



DISTRICT LEVEL SENSITISATION MEETING

RIGHT TO FOOD OF TRANSGENDER PEOPLE

Khammam District, TELANGANA

Khammam Town 12/11/2019

Discussion on Right to Food with Transgender community Khammam, Telangana

12.11.2019

Agenda

Time	Session	Speaker
10:00 - 10:15	Introduction to HRLN and Bread for the World Project	Rachana Mudraboyina, HRLN resource person
10:15 - 10:45	Right to Food	Chandramukhi Muvvala , THTS
10:45 - 11:30	Discussion on Right to Food	Chandramukhi Muvvala , THTS & Rachana Mudraboyina, HRLN resource person & Laila, Hijra leader THTS, Telangana
11:30 - 12:00	Tea Break Discussion on	
12:00- 12:30	Sharing the Experience of Hijra community on Right to Food	Mary , THTS & Rachana Mudraboyina, HRLN resource person & Laila , Hijra leader, THTS, Telangana
12:30 – 01:30	Discussion and Recommendations	Rachana Mudraboyina, HRLN resource person & Chandramukhi Muvvala , THTS, Mary, Founding member of Prabhatam Welfare Society, Khammam, Telangana.
01:30 onwards	Lunch follows	

Session 1. Introduction to HRLN and Bread for the World Project Venue Khammam

Number of Transgender people present: 25

- “ Human Rights law Network: Rachana explained about HRLN that is a collective of Indian lawyers and social activists who provide legal support to the vulnerable and disadvantaged sections of society. It works on child rights, disabilities rights, rights of people living with HIV/AIDS, prisoners’ rights, refugee rights, rights of indigenous people, worker rights and rights of the minorities and people who have faced or subject to sexual violence among others.
- “ HRLN is a project of the Socio-Legal Information Centre (SLIC). SLIC is a non – profit legal aid and education organization, which provides free legal assistance to people who lack the capacity to approach courts for redress. SLIC files more than 100 petitions each year to protect the health, dignity, and rights of India’s citizens. SLIC is one of the country's largest, most active legal human rights programs and reproductive rights unit. SLIC is also an implementing partner of the United Nations High Commissioner for Refugees. As a non-profit non-governmental organization, HRLN started in 1989 as a small group of concerned lawyers and social activists from Bombay. The team was led by Colin Gonsalves,, a public interest lawyer. Today, HRLN is considered the country’s leading public interest law group and has a nationwide network of more than 200 lawyers, paralegals, and social activists spread across 26 states/Union Territories.
- “ HRLN is also the parent body of the Indian People’s Tribunal (IPT), also called the Indian People's Tribunal on Environmental and Human Rights or Independent People's Tribunal. Set up in June 1993, IPT is an unofficial panel led by retired judges who conduct public inquiries into human rights and environmental abuses. It provides an alternate outlet for the victims faced with official obstruction and delays in the delivery of justice. IPT conducts investigations into cases of relocation of rural people to make way for dams or parks, eviction of slum dwellers, industrial pollution and communal or state-sponsored violence.

Session 1: Introduction to HRLN and Bread for the World Project

“ In 2003, HRLN was awarded the Mac Arthur Award for Creative and Effective Institutions for its contributions to reproductive rights advocacy in India.

“ Activities of HRLN

“ 1. Legal aid and public interest litigation

“ 2. HRLN offers pro-bono legal services to those with little or no access to the justice system, and runs a helpline for people seeking such help. It also conducts litigation in the public interest. Lawyers of HRLN take up cases in the lower courts as well as the Supreme Court and various state High Courts

“ 3. Legal education

“ HRLN provides training through several avenues and also trains young lawyers. HRLN also periodically publishes 'know your rights' material. The group also provides opportunities for internships and scholarships and organizes country-wide seminars, workshops, and training courses, such as paralegal certificate courses.

“ 4. Advocacy

“ HRLN works to increase public awareness through research and dissemination of information on violations and anti-poor policies. HRLN has formulated laws and policies against child sexual abuse, against communal crimes, and for the right to food and work.

“ 5. Investigations, monitoring, and crisis response

“ 6. HRLN conducts fact-finding missions to monitor and document cases of violations. It also deploys crisis-intervention teams and makes sure that these cases take the form of petitions in court.

“ 7. Publications

Session 1: Introduction to HRLN and Bread for the World Project

“ The Bread for the World Project :

“ The main objective of the project is to bring about changes in the law, public policy and implementation of the law for social and economic rights and entitlements in the 11 States of India, in favor of the poor and marginalised communities in India. The project will indirectly benefit the following groups of people as both direct and indirect beneficiaries:

“ 1. Dalits and other marginalised communities systematically denied access to justice to enforce their socio-economic rights especially their right to education, health, welfare and employment. Additionally who have been subjected to atrocities and extreme forms of exploitation and excluded from welfare and economic schemes.

“ 2. Tribal and nomadic communities who are vulnerable to the violation of their forest rights, depletion of natural resources affecting livelihoods and exclusion from welfare and economic schemes.

“ 3. Religious minorities who are vulnerable to social exclusion and communal violence, lynching, exclusion from welfare and economic schemes.

“ 4. Human Rights Defenders, journalists and activists and community leaders who have worked on defending the rights of marginalised persons and access to justice and have been subject to a concerted effort by the state to silence voices of dissent through their illegal arrests, detention, terminations and in some cases violence.

“ 5. Women, men and children vulnerable to trafficking, distress migration, violence and discrimination.

“ 6. Children who are in the Juvenile Justice System, both children in need of care and protection and children in conflict with the law.

“ 7. Workers and unions who are kept away from accessing their right to reservations, safety standards, adequate working conditions and benefits.

“ 8. Persons with disability who are vulnerable to social exclusion and denial of rights to education, livelihoods, care and shelter in addition to exploitation, abandonment, discrimination and violence.

“ The second objective of the project involves State Level Consultations, Collaborative meetings with local communities and skill-based training for young lawyers and activists on working with communities that will benefit lawyers, activists, community-based organisations, community leaders, unions, judges, collectives, students and other rights based groups in a three-fold structure.

Session 2 : Right to Food

Chandrmukhi explained:

“ **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.

Session 2 : Right to Food

- “ 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 diarrhea.
- “ 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 anemic. 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

Session 2 : Right to Food

“ 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 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 this necessities of life.

Session 2 : Right to Food

“ 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.

“ 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%20811%20the%20previous%20year.>

“ 2. <https://www.bbc.com/news/world-asia-india-48442934>

Session 3: Discussion on Right to Food

“ Rachana said that the 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.

Session 3: Discussion on Right to Food

“ 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.



Session 4: Sharing the experience of hijra community

- “ Chandrmukhi initiated a discussion on the present process of applying for Ration card both in person and by online. Many of the transgender women said being they are linked to various social identity like Adhaar and Voter id they are not able to apply for the same as they didn't get such social identities at first place.
- “ Few Trans women expressed that they applied for ration card but they are asking weather they have their name(the previous name before gender change) in their family ration card then we will not get the ration card whereas we now wont live with our natal families
- “ Few other Trans women said that they have applied for the ration card but we need to change the gender in our all identity cards like adhaar, voter id and pan card unless which ration card cannot be issues.
- “ There is also a discussion on if ration card has been applied for and they were made to wait for maximum 9 months to allot and still not allotted
- “ There was discussion about the housing schemes connected with the ration cards but few hijra sisters said they approached few political leaders who said that they will talk to the collector to allot the un used land to transgender community but the same has not be further initiated.
- “ There was also a discussion on the 'Rajiv Arogya Schemes ' where the state government provides free treatment in the corporate hospitals for certain ailments but the same has been linked with the white ration card which has not happened yet.



Session 4: Discussion and Recommendations

- “ Many of them expressed that if ration card is given or food security cards are issued then they will be able to concentrate on the other livelihood options also like working in formal places or starting a business , but till the government wont assure the basic amenity that is food then it will be problematic for them that they need to dependent on the cultural livelihood options like begging or sex work.
- “ Apart from this Mary and other her hijra sisters also expressed that there should be proper reservation system for transgender community. She said last time when she contested in the election she has been forced to contest as female but not as transgender being there is no change in the policy still even after NALSA Vs UOI judgement in 2014.
- “ The HRLN team and THTS team has assured that they will try to bring this information and sensitise government bodies also regarding the basic amenities and the ration cards how important they are for the transgender community if possible will legally intervene in case of need.

