Polity & Governance · GS - II

Examine the constitutional challenges involved in balancing transgender persons' rights with sex-based protections for women in areas such as reservations, prisons, sports and search procedures.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 29/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Articles 14 and 21; dignity and privacy; transgender rights; substantive equality; women's safety; sex-based protections; proportionality; evidence-based safeguards; judicial review

Model Answer

Introduction

Constitutional governance requires the protection of transgender persons from discrimination while ensuring the effectiveness of legal safeguards designed for women. Questions concerning reservations, prisons, sports and searches require careful legal and policy assessment.

Constitutional Framework

Equality and Dignity: Article 14 guarantees equality before the law, while Article 21 protects life, personal liberty and dignity. The Supreme Court's *NALSA* judgment (2014) recognised transgender persons' rights and self-identified gender.

Protection of Women: Constitutional guarantees and statutory measures address discrimination, violence and unequal representation faced by women. Their implementation must remain effective and consistent with constitutional principles.

Areas of Concern: Institutions must consider privacy, physical safety, fair participation in sports, reservation eligibility and respectful search procedures. The appropriate criteria may differ according to the purpose and legal framework of each setting.

Way Forward

Legislative and administrative measures should use clear, evidence-based criteria, proportional safeguards, confidentiality and accessible grievance mechanisms. Consultation with women, transgender persons, legal experts and relevant institutions can help identify workable solutions. Courts can review whether such measures comply with fundamental rights.

Conclusion

A rights-based approach should protect dignity and equality while addressing legitimate safety and representation concerns through context-specific, lawful and proportionate safeguards.

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