the age of 18 years.

² A child in conflict with law is defined as 'means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence' (JJ Act, 2015, s 2(13)).

³ A child in need of care and protection includes children who are found begging, working in contravention of labour laws, runaway children, children whose parents or guardians are unfit to care for them, amongst others (JJ Act 2015, s 2(14)).

⁴ JJ Act, 2015, S 2(9).

⁵ JJ Act, 2015, S 4.

⁶ For instance see initiatives such as Beti Bachao, Beti Padhao Yojana.

⁷ Gaur PS, Saha S, Goel A, Ovseiko P, Aggarwal S, Agarwal V, Haq AU, Danda D, Hartle A, Sandhu NK, Gupta L, 'Mental healthcare for young and adolescent LGBTQ+ individuals in the Indian subcontinent' (2023) 14 Front Psychology <<https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2023.1060543/full>> accessed 5 February 2026.

of the studies in India focus on transgender individuals who are employed in survival sex including adolescents who are excluded by family and/or society and represent a marginalised community.⁸ For many, gender dysphoria, lack of social acceptance, exposure to discrimination and vulnerability to abuse from family and society manifest into profound isolation and poor coping mechanisms.⁹ While there exists no literature specifically examining the vulnerability of SOGI minors in child-care institutions, the existing literature on law enforcement's treatment of transgender persons is embedded in often infrastructural issues,¹⁰ unspoken dehumanisation, surveillance, misgendering and violence,¹¹ exemplifies the heightened risks of vulnerability faced by minors in such settings. Thus, juvenile justice and child-rights protections must explicitly account for their vulnerabilities to ensure safe and holistic development.

In India, the law is largely silent on the rights of LGBTIA+ minors. The TG Act, 2019 provides that in case a transgender person is a minor, an application for certificate of transgender identity has to be made by the parent or legal guardian of the minor.¹² Additionally, the Supreme Court has asked the Central government to file their response to a petition filed by activist Gopi Shankar M, which argued that sex-reassignment operations on intersex minors should require strict oversight

or be barred.¹³ These medical interventions are often conducted without proper oversight and can have severe consequences for the physical and sexual health of the person. Beyond this, LGBTIA+ minors have not been the focus of the State.

Comparative law demonstrates statutory recognition of a minor's right in matters of gender identity, and protection against 'corrective' medical procedures. For instance, the country of Malta has enacted targeted legislations such as the Gender Identity, Gender Expression and Sex Characteristics Act, 2015 to comprehensively guard intersex and transgender children.¹⁴ Among its key provisions, it explicitly prohibits sex assignment treatment or surgical intervention on the sex characteristics of a person until the person is capable of providing informed consent.¹⁵

In addition to LGBTIA+ minors, it is also important to protect the rights of children in LGBTIA+ families. This is because unlike heterosexual married couples who can jointly adopt children, LGBTIA+ couples cannot do so.¹⁶ Consequently, LGBTIA+ individuals often adopt a child as a single parent and then jointly bring them up with their partners. The partner, unlike the legal adoptive parent, does not have any parental responsibilities or rights in relation to the child. The Supriyo judgement was one of the first cases which explicitly mentioned the rights of children in LGBTIA+ families. Justice Bhat, speaking for the majority, noted the urgency for State action to protect children in queer families and ensure they have rights in relation to both their parents.¹⁷

⁸ UNDP, 'Hijras/Transgender women in India: HIV, Human rights and social exclusion' (2010) <<https://www.undp.org/india/publications/hijras/transgender-india-hiv-human-rights-and-social-exclusion>> accessed 5 February 2026.

⁹ Bhattacharya S. and Ghosh D, 'Studying physical and mental health status among hijra, kothi and transgender community in Kolkata' (2020) 265 India. Soc. Sci. Med. <<https://www.sciencedirect.com/science/article/abs/pii/S0277953620306316>> accessed 5 February 2026.

¹⁰ Harsh Mahaseth and Sparsh Jain, 'The Indian Prison and Search for Equality: The Problems Faced by Transgender Inmates' EPW Engage <<https://www.epw.in/engage/article/indian-prisons-and-search-equality-problems-faced>> accessed 5 February 2026.

¹¹ Bandyopadhyay, M., & Mazumdar, M, 'Avoidance, violence and embodied carcerality: Transgender experiences with police and prisons in India' (2025) 6. Incarceration: An International Journal of Imprisonment, Detention and Coercive Confinement <<https://doi.org/10.1177/26326663251351696>> accessed 5 February 2026.

¹² Namrata Mukherjee, 'Which way is home for transgender minors?', Vartagensex <<https://vartagensex.org/2020/08/29/which-way-home-for-transgender-minors/>> accessed 5 February 2026.

¹³ 'Supreme Court seeks Centre's Response on plea to safeguard rights of intersex infants' Bar and Bench (2024) <<https://www.barandbench.com/news/supreme-court-seeks-centres-response-plea-safeguard-rights-intersex-children>> accessed 5 February 2026.

¹⁴ Gender Identity, Gender Expression and Sex Characteristics Act <https://tgeu.org/files/uploads/2024/08/Malta_GIGESC_2015.pdf> accessed 5 February 2026.

¹⁵ 'Response to the Call for Inputs on Combatting Discrimination, Violence, and Harmful Practices Against Intersex People' OHCHR <<https://www.ohchr.org/sites/default/files/documents/cfi-subm/hc-hcr-res-55-14/subm-preparation-hc-hr-sta-4-malta.docx>> accessed 5 February 2026.

¹⁶ The Central Adoption Resource Authority's notification which prohibited live-in couples from jointly adopting children was challenged in Supriyo v Union of India 2023 INSC 920. While the minority struck it down, the majority upheld it.

¹⁷ Supriyo v Union of India 2023 INSC 920, [547] (Bhat J).



“Given the social reality that queer couples are having to adopt in law as individuals, but are residing together and for all purposes raising these children together - means that the State arguably has an even more urgent need to enable the full gamut of rights to such children, qua both parents. For instance, in an unforeseen circumstance of death of the partner who adopted the child as an individual, the child in question may well become the ward of such deceased’s relatives, who might (or might not) even be known to the child, whereas the surviving partner who has been a parent to the child for all purposes, is left a stranger in the law. Therefore, this is yet another consequence of the nonrecognition of queer unions, that the State has to address and eliminate, by appropriate mitigating measures.”

Supriyo v. Union of India

Legal Developments in Tamil Nadu



Both the Community Policy, 2024 and the State Policy, 2025 have made recommendations for protection of LGBTIA+ minors. The Community Policy, 2024 makes several comprehensive recommendations to address the rights of LGBTIA+ children. This includes: counselling of parents who abuse LGBTIA+ or gender non-conforming children, criminal sanction against conversion therapy of minors, amendments to minor laws to address rights of LGBTIA+ and gender non-conforming minors, sensitisation of frontline workers, and sensitisation of officials such as counsellors, managers and staff of children’s homes, etc. who may interact with LGBTIA+ minors. The State Policy, 2025, in contrast, is narrower in scope and broadly provides for sensitisation of officials under the JJ Act and counselling of parents and families. It restricts such measures to transgender minors and minors with intersex variations. However, both policies are silent on LGBTIA+ families with children, which as noted by the majority in *Supriyo*, exist in a vulnerable state because the child does not enjoy the full range of rights that children in heterosexual families do.



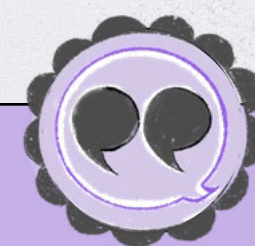
Inputs from Consultations

Legal Invisibility of Transgender & Queer Family Structures

Informal caregiving and adoption arrangements are widespread within transgender communities but remain legally invisible because the State recognises only narrow and stereotypical family forms. As shared by Fred Rogers during the consultation, *“Informal adoptions are fairly common in Tamil Nadu, they do not happen as per CARA Guidelines. For transgender families, the Government’s imagination is limited to (only) the jamaat system”*. The State’s narrow understanding of LGBTIA+ families as only jamaat families precludes it from enacting frameworks recognising other forms of kinship prevalent in the community.

Family Rejection & the Role of *Jamaat Systems* in Survival

The movement of minors into jamaats is repeatedly described as a consequence of family rejection and the absence of any alternative State support system. *“Many transgender persons, particularly transwomen, escape natal families and join jamaats in the absence of alternative support structures”*.¹⁸



Natal families keep abandoning gender non-conforming children without any consequences. The State needs to proactively address this. Many transgender persons who are in begging or sex work were rejected by their natal families and went to the kinnar community for support. Such children often do not have any choice.

**Consultation with Ms. Kalki Subramaniam,
Founder, Sahodari**

¹⁸ Consultations with Fred Rogers.

Queer-Inclusive Foster Care *as a Protective Alternative*

Consultations consistently emphasised that queer adults are willing and well-placed to care for vulnerable children, particularly those who are gender non-conforming. *“Foster care systems must be made queer inclusive. For instance, placing gender non-conforming/ queer children with queer foster parents”*.¹⁹ This recommendation was grounded in the understanding that queer caregivers are more likely to provide affirming environments and protection from the very harms that displaced these children in the first place. Consultations revealed that efforts are being made, albeit on an ad hoc basis, to ensure LGBTIA+ children find homes or caregiving arrangements with members of the community. An anecdote was shared about a child with intersex variations who was abandoned by their parents being adopted by a lesbian woman in another State to ensure that such a child had an understanding and inclusive home to grow up in.

¹⁹ SAATHI Consultations.



Recommendations

While measures need to be taken to ensure rights of children in LGBTIA+ families are protected, recommendations in this chapter are restricted to LGBTIA+ minors. This is because secular adoption in India happens under a central law, the JJ Act, and is regulated by a central authority, the Central Adoption Resource Authority ('CARA').²⁰ The CARA regulates adoptions in India by framing regulations, and as on date does not permit joint adoptions by unmarried live-in couples.²¹ The prohibition on joint adoptions by live-in couples was challenged before the Supreme Court in the *Supriyo* matter. While the minority struck it down, the majority noted it was the prerogative of the legislature to change adoption laws. However, the majority, while citing the best interest of the child doctrine, nudged the legislature to reconsider existing adoption laws which restrict adoption to only marital couples. Thus, it is imperative for the Parliament to enact adoption laws that extend legal recognition to LGBTIA+ families with children.

²⁰ While the State legislature can make laws in relation to adoption, the JJ Act is a comprehensive legislation which occupies the field making it difficult for State legislatures to enact inconsistent laws.

²¹ The Central Adoption Resource Authority's notification which prohibited live-in couples from jointly adopting children was challenged in *Supriyo v Union of India* 2023 INSC 920. While the minority struck it down, the majority upheld it.

Additionally, under the JJ Act, State Governments are empowered to frame rules to carry out the provisions of the Act, including procedures relating to child protection mechanisms, foster care, adoption processes, and the functioning of Child Welfare Committees and related institutions within the State.

In this chapter, the term 'gender non-conforming children' is also being used in addition to 'LGBTIA+ children' and 'children with intersex variations'. This is because while not all gender non-conforming children are LGBTIA+, their gender non-conforming behaviour renders them vulnerable to discrimination and violence on account of their perceived gender identity or sexual orientation.

Issue: O1

Absence *of* inclusive safeguards for gender non-conforming children under *the* JJ System

One of the guiding principles informing the implementation of the JJ Act is that of 'non-discrimination and equality' which requires the Government and authorities under the Act to not discriminate against a child including on the

grounds of 'sex'.²² Judgments like NALSA, Navtej and Supriyo have read 'sex' as including 'gender identity' and 'sexual orientation'. Thus, the mandate under the JJ Act is to not only to ensure that children who are gender non-conforming or LGBTIA+ are not subject to discrimination, but affirmative measures are taken to ensure inclusion.²³ Reading the 'best interest of the child' principle in this context further reinforces this.

The JJ Act defines a 'child in need of care and protection' broadly and includes abandoned children, children who are at risk of abuse in their homes, runaway children, and children who do not have guardians or caregivers.²⁴ Consequently, LGBTIA+ children and gender non-conforming children who have run away from their natal family home, abandoned their natal family, or are at risk of abuse or violence at home fall within this definition. Children in need of care and protection are placed before Child Welfare Committees ('CWC'), which thereafter carries out an inquiry, and passes an order to send the child to a children's home, fit facility or a fit person, and for a social investigation to be carried out by a social worker, child welfare officer, or a child welfare police officer.²⁵ Upon submission and study of the social investigation report, the CWC has the option to pass a range of orders including directing that the child be placed in a child care institution, foster care, or with a fit person.²⁶ The CWC has considerable discretion, while keeping in mind the best interest of the child, in determining the fate of children in need of care and protection. The State Government however has the power to prescribe guiding principles for the exercise of such discretion through rules.²⁷

²² JJ Act, 2015, s 3(x).

²³ The Supreme Court in *Jane Kaushik v Union of India* 2025 INSC 1248, applying the substantive equality framework, held that the mandate of the State is not only to prohibit discrimination against transgender persons but to also undertake affirmative measures towards providing reasonable accommodation.

²⁴ JJ Act, 2015, S 2(14).

²⁵ JJ Act, 2015, S 36(1).

²⁶ JJ Act, 2015, S 37.

²⁷ JJ Act, 2015, S. 110.



Nodal Authority:

Department of **Children Welfare & Special Services** in coordination *with the* Department of **Social Welfare & Women Empowerment**



Instrument: Executive



Proposed Step:

The Government of Tamil Nadu, in exercise of its rule making powers under the JJ Act, has issued the Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2017 (Tamil Nadu JJ Rules, 2017). These Rules, like the JJ Act,²⁸ provide for special provisions to account for the needs of children with disabilities,²⁹ recognising that this group requires affirmative measures for their well-being and inclusion. In line with this, the Government may amend the Tamil Nadu JJ Rules, 2017 to include mandates or issue a set of guidelines to supplement these rules for gender non-conforming and LGBTIA+ children. **These guidelines may cover the following:**

²⁸ JJ Act, 2015, S. 50(1).

²⁹ JJ Rules, 2017, Rule 23(5).

Training and Sensitisation:

Authorities and officials under the Act, including social workers, members of the Child Welfare Committee have to be trained and oriented on child rights and child welfare.³⁰ Issues specific to gender non-conforming and LGBTIA+ children must be covered in the course of such training. A civil society organisation with appropriate expertise should be on-boarded as a part of such training.

Inclusive Processes:

There are several care-giving arrangements envisaged under the JJ Act for children in need of care and protection. Institutions include: children's home, open shelters, observation homes, special homes, places of safety, and fit facilities. In addition to institutions, a child may be restored to their parents, or placed with a fit person,³¹ in foster care,³² or with a foster family.³³ When a child is produced before a CWC, the Committee has to make a decision in relation to the nature of care-giving arrangement such a child may need based on the individual facts of the case and the best interests of the child. Such a decision is informed by the social investigation report submitted by a social worker,³⁴ who are also tasked with subsequently developing an individual care plan³⁵ for the child informed by their needs and case history, while accounting for the child's age and gender.³⁶

³⁰ JJ Rules, 2017, Rule 7 and 21, JJ Rules.

³¹ A fit person is defined as a 'person, prepared to own the responsibility of a child, for a specific purpose, & such person is identified after inquiry made in this behalf and recognised as fit for the said purpose, by the Committee or, as the case may be, the Board, to receive and take care of the child' (JJ Act 2015, s. 2(28)).

³² Foster care is defined as an "alternate care in the domestic environment of a family, other than the child's biological family, that has been selected, qualified, approved and supervised for providing such care" (JJ Act 2015, s. 2 (29)).

³³ A 'foster family' is defined as 'a family found suitable by the District Child Protection Unit to keep children in foster care' after following the procedure prescribed in the JJ Act (JJ Act 2015, s. 2 (30)).

³⁴ JJ Act, 2015, S.37.

³⁵ JJ Rules, 2017, Rule 24(l).

³⁶ JJ Rules, 2017, Rule 2(j).

It is critical to make these processes inclusive for gender non-conforming and LGBTIA+ children and towards this end, **the following may be considered:**

- **Inclusive Interpretation of Gender:**

Social workers must be sensitised to interpret gender as not only the sex of the child i.e. binary of male or female child, but to account for the fact that such child may display gender non-conforming behaviour, which requires that they be placed in care-giving arrangements that are both affirming and safe for such child.

- **Gender-inclusive administrative forms and paperwork:**

Key statutory and administrative forms that guide decision-making under the JJ framework (such as the Social Investigation Report, Individual Care Plan, and Social Background Report) must be reviewed and amended to eliminate rigid binary classifications of gender and to enable a more accurate and child-centred assessment of the child's needs and best interests.

- **Determination of Fitness:**

The CWC is empowered to carry out an inquiry to determine whether an individual meets the criteria to be declared a 'fit person'. Similarly, the District Child Protection Unit has the duty to select foster families. LGBTIA+ persons and families are at risk of being deemed unfit based on their gender identity or sexual orientation. The Tamil Nadu JJ Rules, 2017 attempt to address discrimination by providing that *'there shall not be any discrimination in selection of foster-parents on the basis of caste, religion, ethnic status and the best interest of the child shall be paramount in deciding foster-care placement'*.³⁷ This rule must

be amended to include gender identity and sexual orientation to ensure LGBTIA+ individuals and families are not subject to explicit or implicit discrimination in the determination of fitness. A similar mandate must be issued to CWCs.

- **LGBTIA+ Caregivers:**

Consultations reveal that LGBTIA+ individuals and families are often keen to serve as foster parents or caregivers. Keeping this in mind gender non-conforming children must be matched with individuals and families that are a part of the LGBTIA+ community or are sensitised and inclusive.

- **Inclusive Institutions:**

Child care institutions are often segregated based on sex. However, mere sex-based segregation does not protect children from gendered forms of violence. This is often the case when children are gender non-conforming. Consultations reveal that the State of Tamil Nadu has indicated that it will establish a dedicated children's home for queer children. While this is a welcome measure, it is critical to ensure that all institutional facilities are safe for children of all genders. Thus, binding protocols may be developed in consultation with LGBTIA+ civil society and child rights organisations that govern care and accommodation of gender-conforming children across all child care institutions.

³⁷ JJ Rules, 2017, Rule 55(6).

Issue: 02

Lack of protocols allowing minors *without* legal guardians to chosen gender identity

Minors who lack a legal guardian (such as orphans or abandoned children) still have a right to their self-identified gender. For instance, the TN TG Rules provide that authorities under the JJ Act can submit an application on behalf of transgender children in need of care and protection for issue of a certificate of gender identity.³⁸ In practice, this means that for children in childcare institutions (such as shelter homes or children's homes) the state assumes responsibility to act on the child's behalf. This allows such minors to obtain a TG Card which in turn enables them to officially adopt their chosen name and gender in all their legal documents.

The State of Tamil Nadu utilises the JJ Act mechanism to extend the right to gender identity to minors without guardians, empowering authorities under the Act (such as the Child Welfare Committee) to make an application for the child. This upholds the child's right to self-perceived gender identity as guaranteed by the TG Act, 2019. To ensure that transgender minors are

able to effectively exercise their right to gender identity, the State must prescribe a uniform protocol to be followed by authorities under the JJ Act.



Nodal Authority:
Department of **Children Welfare & Special Services**



Instrument:
Executive



Proposed Step:

The Department of Children Welfare and Special Services must:

- Issue guidelines that prescribe the procedure to be followed by JJ authorities, such as the CWC and District Child Protection Unit, to make an application for a certificate of identity on behalf of a transgender minor.
- Notify all child care institutions about the right of transgender minors to choose their chosen gender identity and the process to be followed by them to assist such a child to exercise their right.

³⁸ TN TG Rules, 2022, Rule 3.

- Ensure training and sensitisation of child protection officials to ensure they understand the rights of transgender children and act proactively to uphold those rights.
- Act as the coordinating body with other Departments to ensure that once a certificate is issued, all relevant documents (birth certificates, school records, Aadhaar, etc.) are updated with the child's chosen name and gender in a timely manner, as mandated by the rules.

Issue: 03

Lack of State Support for Parents of Gender non-conforming children

As outlined under Issue 1, the JJ Act empowers the State to remove children from their natal family homes if such child is at risk of harm. Further, while the Act provides for restoring children to their natal families, it also empowers the State to undertake sensitisation of parents to ensure the well-being of the child before doing so.

Specifically, the JJ Act empowers the CWC to *'restore any child in need of care and protection to his parents, guardian or fit person, as the case may be, after determining the suitability of the parents or guardian or fit person to take care of the child, and give them suitable directions.'*³⁹ Thus, where a child has experienced rejection, coercion, or violence on account of gender non-conformity, parental suitability cannot be presumed. In such a situation the JJ Act requires CWCs to assess whether parental attitudes compromise the child's dignity, mental health, or safety, and to defer or condition restoration accordingly. Sensitisation and counselling of parents therefore fall squarely within the statutory concept of rehabilitative restoration, rather than constituting an extra-legal welfare intervention.



Nodal Authority:
Department of **Children Welfare & Special Services**



Instrument:
Executive

³⁹ JJ Act 2015, s 40.



Proposed Step:

Rule 22 of the Tamil Nadu JJ Rules, 2017 provides for restoration of children to their natal families. Upon making an order of restoration, the CWC has the authority to interact with, sensitise and assess the family's attitude towards the child. Restoration orders must be accompanied by an Individual Care Plan ('ICP') addressing the child's emotional and psychological needs, family relationships, and follow-up measures. In cases involving gender non-conforming children, ICPs provide a lawful mechanism to mandate parental counselling, psycho-social support, and periodic review of family conditions post-restoration. Social Investigation Reports further enable CWCs to formally record patterns of family rejection or coercive behaviour, creating a documented basis to either impose corrective directions on parents or to place the child temporarily with a fit person or fit facility where restoration would otherwise expose the child to harm.

The mandate for sensitisation is reaffirmed by the Madras High Court's judgment in the landmark matter of Sushma where the Court directed the Ministry of Social Justice and Empowerment to ensure parents are sensitised to understand and 'accept children of gender diverse expressions, sexual orientations, gender identities and gender presentations'.⁴⁰

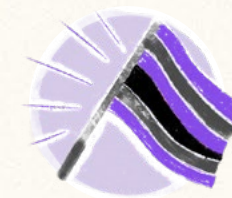
Policy implementation under the JJ framework should explicitly institutionalise this approach through guidelines or amendments to the Tamil Nadu JJ Rules, 2017.

The following must be covered:

- CWCs must treat gender or sexual orientation-based family rejection as a child-protection concern triggering mandatory ICP-based interventions. Point 14 in ICP, which outlines categories of interventions needed, can have a point on 'needs specific to gender identity' wherever relevant, to help functionaries identify concerns and interventions.
- CWCs must work in collaboration with competent professionals including LGBTIA+ affirmative child psychologists when engaging with the child and when developing a restoration plan for the child. Rule 9 and 22 of the Tamil Nadu JJ Rules, 2017 may be amended to specifically require the JJ Board and CWC to inquire about any needs/concerns relating to gender identity, sexual orientation of children produced.
- CWCs and JJ Boards are required by the Tamil Nadu JJ Rules, 2017 to maintain panels of experts in law, psychology, and counselling in consultation with the DCPU and Probation Officers. This provision may be strengthened to ensure that such panels include psychologists and counsellors who are trained in and affirming of LGBTIA+ identities, so that LGBTIA+, gender non-conforming, and perceived LGBTIA+ children have access to appropriate professional support.
- While an assessment of suitability for restoration needs to be made on a case-by-case basis keeping in mind the safety, wishes and well-being of the child, the CWC must ensure that in cases where restoration is possible, parents are sensitised and undergo periodic counselling with trained LGBTIA+ affirmative mental-health professionals prior to restoration.
- The CWC must issue appropriate directions to the family and ensure periodic and regular oversight and follow up by child authorities including social workers.

⁴⁰ S. Sushma v Commissioner of Police MANU/TN/3963/2021, Direction 8.

Issue: 04



Proposed Step:

Need *for* Proactive Awareness & Educational Initiatives

Critical to ensuring safe and dignified lives for LGBTIA+ and gender non-conforming children is ensuring parental awareness and sensitisation.

The State must carry out periodic educational campaigns for parents on issues of gender and sexuality which must cover LGBTIA+ and gender non-conforming children. Such campaigns must be held in spaces where parents are available as a captive audience such as public schools. Sensitisation material must also be readily distributed and made available at such campaigns along with a session where a competent professional such as a child psychologist can answer any queries from parents.



Department of **Children Welfare & Special Services**



Instrument:
Executive



Measures to Address Violence

Background

Violence against queer individuals manifests from many sources: harassment and abuse from state actors such as police and government officials; mistreatment from social actors such as educational institutes, landlords, neighbours and other service providers; natal family violence; and abuse from intimate partners. Across these, the forms of violence range from verbal harassment and humiliation in public spaces and institutions, to physical assault and harm to the body on account of gender identity or sexual orientation. In more severe cases, violence takes the form of coercive medical practices imposed by families, sexual assault, and

custodial or quasi-custodial abuse. This gendered violence is not a one-off incident but is structured and systemic in nature. Social stigma, lack of legal recognition of queer relationships, and gaps in the criminal legal frameworks of the country perpetuate this violence. Queer individuals, couples—young and old—continuously live in an atmosphere of fear, which in turn produces an environment of under-reporting of crimes and discrimination.¹



“Some of the common and reported problem that transgender most commonly suffer are: harassment by the police in public places, harassment at home, police entrapment, rape, discriminations, abuse in public places, etc.”

NALSA v. Union of India

In *Supriyo*, the Supreme Court expressly recognised that queer persons and couples face pervasive discrimination and violence arising from the non-recognition of their identities and relationships.² The Court acknowledged that the violence and exclusion faced by queer persons are rooted in a broader legislative and policy vacuum, and that State inaction actively exacerbates harm.³ Importantly, the Court recognised

¹ Ankush Kumar of the Washington Blade, COURTESY OF THE NATIONAL LGBT MEDIA ASSOCIATION, ‘Anti-transgender discrimination, violence in India persists’, (Watermark Out News, 30 September 2024), <<https://watermarkoutnews.com/2024/09/30/anti-transgender-discrimination-violence-in-india-persists/>> accessed on 02 February 2026.

² *Supriyo @ Supriya Chakraborty & Anr. v. Union of India*, Writ Petition (Civil) No. 1011 of 2022.

³ *Supriyo @ Supriya Chakraborty & Anr. v. Union of India*, Writ Petition (Civil) No. 1011 of 2022, Para 324.

that discrimination and violence are not limited to isolated acts, but are structurally produced through the absence of protective laws, protocols, and institutional accountability mechanisms.⁴



“Despite the de-criminalization of queer relationships and the broad sweep of the decision in *Navtej*, members of the queer community still face violence and oppression, contempt, and ridicule in various forms, subtle and not so subtle, every single day. The State (which has the responsibility to identify and end the various forms of discrimination faced by the queer community) has done little to emancipate the community from the shackles of oppression.”

Supriyo Chakraborty v. Union of India

The Supreme Court, in *Jane Kaushik*, criticised the failure of governments to operationalise protections under the TG Act, 2019, noting that such inaction leaves transgender persons exposed to harassment and coercion. Importantly, the Court directed the Union and States to move beyond symbolic recognition and to create enforceable mechanisms, protocols, and accountability structures to prevent abuse, including sensitisation of officials, grievance redressal systems, and institutional safeguards.

⁴ Ananthakrishnan G, Omkar Gokhale, ‘Safe houses, sensitising police: CJI lists measures against discrimination’, (Indian Express, 18 October 2023), <<https://indianexpress.com/article/india/safe-houses-sensitising-police-cji-lists-measures-against-discrimination-8987944/>> accessed on 02 February 2026.



“Their daily existence is marred by a pattern of discrimination that operates across domains: beginning with the hurdles pertaining to recognition in official records, extending to harassment at public spaces, exclusion from educational and employment opportunities, and summing up in social ostracism and violence.”

Jane Kaushik v. Union of India

Read together, decisions such as *NALSA*, *Navtej*, and *Supriyo*, affirm that protection from violence is integral to equality and dignity for queer persons. However, existing statutory frameworks remain fragmented. The TG Act, 2019 offers limited and unevenly enforced protections⁵ confined to transgender persons, while sexual minorities fall largely outside any dedicated anti-violence framework. The TG Amendment Act while retaining such limited protections, introduces a new set of offences. These offences are informed by harmful stereotypes about the transgender community. Specifically, they criminalises a range of acts, including kidnapping and abduction accompanied by aggravated forms of grievous harm⁶ with the intent of ‘compelling’ a person to ‘assume’ or ‘present’

⁵ “Apart from such welfare schemes, the Transgender Persons (Protection of Rights) Rules 2020 also require States to set up Transgender Protection Cells to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences. However, four years on, only 11 states have institutionalized such protection cells.”: Amruthavalli B.S. and Vedant Gupta, ‘The Uneven Implementation of Welfare Schemes for Transgender Persons (Part I): Access to Central Government schemes’, (clpr.org.in 05 August 2025), <<https://clpr.org.in/blog/the-uneven-implementation-of-welfare-schemes-for-transgender-persons-part-i-access-to-central-government-schemes/>> accessed on 03 February 2026.

⁶ Aggravated forms of grievous hurt under the Amendment Act includes mutilation, emasculation, castration, amputation, or the administration of surgical, chemical, or hormonal procedures. These are all processes transgender persons may undergo to transition to their self-perceived gender identity.

as a transgender person without their consent.⁷ Another provision criminalises the act of compelling through threat, coercion, force, or ‘allurement’, ‘compulsion’, or ‘inducement’ a person to ‘dress, present, or conduct themselves’ as a transgender person against their will for the purpose of begging, bonded labour, etc.⁸ The use of overarching and ambiguous terms make these provisions vulnerable to misuse, particularly by natal families. In terms of impact they may end up being disproportionately invoked against transgender kinship units and transgender civil society organisations. This is because they often provide shelter and support to transgender persons who flee their natal homes which can be sites of transphobic violence. Consultations reveal that these offences can also have a chilling effect on provision of gender-affirming healthcare.⁹



The new offences introduced by the TG Amendment Act, 2026 are based on harmful stereotypes about the transgender community. Instead of extending protection to transgender persons, these provisions are vulnerable to misuse against transgender kinship units and LGBTIA+ civil society organisations. They also have a chilling impact on the provision of gender-affirming care. It is thus critical for the Home Department to issue guidelines to the police to mitigate their misuse.

⁷ S. 18(e) and 18(f), TG Amendment Act.

⁸ S. 18(g) and 18(h), TG Amendment Act.

⁹ Specifically, 18(e) and (f).

A structural limitation lies in the absence of disaggregated data and institutional sensitisation on queer-specific violence. Crime records, administrative databases, and departmental reporting mechanisms do not consistently record sexual orientation or gender identity based violence.¹⁰ At the same time, frontline officials across policing, healthcare, education, and local administration often lack formal training on queer experiences of violence.¹¹ In the absence of standard operating procedures, responses are shaped by individual discretion rather than institutional mandate, producing ad hoc, uneven, and sometimes harmful outcomes even where legal protections formally exist.

Finally, institutional responses to violence often operate through normative assumptions about family, authority, and economic hierarchy. Complaints by queer individuals are frequently subordinated to the assertions of natal families, intimate partners with greater social or economic power, or dominant institutional actors. This gap between legal recognition and institutional practice remains a central challenge in addressing violence against queer persons.

¹⁰ Reportage, ‘India’s crime data would have you believe that trans people barely face any violence—here’s why that doesn’t add up’, (Queerbeat), <<https://www.queerbeat.org/stories/indias-crime-data-would-have-you-believe-that-trans-people-barely-face-any-violence-heres-why-that-doesnt-add-up/>> accessed 02 February 2026. See also: Charlie Whittington, ‘Invisible in data: The lack of LGBTQ data collection’, (Georgetown Public Policy Review, 17 July 2018), <<https://gppreview.com/2018/07/17/invisible-data-lack-lgbtq-data-collection/>> accessed on 02 February 2026.

¹¹ Daniel Lifuka Sichinga, ‘The Untold Stories: An Exploration of Front-Line Police Officer’s Perceptions, Experiences, and Challenges in Policing LGBTQI+ Hate Crimes in Cape Town, South Africa’, (The Palgrave Handbook of Criminology and the Global South 10 October 2025), <https://link.springer.com/rwe/10.1007/978-3-031-74932-2_107-1> accessed 02 February 2026.

Legal Developments in Tamil Nadu



Tamil Nadu has taken some of the most proactive legal and administrative steps in the country to address violence and harassment against queer persons, particularly through police accountability and judicial engagement. One of the most crucial legal developments in Tamil Nadu has been the continuing mandamus¹² in the Sushma case. In the case, the Madras High Court has directly identified violence against queer persons as a systemic issue. The Court recognised practices such as refusal to accept complaints and summoning of adult queer couples to the police station based on complaints solely hinged on their sexual orientation and gender identity as forms of violence imposed by the State and other actors and gave direction to various departments of the State to address the same.¹³ Following the judicial directions in Sushma, in early 2022, the State amended the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 by inserting Rule 24-C ('Rule 24-C'),¹⁴ which expressly prohibits police officers from harassing persons belonging to the queer community or those working for their welfare, making such harassment punishable under police discipline norms. This amendment is of note because it expanded the scope of recognition of state based measures to the queer community at large, rather than only transgender persons.

Further in compliance with the Sushma verdict, which stated that coercive conversions are "nothing short of abuse", as they do psychological and physical harm by way of practices such as forced counselling and hormone administration without consent,¹⁵ the National Medical Commission prohibited conversion therapy, clarifying that any attempt to cure sexual orientation or gender identity is unethical and violative of the autonomy over the body of a person. This ban is a clear recognition of the fact that such conversions constitute professional misconduct and are a form of institutional violence rather than valid medical treatment, including in instances where such practices are accompanied by or escalate into physical violence, but leaves further scope for action¹⁶ (See, **Chapter 3**).

The Court through a series of follow-up orders and department specific directions has requested the State to operationalise internal instructions, sensitisation measures and revision of police procedures to respectfully treat both individuals and queer couples during processing of complaints, inquiries, and the so-called rescue operations and missing person cases with an emphasis on careful examination of facts surrounding such cases and analysing the claims of the natal family from the perspective of the lived experiences of queer adults.

While these changes, both judicial and administrative, mark a great shift in the State's perspectives on queer violence, their translation into uniform and standard practices remains uneven and absent, thereby creating the requirement for structured processes, continuous institutional follow-through and sustained monitoring.

¹² Continuing mandamus is a process by which the court issues directions periodically, keeps the matter pending and monitors the process of implementation. See: Vineet Narain v. UoI, (1998) 1 SCC 226.

¹³ S. Sushma v Commissioner of Police, W.P. No. 7284 of 2021, Para 43, (A).

¹⁴ Amendment to the Tamil Nadu Subordinate Police Officers' Conduct Rules, (29th January 2022), <https://www.stationeryprinting.tn.gov.in/gazette/2022/7_III_1a.pdf> accessed 02 February 2026.

¹⁵ Kimberly D'Souza, 'From Harm to Health Equity: Advancing Policy Action Against Conversion Therapy in India', Journal of the Epidemiology Foundation of India. 2025;3(2):203-208.

¹⁶ Gursimran Kaur Bakshi, 'National Medical Commission declares conversion therapy as professional misconduct, but it is not enough' (Leaflet, 06 September 2022), <<https://theleaflet.in/four-years-after-navtej-singh-johar-national-medical-commission-declares-conversion-therapy-as-professional-misconduct-but-it-is-not-enough>> accessed 03 February 2026.



Inputs from Consultations

Violence *beyond* structural crime

Consultations with stakeholders highlighted that violence against queer persons in Tamil Nadu is systemic and layered, rather than limited to isolated incidents between individuals. Participants noted that violence often occurs not only through acts such as assault or sexual violence, but also through institutional and procedural practices, including intrusive pat-downs, medical examinations without legal mandate under the TG Act, 2019, and coercive actions by authorities. Stakeholders also reported instances where police officers return queer adults to their natal families following complaints, despite the individuals being of the age of majority. In many cases, family violence is framed as care or discipline, which makes it harder for survivors to seek help or intervention.

Urban–rural differences in enforcement

Stakeholders consistently noted that experiences of violence and responses from authorities differ between urban and rural contexts. In urban areas, police personnel and enforcement agencies were described as relatively more aware of legal protections for queer persons. In contrast, rural areas were described as environments where enforcement is shaped more strongly by local social norms, family pressure, and moral perceptions of sexuality and gender, making it more difficult for queer persons to approach authorities. Participants emphasised that approaching the police or district administration in rural areas can be particularly intimidating.

Gaps *in* implementation & institutional response

Participants widely agreed that although several legal protections exist, their implementation remains inconsistent. Judicial directions and rule changes were acknowledged, but stakeholders emphasised that these are unevenly translated into everyday practice. Responses to violence were often described as discretionary, depending on the attitudes of individual officers rather than clear institutional

protocols. Participants also highlighted that caste can shape responses to violence, with queer persons from Scheduled Caste and Scheduled Tribe communities facing compounded marginalisation. Across consultations, stakeholders stressed the urgent need for sustained and institutionalised sensitisation of police, healthcare providers, educational authorities, and district officials, noting that one-time training or circulars are insufficient without ongoing accountability mechanisms.

Intimate partner violence & lack of recognition

Consultations also addressed intimate partner violence within queer relationships. Partners were often described as sources of support, particularly for individuals who have left or been excluded from natal families, providing emotional, financial, and housing support. At the same time, stakeholders acknowledged that intimate relationships can also become sites of control or harm, including economic dependence, emotional abuse, or physical and sexual violence. Because queer relationships lack formal legal and social recognition, survivors of such violence frequently have limited avenues for seeking protection or redress.



Recommendations

The recognition of violence against LGBTIA+ persons requires comprehensive law reform measures including the enactment of new laws and/or amendments to existing criminal and quasi-criminal laws.¹⁷ As criminal laws are a part of the concurrent list, the State legislature has the competence to enact queer inclusive laws on this issue. The recommendations hereunder however focus on targeted measures with a focus on access to justice and enforcement.



“...procedural clarity is more effective than rights-based argumentation in the early stages of interacting with the police. Over time, institutional sensitisation efforts have begun to reduce misunderstandings, though basic queries about handling gender-diverse individuals reveal the need for ongoing capacity-building.”

Advocate Manuraj, Chennai

¹⁷ The Vidhi Centre for Legal Policy in collaboration with the Keshav Suri Foundation made comprehensive law reform recommendations outlining the manner in which criminal laws and quasi criminal laws (such as the Protection of Women from Domestic Violence Act, 2005 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 can be amended to be made queer inclusive. For more information please see, ‘Queering the Law: Beyond Supriyo’, Vidhi Centre for Legal Policy, ch 4, available at https://vidhilegalpolicy.in/wp-content/uploads/2025/07/Vidhi_KSF_Submissions-to-Supriyo-HPC-1.pdf

Issue: 01

Need for establishment of transgender protection cells

The TG Rules mandate that State Governments must set up a Transgender Protection Cell ('TG Cell') to 'monitor offences against transgender persons and to ensure timely registration, investigation and prosecution of offences'.¹⁸ At the state level the TG Cell must be set up under the supervision of the Directorate General of Police ('DGP') and at the district level under the District Magistrate ('DM'). The Ministry of Home Affairs ('MHA') and the Ministry of Social Justice and Welfare ('MSJE') have time and again urged State Governments to set up the TG Cell and ensure compliance with the mandate.¹⁹ The MSJE has also issued clear instructions to State Governments outlining the composition, administrative structure and functions of such cells.²⁰ Despite a statutory mandate, the Tamil Nadu Government is yet to set up TG Cells.

¹⁸ Rule 11(5), TG Rules.

¹⁹ Ministry of Home Affairs, 'Setting up of Transgender Protection Cells and Transgender Welfare Boards in States and UTs', available at https://www.mha.gov.in/sites/default/files/2025-06/WSAdvisory_10062025.pdf

²⁰ Ministry of Home Affairs, 'Setting up of Transgender Protection Cells and Transgender Welfare Boards in States and UTs', available at https://www.mha.gov.in/sites/default/files/2025-06/WSAdvisory_10062025.pdf



"That a Transgender Protection Cell under the charge of the District Magistrate in each District and under the Director General of Police of the State be set up in each State/UT in accordance with Rule 11(5) of the 2020 Rules, in order to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences."

Jane Kaushik v. Union of India



Department:

Home, Prohibition and Excise Department; & Department of Social Welfare & Women Empowerment



**Instrument:
Executive**



Proposed Step:

The State Government must, through an executive order, set up a state TG Cell and district TG Cells to comply with its mandate under the TG Rules and the MHA and MSJE directions. The order must outline the composition and functions of the TG Cells.

Over and above the MSJE guidelines, the following are recommendations towards this end:

Establishment and Jurisdiction:

A state level TG Cell must be set up headed by the DGP. This cell must have jurisdiction over the State and the authority to supervise and oversee the functioning of district level cells. District level TG cells must be set up at the district level under the supervision of DMs. In order to address capacity and resource constraints, one district level cell may have jurisdiction over a set of neighbouring districts. The jurisdiction, composition and contact information of each TG cell must be clearly specified and publicised. In the event the TG cell does not have jurisdiction, it must be mandated to transfer the matter to the cell which has jurisdiction and assist the person to approach the appropriate cell.

Functions:

The functions of the State TG Cell and District TG Cell must be clearly articulated. Broadly, these cells must:

- receive complaints of rights violations from transgender persons and assist them in this process;
- handle criminal complaints against transgender persons in a sensitive and informed manner. This is critical as transgender persons, on account of the systemic discrimination they face, are often subject to false criminal complaints, including by members of their natal families.

- connect transgender persons to shelter homes and garima grehs;
- monitor districts failing within their jurisdiction and submit periodic reports to the State TG Cell;
- work in conjunction with local transgender rights collectives, activists or civil society organisations to provide holistic assistance and support to transgender persons;
- liaison with the State TG Board and direct it to assist transgender persons to approach TG cells in the event of violence or apprehension of violence; and
- take appropriate preemptive action in cases where there is apprehension of violence, including natal family violence.



“The systemic discrimination that transgender persons face makes them vulnerable to false complaints especially from natal family members. It is critical that law enforcement (the TG Cell) be trained to handle such complaints in a sensitive and informed manner.”

Advocate Kanmani

Sensitisation:

Members of the TG Cells must be periodically sensitised on the transgender community and rights of transgender persons. They must also be trained to understand the specific kinds of violence, including natal family violence, that transgender persons are subject to. The State TG Cell must partner with local CSOs with expertise and mandate regular sensitisation of cells.

Convergence:

Incrementally, the State must make efforts towards expanding the mandate of the TG protection cell to also cover sexual minorities. The State of Tamil Nadu has already made efforts to protect sexual minorities against certain forms of violence such as conversion therapy and must make a proactive effort to ensure that they are able to access justice in events of violations.

Issue: 02

Periodic & rigorous sensitisation of the judiciary, law enforcement & legal services authorities

Proactive steps towards preventing and addressing violence against LGBTI+ persons requires regular and periodic sensitisation of stakeholders who are responsible for upholding law and order. The duty to sensitise extends beyond the police and applies to the judiciary and legal service authorities. Since judges, police officers and members of the legal service authorities routinely get transferred, it is critical that sensitisation is mandated periodically.



“The police, like the State, have a very limited understanding of transgender persons and sexual minorities. When transgender men approach the police, they are often perceived to be women despite holding a State TG Card. This narrow view of the community as constituting only transgender women limits the ability of the State and police to assist other members of the community.”

SAATHII consultations



Nodal Authority:

The following are the nodal departments that must work in collaboration with Department of Social Welfare and Women Empowerment:

Authority	Stakeholder
Home, Prohibition and Excise Department	Law Enforcement such as the State Police
Tamil Nadu State Legal Services Authority	Legal Aid Authorities, Committees Empanelled Lawyers and Para-Legal Volunteers
Tamil Nadu State Judicial Academy	Members of the Judiciary including judges and lawyers



Instrument: Executive



Proposed Step:

The nodal authorities must carry out rigorous, periodic and regular sensitisation workshops of stakeholders falling within their jurisdiction.

The following must be considered:

- The Department of Social Welfare and Women Empowerment must in collaboration with expert LGBTIA+ CSOs develop training modules, which must be updated periodically to reflect legal and social developments. These modules must be mandated as a part of stakeholder training and shared as resource materials with all stakeholders.
- The Tamil Nadu Government has published a glossary of terms in the State Gazette in relation to the LGBTIA+ community.²¹ This glossary must be added to the resource materials.
- Nodal authorities must carry out annual or bi-annual training in collaboration with expert LGBTIA+ CSOs.
- Stakeholders must be encouraged to consult LGBTIA+ CSOs for their expert inputs when members of the community approach them for assistance.

²¹ Tamil Nadu Department of Social Welfare and Women Empowerment, 'Glossary for Addressing the LGBTQIA+ Community', available at <https://www.paalputhumai.com/wp-content/uploads/2022/08/Glossary-for-addressing-LGBTQIA-Community-2022-by-TN-SW-Dept.pdf>



Issue: 03

Enforcement of directions issued to Law Enforcement in applicable Judgements, Orders of the Ministry of Home Affairs, & TG Act, 2019

The courts and laws have articulated clear and binding duties for the State to prevent and address violence, coercion, and harassment against queer persons, through decisions such as NALSA, Supriyo, Sushma and Jane Kaushik, the TG Act, 2019, TG Rules and Rule 24-C, and advisories issued by the Ministry of Home Affairs ('MHA') on arrest and detention of transgender persons.²²

However, these protections have not been institutionalised as part of routine policing and custodial practice. Judicial directions are frequently implemented in a case-specific manner, statutory obligations under the TG Act, 2019 are not reflected in standard operating procedures, and Rule 24-C remains weakly enforced. MHA safeguards likewise lack consistent translation into State police processes and prison administration.

²² Ministry of Home Affairs, 'Treatment and Care of Transgender Persons in Prisons, available at https://www.mha.gov.in/sites/default/files/CareofTransgendersinPrisons_11012022.pdf; 'Advisory on law & order measures to be taken such that queer community do not face any threat of violence, harassment or coercion', available at https://xn--i1b5bzbybhfo5c8b4bxh.xn--11b7cb3a6a.xn--h2brj9c/sites/default/files/2024-07/NoticeIS1_11072024.pdf



Instrument: Executive



Nodal Authority:
**Home, Prohibition and
 Excise Department;
 Director General of Police;
 Tamil Nadu Police Training
 College & Police Academy; &
 Director General of Prisons
 & Correctional Services.**



Proposed Step:

A) Single SOP for police with a synthesis of all directions for police enforcement

The Home Department should issue a comprehensive order, drawing from the power under Rule 24-C, consolidating the directions to the State police machinery issued by (a) Courts in Supriyo, NALSA, Jane Kaushik, and Sushma, and (b) the Ministry of Home Affairs. To do this it must undertake an exercise to review all such orders and directives and map the relevant direction to the nodal department (police stations, and jails).

The order should contain, but not be limited to, the following issues:

- applicability of the order to all police officers, stations, special units and custodial institutions operating within Tamil Nadu;
- no harassment of queer persons during their interaction with the police machinery, be it during the process of them filing a complaint or the process of investigation of a complaint filed against them;
- verification of complaints filed by natal family members against consenting queer adults shall be undertaken through a dignified and private interaction with the concerned individual(s), prior to the initiation of any coercive action such as registration of an FIR. The police shall first ascertain that the person is an adult and that the relationship is consensual or that the individual has left the natal home of their own volition; where these conditions are satisfied, and no cognisable offence is disclosed, the complaint shall be closed after recording a statement to that effect;
- adaptation of all orders relating to maintenance of dignity and non-discrimination issued by the MHA, during investigation, arrests, detention, and other accommodations respecting self-perceived gender identity, privacy during searches, medical needs, and visitation right;
- a clause noting that this order is a continuing instrument which may be updated in the future; and
- a stipulation that any non-compliance with the directions contained in this order shall invite appropriate disciplinary action in accordance with applicable service rules and law.

B) Operationalising Rule 24-C through internal police protocols

The Home Department, routing through the DGPs must issue a circular linking the disciplinary aspects of the implementation to the ban on harassment under Rule 24-C.

The circular may contain the following points:

- any act of harassment under Rule 24-C, read with the standards of professional behaviour mandated under the Tamil Nadu Police (Reforms) Act, 2013, and will be treated as “misconduct” and attract disciplinary proceedings under applicable service rules;
- mandatory, and periodic certification on modules on queer-affirmative policing, as part of in-service training under the institutional training framework recognised by the State;
- station inspections, and district-level reviews conducted by supervisory officers will include assessment of completion of certification modules, and compliance with the details of the SOP under the aforementioned point (a); and
- a district-level nodal officer, preferably not below the rank of Additional Superintendent of Police, will be tasked with receiving and overseeing complaints relating to misconduct violations of Rule 24-C along with confidential and time-bound mechanisms to forward them to the adjudicatory authority under the Tamil Nadu Police Standing Orders (issued under the Tamil Nadu District Police Act, 1859 and the Chennai City Police Act, 1888) and the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955.

Issue: O4

Need for holistic State Policy on shelter homes

The SMILE Scheme is a comprehensive scheme which was launched by the MSJE to provide shelter and livelihood opportunities for transgender persons. One key component of this scheme is the provision of garima grehs which are temporary shelter homes for transgender persons. Access to a *Garima Greh* is contingent on holding a transgender identity card, and stay is limited to a period of only one year. As of date, Tamil Nadu has only one garima greh located in Chennai which can cater to a small number of transgender persons. Consultations also revealed that in addition to the garima greh there were a few private shelter homes functioning in Tamil Nadu. However, there is no uniform protocol governing these shelter homes, and they are not integrated into a State supported approach towards providing safe spaces to transgender persons. These homes function only as an ad-hoc measure and are mostly accessible to those who have the support of local transgender networks.



"We urge the Union of India, particularly the MoSJE, together with all State Governments, to earnestly take proactive steps in ensuring adequate funding for the effective functioning of these homes and to further expand their reach, with the aim of establishing such shelters in every district."

Jane Kaushik v. Union of India



Nodal Authority:

Department of **Social Welfare & Women's Empowerment**



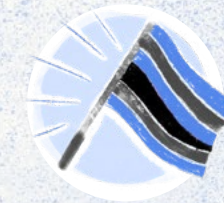
Instrument:

Executive



"Shelter homes are often hesitant to admit transgender men because of the fear that the natal family may file an abduction or trafficking complaint against those in-charge of the home. There have been instances where the families of transgender men have shown up outside homes and threatened officials. Consequently, transgender men are particularly vulnerable, as they are often turned away even by shelter homes. "

SAATHII Consultation



Proposed Step:

The State government must enact a comprehensive policy on shelter homes for transgender persons and sexual minorities.

The following are recommendations in relation to this:

- At the time of budget formulation, a clear sum must be earmarked for establishment, expansion and support of shelter homes.
- In addition to establishing shelter homes, the State must extend financial and infrastructural support to established LGBTIA+ civil society organisations that run or have the capacity to run shelter homes. This will address capacity and resource constraints.
- Shelter homes must be registered and there must be a centralised database on the homes functioning in the State. Social workers may be onboarded to carry out periodic inspection of shelter homes to ensure the dignity and well being of those housed in these homes.
- Mandates must be issued to authorities, institutions and individuals who are in-charge of running shelter homes to ensure the rights of inhabitants are safeguarded and the environment is free of discrimination.
- The shelter home must have a direct line of communication with the nearest police station or TG Cell which it can contact in the event of apprehension of violence or violence against the home and its inhabitants.
- The criteria to access State run shelter homes must apply uniformly across all State homes and must be non-onerous. For example, possession of a State TG card or other identity documents must not be made mandatory considering many transgender persons flee their natal homes and do not have documents on them.

- The livelihood and upskilling programmes for inhabitants must be devised in collaboration with civil society organisations such that they are housed with skills that enable them to access livelihood opportunities. (See, **Chapter 4**)
- Transgender women who are subject to domestic violence must be eligible to access shelter homes set up under the Protection of Women from Domestic Violence Act, 2005, and transgender and gender non-conforming minors must be placed in child care institutions aligned with their gender identity (See, **Chapter 6**).

Issue: O5

Discrimination under the Tamil Nadu Criminal Rules of Practice, 2019

Rule 6 (11) of the Tamil Nadu Criminal Rules of Practice, 2019 ('2019 Rules') on 'remand' provides that transgender persons will undergo a 'medical test' to ascertain his or her 'predominant sex orientation'. Based on such determination, the District Magistrate passes an order to detain the accused person in either the men's or women's prison. This rule is in violation of NALSA which held that a transgender person cannot be forced to undergo any form of medical procedure for recognition of their gender identity.²³

Further, the MHA guidelines on 'Treatment and Care of Transgender Persons in Prisons' prescribes that the self-identity of transgender persons must be respected at the time of admission procedures and medical examination.²⁴



"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 on the ground of gender identity, including those who identify as third gender."

NALSA v. Union of India



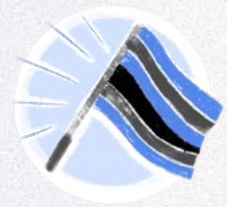
Nodal Authority:
Home, Prohibition & Excise Department



Instrument:
Executive

²³ NALSA v Union of India, para 20, para 78 (Radhakrishnan J.)

²⁴ Ministry of Home Affairs, 'Treatment and Care of Transgender Persons in Prisons', available at <https://www.mha.gov.in/sites/default/files/CareofTransgendersinPrisons_11012022.pdf>



Proposed Step:

The Tamil Nadu Government must:

- adhere to the MHA guidelines on 'Treatment and Care of Transgender Persons in Prisons', and
- amend Rule 6(11) to align with the mandate in the NALSA judgment and MHA directions.

Table 10

Rule 6(11) of the Tamil Nadu Criminal Rules of Practice, 2019

Existing Rule	Proposed Rule
(11) When a transgender is arrested and produced before a Magistrate, after passing the necessary orders in relation to his/her remand, the Magistrate shall pass an order to conduct a medical test on him/her by a competent medical officer not below the rank of District Medical Officer in order to ascertain his/her predominant sex orientation and obtain a medical report to that effect. Based on the said medical report, the Magistrate shall pass an order to detain him/her either in the Men Prison or Women Prison depending	(11) When a transgender person is arrested and produced before a Magistrate, after passing the necessary orders in relation to their remand, the Magistrate shall pass an order to detain such person in a separate gender-neutral or transgender cell of the prison, with a direction to the prison authorities to provide necessary safeguards to ensure that there is no risk to the safety of such inmate at the hands of authorities or other inmates. In the event that a transgender person has not legally changed

Existing Rule	Proposed Rule
upon the predominant sex orientation, with a direction to the Prison authorities to provide necessary safeguards to ensure that no inconvenience is caused to the transgender by the other inmates and vice versa. Until determination by the District Medical Officer, the transgender shall be admitted to the Government Hospital in the prisoners' ward under security	their gender identity or does not possess an identity document where they are identified as a transgender person then the District Magistrate will direct that a competent mental health professional to consult such person and thereafter pass an order of detention based on the assessment of the mental health professional. The safety and well-being of the inmate will be the primary factor informing such order. During the period of consultation, the accused shall be admitted to the Government Hospital in the prisoners' ward under security.

Issue: 06

Need to make legal aid accessible to LGBTIA+ Community

The Legal Services Authority Act, 1987 ('1987 Act') recognises the classes of persons who are eligible for free legal aid and includes: members of Scheduled Castes or Scheduled Tribes, women, children,

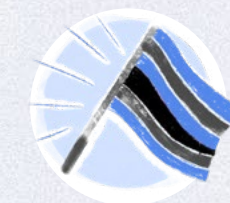
persons with disabilities, industrial workers, amongst others.²⁵ While the State Government has rule making powers under the 1987 Act, the same is limited to the administrative functioning of the authorities and committees under the Act.²⁶ While only the Parliament can amend the 1987 Act to bring transgender persons and sexual minorities within the ambit of free legal aid, the State Government has the power to prescribe an income ceiling for those persons who are eligible for free legal aid.²⁷ In the case of Tamil Nadu the income ceiling is three lakh rupees.²⁸



Nodal Authority:
Tamil Nadu Legal Services Authority



Instrument:
Executive



Proposed Step:

While the State Government cannot expand the classes of persons eligible for free legal aid under the 1987 Act, there are certain measures it can undertake to ensure transgender persons and sexual minorities can access free legal aid. These include the following:

- clarifying that women under the 1987 Act includes transgender women;
- notifying the TG Board to direct all transgender persons who fall under the income ceiling to approach the legal services authority in cases involving access to legal aid;
- sensitising empanelled lawyers about the LGBTIA+ community and their rights, and
- carrying out legal aid workshops focused on LGBTIA+ persons for empanelled lawyers and para-legal volunteers.

²⁵ S. 12, Legal Services Authority Act, 1987.

²⁶ S. 29(A), Legal Services Authority Act, 1987.

²⁷ S. 12(h), Legal Services Authority Act, 1987.

²⁸ Nyaaya, 'Eligibility for Legal Aid' available at <https://nyaaya.org/legal-explainer/eligibility-for-legal-aid/#:~:text=Maximum%20Income%20Earned,of%20income%20to%20the%20authorities>



Monitoring & Enforcement

Background

Monitoring is the process by which the State tracks the on-ground implementation of laws and policies. It serves as a pre-requisite to effective enforcement, as it allows the State to identify the on-ground challenges to implementation and accordingly take appropriate measures. Proactive monitoring and informed enforcement also play an important role in ensuring citizens are able to effectively exercise their rights. This is especially critical for marginalised groups as they may lack the resources to approach State institutions for remedy in the event of violations, an inability to exercise rights, or to claim entitlements.

Several rights-based laws in India prescribe mechanisms for monitoring and enforcement. For instance, the Rights of Persons with Disabilities Act 2016 ('RPwD Act') provides for the appointment of a Chief Commissioner¹ and State Commissioner² ('Commissioners') for persons with disabilities. The functions and powers of the Commissioners are statutorily prescribed and include: policy advisory, inquiry, review, monitoring, amongst others.³ To ensure accountability, the RPwD Act requires Commissioners to submit annual and special reports.⁴ Similarly, the TG Act, 2019 establishes the National Council on Transgender Persons ('Council')⁵ and prescribes policy advisory, monitoring, review and grievance redressal functions for it.⁶ Unfortunately, while the Act vests the Council with functions, neither it nor rules under it provide for adequate powers or protocols for discharge of these functions. This ends up restricting the role of the Council to a mere advisory body. Under the TG Rules, specifically Rule 10, every State Government is mandated to set up a welfare Board to protect the rights of transgender persons and facilitate their access to welfare measures and schemes. The State Government has considerable flexibility in setting up a governing framework for such a Board.

In Tamil Nadu, the Tamil Nadu State Commission for Scheduled Castes and Scheduled Tribes Act, 2021 ('TNSCST Act') is a good illustration of a law establishing a robust and empowered monitoring and enforcement authority.

¹ s 74, RPwD Act, 2016.

² s 49, RPwD Act, 2016.

³ ss. 80, 82, RPwD Act, 2016.

⁴ ss. 78, 83, RPwD Act, 2016.

⁵ s. 18, TG Act, 2019.

⁶ s. 19, TG Act, 2019.



Legal Developments in Tamil Nadu

The Commission under the TNSCST Act has been vested with a broad range of functions and powers to protect the civil rights of members of the Scheduled Caste and Scheduled Tribe groups. If operationalised as per the intent of the Act, the Commission can play a critical role in addressing the systemic discrimination that members of scheduled caste and tribe groups face. In July 2025 the Government of NCT of Delhi put out the draft Delhi Transgender Persons (Protection of Rights) Rules, 2025.⁷ Amongst other things, the 2025 Rules provide for the establishment of the Transgender Welfare Empowerment Board and lays out the composition, functions and allowances of the Board, thus providing a clear framework, albeit inadequate, for its governance.⁸

In addition to legislation, several judgements have taken note of the importance of proactive monitoring and enforcement. Both the Supreme Court and High Courts have time and again pointed to the duty of the State to create enabling conditions to allow disadvantaged groups to exercise their rights,⁹ directed the State to monitor, create awareness and enforce laws,¹⁰ and in some cases issued binding directions to the State to set up such mechanisms.¹¹ The recent judgement of the Supreme Court in *Jane Kaushik on the TG Act, 2019* is relevant in this regard. While condemning State lethargy in complying with the Act, the Court also issued binding directions pertaining to monitoring and enforcement to both the Union and State governments.

⁷ Department of Social Welfare, Delhi Transgender (Protection of Rights) Rules, 2025 available at https://socialwelfare.delhi.gov.in/sites/default/files/Social/circulars-orders/draft_delhi_tg_rules_2025.pdf

⁸ Namrata Mukherjee, Kartavi Satyarthi, et al, 'Recommendations on Draft Delhi Transgender (Protection of Rights) Rules, 2025, Vidhi Centre for Legal Policy, available at <https://vidhilegalpolicy.in/research/recommendations-on-the-draft-delhi-transgender-persons-protection-of-rights-rules-2025/>

⁹ *Lata Singh v. State of UP*, (2006) 5 SCC 475 and *Shakti Vahini v Union of India*, AIR2018SC1601, Para 53.

¹⁰ *Jane Kaushik v Union of India*, *Navtej Johar v Union of India*, *NALSA v Union of India*, *Supriyo v Union of India*, *Sushma v Police Commissioner, Greater Chennai*.

¹¹ *Lata Singh v State of UP*, *Shakti Vahini v Union of India*, *Jane Kaushik v Union of India*, and *Vishaka v. State of Rajasthan* 1997 AIR SCW 3043.

The state of Tamil Nadu was the first to establish a State TG Board in 2008. The State TG Board was set up with the vision of playing a key role in the social protection of transgender persons. It has been tasked with two key functions: (a) formulation and funding of schemes for transgender persons, and (b) enabling access to existing State Government benefits.¹² The welfare measures cover a broad range of areas and include housing, education, trans-affirming care, identity documents, employment, etc.¹³ The State TG Board comprises official members which are Government officers, and non-official members who are from the community and civil society.

The Community Policy, 2024 had recommended that in addition to the State TG Board, district sexual and gender minority committees must be set up to monitor and implement laws and policies at the district level. This policy also recommended the establishment of a State Commission for Gender and Sexual Minorities ('GSM Commission'). The design of the GSM Commission was inspired by the Tamil Nadu State Commission for Scheduled Castes and Scheduled Tribes ('TNSCST Commission'). Similar to the TNSCST Commission, it was recommended that the GSM Commission be vested with the power to carry out inquiries and recommend action in the event

¹² Social Welfare and Women Empowerment Department, Transgender Welfare Board, <<https://tg.tnsw.in/webapp/index.aspx>> accessed 24 February 2026.

¹³ Ibid.

of violations. Further, the policy envisaged a range of functions for the GSM Commission including proactive monitoring, prevention, research, advisory, enforcement, and grievance redressal.

The State Policy, 2025 on the other hand provides for the establishment of a State Level Committee which has a monitoring and advisory role at the State level, and District Level Committees which have a monitoring and implementation role at the district level. The role of these committees is restricted to transgender persons and persons with intersex variations, thus leaving out sexual minorities. **Table 9** lists out these bodies and provides a brief overview of their composition and functions.

Table 11
Authorities, Composition & Functions proposed under the State Policy, 2025

Authority	Composition	Function
Transgender Welfare Board	The State TG Board comprises eleven official members who are government officers and twelve non-official members comprising transgender community leaders and NGO leaders. The President of the Board is the State Minister of Social Welfare and Women's Empowerment.	Broadly, the primary functions of the State TG Board are as follows: design and implement schemes for transgender persons with a focus on livelihood and welfare; coordinate efforts between various government department officials; and advise the State Government on implementation of the notified policy. ¹⁴

Authority	Composition	Function
State Level Committee	The State Level Committee is chaired by the Chief Secretary and comprises 19 government officers across various departments; representatives from Transgender and Intersex Communities and representatives from Civil Society Organisations who work for the welfare of Transgender and Intersex persons.	The State Level Committee has been vested with the following functions: advisory, formulating legislation and projects for welfare, monitoring and evaluating impact of policies, reviewing and coordinating amongst departments and NGOs, and carrying out periodic review of the effectiveness of the notified policy.
District Level Monitoring Committee	The District Level Monitoring Committee is chaired by the District Collector and comprises 16 government officials across various Departments; one Clinical Psychologist/ Psychiatrist; representatives from Transgender and Intersex community; and an NGO representative.	The District Level Monitoring Committee has been vested with the following functions: implementation of the policy at the district level, implementing and monitoring programmes, conducting camps for identity documents and welfare benefits, setting up homes and support centers, creating awareness and conducting grievance redressal camps.

¹⁴ Ibid.



Inputs from Consultations

Lack of Governing Framework for State TG Board

There was consensus amongst all the stakeholders consulted that while Tamil Nadu has been an outlier as it was the first State to establish a TG Board, however, the manner in which the Board functions has fallen short of expectations. First, despite a range of functions being envisaged for the Board, its role is restricted to enabling access to identity documents and welfare schemes. Second, the Board was criticised on grounds of lack of transparency, representation, accountability, and effectiveness in discharge of its functions. The absence of a clear framework governing the State TG Board was pointed out time and again. Several stakeholders recommended a framework for the governance of the Board which laid out the criteria for membership, powers and functions, and mandates for transparency. Two stakeholders pointed out that the key government officers on the Board were already overburdened with other functions, and this prevented them from effectively discharging their duties as official members of the Board.

It was revealed during consultations that while the State Transgender Welfare Board can extend subsidy grants to support entrepreneurship, there is no clear process for application. As of now, documents required include: the State transgender identity card, aadhaar card, a public sector bank document and a letter of intent about the manner in which the grant will be used. Even when the approval is given, the release of funds is delayed. The stakeholder pointed out that despite his grant being approved, the release of funds has been pending for around four years.

No measures for sexual minorities

Several stakeholders also expressed their concern about sexual minorities outside the scope of the State Policy, 2025. They recognised that the LGBTIA+ community cannot be treated as a homogenous group and measures must be tailor-made for transgender persons, persons with intersex variations and sexual minorities. However, they also pointed to the need for the State to set up a mechanism to identify and address the needs of sexual minorities, as they too were subject to rampant discrimination. This is particularly critical in the background of judgments such as *Supriyo* and *S. Sushma* where the Court has directed the State Government to address the discrimination sexual minorities face.



Recommendations

Issue: O1

There is **no** governing framework for the State **Transgender Welfare Board**

The State TG Board was established via a Government Order dated April 15, 2008.¹⁵ The Order does not provide for a clear framework which outlines the composition of the Board, its administrative structure, functions, and powers. In the absence of such a framework, the State TG Board functions without clear direction and in an arbitrary and ad-hoc fashion. This was affirmed during consultations. Further, while government officers serve as official members, transgender persons serve as non-official members. Consequently, transgender persons are rendered largely powerless and are restricted to an advisory role.

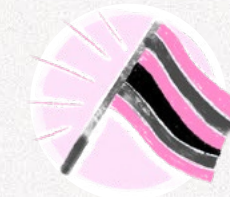
¹⁵ Government Order available at: https://tg.tnsw.in/webapp/tg_documents/TWDO0001_doc.pdf.



Instrument:
Executive



Nodal Authority:
Department of **Social Welfare**
& **Women Empowerment**



Proposed Step:

To ensure integrity, clarity and transparency in functioning, a clear governing framework must inform the design and mandate of the State TG Board. While a statutory framework is recommended, initially this framework can be established through a Government Order issued by the Department of Social Welfare and Women Empowerment. The Community Policy, 2024 had recommended a statutory authority, namely the GSM Commission, which covered both gender and sexual minorities. However, the monitoring and enforcement mechanisms under the State Policy, 2025 are restricted to only transgender persons and persons with intersex variations. It is recommended that sexual minorities are brought within the fold of monitoring mechanisms, as they too are subject to systemic discrimination and are vulnerable to violence.

A simple and effective manner to achieve this is to incrementally expand the mandate of the State TG Board to cover sexual minorities. This will account for capacity and resource constraints. As the State TG

Board is not set up in pursuance of the TG Act, 2019 or the State TG Rules, the mandate of the Board is not statutorily restricted to only transgender persons. Further, as outlined earlier, while gender and sexual minorities must be treated as distinct groups with welfare measures and affirmative action covering transgender persons, anti-discrimination measures across all sectors can cover both groups. The Tamil Nadu Government may eventually consider the merit of a single authority akin to the GSM Commission proposed in the Community Policy, 2024.

A framework governing the operation of the State TG Board may be modelled on draft prescribed in [Table 10](#). The following are the key features of such a framework:

A. Composition:

The framework must prescribe the members of the Board, the manner of appointment, and their qualifications/eligibility criteria. Different groups within the transgender community (transgender men, transgender women and third gender transgender persons) must be given equal representation. The distinction between official and non-official members must be abolished to ensure transgender members of the Board are adequately empowered.

B. Functions and Powers:

The functions of the Board must be clearly defined, and commensurate powers must be vested in the Board such that it can carry out its functions. Given the plethora of challenges faced by the transgender community, the Board’s functions must go beyond identity documents and welfare schemes. Further, given the Board comprises around twenty-three members, to ensure effective discharge of functions, it may be empowered to form sub-committees with clear mandates.

C. Transparency:

To ensure accountability, there must be a mandate to ensure the Board is transparent in its functioning. As the Board constitutes a public authority under the Right to Information Act, 2005, it should comply with section 4 of this Act, which prescribes the information such an authority must make available to the public.

Table 12
An illustrative draft governing the Tamil Nadu Transgender Welfare Board

Government Order No. __ Tamil Nadu Government Department of Social Welfare and Women’s Empowerment Dated: xx xx xx Subject: Framework for Governance of the Tamil Nadu Transgender Welfare Board The Government of Tamil Nadu established the Tamil Nadu Transgender Welfare Board via Government Order No. 38 dated 15.04. 2008 for the welfare of transgender persons in Tamil Nadu. To ensure efficient discharge of functions and transparency, a governing framework for the Transgender Welfare Board is prescribed.

1. Composition:

The Tamil Nadu Transgender Welfare Board will comprise the following members:

- a) - Chairperson;
- b) - Member Secretary;
- c) - Member;
- d) - Member;
- e) Members to be nominated by the Government:
 - (i) (x) number of persons representing transgender women;
 - (ii) (x) number of persons representing transgender men;
 - (iii) (x) number of persons representing third gender transgender persons;
 - (iv) (x) number of persons representing persons with intersex variations; and
 - (v) (x) experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons.

Provided that out of the (x) members nominated, at least (x) members will be from the Scheduled Castes and the Scheduled Tribes;

2. Tenure of Nominated Members:

The nominated members will serve on the Board for a period of (x) years from the date of nomination.

3. Sub-Committees of the Board:

1. The Board may form sub-committees to carry out, and discharge functions as may be specified by the Board.
2. The Board will specify the mandate, members and tenure of the sub-committee and publish the same on its website.
3. The sub-committee will work under the authority of and report to the Board.

4. Functions of the Board:

1) The Board has the following functions:

- a. advise and assist the government in framing welfare schemes, policies and any other measures for transgender persons;
- b. monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons in society and publish annual performance reports;
- c. review and coordinate the activities of all the departments of Government, and other Governmental and non-Governmental Organisations working for the empowerment of transgender persons;
- d. assist transgender persons in applying for the state transgender identity card and change their name and gender in their identity documents;
- e. assist transgender persons in filing complaints before the appropriate forum in the event of violation of their rights;
- f. assist transgender persons in applying for and accessing welfare schemes and benefits;
- g. organise periodic awareness and grievance redressal camps at the district level and ensure sufficient publicity of such camps to transgender persons relying in the district;
- h. carry out periodic sensitisation, in collaboration with one or more civil society organisations, of government officers and law enforcement on the transgender community and their rights;
- i. establish and run a 24*7 hotline line for transgender persons which can assist them in relation to connecting them to law enforcement, transgender friendly public hospitals, mental health care support, and legal aid services;
- j. carry out regular and periodic monitoring of the implementation of the Transgender Persons

(Protection of Rights) Act, 2019 and the Tamil Nadu Transgender Persons (Protection of Rights) Rules, 2022 directly or with the assistance of the District Level Monitoring Committee or other relevant authorities and submit status reports to the Government for appropriate action; and

- k. any other functions as may be prescribed by the Government.

5. Meetings of the Board:

The Board will meet every four months, and the Chairperson may convene additional meetings as and when required.

6. Impact Report:

The Board will submit an annual impact report outlining its activities and their impact and submit it to the Government and publish it on its website.

7. Transparency:

The Board will comply with section 4 of the Right to Information Act, 2005 and also publish the following information on its website:

- a. minutes of meetings including key decisions taken in the course of such meetings within one month from the date of such meeting;
- b. annual impact report;
- c. the annual budget of the Board and the manner in which funds were utilised;
- d. details including date, time and location of awareness and grievance redressal camps;
- e. information regarding laws, schemes, policies, programmes or any other measures pertaining to transgender persons;
- f. the process and eligibility criteria, including documentation required, for application to grants or any other benefits disbursed by the Board;
- g. any other details as may be prescribed by the Government.

Issue: 02

Monitoring & Enforcement measures for sexual minorities

While the State Policy, 2025 prescribes monitoring and enforcement mechanisms for transgender persons and persons with intersex variations, sexual minorities are left out of the fold. This despite the fact that certain measures in force in Tamil Nadu, such as the ban on conversion therapy and the amendment to the Tamil Nadu Subordinate Police Officers' Conduct Rules, 1964 cover all three groups. As outlined above, the merit of incrementally expanding the mandate of the State TG Board may be considered in lieu of a GSM Commission. However, pending such expansion or the enactment of a new statutory framework, there exists a clear gap with respect to protection of sexual minorities. Therefore, in the interim, mechanisms must be put in place to monitor and enforce the rights recognised (both judicially and statutorily) of sexual minorities.



**Instrument:
Executive**



**Nodal Authority:
Department of Social Welfare
& Women Empowerment**



Proposed Step:

Appointment of a Sexual Minorities Commissioner,¹⁶ as an executive authority with advisory, monitoring, and coordination functions.

A. Eligibility Criteria:

The Commissioner must be a bureaucrat of a senior rank in the Department such that she has the necessary authority to discharge her functions. Broadly, the Commissioner must have experience in the field of rights-based work and must have undergone sensitisation and capacity-building on issues relating to rights of the LGBTIA+ community.

¹⁶ It is critical to acknowledge that this was a core recommendation shared by Advocate Kanmani in course of consultations and informed Vidhi's approach towards this issue.

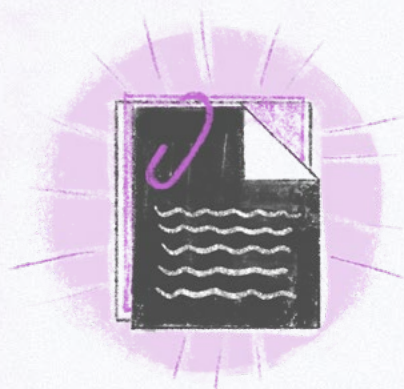
B. Functions:

Similar to the Chief and State Commissioners under the RPwD Act, the Commissioner must be vested with functions which enable her to safeguard the rights of sexual minorities. Functions can include:

- advise the government on measures, including framing of laws and policies to recognise and safeguard the rights of sexual minorities;
- review the factors that inhibit the exercise of rights by sexual minorities and propose remedial and preventive action;
- promote rights of sexual minorities including efforts towards sensitisation and awareness creation particularly for government officers, law enforcement and state legal aid services;
- engage with civil society organisations and experts working on rights of sexual minorities to identify the needs of and challenges faced by the community;
- coordinate the efforts of various Departments towards inclusion of sexual minorities; and
- review the efforts of the Government in recognising and protecting the rights of sexual minorities.

C. Convergence:

While the Commissioner will play a critical role in advising the government to undertake measures to recognise and safeguard rights of sexual minorities, it is important to envisage a long-term role for such an officer. This could include absorbing them in the State TG Board if its mandate is expanded to cover the LGBTIA+ community or an authority such as the GSM Commission as proposed in the Community Policy, 2024.



Annexure 1:

Draft of Deed of Familial Association

The draft of the 'Deed of Familial Association' borrows heavily from the template in the Community Policy, 2024, and it is critical to acknowledge the same as source material. The draft has been modified for simplicity of language and to extend its ambit beyond the visibility of a queer relationship to enable access to joint benefits (See, *Chapter 2*).

This deed is made on [.]

BETWEEN

A [.] aged [.] residing at [.]
referred to as the first party

And

B [.] aged [.] residing at [.]
referred to as the second party

1. The first party and second party are collectively referred to as 'partners' and declare to be in a Deed of Familial Association in

accordance with the following criteria:

- a. We have known each other in a personal capacity for [.] years and are in a consensual queer relationship;
 - b. We are both above eighteen years of age;
 - c. We both freely consent to enter into this Deed of Familial Association;
 - d. We are not in a subsisting marriage or in a Deed of Familial Association with any other party;
 - e. We are not in any degree of prohibited relationship as provided under the First Schedule of the Special Marriage Act, 1954;
2. The partners are in a committed relationship of love, mutual care and support.
 3. The partners seek to build a life jointly and remain committed to each other and are responsible for their common welfare and living expenses.
 4. The partners are cohabiting, seek to cohabit in the future, or would have cohabited but are prevented from doing so because of [.]
 5. In the event one of the partners seeks to dissolve this Deed of Familial Association, such partner will give the other partner a notice of at least thirty days prior to application for dissolution as per the prescribed format.
 6. Tick if applicable:
 - The partners are jointly raising a child/children and share parental responsibilities including caregiving, expenses and upbringing of the child.
 - The partners have named each other in their wills as beneficiaries.

I have signed this Deed of Familial Association on [.] at [.]

Name and Signature of
First Party

.....

Name and Signature of
the First Witness

.....

Name and Signature of
Second Party

.....

Name and Signature of
the Second Witness

.....

