ABSTRACT

This Ph.D. thesis seeks to examine the rights of the accused, under-trial prisoners and convicts under the criminal laws of India with special reference to the rights of transgender community from the view of the constitution of India and the related Humans Right Laws at the national and the international level. The main objective of the research is to create a mechanism which should have penal and preventive provisions against the violators of the Humans Right of the transgenders in state custody. Also to deal with the jail access such as rape, custodial torture, deaths while in custody or under-trial and most importantly implement Article 5 of the U.D.H.R. which deals with the Humans Right Laws. Article 21 of the constitution provides all citizens and others also right to lead dignified life. But the true face of the society unmasked, when we found thousands of trans gender prisoners, whom are arrested and kept in males prsions. Since the trans genders has been relinquished by society from all types of rights like right to have inheritance, right to have spouse and etc. Hence the society targets the trans gender since they belong to a fragile segment of human civilization. The research further is carried out with an aim to study the status of transgenders in our country and the basic principles of Humans Right law also the penal provisions available against the violators of the Humans Right of the detainees. Also the research aim at suggesting the government and the voluntary organizations the course of action to be initiated by them in order to curb the unlawful access and torture on transgenders while in custody.