Polity & Governance · GS - II

Right to privacy relating to self-identity is very dear to every human being and well protected under Article 21 of the Constitution. In this context, examine the effect of the amendment in 2026, to the Transgender Persons (Protection of Rights) Act, 2019.

EXAM YEAR	PAPER	SUBJECT
2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 21, privacy and dignity, self-identity, NALSA judgment, Transgender Persons Act 2019, 2026 amendment, medical board, recognition of identity, discrimination, rights-based approach

Model Answer

The right to privacy and dignity under Article 21 encompasses important aspects of individual autonomy and identity. The Supreme Court in NALSA v. Union of India (2014) recognised the right of transgender persons to self-identify their gender.

The Transgender Persons (Protection of Rights) Amendment Act, 2026 significantly changes the framework of recognition. It removes the earlier broad definition and excludes trans-men, trans-women and genderqueer persons from the statutory definition. It also requires a recommendation from a designated medical board before the District Magistrate issues a certificate of transgender identity.

The amendment may strengthen institutional verification and introduce specific protection against forced transgender identity and related exploitation. However, mandatory medical scrutiny can raise concerns regarding bodily autonomy, privacy and the principle of self-identification. It may also narrow the statutory coverage of persons previously protected under the 2019 framework.

Therefore, the amendment needs to be implemented consistently with constitutional morality, dignity, equality and privacy so that administrative regulation does not dilute substantive rights.

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