



**GENDER
IS SELF-
DETERMINED,
NOT
WHAT
IS
ASSIGNED
AT
BIRTH.**



CASE FILES

**National Legal Services
Authority (NALSA)
v. Union of India**

15TH APRIL 2014

JUDGES:
Justice K.S. Radhakrishnan
Justice A.K. Sikri

The Supreme Court for the first time recognised that every person has the right to self-determine their gender identity as male, female, transgender or other category. It held that each person's self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of dignity and freedom under Article 21 of the constitution. No one shall be forced to undergo medical procedures, sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity.

Read more about this case here: <https://translaw.clpr.org.in/>

“We, therefore, hold that values of privacy, self-identity, autonomy and personal integrity are fundamental rights guaranteed to members of the transgender community under Article 19(1)(a) of the Constitution of India and the State is bound to protect and recognize those rights.”

The Supreme Court upheld the right of all persons to self-identity their gender as male, female, or transgender.

“... the moral failure lies in the society’s unwillingness to contain identities and expressions, a mindset which we have to change.”

This was a landmark judgment in which the Supreme Court held that Transgender persons have the right to decide their self-identified gender as male, female or transgender under articles 14, 15, 19 and 21 of the constitution. It also directed the Centre and State Governments to grant legal recognition of their gender identity. The Court also directed the Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservations in cases of admission in educational institutions and for public appointments.

DECISION:

“Recognition of one's gender identity lies at the heart of the fundamental right to dignity. Gender constitutes the core of one's sense of being as well as an integral part of a person's identity. Legal recognition of gender identity is, therefore, part of right to dignity and freedom guaranteed under our Constitution.”

We aim to advance transgender rights in South Asia through a comprehensive and accessible digital resource for members of the transgender community, civil society organisations, legal professionals and the academic community from the South Asia region and beyond.

translaw.clpr.org.in/



www.clpr.org.in/

GENDER IDENTITY	JUDGES: Justice K.S. Radhakrishnan Justice A.K. Sikri	Law And Policy Resources	APRIL 2020	ISSUE 01
		SUPREME COURT OF INDIA		
BRIEF CASE		National Legal Services Authority (NALSA) v. Union of India		
		15/04/2014		

