

## Tamil Nadu's State Policy for Transgender Persons 2025

Tamil Nadu's 2025 Transgender Policy proposes amending the Hindu Succession Act to grant equal inheritance rights to transgender and intersex persons, addressing the law's binary gender bias. This move aligns with constitutional principles of equality and sets a model for inclusive personal law reform in India.

### Inheritance Reform Focus

#### Policy Announcement (2025)

Tamil Nadu unveiled a new State Policy for Transgender Persons, 2025. Proposal to amend the Hindu Succession Act, 1956 to explicitly ensure equal inheritance rights for transgender and intersex persons, including those identifying as non-binary.

### Binary Structure of the Act

The Hindu Succession Act, 1956 governs inheritance among Hindus, Buddhists, Jains, and Sikhs. It identifies heirs solely as "male" or "female", with no legal recognition of transgender or non-binary identities unless they opt into either category. This forces transgender and intersex individuals to choose a binary identity to access their legal inheritance rights.

### Consequences of Exclusion

#### 1. Denial of Property Rights

Transgender persons are often excluded from family property or inheritance due to lack of legal recognition.

#### 2. Social and Economic Vulnerability

This leads to marginalization, homelessness, and financial insecurity within an already stigmatized group.

#### 3. Violation of Constitutional Principles

Article 15 of the Indian Constitution prohibits discrimination "on grounds of religion, race, caste, sex or place of birth". The Supreme Court in *NALSA v. Union of India* (2014) interpreted "sex" to include gender identity, thus covering transgender individuals. Despite this, the Hindu Succession Act remains unamended, creating a legal contradiction.

#### 4. Judicial Inaction and Case Law

Even after the NALSA judgment, personal succession laws have not evolved to be inclusive. Notable cases like Mafatlal Case (2005) illustrate the judicial neglect in addressing transgender inheritance claims.

## Global and Regional Perspectives

### 1. Progressive Neighbours

Pakistan and Bangladesh have introduced legal provisions ensuring inheritance rights for transgender individuals, recognizing them as a third gender in property matters.

### 2. India's Gap Despite Progressive Rulings

While India has progressive court rulings (e.g., NALSA, Navtej Johar, Puttaswamy), these rights are not yet codified in personal laws. There is a need for synchronization between constitutional jurisprudence and statutory laws.

## Broader Significance of Tamil Nadu's Policy

### 1. Historical Progressiveness

Tamil Nadu has been a pioneer in transgender welfare. First Indian state to establish a Transgender Welfare Board. First to provide third gender option in college admission forms. Provides affirmative action by recognizing transgender persons as Socially and Educationally Backward Classes (SEdBC).

### 2. Support for Central Legislation

The state's policy aligns with the Transgender Persons (Protection of Rights) Act, 2019, a central law that prohibits discrimination and guarantees equal rights to transgender persons. Tamil Nadu's initiative aims to strengthen implementation and fill legislative gaps in personal law through state-level policy action.

### 3. Upholding Human Rights and Constitutional Morality

1. Reinforces Article 14 (Right to Equality),
2. Article 15 (Non-discrimination based on sex/gender identity),
3. Article 21 (Right to Life with Dignity).

### 4. Creating a National Model

1. The initiative can serve as a model policy for other Indian states.
2. It demonstrates how state governments can reform personal laws and inheritance rights to include all gender identities.
3. It encourages decentralized innovation in rights-based governance for marginalized communities.

Source: <https://www.thehindu.com/news/national/tamil-nadu/tns-policy-for-transgender-persons-advocates-for-amending-hindu-succession-act-over-inheritance/article69879172.ece>