



Transgenders Entitled to Head of Household Status: Allahabad High Court

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Representational Image

LUCKNOW: In yet another significant decision for transgenders, the Allahabad High Court has ruled that they are entitled to the status of head of a household which will allow them to avail food security benefit through ration card.

Noting that the transgenders face discrimination in every sphere of life, the court said the "law needs to travel beyond non-discrimination, by recognising an affirmative obligation of the state to provide access to social security. Food security lies at the foundation of it. Transgenders must have both".

"Food security means no less to a transgender than to other segments of society. Impoverishment and marginalisation have been endemic to the transgender population," a division bench of Chief Justice DY Chandrachud and Justice Shree Narain Shukla observed while disposing of a PIL which sought a direction to make available food security and ration cards to transgenders.

The petitioner alleged that a specific column for transgenders has not been shown in the new ration card for beneficiaries of the food security scheme.

The court, whoever, felt that the option of 'others' in the gender column along with male and female categories "duly takes into account the concerns of the transgender population by recognising their entitlement to seek access to food security and to avail the status of the head of a household."

The court, in its recent decision, observed that the salutary public purpose underlying the enactment of section 13 of the National Food Security Act-2013 could be furthered by incorporating a situation, where a transgender could be recognised as a head of an eligible household.

Preventing discrimination in all walks of life is one facet of the right of transgenders to live with dignity, with confidence that they can lead their lives on their own terms in realisation of gender identity, the court said.

In a landmark decision in April last year, the Supreme Court had recognised transgenders as the third gender.

It had also directed the Centre and the state governments to treat them as socially and educationally backward classes and provide them reservation in admissions in educational institutions and government jobs.

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