



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

Table of contents

S.No	Subject	From Page No.	To Page No.
1	Introduction	3	6
2.	Fact Finding team	7	7
3.	Fact Finding Tools	8	9
4.	Transgender community of Adilabad District	10	11
5.	Case Study	11	13
6.	List of Transgender people who doesn't have ration cards	14	14
7.	Photo Gallery	15	15

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

Adilabad District :

Adilabad district shares its boundaries with The district shares its boundaries with Nizamabad and Karimnagar districts of Telangana to the south, Asifabad district on the east, with Nanded on the west and Yavatmal and Chandrapur districts of Maharashtra to the north.

The Kuntala Waterfall, rivers like the Godavari, Painganga, Pranhita, etc flow through the district. Mavala lake, built during the Nizam period, is located 6 km south side of Adilabad town. Adilabad is one of the seventeen Lok Sabha constituencies in the Indian state of Telangana and consists of eight Legislative Assembly segments. It is a Legislative Assembly constituency. Telugu is the most spoken language in Adilabad (45 % as mother tongue). Due to geographical proximity with Maharashtra, is the most spoken language in Adilabad (45 % as mother tongue). Due to geographical proximity with Maharashtra, Marathi is also widely spoken and understood (12.5 % as mother tongue). Other languages spoken here are Urdu and Gondi.

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 Adilabad District : (Information out of Questionnaires)

- a. Personal profiling :** Approximately Adilabad District consists of more than 200 hijras who are visible and many more 800 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 or as shivashaktis they do jogu. The average age of all the hijra and trans women who have been interviewed is on an average between 22 to 40. Many of the Trans people are belonged to Adivasi, Dalit, christian, 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 shivashaktis who depend on their cultural type of begging called jogu.
- c. Economic profiling :** Many of them are into begging in the trains or jogu. 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 shivashakti, 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 :** Adilabad, a municipality, and the headquarters of Adilabad district, is a city in Adilabad district of the Indian state of Telangana state . The earlier name of Adilabad was Edlabad during the rule of Qutub Shahis. Adilabad derives its name from the erstwhile ruler, Adilabad derives its name from the erstwhile ruler, Yusuf Adil Shah. Adilabad had a population of 117,167. Males constitute 59,448, females are 57,719 (2011 census)

Ration cards of Transgender people in Adilabad 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 lot of trans women who are from tribal and adivasi communities who migrated to Adilabad for livelihood but we still live in poverty due to lack of welfare schemes ” said Archana, Hijra guru and founding member of swayamshakti welfare society. “Lack of ration cards some time make our life costly by burdening us to purchase the rice, oil, pulses because we need to earn to spend on travel, food and also health ” said Akshara another hijra woman. “We applies for ration cards but those applications are still pending in the office ” said another senior Hijra leader Alakananda.

“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 interviewed nearly 15 trans women and out of which out of no one has ration card.

Case Study

Name of the Interviewee: Archana

Category: Hijra

Area: Adilabad



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

I have one younger brother and one younger sister in my home I am the eldest one . I am feminine from my childhood I use to play games with girls and have never done friendship with boys. I like cooking, making rangolis and doing household work from my childhood. As my family is very poor my father use to be a farmer and my mother use to work in the fields on daily basis, so they are not able to afford for us education. I have dropped school in my childhood when I was in 3rd class. Till now I don't know how to write or read but can do signature. I faced lot of discrimination being feminine from my childhood people use to called me “adbatlodu”(boy who wears girl clothes) and chakka(impotent) etc., it was so humiliating not only for me but also to my family.

Multiple discrimination and marginalization : when I reached teenage I used to work along with my father and mother in the fields as my family is very poor and I have two younger siblings to be taken care. Being trans person I used to do the household work as well as work in the fields to support my family but still I have never been respected for the same being a trans person.

SRS & health risks: I get done my nirvana(emasculatation) at very late because I fear a lot if I done the surgery I may not be able to do hard work , my body may not cooperate so I planned it very late. I didn't get any such health complications till now.

Human rights and civic amenities : After nirvana(emasculatation) I felt that it is very difficult to do the hard work in the agriculture fields so I opted to go for begging in the trains and shops etc.,. I use to stay away from my natal family as now I get done my surgery needed to be fully in women clothes which can be stigmatising to my family socially. I have never seen that being trans person I have been entitled to any rights rather we are forced to carry on our responsibilities even though we are ostracised from our families.

Avenue for the empowerment: I dint get any sort of empowerment because I am uneducated and illiterate. The only empowerment of mine I get from my hijra community living together attending one another needs.

Policies and laws regarding the transgender people : I have no idea about the impact of Transgender persons (protection of rights) Act, 2019 but have been part of various protests when this act was at Bill stage. We came to know through discussions that it is going to criminalise the hijra living style begging etc.,.

Welfare measures of transgender people: We have no specific measures in the state of Telangana and it is very problematic because if government won't take care us our families won't care about us.

Expectations from the society : There is some respect in the society regarding hijra people but what we need today is equal rights . Where ever we go people laugh, give different looks and sometimes wont allow to enter into certain places this has to change we are also equal human beings no why such discriminations..

Livelihood issues and interventions: After certain age we cannot do begging and other petty works because our bodies also won't support .so government should encourage us to do other sorts of works they should also support us by lending loans.

Empowerment: My hijra living with the community is my empowerment . We live, we fight together .

Policy aspects of legalisation: As I am not educated cannot talk much about this.

Suggestion on policies which can be brought in changes in the TG Act: : there should be separate provision in every facility atleast by the government to start with for the trans people so that others may also follow.

Welfare measures with reference to health needs: I have seen lot of my transgender sisters who are elders have suffered of lot of health ailments like stones in kidneys, diabetic, HIV etc.,. Which needed to be addressed as specific needs of trans community and they should be stigma free. If they provide homes also should be in the town or city not out side as we are already ostracized from the society.

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(emasculatation) 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



During representation to Adilabad District Collector by Archana and other trans volunteers

List of Transgender people who doesn't have ration cards

S.No	Name	Mobile No.	Gender
1	Sravani	8978730695	TG
2	Alakananda	9553583792	TG
3	P.Vaishnavi	6309260654	TG
4	B.Roja	9182338759	TG
5.	Ch.Tejaswini	9390942430	TG
6.	J.Anjal	6281453791	TG
7.	Akshara	7013111637	TG
8.	Komali	-	TG
9.	Shivangi Kumari	9597255368	TG
10.	Kareem	9347219047	TG
11.	K.Harika	6301557196	TG
12.	P.Sowjanya	7569151263	TG
13.	G.Sai Pallavi	7993769358	TG
14	Preethy Kumari	7993769358	TG
15.	J.Archana	9542469706	TG

Photo gallery

