

29.10.2026 NEWS

INDIAN PILOT MACHHARI RECEIVES UAE'S HIGHEST BRAVERY AWARD

- On September 30, a Flydubai aircraft departed from Dubai in the United Arab Emirates (UAE) for Tel Aviv, Israel. More than 170 people, including pilots, flight attendants and passengers, were travelling on the aircraft.
- Shortly after takeoff, a co-pilot from Yemen allegedly attacked Indian pilot Captain Smit Machhari on the back of his head and attempted to hijack the aircraft. Despite the attack, Smit Machhari fought against the co-pilot and, with the assistance of passengers, successfully foiled the hijacking attempt.
- The courageous actions of the Indian pilot saved the lives of more than 170 people. In recognition of his bravery, he was honoured with the prestigious First Class Order of Zayed II award.

LET TAMIL NADU PROTECT TRANSGENDER RIGHTS!

» Amendments and Powers

- The amendment introduced this year to the Transgender Persons (Protection of Rights) Act, 2019, has brought about three major changes.
- First, the legal definition of a transgender person has been narrowed and restricted to certain specified socio-cultural identities. Second, the procedure for obtaining a transgender identity certificate has been made more dependent on medical examinations.
- Third, some newly introduced criminal provisions are unclear and excessively broad. As a result, there is a risk that the activities of community organisations such as Jamaats (traditional community organisations among transgender persons), Dera Gharanas (traditional residential and community structures of transgender persons), and non-governmental organisations supporting transgender and gender-diverse people could also be criminalised.
- However, even after these amendments, State Governments continue to possess important powers. Section 22 of the Transgender Persons (Protection of Rights) Act, 2019, empowers State Governments to formulate rules for implementing the Act.
- Furthermore, the fundamental rights recognised by the Supreme Court in the NALSA v. Union of India judgment, including self-identification of gender, dignity and equality, continue to remain applicable.

» Need for Clarity

- Based on these two legal foundations, the Tamil Nadu Government can immediately undertake certain essential measures. The 2026 Amendment Act narrows the definition of transgender persons by specifying only certain socio-cultural categories. One of these categories is Aravani.
- As far as Tamil Nadu is concerned, this term should not be given a narrow interpretation. The State Government should clarify that the term Aravani encompasses the diverse transgender identities existing in Tamil Nadu, including transgender women and transgender men.

» Protection of Existing Legal Gender Identity

- Individuals who have already legally changed their gender identity should not be subjected to a new procedure.
- This raises an important question regarding individuals who have already obtained transgender identity cards or have legally changed their gender to male or female in official documents. Such individuals should not be forced to undergo new medical procedures.
- By exercising its rule-making powers under Section 22 of the 2019 Act, the Tamil Nadu Government should clarify that :
  - Identity certificates already issued to transgender persons will continue to remain valid.
  - Gender changes that have already been legally recognised will remain valid.
  - Individuals who have already obtained legal gender recognition should not be required to undergo fresh medical examinations or certification procedures.
  - The rights and legal recognition previously granted to transgender persons must continue to be protected.

» Threat to Safe Shelter

- Certain criminal provisions introduced in the 2026 Amendment Act create another significant risk. Community organisations such as Jamaats, Dera Gharanas, and LGBTQ+ and transgender rights organisations often provide shelter, protection and social support to young transgender persons escaping violence or abuse within their families.
- In particular, these community organisations may be the first to offer protection to individuals who wish to live according to their gender identity despite opposition from their families. If the new criminal provisions are interpreted too broadly, those who provide shelter to individuals who have voluntarily left their homes may face accusations of kidnapping or coercion. To prevent this, the Tamil Nadu Home Department should issue clear guidelines to the police.
- During the preliminary inquiry, if it is established that the transgender person has voluntarily left home, sought shelter or undertaken a gender transition process of their own free will, criminal proceedings should not be initiated against that person or the Jamaat, Gharana or non-governmental organisation that assisted them. If the person concerned is a minor, the child protection procedures prescribed by law must be followed.
- Under the Juvenile Justice (Care and Protection of Children) Act, 2015, the appropriate Child Protection Officer should conduct the preliminary inquiry. Only when there is evidence of a genuine risk of violence, exploitation or abuse against the child should the child be brought before the Child Welfare Committee in accordance with the procedures prescribed by law.

» Gender Identity

- Another concern arising after the 2026 Amendment is whether gender-affirming medical services will be affected. However, the legal position on this issue is clear. No provision in the 2026 Amendment Act prohibits or criminalises the provision of legitimate gender-affirming medical services.
- The Union Ministry of Social Justice and Empowerment also clarified this position in its reply to a question raised by Rajya Sabha Member Tiruchi Siva on April 1, 2026. The Union Government stated that the criminal provisions of the Amendment Act were not introduced with the intention of restricting legitimate gender-affirming medical services. Therefore, hospitals, doctors, psychologists and other healthcare professionals in Tamil Nadu should continue providing these services without hesitation.
- The Tamil Nadu Government may issue a separate Government Order or clear guidelines on this matter. The services currently provided free of cost in government hospitals, including gender-affirming surgeries, should not be discontinued for any reason.
- Awareness programmes and training should also be conducted for healthcare professionals to ensure that no transgender person is denied medical treatment due to misunderstandings about the new legislation.
- Such measures would help protect the health, dignity and rights of transgender persons in Tamil Nadu.

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