

Transgender people have the freedom to participate in athletic activities in the gender of their choosing in the absence of a designated category: Kerala High Court

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The Kerala High Court ruled on Friday that transgender athletes must be allowed to compete in the category of their choosing if there isn't a specific division for them to compete in [Anamika v. State of Kerala & Ors.].

A transwoman who wanted to compete in a district-level Judo tournament but was told by the organisers that transgender people aren't permitted to participate in the event filed a case with Justice VG Arun.

According to Justice Arun, all transgender people have an equal right to compete, and as there isn't a specific category for them, they must be let to compete in the category of their choosing.

"It is my considered opinion that a transgender person is having equal right to participate in competitions. Here, in the absence of any category for participating transgender persons, the petitioner is seeking to participate in her identity as woman. If the organisers have not made arrangements for participating transgenders, then the petitioner will have to be permitted to participate in her chosen category." The court said.

The Court ordered the competition's organisers to accept the petitioner's application and let her to compete provisionally, pending the resolution of the petition.

The petition was filed by a transwoman who claimed to have competed in sports her whole life, even after getting gender-affirming surgery, though she did so under the transgender umbrella.

She was advised that transgender people would not be permitted to compete in the tournament when she tried to submit her application to compete in a District Level Judo competition.

The petitioner's advocate, Dhanuja MS, said that since the operation and approximately 5 years of hormone medication, the petitioner has a strong sense of her gender identity as a woman. As a result, the petitioner ought to be allowed to compete in the women's category.

The Supreme Court's ruling in the historic case National Legal Services Authority v. Union of India, in which the top court acknowledged transgender "as a gender identity," was relied upon.

The Kerala Judo Association and the Kozhikode Judo Association were ordered by the court to approve the petitioner's plea and grant her permission to compete on a temporary basis.

After notice has been given, the subject will be revisited.