International law was solely concerned with States in the classical period which was influenced by the theory of the state sovereignty. The thesis behind such a view was that rule of international law was created by the state and that these rules are applicable to that state only leaving no place for the individuals and hence they have no legal significance in the international arena. A healthy & progressive modern social fabric can evolve by the true interpretation of constitution and the different statutes. The Indian statutes and our Indian constitution made several provisions protecting the safety and security of every citizen to allow all individual including transgender to lead dignified life, at par with equality. The Indian constitution discarded, quashed and overruled the aged old discriminatory laws, which violated the constitutional mandate of equality as per Art. 14 and 15 and provided equal protections to all related to Indian statutes and laws. There exists the statute or document related to human right safeties, securities as well as protections about a person into custody in opposition to the abuse inflicted. At the same time there is prominent presence of the implementing authorities of the statutes in this regard, who interpret and apply these statues. Human Right’s violations under subjected of the serious kind of of offences. And the citizens are protected by the state government, by inacting various rules, regulations and guidelines. There are numerous provisions for the equal treatment before law by the constitution of India. The further constitutional illustration has been made by the several judgment and the judicial guidelines by the Hon’ble Supreme Court of India. Further modern jail rules, the judicial - systems, reformative modern police manuals, IPC 1860, Criminal procedure code 1973 provided many of the landmark basic facilities to the transgender in or outside the custody.

1.1 Historical Developments about Humans Right
The need related to human right came into limelight individually into the 20th centuries however the same existed in different forms since age-old. The roots of the Human Right were traced from the historical - origins about the concept towards ancient Greece as well as Rome by the student related to the human right. The historical - origin was nearly bonded along the pre-moderns nature laws doctrine about Greek-stoicisms. Present schoolstinked such as
universals running forces pervade each and every creations as well as such humans conducts, so that, could be judged as per as well as brought up inside harmonies along the laws about natures. This thought was taken up as well as enlarged through the stoics as well as afterwards through Christians thinkers like St. Augustine into the medieval-period.

Natural laws and rights are the abstract and fictitious phenomenon is argued by David Hume. The attacks on the natural laws right started into eighteenth centuries as well as the same were broadened at the time of ending time of nineteenth century as well as earliest time of twentieth century.

“The disgust of another earth war leads towards the need about recognizing the latest humans right association into international-arena. President Roosevelt’s proclamations into 1941 about the fair freedom (which is about speeches as well as expressions, about beliefs, freedoms as of fears as well as desire is world widely allowable sets about standard. With the establishments about the United Nations into 1945 as well as the commitments regarding the humans widened the scopes about this movements. The content of a Humans Right was agreed at the another half about the most recent centuries as well as accorded worldwide accepted into principles. At the time of December-10, 1948, Universally-Declarations-of-Humans-Right (UDHR), as a result of the post war is observed as “Humans Right Day” English, American, French, Marxian, Russian and Chinese revolution are responsible being the sources of this declaration.

1.2 Meanings as well as Definitions about Humans Right
A concept and definition about humans right are very broad and that is much complicated to define except not possible to avoiding the existence of these rights and that is most striking feature of this concept. The forms of government or principles of states may be argued by the theorists or ideologists but they cannot overlook or ignore indefensibilities about tortures, cruelties, inhumans as well as degrading-treatments, hungers, genocides, arbitraries arrest as well as detention as well as the likes.

A person may have white or black skin, the mental level may also vary, the lifestyle can be new or ancient the essentials realities about each and every belongings to species about humans races
can’t be dismissed through single stretches related to imaginations.”

Any authority is not authorised either to take away or provide the Humans Right, these rights can never be violated even if that person is a law breacher. The word “rights” none other than implies “lawfull entitlements”, accepts too “a just entitlements”. “Humans Right” is right everyone have through virtues about its extremely humanities. All human beings are entitled to their Humans Right, whether such rights are recognised or not. These rights are granted and guaranteed to all human beings by virtue of being humans and does not require any qualification to be entitled to these rights. The state has been casted upon with the responsibility of ensuring, protecting these rights in line with the statutes established.

Evolution of Humans Right
The evolution about Humans Right has replace on century. Men had to struggle tough with respect to obtain the ultimated goals – existing along dignities – that still have to be realised into different society. India personally is an exemplar at which women, childrens, dalit, bonded-labourer is aiming tough to be a parts about mainstreams. In the face of each and every these, the planet recognised the U.N. Charter about 1945 that states such as Humans Rights is in-alienable aspects about man-kind. The source about Humans Right can be traced to the theories about Naturally Right received as of the concepts about Naturally Laws, like pro-pounded through ancient Greek Stoic Philosopher as well as additionally expanded through Thomas Hobes as well as John Lockee. The Americans as well as Frenchs Revolutions provides more impetus towards the struggles about Humans Right. The evolutions as well as developments about Humans Right into the internationalized perspective may be traced to the Magna Carta as well as the English-Bill about Right done through the Frenchs Declarations as well as the American-Bill about Right. The 20th centuries witness the crystallizations about the philosophies about Humans Right at the same time, the United-Nations accepted the UN Charter, 1945, The Universally Declarations about Humans Right, 1948 as well as the Internationalised Covenant over Humans Right along to additional emphasis for the protections related to rights for Women, Abolitions about Slaveries, Racial Discriminations, Civil as well as Political-Right, Economics, Social as well as Cultural-Right more over majorly importantly the Right related to childrens.

Attributes related to Humans Right
Humans Rights is In-alienable - Humans Right is conferrover the particular caused by the extremely natures about his existences. Those people are inherents into each and every particulars irrespective about relative castes, creeds, religions, sex as well as nationalities. Humans Right is conferres to the particularly later than his death. The various ritual into various religion bears testimonies towards current facts.

2. Humans Right is Important as well as Compulsory - Into the lack of Humans Right, the morals, physicals, socials as well as spirituals welfares about the particular is not possible. Humans Right is as well important such that they provides appropriate condition related to materials as well as moral upliftings about the persons.

3. Humans Right is into connections along humans dignities - To treats other individuals along dignities irrespectiveness about the facts such as the persons are males or females, richer or poorer etc. is concerns along humans dignities. For example, in 1993, India has enacted a law such as forbid the practices related to care for humans excretas. Current laws are called Employments about Manuals Scavenger as well as Dry Latrine (Prohibition) Act.

4. Humans Right is Irreversible: Humans Right is irreversible. They people can’t be obtain left through single powers or authorities as this right originated along the social natures about man into the societies related to humans being as well as people belongs to a persons merely as he is a humans beings. Like wise Humans Right has similarity to moral-right.

5. Humans Right is Important regarding the accomplishment about purposes to life: Humans lives have a purposes. The term like “humans - right” is given to that condition that is important regarding the accomplishment about current purposes. None of governments have the powers to curtails or take away the right that is sacrosanct, inviolables as well as immutable.

6. Humans Right is Worldwide – Humans Right is not a mono-poly about single privileged classes related to persons. Humans Rights worldwide into natures, exclusive of considerations as well as devoid of exceptions. The valuelike divinities, dignities as well as equalities that forms
the baseaboutthis rightis inherents into humans natures.

7. Humans Rightis not at all supreme – Menaresocial - animals as well asthey lives into a civic-societies, thatall time putssome of restriction over the enjoyments abouttheir right as well as freedom. Humans Rightlikeis that limitted power or claim, thatis contributory to the ordinary goods as well that is recognised as well asgives guarantythrough the States, with the help of law towards the individual. Likewise every rights havesome limitation.

8. Humans Rightis Self-motivated - Humans Right isn’t static, it isself-motivated. Humans Right goes overto expands along socio – eco-culturals as well as politicals development between the States. Judge has interpretting law within way like as is inside tunes along the modified social-value. Like a example of, The rights towards caring regarding into sicknesses have nowadays extending towards involve free medical-treatments inside public - hospital below the Public - Healths– Schemes, unpaid medical - examination inside school, as well as the provision regarding to specially prepared school regards to the physically – handicapped.

9. Rightlike limit towards state-power - Humans Right impliessuch aseach individuals have legitimates claim above their societies regards to some freedoms as well as benefit. Therefore Humans Right limits the state’s-powers. It can be inside the forms related to depressing restriction, over the power related to the States, as of to violate the in-alienable freedom related to the individual, four or inside the natures related to demand over the States, that isaffirmative obligation related to the States.

HUMANS RIGHT INSIDE THE INDIA

India gets independency at the time of the year 1947, only a year earlier than the UDHR was adoptted.

The beginning father related to Indian constitutions were each and every awareness such as India’s freedoms struggles had acquire place inside the contexts related to the demands regards to base of Humans Right. So far economic - backwardness about the countries should makes it unfeasible towards immediately satisfy every the aspiration related to persons. Therefore, those people adoptted a pragmatic approaches. They people describessome right like “fundamental – right” as well as laid down some another rights such like fundamentals duty related to a citizens
Fundamental Rights inside Indian Constitutions - Rights is categorized majorly into three wide categories: (I) Civil, (II) Political, (III) Economic as well as Social. Fundamental Rights inside India recognize some civil rights. Some Political, as well as Economic, as well as Social rights are recognized through additional provisions inside the Constitutions. Within Part III, the Indian Constitutions give a many-related right towards individuals. This right has been called “Fundamental Rights”. The expressions “Fundamentals” expresses such as the right is essential rights. The Supreme Courts in India recognize Fundamental Rights such as “natural rights”. Chief Justice Patanjali Shastri has referred towards fundamental rights like “that enormous as well as essential right that is recognizes as well as guarantees such for the natural rights inherent to the statuses related to a citizens about the free countries”. Chief Justice Subha Rao express such as “essential right is the latest names regarding what can be intraditionally known such like natural rights”.

Descriptions about Fundamental Rights - Singh as well as Shuklaa describes the natures about Fundamental Rights inside the Indian Constitutions, therefore; “A fundamental rights, such like described inside the Constitutions, differs as of a non-fundamental rights inside single vital respects; a fundamental rights (subjected towards the qualifications described inside the Constitutions itself) are inviolable inside the senses such as none of laws, ordinances, customs, usages or administrativeness range can abridges or takeaway the fundamental right. The laws that violate single of the fundamental rights are void. It is bindedover the legislatures over and above the Executives. The fundamental rights can’t be chosen far even through a constitutions amendments if that form the basic structures related to the Constitutions. Exhaustiveness enumerations about fundamental rights: Part III, about the Indian Constitutions exhaustively enumerate the fundamental rights. So that, the Parliaments could not incorporate some supplementary fundamental Rights. Some expansions about likewise rights should rested over judicial interpretations. Fundamental rights are enshrined into Article numbers of 12-35 in the Constitutions. In short overview, related to the...
fundamentals right is prepared such like followings.

FUNDAMENTAL - RIGHT - The different civils as well as politica ls Humans Right as well as economics, socials as well as culturals Humans Right has been guaranteed through the Constitutions about India as well as rechristenned likea “Fundamental – Right”. The provision about Part-III related to the Constitutions (Article number of 12 – 35) enshrines the Fundamental – Right, those are extra elaborates compare to that some another existed written constitution to deals along Fundamentals Right. The constitutionssuch like amendesthrough Forty - fourth Amendments Act, 1979, classified Fundamentals Right below the six - category. The fundamentals rightis elaboratted such following:

According to the Indian Constitution, Article No. 12 expresses the “States” like “Inside current parts, unless a contextsor else require, “the State” involves the Governments as well as Parliaments about India as well as the Governments as well as the Legislatures related to individual about the State as well as each and every locals or another authority between the territories about India or below the controls related to the Governmentsto India.”

Article- 13 expresses some restrictionsover to violate fundamental – rights. The essential significances about current provisions lie downs inside the factssuch asthat make explicit provisions regarding to judicial - reviews about legisllative enactment as well as executive - action asto thiers conformities along guarantees fundamentals right.

Rights towards Equalities (Article numbering from 14 to 18). The 5 articles which covers the rights towards equalities are a. Equalities in previous to laws as well as same protections about laws – Art No. 14. 

Art No. 14 contains about 2 part namely equalities in previous to laws as well as same protections related to the law. Equalities in previous to laws gives the meaning asit has none of particular could be providedsuch specific privilegedthrough the states. Same protections about a law meana rights towards same treatments insidesimilar circumstance. Equalities in previousto the lawsas well mean to treat uneven unequallities. Such examples, the Supreme-Courts have
recommendssuch as the ‘creamy – layer’ aboutan Other-Backward-Classes’ (OBC) couldn’t be offereda benefitsrelated to reservations . 16b. Prohibitionsabout discriminationsover groundsrelated to religions , races , castes , sex or place – of - birth , Article15. There are 4 aspectrelated tocurrentrightsexplained insidesubsequent Clausses aboutgiven Articlle.

i. Prohibitionsrelated to discriminations –Articlle15, Clausse (1): Current articlle prohibita statesas of discriminationsin opposed tosuch particular or groupsralted to individual . The principlesrelated to nondiscriminationsaredependsover equalities as well as dignities .

ii. Accesses towardscommunity place –Articlle15, Clausse (2): Current rightsoffers such as none of citizenscould be dennied accesses towardscommunity place , placerelated to entertainments or a utilizationsaboutwell , tank , as well as roadwhichissustained outof State – fund .

iii. Protectiveness lawregards to women as well as childrens –Articlle15, Clausse (3): Theaffirmative discriminationsregards to women as well as childrensaredesigned inside the Indian – contexts . So that provisionsto reservationsregards to women, free - educationsto childrens etc. aremake available .

iv. Reservationsin favor of backward - class – Clausse ( 4 ) of Articlle15,: A constitutions recognises the Schedulled Castes , Schedulled Tribe as well asanother Backward-Classlike weaker - sectionabouta populations . That authorises the states to design specific provision about the advancementsrelated tothis sectionabout the societies .

Equalitiesabout opportunities inside the matterrelated to public – Employments Article16 - The aims about this articlle 16 related to Indian - Constitutionsare to providessame opportunities towards each and every citizen into employmentsgavethrough the states or theirs agency . Present articlles have 5 clausses

i. Equalitiesabout opportunities – Articlle 16, Clausse (1 ) withinthat is expressedsuch as equalitiesabout opportunitiescould be offered towardseach and every citizen inside matter related towards employments or appointmentsin the direction ofsuch officesbelow the states .
ii. Prohibitions about discriminations – Article 16, Clause (2). Present clause prohibits discrimination over grounds just about religions, races, castes, sex, descents, as well as birthplace, residences or such about those people with respects about such employments related to states.

iii. Residential requirement – Article 16, Clause (3). That accepts the Parliaments to design laws which require residents (domiciles) requirement inside the States regarding community employments or appointments.

iv. Protectives law – Article 16, Clause (4). Current clause accepts a Parliament to design protectives laws regarding appointments related to backward-class citizen which isn’t adequately represents inside a service related to the states.

v. Preferences towards assured person inside the religious-institution – Article 16, Clause (5). Current clause describes such as the Parliament could design laws that require just a person who professes the exacting religions to be assigned inside the bodies or institutions related to religions. Such example, the Hindus be able to just be assigned like a priest inside the Hindu-temples.

Abolitions about Untouchabilities – Article 17. Present is an exclusive article which had been not incorporated just inside Constitutions related to India. Article 17 announces such as no more than Untouchabilities had been abolished except that designs such practices as well as propagations related to Untouchabilities inside such forms punishable within accordances by means of a laws.

Abolitioning the title – Article 18. A Clause about an Article prohibits States as of to confers such titles one each and every such persons. Although the States aren’t prevents as of to award militaries distinction, like Mahavir-Chakra, Param-Vir-Chakra etc. regarding to honors men in support of his act about valours or academics distinction.

Rights towards Freedoms (from, Art.19 to Articles 22)
a. 6 fundamentals freedom - Article 19. Article 19 (1), such for amended through the
Constitutions (Forty-Fourth) Amendments Act, 1979, guaranteed in favor of each and every citizen the subsequent 6 freedoms:

i. Freedoms about speeches as well as expressions
ii. Freedoms about peaceful assemblies
iii. Freedoms about forming association / union
iv. Freedoms about movements during the territories about India
v. Freedoms about residences as well as settlements inside such parts related to territories about India, than
vi. Freedoms about professions, occupations, trades or businesses.

b. Protections within respects about convictions regards to offence – Article 20. Current rights guaranteed protections within respects about convictions regards to offence, to that accused about crime. There are 3 clauses towards current article. (i) Protections in opposed to ex-post, facto - legislations – That converses such as persons can’t be punished belownyof laws, regards to his action that get placed in previous to the passages related to the laws. (ii) Protections in opposed to dual punishments – that conversed such as nobody can be prosecuted regarding to an equal offences compare to one time. (iii) Protections in opposed to in person incriminations – Current clause affirms such as nobody accused about an offences should be compelled to be a eyewitness in opposed to themselves.

Protections about lives as well as personal-liberties – Article 21. Article 21 about the Indian Constitutions recognized a rights in the direction of lives as well as personal-liberties. That offers such as “Nobody should be deprived about their lives / personal-liberties with the exception of as per procedures founded through laws.”

Protections in opposed to arresting as well as detentions into some case. – Article 22 A provision about Article 22 is complimentarry in the direction of Article 21. Article 22 have 2 part; the 1st part containing about clauses (1) as well as (2), dealing along to person, which is arrested below usual criminals laws as well as a different right, it is entitled towards; as well as the 2nd part containing about the enduring clauses (3) to (7), is concerns along person, which is
detained below the laws about pre-ventive detentions.

Rights in opposed to Exploitations (Articles 23 – 24).

a. Prohibitions about traffics into humans being as well as forced-labours, Article 23. The article prohibits traffics into humans being as well as ‘beggar’ as well as another equally form about forced-labours.

b. Prohibitions about employments related to childrens – Article 24. Article 24 about a constitutions prohibit childs labours. Childrens under 14 years old can’t be employed inside such factories or insidesuch another hazardous-employments.

Rights in favor of Freedoms about Religions (Articles 25 – 28).

a. Freedoms about Consciences as well as Religions – Article 25. Article 25 reflects a spirit about secularisms as well as recognised freedoms about religions in favor of all inside the India.

b. Freedoms in favor of to manage religious-affair – Article 26. That recognizesa rights about all religious with respect of establishing as well as maintains institution regards to religious as well as charitable purpose furthermore manages their own’s affair inside the matter related to religions.

c. Freedoms for payments related to taxeregarding to promotions about such individual religions – Article 27. The states should not compellsuch persons payingsome taxeregards to a promotions about the maintenance related to such individual religions or religious – denominations.

d. Freedoms in favor of attending religious-instructions inside educational Institutions – Article 28. Present articlen prohibitionsrelated to religious-beliefthrough educations institution over that which is attended. Bringing together a 4 Art.’s (25 to 28) establishment of a secular characters about democracies.

Culturals as well as Educational-Right (Article 29)
a. Cultural-rights about an individual also if minority – Articlle 29. Present Articlle states such as each sections about a societies have the right in favor of conserve theirs distinct – languages, scripts / cultures.

b. Rights about minority in favor of establishing as well as administers Educational institutions – Articlle 30. The States can’t discriminate for to grant aids in favor of such educational institutions over to grounds such as those are below to managements related to the religious / linguistics minorities.

Rights in favor of constitutionals Remedy (Articlle 32). Articlle 32 offers regarding to a Constitutionals Remedy, below that, single man may moves the Supreme-Court on behalf of the enforcements related to the Fundamentals Right as well as current provisions themself are designed related to the Fundamentals right. Here it is somewhat different. Dr. Babasaheb Ambedkar believed that like most hearts as well as souls related to constitutions. Another right which is guarantees inside to Indian Constitutions are such following –


b. Powers related to Parliaments in favor to modifies the right – Articlle 33.

c. Restrictions over rights even as martial-laws are into force – Articlle 34.

d. Parliaments empowered in the direction of making to enforce some Fundamentals Rights – Articlle 35.

Through the fortyfifth Amendments Act, 1978, a rights towards properties were removed on or after the lists related to Fundamentals Rights. Although those aren’t the fundamentals rights, those are still the constitution on rights. Those areas will the humans rights. It was recently ruled through the Supreme-Court, at the same time to dismiss an appeals filled through the Karnattaka Financials Corporations Challenged the States High-Court orders.

CLASSIFICATIONS RELATED TO FUNDAMENTALS RIGHTS- Rights enumerated within Articllles 14-15 about part three has been categorized into various way.

1. Topic-wise classifications : The Constitutionsthierselves categorized a Fundamentals
Rights below 7 group. This is given below:

a) Rights about equalities – Article 14–18.

b) Rights particulars freedoms – Article 19-22.

c) Rights in opposed to exploitations – Article 23-24.


e) Culturals as well as educationals rights – Article 29-30.

f) Rights within properties (Article 31).

g) Rights towards constitutionals remedy – Article 32-35. Above to this, Rights towards properties had been removed through the fortyforth Constitutions Amendments Act.

Rights about citizen v/s. that to each and every person: Several Fundamentals rights may be liked through citizen only. Rights enumerated into Article 15, 16, 19 as well as thirty belongs towards current categories. Another fundamentals right is allowed in favor of some persons - citizens / foreigners.

Prohibitions v/s. benefit: Several Fundamentals Rights is prohibition over the states. Therefore, It is negatively express. Regarding to case, Article 14 declares, “The States shouldn’t tone person’s equalities in previous to the laws.” Another right confers few benefit depends over to particular. Therefore, It is positively worded. The rights towards religious freedoms (below Article 25), Such cases, are positive-rights.

Classifications above to basis about extents related to limitations: Several Fundamentals Rights forces limitation over an Executives. Another curbs a legisllative powers. Fundamentals Rights below Article 21 laid down limitations overeto Executives. Except those doesn’t curtails legisllative powers. Alternatively, rights guaranteed through Articles no.15, 17, 18, 20, as well as 24 imposes absolute limitations. Also a Legislatures are power-less in favor to regulating any rights.

Right in opposed to States actions v/s. right about personal individual: Largest part about a Fundamentals Rights is guaranteed in opposed to States actions. Such case like, the rights guaranteed through Article 19 as well as 21 is inaccessible in opposed to states actions. Although,
part-3 about a Constitutions are includingsome right that may be invokked in opposed to the States over and above in opposed to personal individual. Prohibitions about untouchabilities (Article17) as well as prohibitions about traffics inside humans beings (Article23) is examplerelated to any of rights.

LANDMARKS IN DEVELOPMENTS ABOUT HUMANS RIGHT

The essential landmark inside the progresses about Humans Rights is like followings:

The Magna Carta, 1215. The Magna Carta, as too famous like the Best Chartter, in 1215 is a major significants constitutionals documents about each and every humans histories. The major themes about those were protections in opposed to an arbitraries acted through the kings. The sixty-three clauses about the Chartter guarantee a basic civics as well as legal-right towards citizen, as well as secured a baronns as of un-just tax. A English-Churches also gained freedoms as of royal – interference. King John from England allowed the Magna Cartaa towards the English baronns over 15th June, 1215. The king was compelled to allow the Charter, since the baronns refuses for paying heavier taxe but for the king signed the Charter.

The English Bill about Right, 1689. The subsequently sources as well as avenue about the developments about the philosophies related to Humans Right is the English Bill about Right, enacted at December 16, 1689, through the British Parliaments. The British Parliaments declares their supremacies above the Crowns inside clear-term. The English Bill about Right declares which the king has none of over-riding authorities. The Bill about Right codifies the customary – law, as well as clarifies a right as well as liberty about the citizen. That laid downs the double foundation, viz., a supremacies about the laws, as well as the sovereignties about the nations, above that, the English-constitutions rest.

American Declarations about Independences, 1776. The initial colony towards revolts in opposed to England was the 13 State in America. This state declares its independency as of relative mother-countries over fourth July, 1776. The declarations charged the king seven along tyrannies as well as affirmed an independency about the American – colony. The declarations about independency have best significances within the histories about mankind like that justifies a rights towards revolting in opposed to a governments which is not largely guarantees the men’s naturals as well as
inalienable rights.

The U.S. Bill about Right, 1791. The U.S. Constitutions were enacted above 17 September, 1787. The major conspicuous defects about the unique constitutions were the omissions about the Bill about Right to concern personal right as well as private liberty. Madison, so that proposed number of 12 amendment inside the forms about Bill to Right. From that was ratified through the States legislatures. Present constitutional amendments approached to be famous like the Bill about Right. The on the whole themes about the Bill about Right is such as the citizens being protected in opposite to the abuse about power through the official related to the State.

The French Declarations about the Right related to Man as well as about the Citizens, 1789. The falls about Bastilles as well as the abolitions about feudalism, serfdoms as well as class privilege through the National - Assembly ushered France inside a innovative era. On 4th August, 1789, the National - Assembly pro-claimed the Right about Men as well as about the Citizen. The Right was formulatted between seventeen Articles. The Declarations about the Right of Men as well as about the Citizens havedistant to reach importances none other than just inside the histories about France except as too inside the histories about Europe as well as mankind.

The declarations serve that the deaths warrants about the older regime as well as introduces innovative socials as well as political orders, obtained overa nobles as well asto glitter the principle. In addition to the declarations serves like the basics regards to number of Constitution, framed into various country, at which the framers offers higher priorities about Humans Right.

Eclarrations about International Right for Men, 1929. Later on World-War my self, question of Humans Right as well as fundamentals freedom initiates to be increased. In 1929, the Institute about International Laws accepted a Declarations about International - right related to Men. The Declarations announced such as fundamentals right about citizens, recognized as well as guarantee through various domestics constitution, specially that about the French as well as the U.S. A constitution, was inside realities means not just regards to citizen related to the state except regards to each and every men in whole universe, exclusive of such considerations.

The UN Charter, 1945. The United - Nations Charter has been drafted, supported as well as
unanimously accepted through each and every delegate related to the 51 states, which attends the United Nations Conferences in San Francisco. The UN Charter includes provisions regarding to a promotion as well as protections about eight Humans Right. The importances about the Charter lie downs inside the facts such as that is a initial officials documents inside that the utilization about ‘Humans Right’ are, regarding to the primary period of time traceable as well as that moreover recognizes the respects regarding to fundamentals freedoms.

The Universal Declarations about Humans Right, 1948. The Universal Declarations about Humans Rights has been accepted through the General Assemblies related to the United Nations on 10th December, 1948. The Declarations consist about 30 Articles as well as cover civils, political, economics, socials as well as cultural rights regarding to each and every men, women as well as childrens. The declarations moreover isn’t a legal binded documents. That is an idyllic regards to every mankind.

International Covenant about Humans Right. The Universal Declarations about Humans Right, 1948 has been not a legal binded documents. That lacked enforcement. Current deficiencies were soughts to be rejected through the U.N. General Assemblies through accepting into December, 1966, the combine Covenant, viz.,

1. Internationals Covenant about Civils as well as Politicalls Rights &

2. Internationals Covenant about Economics, Socials as well as Cultural – Right.

The both Internationals Covenant, combined along to the Universal Declarations as well as the Alternate Protocol, comprises an International Bill about Humans Right. The International Bill about Humans Right represent the milestones within the histories about Humans Right. That is a recent Magna Carta about Humans Right.

1.2.1 Theory related to Humans Right

In order to obtain essential understandings about the Humans Right the theories already in existence must be referred to as these will provide with the tools and measures to indicate the subject matter of the concept of human right. The accurate insights within most of theory about
humans rights are like following:

a) The theories related to natural-right
The theory of natural rights has been the most ancient Greek one with the concept of linking rights to man by nature in its backdrop. It was observed that these rights absolute, civil, social and are contended anywhere and everywhere. The main exponents of this theory are Thomaas Painne, Grettius, Tom-Painne, as well as Johne Lockke.

There is an argument that the right isn’t abstracts, absolutes or unknown phenomenas, by the critics. Liberties are something which is kept under control is one of the arguments. Such control upon rights creates a situation where all persons have a scope to build up their personalities as well as their consequently duty towards another. Actually, right as well as duty is the both siderelated to a equal coins. Regardless oftobeyond flaws, the theories about natural-right has motivated such assuch injustices, ill-treatments towards humans beings are kinds about assault over a complete human-kind themselves. Separately as of it, that as well offered the basics regarding to the French, English as well as American Revolutions so that throughout coming inside the Bill about Right.

b) The Legal Theories related to Right:
Theories of legal rights are the reactions in opposed to the natural rights theories. The promoters related to these theories argue such as theories to natural laws as well as right is abstracted as well as they have ridiculed this phenomenon. Therefore the safeguard and enjoyment of the fundamental rights are better protected and maintained by the state authority rather than an individual him. The major solicitors of this theory are Austin, Hobbes and Bentham. They advocated that protection of an individual’s rights is a must and therefore there must be rules and regulations to protect them.

(c) An Anti-utilitarian Theories related to Right
A well being about a majority section isn’t a priority and primes objectives about the states; this is as stated by the utilitarian’s viz. Dowkin, Nozic and John Rowals. They held that well being of the majority section of the society may prove to be disastrous for particular group of people is
concerned.

(d) A Legal – Realists Theories related to Right
Juristes conversed that which laws doesn’t, which laws are designs that tobe inside a mainly complexed as well as industrialised societies. Current theories didn’t propound the general theories about right. People say such as humans rights aren’t anything except the manifestations regarding a processes compared than a theoretical-debate. Existence of law is questioned, also is questioned its value as well as action that have been enacted above the societies except there are none of solution.

(e) The Marxists Theories related to Right
As per to Marxist, rights is the proprietor rights and products regarding to bourgeoies capitalist societies primarily proposed towards maintains as well as reinforcement the predominances regards to the ruling classes. It regards such the coercives agencies towards upholds individual moderegards to social organizations as well as laws are the tools regarding a state such as perpetuate as well as safeguard interests abouta dominants groups inside the societies. The components of Humans Right viz religion, custom, tradition and morality are not included in this theory.

1.3 Classification of Humans Right
Humans Right are widely categorised as of both separate perspective: as of a view point about different aspects related to socials, economical, political, morals, civil as well as human life and another form the view point of the modes of assuring them. Based on the later perspective the Humans Right are constitutional or legal. These classifications can be discussed under the following heads:

1.3.1 Natural Rights
Every individual is entitled to possess property by nature, of their own that can’t be obtained through such authorities. These natural rights is the right which are inherited and integral to human nature. These rights includes right of mind, intellectual rights and right to act such for the particular regards to their own comforts as well as happinesses in such a way that the natural
rights of others are not infringed.

1.3.2  Moral - right

This right is justified by the role played by people in a society or by way of acquiring of a position in the society.

1.3.3  Fundamentals - right

This is the right that is most important as well as the essential rights to an individual than any other rights. For instance, all other rights can be enjoyed on the basis of the basic right of life of an individual. These are the absolute rights of an individual which can not at all be restricted or obtained through such authorities. A constitution guarantees certain fundamental rights to an individual which gives protection to a person from an illegal arrest, equality in the eyes of law, or prevents detention without any reason or cause.

1.3.4  Legal rights

Legal rights are the rights stipulated in law; these are given, guarantees as well as defended through laws about a land. This right is uniform for all residing as well as governed by the laws of state and protect the residents irrespectiveness about a castes, colours, races, cultures, sex or birth place.

1.3.5  Civils as well as Politicals Right

Part III of an Indian Constitution specifies the civil and political rights guarantees towards a citizen related to India. These rights include freedoms related to speeches as well as expressions, right towards move freely within country and practice the profession or do trade within the country. The progress of human life is not possible in absence of these rights, these rights are essential to lead a civilized life. This rights is essential in favor of a fulfillments about the elementary conditions about social lives and are granted by the government and civil society.

1.3.5.1  Economics, Socials as well as Culturals Right

The economics, socials as well as cultural rights is incorporated as a directive principles about states policies of the part 4 related to a Constitutions. These rights includes a right to equalities,
rights in favor of working, rights towards having families, rights in favor of privacies, rights in favor of informations, rights towards community assistances, rights in favor of health-care, rights in favor of special-care for the duration of child-hoods as well as the duration of motherhood, during old age and sickness are some of the instances. Inside such regards to the socialists state, this right is considered such for fundamentals rights about a person. The right aimed at diminishing to social inequalities, economical imbalance as well as reduce the disadvantage generated through natures, ages as well as rapidly. The entitlement of this right will depend above to economics resource available with a state and the societies.

1.4 Humans Right Revolution
The revolution which took place long back in the ancient period into nationalized as well as internationalized levels are the basis about an existence related to the Humans Right. This section shows the analysis if the development and revolutions related to the Humans Right inside countries such as America (American-Revolutions), France (French-Revolutions) as well as lastly Universal-Declarations related to Humans Right.

1.4.1 American - Revolutions
American - conventions over Humans Right recognized their intentions for Humans Right within its constitutional framework through which the systems about personal liberties, social - justice basis over a necessary rights related to human beings.

The reaffirming, recognizing as well as considerations for these rights got placed inside 1776 about the in American - revolutions related to Humans Right at a time. Declarations about American-Independence. An U S embodiment the Bill about Right on some period of times.

A declaration on Humans Right was prepared during 1929 by the Institution of International Law, New York, USA. The Inter-American Conferences passed the resolutions, in to year of 1945 seeking establishments about an Internationalized forums regarding the furtherances related to Humans Right.

Once such a situation is created where everyone enjoys their economics, socials, culturals
right with their civils as well as politica ls right an idea about free men enjoying a status free form fear can be achieved in accordance with UDHR. All of these developments took place in the year 1945, 1948 and 1966 respectively.

1.4.2 French - Revolutions (Developments related to Humans Right)
The developments related to Humans Right had emerged in the beginning of the Magna Carta into 1215 AD inside England spreads above towards whole France. The French – Revolutions of 1789 given birth to declarations about right related to men as well as citizens. The Magna Carta of Britain was spread to almost every country in Europe including France.

When examined closely the Magna Carta, if nearly examined, proved to be the petitions urging a King towards conceding rights about individual sections related to the persons, however that content had none of universality towards a basics freedom near ordinary men. Ultimately at the formation of United Nations during 1945 after the Second Global War that gone the rampaged about Humans Right violations related to prisoner about wars as well as the French-revolution that was established as well as included inside Humans Right movements joined inside formulations about UN charters related to declarations about Humans Right.

The objective was to achieve international cooperation from the countries in order to solve international problem related to the economics, socials, cultural/ humanitarian natures as well as to promotes Humans Right regards to the freedom of all excluding of such discriminations related to races, sex, languages as well as religions.

1.5 Globalization and Standardization of Humans Right
U.D.H.R. is considered to be the standard document on the international levels regards to an absolute and unalterable right of human fraternity.

The two covenants relating to Humans Right provides with the international protections regarding to right as well as freedom. Combinely the covenant affirm a rights about people towards self determinations. Together the international documents had provision for to bare the discriminations inside its all forms for the exercises about Humans Right. Above two has the
forces about laws regarding to a country that ratifying it.

A Declaration constitutes a preambles as well asthirty article. The declaration laid downsa essential Humans Right towardsthat each and every the human beings are entitled to irrespective of their races, sex, colours, languages, religions, politicalsand another opinion. That includes number of characteristic as well as lofty ideal about democratic-constitutions such as which was founded inside American-Constitutions.

1.5.1 General-Nation related to Women’s (weaker gender) Anciennt Histories inside India

A condition related to women’s of an Indian-societies have been so much pitiful. The modern change betweena statuses about the women’s inside Indian societies aren’t progressive, if said so is not at all an exaggeration. In fact the position of the women has been recaptured as that of it was during initial period of Vedic. Throughout that time duration, women had various statuses within various time durations as well as a time duration was separated between Pre-Aryan Periods BC – 300 – BC 2000, Vedic-Period BC 200 – BC 60-, Ages about Revolts BC 600 – 300 AD, Medieval Periods AD 1200 – AD 1757, British-Rule A.D. 1757 – A.D. 1947 as well as later on independence AD 1947.

1.6 Right related to transgender in Mahabharata times (2000 to 600 BC).

The Saptapindi’ in Mahabharat has been identified as third gender woman. Researchers have identified that the position of women during Vedic period was at par with the men. Both ladies plus gents have todo experience of Upanayam: a ceremony has been started regards to a Vedic-study during a Vedic period. Atharvaveda stated such as “a successes related to women between their wedded lives lies over their trainings at the time of the “Brahmacharyas” . The education of woman was given utmost importance. Her presence was very vital during every religious rite or ritual. The Rig-Veda obviously specifies a stories about the Grihapatis who lefts his wife due to her impertinence as well as gone regards to practicing penances. Except then God explained in the direction of him since to how that was not proper towards performing penances devoid of his wife. Women were sufficiently educated and civilised during Rig-Veda period, their education was at par with the men. Woman use to participate with men in philosophical events. Visvavaraahas illustrated such for the philosophers as well as better versed
insideto sacred text. She was an authorrelated to the hymn within Rig – Veda, Ghosha, Apalla were as too authorrelated to hymns.

1.6.1 Right of female & transgender at the time of Rig - Veda Periods
At the time of Rig-Veda era, it was best Brahmavadaneees who were longer lived student, also inside the Buddhist female scholar. In Jain’s traditions Yayaant, the princess sustained not married as well as obtained ordinances of Lord Mohair himself. Based above this literature from a history Alteker aboveto baserelated to current literatures, Alteker writer stated that girls from the well established families during 300 B.C. were encouraged to take decent education.

The women who opt to not marry stayed with their parents and were popularly known as “Amajjar”, also they were not allowed to participate in any sacrifices, on the other hand the widows were free to remarry and in number of instances the brother of the dead husband will marry his brother’s widow with the consent of the family members.

1.6.2 Rights about Transgender at the time of Medieval Periods (AD 1200–AD 1757)
The kings used to keep the attendants and for safety of their queens and daughters the transgender females.

1.6.3 British (AD 1757-A.D. 1947)
Many women have significantly contributed for the progress and status of woman at both national and international levels. During twentieth century a strong movement was preceded by woman in Britain. The following women contributed significantly in the movement. Margarret Nobel (1867 – 1991) laterlyfamous such for Sister Nivedita, Anie Besannt (1847 – 1933) as well as Margarret Cousin (1878 – 1954) took parted inside the Home-Rules Agitations.

Women were free to separate from their husbands and remarry; they were independent and free to take part in any religious festival. By current period, the liberals attitude of westswere allowed as well as a number of modifications took place in the social-legislation regards to protections related to women. The role of missionary as well as many voluntaries organization of India contributed a lot in this field. Woman started engaging themselves professionally in schools and colleges.
Woman started attaining higher and professional educations as well as well-qualified to be nurse, teacher as well as medical – practitioner. They raised their voices against social evils and took many decent jobs including higher degrees related to responsibilities within a society. Woman’s movements are observed against all social evils i.e. against dowry, demonstrations against obscene postures, torture by men.

1.6.4 Transgenders’s local achievements

The status of woman deemed to have passed through a liberalisation phase in India during 19th century. During the period (1862-1922) Rama Bai Ranade, started Hindu Ladies-Clubs as well as class regards to an illiterates people. Medam Camaa (1861-1936) did struggle regarding to freedoms, she gone from India on 1902 as well as settle down inside to England. Torru Dutt (1855 – 1877) emerges along the poem about revolt another outstanding figures such as Jhansee – ki Rani, (1835 – 1858) encouraged women and men through her braveness fightsin opposed to Britisher at the time of Indian-Wars regarding to Independency. Raziaa Beg gum, Gullbadan Beg gum, Nurjahaan, Jahaanara, Zebanira etc. increased a statements related to women between oldert ime of period. Most of the Queens and Beghums bodyguards were transgender.

1.6.5 After Independence (AD 1947)

The greatest women about recent times: Mother-Teresa who contributes outstanding that will all timememorized while we mention the greatest women about nineteenth as well as twentieth centuries which contributes regards to the betterments related to socials, religious, civils, economics, political as well as psychological statements about women. Mother Teresa restored the underprivileged to a better as well as happiest lives. Herself proved to a universe such as a woman proves to be more beneficial to the society.

1.6.6 Brief - Creations Histories

The government about an India accepted a Humans Right Act within 1993 and recognised the National – Humans – Right – Commissions as prescribed in to provisions about a said Act. NHRC included within forces at 12th October, 1993. A Humans Right Act offered for a constitutions related to a NHRC: it should have as its Chairman, the active justices about the Supreme-Courts, single person who is an active-justice about the High – Court as well as the
another two persons tobe engaged betweeno people who have knowledges in the relevant field. At present Justice H.L. Dattu is heading the post of chairman of NHRC.

1.6.7 Legal - Functionabout the National – Humans Right Commissions

Statutorilies the commissions can performs many or single from the subsequent function:

A) Inquiry for a petition
B) Intervention in any pending case before the court
C) Jail visits under the control of the state governments, more of an inspection.
D) Ensuring effective implementations of the safeguarding provisions
E) Research in the field of custodial abuses
F) Advocating Humans Right literacy and awareness.
G) Encouraging N.G.O.s working for women
H) Any other such function in the related field regards to protections related to Humans Right.

3.6.7.1 STANDARD FORMAT AGAINST TORTURE FOR CUSTODIAL KILLING;
In practice if any one is victim of custodial attorcity. He or she could approach to the High Court u/A. 21, 22, 226 or 227 of constitution of india. Alternatively he or she has every right to approach state human right commission (SHRC) and NHRC (NHRC) for full enquiry. The ‘standard model draft’ of the Petition for state human right commission and writ petition for high court has as below;

1. DRAFT FORMAT OF WRIT PETITION AGAINST THE JAIL AUTHORITIES FOR CUSTODIAL-KILLING;

IN THE HIGH COURT OF JUDICATURE AT BOMAY

CRIMINAL WRIT JURISDICTION

CRIMINAL WRIT PETITION NO. OF 201..

DISTRICT: xxxxx

IN THE MATTER OF ARTICLE 21, 226 & 227 OF THE CONSTITUTION OF INDIA.

AND
IN THE MATTER OF COMPLAINTS TO THE SR. INSPECTOR OF POLICE, ………………… POLICE STATION AND DIRECTOR GENERAL OF POLICE DATED XX/YY/ZZ &SS/TT/RR BY PETITIONER/ ’S HUSBAND,

AND

IN THE MATTER OF INACTION OF THE RESPONDENTS IN THE PETITIONER’S GREIVANCES AND FAILURE ON PART OF THE RESPONDENT TO INVESTIGATE THE CUSTODIAL MURDER OF PETITIONER’S SON ON DATED………..

AND

PETITIONER HAS BEEN UNDER REASONABLE DOUBT AND FEAR THAT HE SHALL NOT GET JUSTICE FROM THE RESPONDENT NO. 2,

Aliya Begum Deen Mohammad Ansari ) .....PETITIONER

VERSUS

1) THE STATE OF MAHARASHTRA )

Through Public Prosecutor, )

2) THE COMMISSIONER OF POLICE, THANE)

3). SR. INSPECTOR OF POLICE )

4). SR. INSPECTOR OF POLICE )

Sion Police Station, sion, Mumbai ) ….RESPONDENTS

TO,

THE HON’BLE THE CHIEF JUSTICE

AND THE OTHER HON’BLE JUDGES

OF THE HIGH COURT OF JUDICATURE
AT BOMBAY.

THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED.

MOST RESPECTFULLY SHEWETH:-

The Petitioner abovenamed states as follows:

1. The Petitioner is citizen of India and residing at the address as mentioned in the title clause of the present Petition and a housewife. The Petitioner is a law abiding, humble illiterate Common Citizen of our Society. The Respondent No. 1 is State and responsible for implementing the Constitutional framework for taking care law and order for safe guarding people’s and petitioners well being in all circumstances. The Respondent No. 2 is the Superior Officer of the Respondent no. 1 for supervising, administration and responsible for monitoring investigation, maintaining law & order etc. The Respondent No. 3 is the Local Police Station and responsible for investigation, maintaining law & order etc, within which jurisdiction the murder occurred. The Respondent No. 4 is the Police Station, which has framed the Petitioner’s diseased son in C.R. No. 37/12 u/s 379 of I.P.C. and arbitrarily arrested the victim without following the Rules of D.K. Basu’s Direction viz. informing the family etc.

2. The Petitioner says that irresponsible behaviour of Officers of the Respondent No. 3, there is every likelihood of miscarriage of justice in the present matter i.e. Medico-torture case. The Petitioner further says that her son named Taj Mohammad Ansari has been killed by the officers of the Thane District Prison, Mumbai on 24/03/12 for failing to get convince him for their illegitimate demands. The Copies of the Petitioner’s School Leaving Certificate, Ration Card and Photograph is marked as Exhibit –“A Colly.”

3. BRIEF FACTS OF THE CASE:-

a). That the Petitioner abovenamed says that her elder son named Taj Mohammad Deen Mohd. Ansari aged about 23 years has been routinely doing his contribution to help his father at the their home shop address as Baiganwadi, Govandi (East), Mumbai. He was also studied upto class nine. He was has studied Arabic, Urdu and Farsi at local Madrasa and was very religious and of having highest moral level in Islamic religious studies. He was helping the business of his father to contribute in the collective responsibility of family. The said son of the Petitioner named as “Taj Mohammad Deen Mohd. Ansari” should be known and abbreviated as “the victim diseased” for clarity and convenience in the course of further submissions in the Petition.
b) The said “the victim diseased” was on regular medical check up of some injuries in middle finger of his right hand. The said “the victim /diseased” was visiting the Sion Municipal Hospital for medical treatment of the surgical deformity in the said finger. The “victim /diseased” was regularly visiting the hospital as and when required.

c).The “victim /diseased” has been falsely framed on 20/02/12 in a C.R. 37/12 dated 21/02/12 by Sion Police Station u/s 379 of I.P.C., without any information to the relatives (or any near or dear) the said Police of Sion Police Station arrested (illegally) and produced before the Ld. Magistrate on 22/02/12 and Ld. Magistrate has order Police Custody till 24/02/12. The “victim /diseased” was into judicial Custody (Magistrate Custody) from 24/02/12 to the 22/03/12. The Petitioner and her husband has try to establish contact on the mobile numbers, but the same were unreachable, hence she has gone to Nala Sopara Police for lodging complaint, but the Police has denied her as “victim /diseased” was major and may come any time. The Petitioner says that in the meanwhile the Sion Police Station’s officers has never informed the Petitioner or her family members about the arrest of the ‘victim’.

d) Later On 22/03/12 at about 1.30 p.m., the Petitioner says that she received a call on her mobile number 9224809767 from an unknown number 9820489722 i.e. mobile of Advocate Usmani @ Usmani vakeel (Practicing advocate at Kurla and Sessions Court) and she was told that her son is in languishing in Thane District Jail and given the said phone “victim-diseased” for further talk and hence further conversation took place. After getting her sons, where about, the Petitioner was under shock, but she had gone to meet the “victim-diseased” in ‘the Kurla Court Compound’ and on the very same day at about 2.30 p.m. The Petitioner states that she found her “victim /diseased” son into fit and fine condition. But the “victim /diseased” has complaint to the Petitioner about how he has been subjected to multiple medical test in the cell (laboratory) of the Hospital. He has also told the Petitioner that several medicines were unnecessary given him regularly to eat before the foods. In short, Victim has told that on denial or refusing he is subjected to ‘naal-bandi’ two times a week. Naal Bandi a kind of physical torture the indian jain authority has inherited from the Mughal era torture, wherein our prisoners were hanged from the leg side and beaten until the victim prisoner become unconscious. Further the “victim /diseased” has also informed the other prisoners and local lawyer at Kurla Court that his natural discharges, his natural secretion’s, his fluids, stool and urine for unknown medical tests. He had Complained that possibly medicines were tested on him and which were creating many abnormity into his person natural discharges. He has also complained that due to all this medicines he kept on feeling sheepish all over the day. The
petitioner could not consult all such matters as she felt that in good faith the jail authority might have given some medicine against some season viral infections. But she has a suspicion in her mind and that is why she had visited the Thane Jail on XX/XX/12 i.e Sunday (holiday ban for visitors), hence she has been denied to access due to holiday, so she returned to her husband’s Govandi Shop, Mumbai and planned to visit jail on XX/XX/12.

e) The Petitioner has been vide a phone call from the Thane Jail Authority about that her son was suffering some disease and urgently visit the jail. Hence she along with her husband visited the Jail for meeting her son, but she has been shown a dark blue colour dead body of her said son. She fainted and became unconscious for next few days, even she forget to inform the incident the present advocate about the incident.

f). There after her husband has objected the incident and said that F.I.R. of murder must be registered for the killing, and denied the removal of body and shown his reservation, thereafter post mortem has been conducted on the body at J.J. Hospital, the petitioner has been given a Xerox copy of the Cause of the death certificate, issued by one ‘Dr. A.H. Meshram’. The said Doctor has knowingly and deliberately avoided the wound marks on the whole body of the “victim /diseased” . The Jail’s hospital’s doctor called a Photographer. The said Photographer has been instructed by the said doctors and jail officials for taking only few of the photographs, where lesser injury marks were present on the body. The Petitioner says that her son has never been suffering from any illness and heart illness or any other illness is just concocted story fictioned to save the jail authorities, who are indulge into inhuman practices and inhumane tortures on innocent prisoners, who have no special family background in present independent India. Petitioner likes to enclosed and Exhibit the Cause of death Certificate as “ ”.

g). The Petitioner and her husband and her family member has approached Sr. Inspector of Police, Thane Urban, Director General of Police, and Home Minister ………Patil etc against the killing of her son. The said family being illiterate has been instructed to give the grievances, hence her husband has made a short complaint against murder of son and demanded appropriate inquiry. The Copy of the said letters are marked and Exhibited as Ex- “……”.

g) The Petitioner says that despite many rules regulation and land mark judgments, the Jail authorities have been using inhuman physical and mental tortures on the prisoners. The same
inhuman physical torture has been performed on him. When the son has openly came out against such inhuman treatment and medical exploitations and illegal medicine testing and tried to spill the bean. The Prison authority has keen killed him to silence the voice of whistle blower.

h). The Petitioner without admission or prejudicing the content of the Present Petition says that some medical complexity was there, then what medical treatment from reliable medical experts been given to the diseased. But in Shocking Revelations of some prisoners, the murder took place on 23rd March 2012 and kept the body isolated till night of the 24th March 2012 and revealed to Petitioners very late at 3 p.m., on 25th March 2012. Petitioner says that the murder took place very before than the Jail Authorities’ claims.

4. The Petitioner state and submits that except to approach Hon’ble Court’s Writ Jurisdiction there is no alternative remedy available to Petitioner against the Respondents.

5. The Petitioner says that the murder is outcome of a deep conspiracy of medico- prison officials conspiracy as they have fear that their mal practices, illegal medicine testing, illegal collection of human discharges may be beaned out by the diseased. The almost all the doctors are involve in the conspiracy f killing and Jail Superintendent has been aware of all such facts and facilitated and colluded with the culprits to commit the murder of the victim. The Petitioner suggests that it is more appropriate to hand over the investigations to Specialized agencies i.e. Central Bureau of Investigation or Crime Branch, Mumbai to investigate in the murder by the Prison killing in the above referred circumstance.

6. The Petitioner says that Forensic experts opinion may be asked and they may may be asked to file their say so that further picture may be clear and tell the more unraveled facts hidden in the killing conspiracy.

7. The Petitioner likes relies several land mark precedent and direction in the present fateful circumstances issued by the Indian Judiciary against Jail Authorities and arbitrary arrests and torture in Bar fetter.

Restriction of personal liberty is the basic deprivation faced by the prisoners, whether they are in police custody or in the judicial custody-either as accused (under trials) or as convicts. The right against bar fetters is the right of every person whose personal liberty is deprived. The Court while dealing with the bar fetters (Charles Shobraj v. Delhi administration) and handcuffing of the under trial prisoners while taking them from the jail or Court by the escorts held the
“Insurance against escape does not compulsorily required handcuffing. There are other methods where by an escort can keep safe custody of a detenue with out indignity and cruelty implicit in hand cuffs or other iron contraptions”

The Court also held that lack of knowledge regarding the guidelines can not be the reason to violate this right and that it is the responsibility to educate the police personnel regarding the Rules and Regulations to protect the Human rights on the related authorities and any such violation of the Supreme court directive will be considered as Contempt of Court. (Re: MP Dwivedi (1996) 4 SCC 152)

The Court also held that “the conviction of a person did not reduce him to a non-person vulnerable to major punishment imposed by the jail authorities with out observance of procedural safeguards” and solitary confinement and use of bar letters and the custodial violence are against Art 21 of the Constitution. The Court also held that such solitary confinement will amount to imposition of second punishment for the same offence and thus the prison authorities cannot impose prison punishments with out judicial scrutiny. (Sunil Batra. V. Delhi Administration AIR 1978 SC 1675)

THE D.K. BASU PRINCIPLES :

DK Basu. V. State of West Bengal (1997) I SCC 416, proved to be a landmark judgment that consolidated the basic rights under criminal law especially those of the persons under the conditions of curtailed personal liberty such as arrested persons, detainees, under trials etc laid down rules of arrest.

While laying the basic rules held that Interrogation though essential must be on scientific principles. Third degree methods are totally impermissible.

The person arrested shall be entitled to have one friend or relative being informed that he has been arrested and detained in a particular place (Joginder Kumar. V. State of UP (1994) 4 SCC 260 the Court held that it was inherent in Art 21 and 22 that the police must if they arrest a person, inform a relative or friend of the fact of his arrest and also inform them of the place where he has been detained. That this was done must be recorded in the Station diary. The Magistrate before whom he she is produced must satisfy himself that these duties are properly discharged.)
i). The copies of arrest warrant shall be compulsorily shown to the person about to
be arrested and also the next friend or relative.

ii). The arrested shall be permitted to meet his lawyer during interrogation.

iii). The arrested person has to be sent for medical examination.

iv). Victim of the custodial violence and in case of his death in custody, his family
members are entitled to compensation under public law in addition to the remedy
available under private law for damages for tortuous act of the police personnel.

In various other cases the court also held that in terms of Art 21 a Doctor of the
Government hospital is duty bound to extend medical assistance for preserving
life of the prisoner. (Parmanada Katra. V. Union of India AIR 1989 SC 2039)
Besides these rights, the Courts also reiterated the right to interview and visitors
according to the Prison Rules, (Prabha Dutt v. Union of India AIR 1982 SC 6)
etc.

In D.K. Basu v. State of W.B., (AIR 1997 SC 610) the Supreme Court through Dr.
Anand, J (now Chief Justice) has also held :

“The claim in public law for compensation for unconstitutional deprivation of
fundamental right to life and liberty the protection of which is guaranteed under
the Constitution, is a claim based on strict liability and is in additions to the
claim available in private law for damages for tortuous acts of the public
servants. Public law proceeding serve a different purpose than the private law
proceedings. Award of compensation for established infringement of the
indefeasible rights guaranteed under Article 21 of the Constitution is a remedy
available in public law since the purpose of public law is not only to civilize
public power but also to assure the citizen that they live under a legal system
wherein their right; and interests shall be protected and preserved. Grant of
compensation in proceeding under Art. 32 or 226 of the Constitution of India for
the established violation of the fundamental rights guaranteed under Art 21, is an
exercise of the Courts under the public law jurisdiction for penalizing the wrong-
doer and fixing the liability for the public wrong OR the State which failed in the
discharge of its public duty to protect the fundamental rights of the citizen”
The Petitioner says and submits that none of the principle is followed during arrest of the 'victim/disease' by the Respondent no. 4 and nor the same have been followed by the Jail Authority i.e. Jail Superintendent, Thane Prison or his subordinates during his imprisonment.

8. That The Petitioners crave leaves to add, alter or amend any of the grounds aforesaid.

9. The Petitioner further submits that this Hon’ble Court have the Jurisdiction to entertain in the matter.

10. That The Petitioner has not filed any other petition in other court of India and also not petition pending in any other court of India.

11. The Petitioner has paid the Required Court Fee Rs. /- herby.

12. The Petitioner have signed the Vakalatnama annexed to the Petition.

13. The Petitioner, therefore, prays:

i). THIS Hon’ble Court be pleased to allow the writ petition and rule may be issued regarding Prison Death at late nights.

ii). THIS Hon’ble Court may pleased to direct any Specialized Investigating Agency i.e. C.B.I. or Crime Branch, Mumbai to register the F.I.R. against the Jail Superintendent and involved doctors which this Hon’ble Court may deem fit and proper under the light of illegalities, grievances and violations of the already infringed fundamental Rights of the diseased victim and his mother i.e. Petitioner continuance of injustice with utter disregard to Hon. Supreme Court’s previous orders.

iii). After Observing the grievances and serious nature of allegations, the Hon. Court may issue direction to the Commissioner of Police Mumbai to initiate separate investigations into the Petitioner’s grievances against Respondent no. 4.

iv). or the Matter may be handed over to Chairman State Human Right Commission/ Human Right Court to investigate and file their say within two months.

v). And Respondent No. 1 may be asked to pay Compensation of any nature to be paid to the Petitioner against the irreparable loss of the Petitioner and inconvenience caused to her by the negligent and biased state.

vi). The involved Officers/ officers related to the present killing may be transferred to any
other jail or suspended till completion of investigation, because they must try to influence the fair investigations as the most of the victims are from the said Jail itself.

vii). Any other further relieves in the circumstances as per discretion and inherent Powers of the Hon’ble Court.

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE PETITIONER SHALL BE DUTY BOUND SHALL EVER PRAY.

Place: - Mumbai.

Date: 04/06/2011 PETITIONER

ADVOCATE FOR THE PETITIONER

VERIFICATION

I, Aliya Begum Deen Mohammad Ansari, Housewife aged about 45 years, Indian inhabitant, Residence at R.N.- 311, 3rd Floor, Shiv Plaza Building, Oswal Nagar, Pragati Nagar, Nallasopara (E), Thane, do hereby state on solemn affirmation that whatever is stated in the above going all paras are true and correct of my best knowledge and belief.

Solemnly affirmed on June 2012

Identified and explained by me

Petitioner

Advocate High Court

Before me

2. Standard Format for Petition before the honourable Delhi/ Maharaashtra State Human Rights Commission as below;

PETITION BEFORE THE HONOURABLE DELHI /MAHARASHTRA STATE HUMAN RIGHTS COMMISSION AT ..........

CASE NO.......... OF 2014

Name and address of the petitioner } .. Petitioner

VERSUS
1. State of Maharashtra, 

2. Inspector General of Prisons, 

3. Superintendent of jails, ……. 

…….., central Prison, at ……, at District, 

Humble Petition of the abovenamed Petitioner;

MOST RESPECTFULLY SHOWETH:

1. The Petitioner is the accused named……………….., who was admitted into jail named as on dated xx.yy.2016. he is /was facing the criminal proceeding before the ……. Honourable court, at………

2. The respondent No. is the state, and duly vested with responsibility to uphold the constitutional liberties of every citizens. Respondent no. 2 is the senior officer of the jail administration, he is posted at having address at. …….and Respondent No. 3 is the concerned officer, who is blamed and alleged to have committed the violation on the present Applicant/petitioner.

3. The Petitioner respectfully states and submit that she has born on ….yy/zz to the parents of Mr. ……..and Mrs.……….address ……. delhi on dated November 1980.

4. The petitioner says that he has been disserted by his family during his visit to char dham yatra. He could not recollect the date of his missing.

5. He has found after sometime that he has different gender from the other common individual. He further realized it , when all the citizen started calling him hijra.

6. Meanwhile he has been arrested in the false case of theft in the locality, .. new Delhi by the Rajauri garden Police station. South Delhi on dated 26 January 2014.

7. Since then his/her plight of harassments by the hand of detaining authority has started, which is as below;

a) on 15th august , at about 11 pm, when the petitioner was roaming around in the vicinity of metro railway station …… he has been asked by a civil dress person to accompany himself to the certain road. On denial he informed that he is police policer and he can do any thing as
per his/her wish. On threatening the petitioner has accompanied the said civil dress person (police man) towards the Road named as……… where there was already a police van was waiting for the said civil dress policeman. Thereafter the police man has asked the petitioner asked him to sit in the said police van.

b) Thereafter petitioner along with the police man reached to the police statin named Rajauri Garden. Where he has been handcuffed ans asked to sit in the detection room of one inspector mr. sharma.

c) For three four day, the policeman have kept in the said detection room of Rajauri Garden police station from dated between xx 2014 to xx 2014. There were different policeman, whom had sodomized him and given some amount of money. The officer sharma has asked him for oral sex and repeatedly touched his private parts. All most all the policeman have asked him to show his private part.

d) When he has threatened to complaint to the senior officers, if he shall not be released. On dated xx xx , he has been produced on ……. before the local judicial magistrate , new Delhi and remanded to police custody form xx……to yy dates.

e) Thereafter his physical harassment has multiplied an he has been framed in numerous cases of mobile theft and other offences. Further fake recovery too were made from his possession.

7. On dated .. when he has been sent to the jail and transferred to the Mumbai Arthur road jail in fake charges of another theft.

8. he says that he never visited the Mumbai city prior to his police custody. He says that all the cases are fake and leveled agains him just because of he has asked and complaint to various the seniors officer against inspector mr. sharma of Rjauari Garden Police Station.

9. That the petitioner totally being aggrieved , approaching to this honorable human right commission for justice on the following grounds;
   a) that the petitioner’s private part has been injured and it is bleeding;
   b) the petitioner has been subjected to naal bandi by the Delhi’S TIHAR JAIL and the Mumbai’s ARTHUR ROAD CENTRAL JAIL.
   c) That on ……. he has wrote complaint to the local police commissioner of Delhi
   d) that on …….. he has wrote complaint to the union home minister

10. under ther aforesaid circumstances, it is just and necessary in the interest of justice that this honourable court may be pleased to ;
   a) direct the Respondent No. 2 to produce the petitioner and the co detenues, whom were arrested or detained by the Rajauri Garden Police Station Before the Hon. Human Right
Commission, along with medical report (if any), as early as possible, for ascertaining the actual injuries sustained by the Petitioner and his co-detainee.

b) Direct the appropriate authority to enquire and file FIR in the present matter against the culprit officers and the jail officers.

c) Hearing the present Petition may kindly be expedited, as the petitioner is seriously wounded;

d) To grant interim and ad interim relieves in term of Prayer (c);

e) To pass further and general order or directives, as deemed fit and proper;

And for this act of kindness, the Petitioner shall ever pray for.

Dated this ….. day of …. 

At ……..jail Petitioner-in person

1.7 Formation about National Commissions for Women (NCW) for weaker genders.

India established the National – Humans Right Commissions (NHRC) later onto International – Universal Declarations /Humans Right was formed in the year 1948, that was established towards eradicatesa Humans Right atrocity, further individually violences in opposed to women. However the NHRC didn’t meet a prospects about undertaking a violation about Humans Right related to women inside forms related to tortures, rapes, deaths as well as another inhumans treatment Such as, to beat, to tease, to abuse, assaults as well as another inhumans treatment in opposed to it all, and due to that reasons, it was a huge demand by women surrounding to India regards to the individual National – Humans – Right forums in favor of women looking inside a violations about Humans Right related to women as well as another similar Act were accepted on 1990: Provisions about National – Commission related to Women. A similar Act were comprised through a Central – Government on January, 1992 dealing along to problem/atrocity faced through women within India as tortures, rape, deaths as well as another ill-treatments inflicted over women between police-custodies as well as another detainning authority or Institution.

Various states government towards this started step as well as set-up the states levels commissions. West-Bengal has comprised as well as also Kerala had set-up such commission. The object of such commissions was to keep a close watch to ensure the registrations of offences, protection given against violence, prosecutions, investigations, implementations about specialised law towards establish voluntary-organization to advocate inside current regards. These states
commission will liaise with National – Commissions about women’s nationally as well as reviews as well as monitors abuses as well as appraises societies related to equivalent.

1.8 Function about National – Commissions related to Women or weaker gender.

A main function allotted in the direction of such commissions are visiting as well as inspects jail and such supplementary place at which women had been remains into custody and makes such recommendation to improve relative condition. A topic about custodial justice regards to women had been major thrust region related to commissions’ activity. Ms. M.V. Mohinee Giree, being a chair-person, who visits number of jail of countries learning a condition related to women inhabitants, under a leadership of Ms. Giri good work in this field has been done. Ms. Giri in her capacity of being a chair-person surveyed twenty-three jail personally as well as a commission on the whole surveyed thirty-five jail. They visited jails, sub – jail, district – jail, Central – jail, women – jail as well as hence performed learnings on jails reality as well as recommended the specific suggestions.

The studies of the visits by the commissions show the plight of the inhabitants of the Indian jails in their reports. With very little facilities being made available to the women in custody, though the Justice Krishna Iyer report of 1986-87 states that the number of jails has increased from six to fourteen. Basic living conditions like accommodation, sanitation, proper care of children with the women prisoner, appropriate medical, care, vocational as well as recreational facility rather not pathetic / worsed was very deteriorating. The prison having women detainees did not have women jailers but instead only male prisoners were deputed for the custody women prisoners. They seem to have not followed what all Ravana had done after abducting Sita, Ravana later than kidnapping to Sita keep herself below to custodies about the woman custodians as well as ensured such as each of her dignity and personal boundaries were not infringed and also ensured that she was not subject ill-treatment and any discrimination. All this was followed 5000 years ago which is not seem to have practiced by the modern and educated society.

Functions of the National Woman Commission

The main functions of National Woman Commission are mentioned under section 10, which are as below;
1. The commission shall perform all or any of the functions, mentioned below;

   i) investigate and examine all matters relating to the safe guards provided to the feminine under the Indian constitutional provisions and as per other statutes;

   ii) present to central government, annually and at such other time as commission may deem fit, reports upon the working of those safe guards;

   iii) making such reports recommendations for the effective implementations of those safety and security parameters for uplifting and improving the conditions of the females by the union or any state;

   iv) review from time to time, at periodical time intervals, the exiting provisions of laws and provisions of constitution of India affecting woman and recommend amendments thereto so as to suggest remedial changes in the legislature to meet out any lacunae, incompatancy, shortcoming, contradiction or inadequacy in the said statute;

   v) taking up the matters (cases) of violations of the provisions of the constitution and other statutes before the appropriate authorities;

   vi) looking into the matters and suo moto issuing notices in the matters relating to;

      a) deprivation of rights of a woman/women

      b) non implementation of the laws enacted to provide protection to woman and also to achieve the objective of the quality and the development;

      c) not complying of the policy decision, supreme court guidelines, government guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief and support to woman.

   and taking up the issues arising out of such cases/matters before appropriate authorities;

   vii). Calling for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against woman and identify the constraints so as to recommend strategies for their removal;

   viii). Undertaking of promotional and educational research so as to suggest ways of ensuring due representation of woman in all the spheres and identify factors responsible for impeding for their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery.
and occupational health hazards and for increasing their productivity;

ix). Participation and advising the planning process of socio economic development of woman;

x). evaluate the progress of development of woman under the union government and also under the state government;

xi) inspect or causes causes to be inspected a prisons, remand home, woman’s institution or other places of detention, where woman are kept as setenue or otherwise, and take up with the concerned authorities for remedial action, if found necessary;

xii) fund legal fee and back litigations involving issues affecting a large body of woman.

xiii). Making of periodical reports to the government on any of the matter relating to the woman/female or trans gender and in particular difficulties under which woman toil;

xiv). Any other matter which may be referred to it by the central government;

2. The central government shall cause all the reports referred to in clause (b) of sub section (1) to be laid before each house of the parliament along with the reports and the memorandum explaining the action proposed or the action already taken on the recommendations relating to the union and the reasons for non acceptance, if any, of any of such recommendations;

3. wherein such report or any part thereof relates to any matter with which any local self or state government is concerned, the commission shall forward a copy of such report or part of such state government, who shall cause it to be laid before the legislature of the state along with a memorandum explaining the action taken on the recommendations relating to the state and reasons for non acceptance of any, of any of such recommendations;

4. the commission shall while investigating any matter referred to in clause (a) or sub-clause (1) of sub section (1), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely;

a) summoning and enforcing the attendance of any person from any part of indian and examine him on oath;

b) require the discovery and prodiction of any document;

c) receive evidence on affidavits;
d) requisitioning any public record or copy thereof from any court

e) issuing commissions for the examination of witnesses and documents;

f) any other matter, which deemed fit and related to woman;

In the above paragraph the functions and powers of national woman commission is mentioned. It is very obvious that the definition of woman is not mentioned into the National Woman commission Act 1990. Hence any one having woman orientation can approach the national woman commission, claiming to be woman. Hence all trans genders and members of LGBT community have right to approach to the NCW for any of grievances under section 9 and 10 of the (NCW Act) National Woman commission Act -1990 accordingly the NCW is duty bound to redress the grievances.

1.9 About the Humans Right and Sexuality Minorities in India

There are many pro active movements in this regard for the betterment of the conditions of the trans gender in jails The basic documents of Humans Right on which most of the Humans Right organizations relied upon and are advocating is based on the Universal Declaration. From this document a complete raw about Humans Right declaration, convention as well as treaty, for right about different group as well as community, like women, childrens, indigenous – peoples, differently abled persons, religious as well as ethnic - minority and prisoners have been prepared. However the absence of importance at international level of the Humans Right law is being expressed in articulations about particular interest related to sexualities minority. The calmness is a cause of focusing over Humans Right which was frequently validated through Nazee holo-causts as well as resolvings towards preventing other any significant part. The missing part inside to histories are such as the Nazis wasn't just efficiently persecuted Jews, communist as well as differently abled person except they removing homo-sexual and transgenders. So many transgenders missed their lives within Nazi – camp.

1.9.1 The Status of Sexual Minorities in India.

As per the numerous research papers and data wise reports, the individual, having homosexual and hetero sexual orientations are common found in every society and their existence are mentioned their culture or civilizations. On the other hand, homo-phobia is chiefly a product about the Juddeo- Christian morality which was spreads towards different part about to global by European – colonialisms, that exported their law as well as their
moralities within another local context. In the pre-colonial laws also homosexuality has been mentioned, however the same is treated to be an offence in Manusmriti. Further transgender culture and the homo sexuality are badly treated and tried in the Islamic rules and as per quran. Hindu civilization though support homo sexuality, as we can find many homo sexual scriptures and statues in the parana ages also in the khajuraho and at other places. But Manusmriti places homo sexuality as sheer offense.

1.9.2 Details of the PUCL’s Report
The PUCL report has been working overtime examination about the violations done for the Humans Right related to the sexually minor category of the individuals with special reference to the region of Bangalore. The report is further broadly divided into two heads namely the violation being done at the societal level and at the state level. It also describes the violation done by state is done at the law level and at the police level. However, the societal violation and violence can be done at the family level, work places, medical establishments, at public places etc.

1.9.3 Discrimination through a States government.
A states government being the sovereign authority had never cared about the trans gender. The state has not even enacted any rule or regulation for keeping or upbringing of the LGBT or trans gender individuals. The state government or Indian central government has never cared to inact national policy for the welfare of the trans genders. Even there is neither any separate jail nor a single remand room for the purpose of keeping the trans gender accused. Even today in 21st century government feels awkward in recognizing the existence of trans gender community in the society.

1.9.4 Indian Statutes
Indian constitution though provides full rights to all type of citizen who are born out of human race: But the ruling regime discriminations may be analysed below to subsequent head

1.10 Sec 377 aboutan Indian Penal - Code
The provisions in Sec. -377 of Indian penal code 1860 as amended, clearly mentions and
provides that an unnatural offences is those which being performed by a male to any where other than the vagina of female cohabiting partner. Such provision in the definition of section 377 of IPC still exits, though the parent penal code of 1860 has been changed since 5 decades ago in the united kingdom. The UK penal code allows the two male partner to indulge and enjoy the sexual pleasure i.e. homo sexuality. As the sec. 377 of IPC provides that intercourse via ass of another male or female partner is an unnatural act and hence prescribes a period of punished of ten years and also with fine as per the discretion of trial judge.

1.10.1 Other forms of legal discrimination

The other forms about legal discriminations are Section46 about an Indian Army Act which states such as some conduct of unnatural kind be used to terminate an individual from the service, the Indian Navy Act also has a similar provision for which disciplinary actions may be initiated. Moreover the legal provisions for obscenity under Section 292 and 294 of the IPC are more often used to target the same sex behaviour and individuals.

1.11 The Investigative Machinery

It is further reported that the third gender is treated like an animal in the investigation process by the police officials, many testimonies have been heard of the abuse by police from the gay and transgender sect in the society.

Many NGOs have come forward to help and assist the weaker section of the society, these are Self-Employed Women’s Association (SEWA), 43 Ahmadabad Women’s Action Groups Ahmadabad Women’s Action Group (AWAG) 44, Developments within Women as well as Childrens inside rural - Areas (DWCRA) etc. Those NGOs gets financial aid from the state as well as central level. It has linkagesalong sub-scheme explicitly Integrated – Rural – Developments– Programmes (IRDP), since various fundings agency has its own objective puts previous to women. Several schemes can be to creat awareness over women like in opposed to its rights as well as duty. A number of wantson the way to eradicate every sort about illiteracies within women, whereas few of want in favor of remove every sorts about discrimination prevailings in opposed to women, to be the weaker – section inside the societies, few are subsequent to empowers women being self – dependents. A few want in favor of makes women independent financially and uplift their social, political and psychological, moral and spiritual status.