

**GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

UNSTARRED QUESTION NO:3383
ANSWERED ON:17.03.2015
INCLUSION OF TRANSGENDER IN OBC
Chaudhary Shri P.P.;Karandlaje Km. Shobha

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) the total number of transgenders in the country and the rate of increase in their population over the years;
- (b) whether the Supreme Court has directed that transgender persons should be treated as social and educationally Backward Classes to extend the benefits of reservation in admission in educational institutions, for public appointments, facilities including voter card, passport and driving license;
- (c) if so, the details thereof and the reaction of the Government thereto;
- (d) whether the Government proposed to consider the views of civil society before formulating Schemes to bring transgender people into the mainstream of the society and has also sought the opinion of the National Commission for Backward Classes for inclusion of transgenders in the OBC category and if so, the details thereof; and
- (e) the time by which the Government is likely to implement the Court's decision to include transgender persons in OBC category?

Answer

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT (SHRI VIJAY SAMPLA)

- (a) : There is no authentic data regarding number of transgender persons in the Country .
- (b) & (c) : The Hon'ble Supreme Court in its judgment dated 15.04.2014 in W.P. No. 400/2012 filed by National Legal Services Authority Vs Union of India and others has, inter-alia, directed Centre and the State Governments to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments. The Ministry has filed an application in Supreme Court seeking clarification regarding granting OBC status to such transgender persons who may by birth belong to SCs/STs.
- (d) : An Expert Committee was constituted in the Ministry to make an in-depth study of the problems being faced by the Transgender Community and suggest suitable measures to ameliorate their problems. The Committee submitted its report on 27th January 2014.

The Ministry has sought clarification from the National Commission for Backward Classes (NCBC) for inclusion of transgenders in the OBC category. NCBC while tendering advice to include Transgender Community in the Central List of Other Backward Classes for all the States, also stated that clarification on the aspect of SC/ ST status of Transgender may be sought by the Government from the Supreme Court of India.
- (e): Since the Ministry has filed an application in Supreme Court seeking clarification in this regard, no time frame can be indicated.