

Fact Finding Report
on Right to Food
with the
Transgender
Community in the
District of Warangal,
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

Warangal District :

Warangal is a District uses to consist of 6 talukas and 2 revenue divisions which later increased to 15 talukas in 1979. In 1985 when N. T. Rama Rao introduces mandal system in Warangal district was divided in to 50 mandals, but again Warangal mandal was curved out from Hanamkonda mandal consisting only urban area of Warangal which increased to total 51 mandals and revenue divisions increased to 5 in Warangal district. Present Warangal Urban district was curved out from old Warangal district which split in to 5 new districts they are Warangal urban, Warangal rural, Jangaon, Jayashanker and Mahabubabad in October 2016 along with other total new 21 districts. Three mandals from Karimnagar district was merged in Warangal urban district and 4 new mandals were created are Inavole, Kazipet, Khila Warangal and Velair total reaching to 11 mandals and one revenue division

Right to Food Questionnaire

Questionnaire No:

Date:

Location:

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 Warangal District : (Information out of Questionnaires)

- a. Personal profiling :** Approximately Warangal District consists of more than 500 hijras who are visible and many more 1500 around trans people as per the details given by the interviewees . The working class Hijra and Trans women are mostly dependent on only begging in the trains. The average age of all the hijra and trans women who have been interviewed is on an average between 22 to 39. Many of the Trans people are belonged to Adivasi, 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. Most of Hijra women for time being migrate from Warangal to Delhi if they are into sex work . They frequently shuttle between Delhi and Warangal.
- c. Economic profiling :** Many of them are into begging in the trains. Because they came out of their natal families and started living separately hence they are kept away from all sorts of social entitlements due to lack of bonafied birth and education certificates after gender change etc.,. 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. Many of them are also from tribal regions that is how they are suppose to travel long from their areas to the city and keep low profile of their trans status to the natal families.
- d. Anthropological profiling :** Warangal is a city in the south Indian state of Telangana. It was the capital of the Kakatiya dynasty from the 12th to 14th centuries, and many intricately carved monuments from this period still stand. Among them are the ruins of 13th-century Warangal Fort and the Thousand Pillar Temple, built in 1163. Set on a lake, Bhadrakali Temple dates to the 7th century and is dedicated to the Hindu goddess Kali. Population – 6.16 lakhs (2018 census)

Ration cards of Transgender people in Warangal 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. “We have highly educated trans who finished graduation and post graduation but with no employment opportunities” said Laila ,Hijra guru and founding member of Telangana Hijra Transgender Samiti. “Lack of ration cards some time make our life costly by burdening us to purchase the edible things from departmental stores which we normally cannot afford to ” said Roshini another hijra woman. “We have also given a representation regarding the welfare concerns of the transgender community of Warangal to the District Collector but still its not moving beyond” said another senior Hijra leader Gouthami.

“We are applying for the ration cards they are not rejecting but our old identity cards like voter id, adhaar are in male gender so they are keeping it aside for longer time” said another hijra guru Ranjitha .

The team has interviews nearly 15 trans women and out of which only 2 has ration card remaining doesn't have.

Case Study

Name of the Interviewee: Sneha

Category: Hijra

Area: Warangal



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

I am the only son in my family and I have two sisters one is elder and one is younger . I am feminine from my childhood I was brought up in a masculine manner father was a official in police department mother was a teacher we all are educated family hence I scare to express my feelings as girl house because I feel they me female feel wrong my mother is a sharp disciplinarian father was also very punctual get good marks in my school but all the problems started when I enter into the college my senior students used to tease me I am sexually attracted towards boys.

Multiple discrimination and marginalization : Where ever I have done various jobs I have faced discrimination instead of showing good performance also. The staff of such organisation also used to molest me and try to sexually abuse me. So I am forced to stick to sex work. I use to go for begging in the trains in the day time and very often for sex work in the evenings.

SRS & health risks: I never thought of going for a nirvana(emasulation) but even we don't have the gender reaffirmation surgery facilities provided in economic cost . It costs more if I opted in a private hospital range from 2 lakhs to 7 laksh . I always felt in my heart strongly to be like a girl so, I have get done emasulation which is economic (2 Rs.20000) at early age of 23 and I have not get any of complications for health till now .

Human rights and civic amenities : After nirvana(emasulation) 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 ferociously . So I was forced to stick to begging only. I use to stay away from my family some times in Delhi and sometimes in Mumbai and use to go to my house once in two weeks or twice in a month. I faced lot of problems and discrimination in the sense of food, housing and health facilities in all these places.

Avenue for the empowerment: I didnt get any sort of empowerment in terms of employment but continued to struggle with studies and finished my Masters in Social work. But I did not find any formal job till today being transgender person.

Policies and laws regarding the transgender people: I know that this Transgender Persons (Protection of Rights) 2019 Act came into existence but not have much into deep dive of the clauses of it hence do not know how it is going to effect our lives. No single educational institution or job placement agencies have till today included the trans persons.

Welfare measures of transgender people: We have no specific measures in the state of Telangana when compared to our neighbouring states like Andhra pradesh, Tamilnadu, Karnataka and Odisha.

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. They should behave with respect to us also.

Role of community in transgender people mainstreaming : Community need to change a lot . they should not now motivated to do another works other than sex work or begging because we have no proper inclusive policies in place.

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. Government should also consider the transgender community in training them in other livelihood options and lend them loans though their credit institutions to sustain.

Empowerment: My education is my empowerment. There is one of my hijra mothers who encouraged me saying that I can do what ever provided I do hard work. I followed her instructions and was succeeded to much extent in my life.

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: We need to work on inclusive policies at every single working space then only transgender people can be brought to the mainstream so the rules going to be framed should be on those lines.

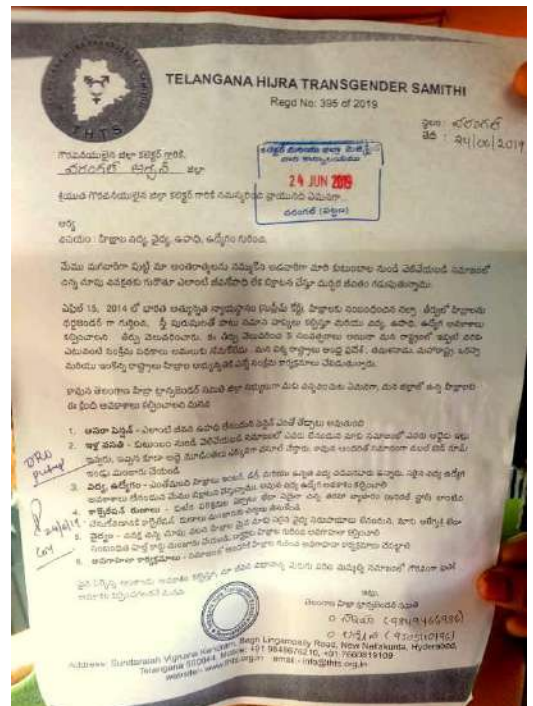
Welfare measures with reference to health needs: Along with other men and women transgender people also should be provided Welfare measures like housing, pension, livelihood and subsidised food cards etc. ,. There should be inclusive life and health insurance policies.

Harassment and unlawful penalties: Mostly the Transgender people who beg in train are vulnerable to such unlawful penalties. Few times they were also badly beaten by railway police. Once during begging in the train I was slipped out of train because of fear of such railway police were there in the same bogie in which begging , I have been very badly injured and was bleeding all over felt unconscious soon few of my other hijra friends taken me to the hospital.

Sexual abuse : Even though I have get done my surgery(emasulation) and changed everything like a girl including my looks I have faced the sexual abuse when I travel alone. Because now a days women are not safe and next the trans women are not safe.

Violation and deprivation of human rights : This I have to say with pain that we are habituated to this which should not be happened to any of the human in the society. So governments should intervene and work for inclusive policies and laws for such deprivation .

Inputs for Policy Implementation affecting the Transgender Bill providing capacity building : Trans welfare policies should be the prima facie agenda of the Government that is how the inclusion can be possible



Representation given to Warangal District Collector by THTS volunteers

List of Transgender people who doesn't have ration cards

S.No	Name	Mobile No.	Gender
1	O.Sneha	9849466986	TG
2	A.Asha	9182100064	TG
3	O.Chaitra	8885549490	TG
4	O.Anusha	9000674121	TG
5.	O.Saraswathi	7287885105	TG
6.	O.Chandrika	9136522970	TG
7.	Nakshatra	8374506324	TG
8.	Krishnaveni	6305509731	TG
9.	O.Ashwini	9505110196	TG
10.	O.Laila	9848672610	TG
11.	Bhavani	-	TG
12.	Archana	-	TG
13.	Ramya	-	TG
14	Vani	-	TG
15.	Gouthami	-	TG

Photo gallery

