

Morning Mix

India now recognizes transgender citizens as 'third gender'

By [Terrence McCoy](#)

April 15, 2014

In India, as in almost every nation in the West, members of the transgender population have historically been forced to designate themselves as either a “male” or “female” on all governmental forms.

No longer.

In what [local media](#) are calling a landmark judgment, India’s Supreme Court on Tuesday created a “third gender” status for transgender people, granting the group formal recognition for the first time. “Recognition of transgenders as a third gender is not a social or medical issue but a human rights issue,” Justice K.S. Radhakrishnan said when he announced the ruling. “Transgenders are citizens of this country and are entitled to education and all other rights.”

He [directed](#) local governmental bureaucracies to identify transgender people as a neutral third gender, adding that they will now have the same access to social welfare programs as other minority groups in India, the world’s largest democracy and currently in the midst an election campaign.

The court’s decision would apply to individuals who have acquired the physical characteristics of the opposite sex or present themselves in a way that does not correspond with their sex at birth, the Associated Press said.

The Supreme Court specified that its ruling would apply only to transgender people and not to gays, lesbians or bisexuals. India’s LGBT communities have been protesting the court’s recent decision to reinstate a colonial-era law banning gay sex, which they say will make them vulnerable to police harassment.

The case was brought in 2012 when a group led by transgender activist Laxmi Narayan Tripathi, a Hindi film actress, sought equal rights for India’s transgender population.

On Tuesday, Tripathi was triumphant. “Today, for the first time I feel very proud to be an Indian,” she [told reporters](#) gathered at the New Delhi court. “Today, my sisters and I feel like real Indians, and we feel so proud because of the rights granted to us by the Supreme Court.”

Across much of South Asia and Southeast Asia, the language of gender is substantially more ambiguous than it is in the West. In countries such as Thailand and Cambodia, transgender people aren’t usually referred to as either a man or a woman — but as *kathoeys*. India’s decision follows other

regional countries' decisions to recognize a third gender. Last year, neighboring Nepal [offered](#) a third gender option on official documents for its transgender population.

The West has been a tad slower to adopt such measures. Last year, Germany [became](#) the first European country to recognize a third gender, allowing parents of newborns to mark “male,” “female” or “indeterminate” on birth certificates.

Across the rest of Europe, [Spiegel Online reports](#), change has been more halting. “Things are moving slower than they should at the European level,” human rights activist [Silvan Agius said](#). “Though Brussels has ramped up efforts to promote awareness of trans and intersex discrimination, I would like to see things speed up.”


Things in India sped up this year. For the first time, India's Election Commission [allowed](#) a third gender of “other” on voter registration forms for this election. Nearly 30,000 people designated themselves as “other,” the [Associated Press reported](#), and there are an estimated 3 million transgender individuals in India.

“The progress of the country is dependent upon [the] human rights of the people, and we are very happy with the judgment,” [Tripathi said](#). “The Supreme Court has given us those rights.”

 **11 Comments**



Terrence McCoy

Terrence McCoy covers social issues in urban and rural America. He joined The Washington Post in 2014. [Follow](#) 

The Washington Post

The story must be told.

Your subscription supports journalism that matters.

Try 1 month for \$1

Our journalism keeps watch on Washington and the world.

Try 1 month for ~~\$10~~ \$1

Send me this offer