



Mains Practice Question

Case Study

As the District Magistrate of a city with a sizable transgender population, you are confronted with a growing number of public complaints about aggressive begging by some members of the transgender community at busy traffic intersections. Commuters report feeling harassed or coerced into giving money, and traffic police raise concerns about disruptions and safety hazards at junctions.

Upon investigation, you find that many transgender individuals have limited access to education or employment due to deep-rooted social stigma and exclusion. Several transgender advocacy groups acknowledge the complaints but assert that, for many in the community, begging remains the only viable source of livelihood given the persistent discrimination they face in mainstream employment sectors.

You are under pressure to act swiftly to restore public order and ensure road safety, but you are also mindful of the need to uphold dignity, rights, and social justice for a historically marginalized community.

Questions:

(a) What are the key ethical dilemmas involved in balancing public order with the rights and dignity of transgenders? How do prevailing societal attitudes shape these dilemmas?

(b) What policy interventions could you consider to address both the immediate concerns and the long-term welfare of the transgender community?

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Introduction

The case at hand concerns the **delicate balance** between safeguarding the rights of a vulnerable section of the population and ensuring the broader comfort of the community. It involves addressing the competing interests surrounding the **discrimination faced by transgender individuals** in social inclusion, or the livelihood methods they adopt.

Stakeholder	Interest
Transgender Individuals	Access to dignified livelihood, social acceptance, protection from discrimination.
Commuters	Uninterrupted and safe travel, reduction in harassment, and smooth traffic flow.
District Magistrate (DM)	Ensuring public order, upholding legal and ethical responsibilities, and maintaining social justice.
State Government	Creating laws and policies that balance public order with the welfare of transgenders.
NGOs/Charitable Organizations	Providing support services, advocating for equal rights, and working on rehabilitation programs.

Body

(a) What are the key ethical dilemmas involved in balancing public order with the rights and dignity of transgenders? How do prevailing societal attitudes shape these dilemmas?

- **Right to Livelihood vs. Public Order:** Transgenders, due to limited socio-economic opportunities, often resort to **begging at traffic signals**.
 - While this is a source of livelihood for them, it sometimes causes **inconvenience to commuters**, contributing to **traffic congestion** and discomfort.
- **Administrative Duty vs. Humanitarian Responsibility:** The dilemma lies in enforcing laws effectively while ensuring marginalized communities are supported in achieving economic stability and dignity.
 - Maintaining public order is crucial, but it must be balanced with addressing the economic distress of transgenders.
- **The Paradox of Exclusion and Expectation:** A moral conflict arises when **society limits livelihood opportunities for transgender individuals**, yet **criticizes them for resorting to begging to survive**.
 - The core issue is striking a balance between their right to earn a dignified living and the public's expectation for order and a harassment-free environment.

Societal Attitudes Shaping Ethical Dilemmas

- **Discriminatory Mindset:** Society often **marginalizes transgenders due to deep-rooted prejudice** against their **nonconformity to traditional gender norms**, leading to **stigma, exclusion, and historical objectification** rather than recognition of their rights and dignity.
- **Non-Inclusive Approach and Social Exclusion:** Transgender individuals are often viewed as **unnatural** or ridiculed, **facing superstition and social fear**.
 - Rejected by their families and society, many are driven to survival through marginalized means, which are then condemned by the same society.
- **Political Neglect:** Due to their small population, **transgender individuals often remain politically insignificant**, leading to legislative and administrative apathy.
 - Their **concerns are rarely prioritized**, resulting in a lack of comprehensive policies for their upliftment and social integration.

(b) What policy interventions could you consider to address both the immediate concerns and the long-term welfare of the transgender community?

Interventions for Immediate Concerns and the long-term Welfare:

- **Setting up Designated Zones:** For immediate relief allocate specific areas in markets or public spaces where voluntary alms collection is permitted without disrupting traffic or public order.
 - Following the **Supreme Court's NALSA judgment (2014)**, the state should recognize transgenders as a **Third Gender** with equal rights to employment, education, and social acceptance.
 - As a **long-term solution**, focus on curbing **coercive begging** while safeguarding the transgender community's right to a dignified livelihood.
 - Sensitize law enforcement for **humane handling, and promote microfinance and self-help groups** to encourage entrepreneurship and reduce reliance on begging.
- **Emergency Support Services:** Establish temporary shelters and community support centers to provide **food, shelter, and healthcare** for vulnerable transgender individuals.
- **Implementing Skill Training:** Partnering with NGOs and government bodies to provide **targeted skill development programs** is crucial for long-term change. Focusing on leveraging legal aid under **NALSA act 2014**.
- **Initiating Public Awareness Programs:** Social mindset change is essential for sustainable integration. Awareness campaigns through **schools, colleges, media, and community**

outreach can challenge prevailing stereotypes and foster respect and understanding.

- **Monitoring and Rehabilitation Programs:** A structured monitoring and rehabilitation framework is essential to ensure that transgender individuals not only receive support but are also gradually integrated into mainstream society.
 - E.g; transgender women in Gujarat enrolled in a **Garima Greh** received psychological counseling, and mentorship.

Conclusion

Effective **rehabilitation, vocational training, and public sensitization** are key to moving beyond superficial measures towards **sustainable integration**. True social justice demands not just relief to the majority but **dignity and opportunity** for the transgenders as well.

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