



Fact Finding Report
on Right to Food
with the
Transgender
Community in the
District of
Hyderabad,
Telangana
**HRLN, THITS , &
THTS**

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Right to Food

Background

International perspective: The right to food is protected under international human rights and humanitarian law. The correlative state obligations are well-established under international law. The right to food is recognized in article 25 of the Universal Declaration on Human Rights and article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as a plethora of other instruments. Noteworthy is also the recognition of the right to food in numerous national constitutions.

The International instruments include:

Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (Right to Food Guidelines), 2004.

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 2012.

Indian perspective:

The Right to Food is inherent to a life with dignity, and Article 21 of the Constitution of India which guarantees a fundamental right to life and personal liberty should be read with Articles 39(a) and 47 to understand the nature of the obligations of the State in order to ensure the effective realization of this right. Article 39(a) of the Constitution, enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policies towards securing that all its citizens have the right to an adequate means of livelihood, while Article 47 spells out the duty of the State to raise the level of nutrition and standard of living of its people as a primary responsibility. The Constitution thus makes the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution.

Persons living in conditions of poverty and hunger have often been found to be suffering from prolonged malnutrition. Even when their deaths could not, in strictly clinical terms, be related to starvation, the tragic reality remained that they often died of prolonged mal-nutrition and the continuum of distress, which had rendered them unable to withstand common diseases such as malaria and diarrhoea.

¹According to FAO estimates in 'The State of Food Security and Nutrition in the World, 2019' report, 194.4 million people are undernourished in India. By this measure 14.5% of the population is undernourished in India. Also, 51.4% of women in reproductive age between 15 to 49 years are anaemic. NHRC said that the present practice of insisting on mortality as a proof of starvation is wrong and needs to be set aside. It has added that there are obvious policy implications as far as the obligations of the State are concerned. The Right to Food implies the right to food at appropriate nutritional levels and the quantum of relief to those in distress must meet those levels in order to ensure that this right is actually secured and does not remain a theoretical concept.

The right to food is a human right. It protects the right of all human beings to live in dignity, free from hunger, food insecurity and malnutrition. The right to food is not about charity, but about ensuring that all people have the capacity to feed themselves in dignity. A human rights approach to food and nutrition would imply that the beneficiaries of relief measures should be recognized as “claim holders”. Viewed from this perspective, the prevalence of distress-conditions threatening starvation constitute an injury requiring the imposition of a penalty on the State. The Commission was of the view that the remedy provided under Article 32 of the Constitution applied to groups no less than to the individuals

First and foremost among the United Nations Millennium Development Goals (MDG) is the pledge made by all Heads of State and Government to halve, by the year 2015, the proportion of the world's poor and of people who suffer from hunger. Given the circumstances of our country, India has a special responsibility in this regard. The prevalence of extreme poverty and hunger is unconscionable in this day and age, for not only does it militate against respect for human rights, but it also undermines the prospects of peace and harmony within a State.

Right to food and transgender community of India

²In the mid 1870, the eunuchs of Gazipur district in Uttar Pradesh complained that they were starving due to ban on right to dance and play in public which was the only source of livelihood for the eunuchs then.

Trans people face a variety of social security issues. Since most of them run away or evicted from home, they do not expect support from their biological family in the long run. Subsequently, they face a lot of challenges especially when they are not in a position to earn (or has decreased earning capacity) due to health concerns, lack of employment opportunities, or old age. Lack of specific social welfare schemes and barriers to use existing schemes has consistently push their economic backwardness and ultimately to below poverty lines of the society. The Social welfare departments provide a variety of social welfare schemes for socially and economically disadvantaged groups.

However, so far, no such specific schemes are available for Trans people even for the subsidised groceries or food supplements through the civil supplies department. Many times it has been seen that stringent and cumbersome procedures need for address proof, identity proof, and income certificate all hinder even deserving people from making use of available schemes including in getting these necessities of life. After the historical judgment of NALSA Vs UOI 2014 Odisha has become the first state in India in 2015 to include the transgender community in the category of below poverty line (BPL) beneficiaries which connect them to programmes of the government, like food grains, pension, health, education and housing. Other than this no single state has yet implemented this judgment including the Central Government in any of its welfare schemes.

Right to Food and Telangana State

Telangana state formed in 2014 as 29th state of Indian Republic. The Civil Supplies Department of State has started with an objective of Implementation of National Food Security Act 2013 by making food grains accessible at reasonable prices especially to the weaker and vulnerable sections of the society under public distribution system ensuring food security to all the citizens of the state. The Civil Supplies Department of State has over 84.64 lakhs ration cards covering a total of 2.83 crore beneficiaries. The State government with effect from 2015 has taken decision to provide 6 kgs of subsidized rice under NFSA 1 kg per person without any limitation on the number of members in the family which hold the white ration card. The State Government has taken decision to supply superfine quality rice to all the welfare hostels and the mid day meal programme from 1st January, 2015. As per the central government's Anthyodaya Annayojana guidelines the persons who are dependent on daily earnings, persons of no subsistence or societal support Urban and rural homeless people.

Situation of Transgender persons In Telangana in the light of Right to Food

There is no state census of Transgender people but as per the last year voters list of state election commission there are 2885 transgender voters across the state. The State doesn't have any specific welfare policy or inclusive of its existing policies which provides the subsidized food for the transgender people who live below the poverty line. There are many reasons often why the transgender people are not able to avail the white ration card for the subsidized food supplements distributed by the state at free of cost. E.g no proper/valid identity documents like voter id, Adhaar card or bank account any such social entitlements which are asked as one or both as the proof for the residence and also for the economic status of such transgender person. This is the starting point of transgender people excluding them in all sorts of social welfare schemes.

. The Telangana state civil supplies department on its online form for applying to the white ration card has included a third column which will help to register transgender people for such ration card. But when the ration card is issued it is issued only to the Transgender woman who has an valid government identity proof as 'third gender' . In that way only trans woman are only eligible for such white ration card. This is not only against the self identity principle which has been established under NALSA Vs UOI , third gender judgment but also social injustice to other people who self identify themselves under third gender category. There are lot of Transgender people who identify them selves as either as Trans men, Intersex or Hijra , Kinner or others who are also part of larger Trans umbrella (as defined under NALSA Vs UOI judgment) who have no scope to get registered under the white ration card scheme.

There is a need to find the facts in this regarding the situation of transgender community of Telangana state who are still not part of food security schemes of either Centre or State government as per the guidelines.

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1. <https://www.wfp.org/publications/2019-state-food-security-and-nutrition-world-sofi-safeguarding-against-economic#targetText=2019%20%2D%20The%20State%20of%20Food,against%20economic%20slowdowns%20and%20downturns&targetText=SOFI%202019%20confirms%20a%20rise,from%2081%20the%20previous%20year.>
 2. <https://www.bbc.com/news/world-asia-india-48442934>
 3. <http://tscscl.telangana.gov.in/Annual%20Report%202019%20New.pdf>

Fact finding Team:

The fact finding team consists of Telangana Hijra Intersex Transgender Samithi (THITS), Telangana Hijra Transgender Samithi (THITS) , and Human Rights law Network (HRLN) experts.

Telangana Hijra Intersex and Transgender Samiti (THITS) has come together as an unregistered collective to struggle for the dignity and empowerment of the transgender community across Telangana. THITS builds on the many existing networks between hijras, including intersex people and many types of transgender persons that already exist in this state of Telangana and extends to all corners of the subcontinent. THITS is not accessing funding institutions; instead it will gather funds from members and supporting individuals, and handle them collectively and transparently. THITS believes transgender people face economic, political, social, and cultural exclusion from a patriarchal social administrative structure that forces gender-based productive labour for the benefit of an economic feudal and capitalist elite. THITS is working its struggle in solidarity with all the other marginalised communities who have been historically oppressed by these power structures on the lines of sex, diverse sexual orientation, diverse gender orientation , and our members are primarily working class hijras , Transgender and Intersex people from Dalit , backward castes tribes and other minority communities. THITS aims to fight all oppression as well as the transphobia and homophobia the working transgender community faces in the form of the daily violence, ridicule and humiliation every time we walk down the street, board a bus, or try to find a bathroom. Our fight is cultural, legal, political, economic and revolutionary.

Telangana Hijra and Transgender Samiti (THTS) is a sister concern of THITS. In 2019 few volunteers of THITS has registered THTS under societies registration Act. It is a community based organisation being all the members on board hails from working class Hijra and Transgender communities. The registration of THTS is a consultative and unanimous decision taken by the volunteers of THITS in a mass group meeting. THTS is now works as net work of all Transgender oriented community based organisations across the districts of Telangana. THTS has already started advocating with the Government of Telangana by presenting representation to various districts collectors on the demands of the transgender community of Telangana community. The funding of THTS is mostly through the donations and they advocate for the inclusive policies and working environment for the transgender community.

HRLN team : There are also team of experts from HRLN Hyderabad branch to record and document the whole process of fact finding.

Fact finding tools :

The tools used for the fact finding process are

1. Questionnaire
2. Focused group discussion and
3. Case studies

Hyderabad District:

Hyderabad District is a district in the state of Telangana in India that contains a part of the **metropolitan area** of Hyderabad. It is headed by a district collector who is drawn from the IAS cadre and is appointed by the state government.. It is the smallest of all the districts in the state, but has the highest human density. The district is a **city district** which means that it does not have a district headquarters. Old MCH area, which is central region of Hyderabad city comes under this district. It is a peaceful area in India where Muslims and Hindus live in Harmony and unity. There are 16 administrative areas called mandals or tehsils

Right to Food Questionnaire

Questionnaire No:

Location:

Date:

Time:

Interviewee Name:

Age:

Address:

District:

State:

Pin Code:

Contact Number:

Education:

Occupation:

Monthly Income:

If staying with Family -

Family Income:

Members in the Family:

Physical/psychological ailments:

Any Disability:

Any long chronic ailments

Which Category do you belong to? ___ SC ___ ST ___ OBC ___ OC ___

Do you have a Bank Account?

Identity Cards/Documents with gender third gender depicted

Aadhar Card

Passport

PAN Card

If any other Identity Card, please mention _____

Do you have a Ration Card?

Yes/No

If yes:

Which color Ration Card do you have?

Is your ration card linked to any other State Welfare scheme? (Health, Housing, Pension, etc...)

If No:

Have you applied for a ration card?

What was the response to the application?

Have you applied to the grievance redressal in your district?

What is the kind of accommodation that you stay in?

Rented House

Owned by self

Government Accommodation

If any other, please specify _____

Any additional Information:

Transgender community of Hyderabad District : (Information out of Questionnaires)

- a. Personal profiling :** Approximately the Hyderabad District consists of more than 2000 hijras who are visible and many more 3000 around trans people as per the details given by the interviewees . The working class Hijra and Trans women are mostly dependent on only two sources of livelihood begging or sex work. Begging includes Badhai (occasionally) when there are festivals like Diwali or Holi or special family gatherings like marriage, child birth or new beginning of a business etc.,. The age of all the hijra and trans women who have been interviewed is on an average between 22 to 45. Many of the Trans people are belonged to Dalit, Bahujan and other lower casts
- b. Social profiling :** There are trans women who are living within the hijra system who go for either begging in the train, or regularly in the market or shops. There are also trans women who are dependent mostly on sex work who work in the late hours around the hotspots chosen by them few times , burial grounds, market areas or railway tracks etc.,. Many of them are vulnerable to crime and violence on a consistent basis.
- c. Economic profiling :** Many of them are based on the cultural begging (Badhai) and sex work as their only livelihood option. Hence they are kept away from all sorts of social entitlements from long back they are struggling to get their basic essentials of life food clothes and shelter. Almost 90 percent of hijra and Trans women live in the rented houses which are kaccha houses for which they are forced to pay double the normal rent
- d. Anthropological profiling :** Being the part of Deccan plateau and ruled largely by the Muslim rules during ancient India Hyderabad consists of primitive hijra culture. The Muslim rulers used to be tolerant to the hijra communities providing them spaces in the dirhams .The hijra system of Hyderabad is respected across the India. Half of the hijra population follow the Islam as their religion. Population : 39.4 lakhs (2011 laksh)

Ration cards of Transgender people in Hyderabad Group Discussion:

Many of the hijra and transgender women expressed in the group discussion that due to lack of main social identity cards like Adhaar, Voter id and PAN cards it is so problematic to apply for ration cards. There are no permanent houses almost 90% of the hijra and trans people lives in rented houses. The transgender living style in commune with 10-20 people sharing the resources is not considered as a family perse that is also one of the reason that hijra people are not able to get ration card.” said Chandramukhi Muvvala , Transgender rights Activist and founder member of Telangana Hijra Transgender Samithi. “There is no option if you are a Trans man to get ration card because the application only specify third column, it is provided under the single women quota where as we need exclusive reservation for Trans men” said Vinnu one of the founding members of STAR a network of Trans men. In recent times the state repression in the form of police raids , extortion cases over trans women who are into sex work and continuous police vigilance in the vicinity of trans people homes” said Yasmin another hijra guru and herself who is in sex work.

“We all have protested against the Transgender Bill 2016 and Trafficking Bill 2018 but Government still not bringing suggested changes if basic amenities are provided we will do other jobs and choose other livelihood options other than this sex work or begging” said Sona Rathode another hijra . “If they give ration card then we can apply for Rajiv health card and double bed room schemes as it is very problematic to live in rented houses” said Nithya another trans woman who is into sex work.

The team has interviewed nearly 15 trans women and out of which no body has ration card including Chandramukhi

Case Study

Name of the Interviewee: Chandramukhi Muvvala

Category: Guru

Location: Indiranagar

Area: Hyderabad



Socio – economic and psychological problems from the day of schooling and grown –up

From my childhood I was third child of my parents and I don't know why there were female feelings within me though I was born as a boy child. As my parents are very poor I use to do various jobs like cleaning vessels in households, working in hotel etc., I use to go to school and also dance class being my family is poor I use to give half of money in the home and expend half for my fees .Except my mother no one understand my feelings that I want to dress like a girl, go to school as girl, make friendship with girls play with them, study with them and all I have finished my graduation in that way. I have never felt myself down for being a trans child or different child. I have 3 siblings two brothers one elder and one younger and one elder and one younger sister. Except my sister the brothers have always discriminated me. They never use to involve me in playing and other activities.

Multiple discrimination and marginalization :

Where ever I have done various jobs I have faced discrimination instead of doing good performance also. They also used to molest me and try to sexual abuse me. I have finished my dance and try to teach children dance classes. I also learnt photo shop and worked in the photo studio. When I have joined the Hijra community once my guru also denuded me saying that I have not done surgery so better I keep calm.

SRS & health risks:

I never thought of going for a nirvana but the behaviour of my guru discriminating for not being castrated has forced me to do so. I have get done SRS at early age of 18 and I have not get any of complications of health till now. I have also taken lot of female hormones and got lot of changes in my body like breast enhancements etc.,.

Human rights and civic amenities : After nirvana I felt that it is very difficult to sustain in sex work because your hormones imbalance and delicate condition of the body wont support to sustain for long hours in sex work. There use to be molestation, fight with clients, clients who have drunken use to rape sometimes more ferocious . I use to stay away from my family and use to go to my house once in two weeks of twice in a month. The room owner where I use to stay for the sake of sex worker she use to demand with me more rent she also use to say cannot invite any friends or clients to the room. I felt if I have my own house that might be more convenient. But I never had the same. I also worked in the film industry as junior artist but there also I faced lot of problems and discrimination in the sense of facilities.

Avenue for the empowerment: I am also founder member of Telangana Hijra Intersex Transgender Samiti an unregistered, unfunded collective . After the murder of a transgender woman name Pravallika , we collectivised and protest such murder hence the government catch hold of culprits soon and put them in jail. Like this there are many stories of THITS where we have proved from time to time that if we keep collectivised we can achieve any thing. We also demanded for the implementation of NALSA Vs UOI judgement of 2014

Bill on the transgender people: Under the collective THITS we have protested the transgender bill because it goes against the interest of transgender people and the Supreme Court judgement NALSA Vs UOI and others.

Welfare measures of transgender people: We have no specific measures in the state of Telangana from year 2015 given lot of representations.

Expectations from the society : whenever I think about my self I feel no trans person in her life should go though all this. Society has to understand our feelings, what causes us pain and how to protect us as human beings.

Role of community in transgender people mainstreaming : Community need to change a lot . they should not do theft, they should not misbehave and they should not violate law.

Livelihood issues and interventions: After NALSA Vs UOI judgement also no single government has initiated the implementation of this judgement. So the transgender community is forced to live on either begging or sex work.

Empowerment: THITS collective is the empowerment cell for us we have done lot of work under this collective along with other community members and allies. We registered with few of its volunteers as Telangana Hijra Transgender Samiti(THTS)

Policy aspects of legalisation: There are no such policies which are inclusive for transgender people still in our country even after NALSA Vs UOI judgement.

Suggestion on policies which can be brought in changes in the TG Act: I need we need to work on inclusive policies at every single working space then only transgender people can be brought to the mainstream.

Welfare measures with reference to health needs: Along with other men and women transgender people also should be provided Welfare measures and reference to house, pension, livelihood and other amenities.



List of Transgender people who doesn't have ration cards

S.No	Name	Mobile No.	Gender
1	Chandramukhi	76601819109	TG
2	Sona Rathod	9573007112	TG
3	Yasmin	9949767180	TG
4	Nitya	9908790921	TG
5.	Shilu	9912674108	TG
6.	Srinidhi	9550608255	TG
7.	Mathaji	9848607355	TG
8.	Sweety	-	TG
9.	Sana Chaitra	-	TG
10.	Nakshatra	9966293840	TG
11.	Yamuna	-	TG
12.	Suma	9849478202	TG
13.	Simran Fatima	-	TG
14	Varo papa	-	TG
15.	Srija	-	TG

Photo gallery

