

NALSA v. UNION OF INDIA¹

In the historic *National Legal Services Authority (NALSA) v. Union of India* (2014) verdict, the Supreme Court of India recognized transgender individuals as the "third gender" while upholding their constitutional rights. The Supreme Court's ruling brought transgender people under equality principles by establishing legal transgender recognition and paving the road for full protection of fundamental rights.

Facts of the Case

A petition was filed by the **National Legal Services Authority (NALSA)**, a statutory authority, asking the Supreme Court to intervene on behalf of transgender rights. In order to get legal recognition for transgender individuals and protect their constitutional rights, the National Legal Services Authority filed a petition with the Supreme Court.

In addition to NALSA, the lawsuit featured a number of additional petitioners, including social activists including **Poojaya Mata Nasib Kaur Ji Women Welfare Society** and **Laxmi Narayan Tripathy**. The petitioners said that prejudice is experienced by transgender people who do not conform to the male or female categories in their educational endeavors, career prospects, access to healthcare, and social relationships.

Question of Law

The Court had to make a decision about the legal recognition of those who do not fit into the male/female gender dichotomy as "third gender" individuals. It discussed whether ignoring non-binary gender identification violates the Indian Constitution's fundamental rights. In order to formulate its ruling, it resorted to an **Expert Committee on Issues Relating to Transgender** established under the Ministry of Social Justice and Empowerment.

Judgement

In its 2014 ruling, the Supreme Court of India recognised transgender persons (including hijras, eunuchs, and others outside the male–female binary) as legal members of a third gender. The Court held that every individual has the right to self-determine their gender identity male, female, or transgender rejecting the requirement of medical or biological tests for legal recognition.

¹ AIR 2014 SC 1863

The Court discussed the *Corbett v. Corbett* (1970) case, which focused entirely on biological sex and how it differs from psychological sex. The *Attorney-General v. Otahuhu Family Court* (1971) case, which discusses New Zealand's norm needing surgical and medical treatments to accomplish a metamorphosis, was also recognized by the Court. The divisional bench concluded that gender recognition should not be determined by an individual's biology or the biological sex they were born with based on these precedents. Rather, the "psychological sex" or gender identity that a person identifies with should be given full weight.

The Court interpreted key fundamental rights equality and non-discrimination under [Article 14](#) of the Constitution of India, prohibition of sex-based discrimination under [Article 15](#) of the Constitution of India, equal employment opportunity under [Article 16](#) of the Constitution of India, freedom of expression under Article 19(1)(a) of the Constitution of India, and dignity & personal liberty under [Article 21](#) of the Constitution of India as extending to transgender individuals without exception.

Recognising the systemic marginalization faced by transgender persons, the Court directed both the Central and State Governments to grant legal recognition of their gender identity in official documents and to adopt welfare measures. These include access to education, healthcare, employment opportunities, and social security, with the suggestion that transgender persons be treated as socially and educationally backward classes eligible for affirmative action.

The judgment anchored gender identity firmly within constitutional protection and marked a landmark shift toward inclusive jurisprudence in India. It affirmed that transgender persons are entitled to all fundamental rights enjoyed by other citizens, thereby laying a legal foundation for their social, economic, and civil inclusion.