

# **Handcuffing in India: Constitutional restraints, judicial activism, and human rights perspectives**

**Ankita Mishra<sup>1\*</sup>, Dr. Gayatri Choudhary<sup>2</sup>**

<sup>1</sup> Research Scholar, Apex School of Law, Apex University, Jaipur, Rajasthan, India

ankitamishra3061994@gmail.com

<sup>2</sup> Supervisor, Apex School of Law, Apex University, Jaipur, Rajasthan, India

**Abstract:** Handcuffing of arrested persons and undertrial prisoners has remained a contentious issue within the Indian criminal justice system. Although often justified by law enforcement agencies on grounds of security and prevention of escape, indiscriminate handcuffing undermines the constitutional guarantees of personal liberty, equality, and human dignity. The Supreme Court of India has consistently held that handcuffing is an exceptional measure and not a routine practice. This article undertakes a comprehensive doctrinal analysis of the legal framework governing handcuffing in India, examining constitutional provisions, statutory mandates, and landmark judicial pronouncements. It further situates the Indian position within the broader context of international human rights law. The study concludes that despite robust judicial safeguards, the persistence of routine handcuffing reflects structural and attitudinal deficiencies in law enforcement, necessitating systemic reforms and enhanced accountability mechanisms.

**Keywords:** Handcuffing, Article 21, Human Dignity, Undertrial Prisoners, Police Powers, Criminal Justice System

## **INTRODUCTION**

The criminal justice system in a constitutional democracy is founded upon the delicate balance between the coercive powers of the State and the protection of individual liberty. While the State is empowered to arrest, detain, and prosecute individuals accused of criminal offences, such authority is not absolute. It is circumscribed by constitutional guarantees, statutory safeguards, and judicial oversight aimed at preserving human dignity and preventing abuse of power. One such coercive practice that has generated sustained legal and ethical debate in India is the handcuffing of arrested persons and undertrial prisoners.

Handcuffing represents one of the most visible manifestations of State control over the human body. It is not merely a mechanical act of restraint but a symbol laden with stigma, humiliation, and the presumption of guilt. When an individual is paraded in public with hands bound, the injury caused is not only physical but psychological and social. In the Indian context, where arrest often carries irreversible reputational consequences, the routine use of handcuffs

assumes far-reaching implications for the rights and dignity of individuals, particularly those who have not yet been convicted by a court of law.

India's constitutional philosophy places human dignity at the core of its legal order. The framers of the Constitution consciously rejected colonial notions of authoritarian policing and instead adopted a rights-oriented framework that subjects State power to constitutional limitations. **Article 21** of the Constitution, which guarantees the right to life and personal liberty, has been expansively interpreted by the Supreme Court to include the right to live with dignity, free from cruel, inhuman, or degrading treatment. In this normative framework, any form of bodily restraint imposed by the State must satisfy the test of necessity, proportionality, and fairness.

Despite this constitutional mandate, handcuffing has historically been employed in India as a routine policing practice rather than an exceptional security measure. Accused persons—often charged with minor or non-violent offences—have frequently been handcuffed during arrest, transit, and production before courts without individualized assessment or judicial authorization. This practice is especially troubling in the case of undertrial prisoners, who are presumed innocent until proven guilty. The indiscriminate use of handcuffs against undertrials effectively amounts to punishment prior to conviction, thereby undermining the foundational principle of criminal jurisprudence.

The legal framework governing arrest and detention under the Code of Criminal Procedure, 1973, does not expressly authorize routine handcuffing. Section 49 of the Code explicitly mandates that an arrested person shall not be subjected to more restraint than is necessary to prevent escape. This statutory restraint reflects the constitutional ethos that coercive measures must be strictly limited to what is essential. Nevertheless, the gap between law in books and law in action has resulted in persistent violations of this mandate.

Recognizing the gravity of this issue, the Supreme Court of India has, over the decades, evolved a robust jurisprudence aimed at curbing arbitrary handcuffing. Beginning with path-breaking decisions such as *Sunil Batra v. Delhi Administration* and *Prem Shankar Shukla v. Delhi Administration*, the Court has categorically declared that handcuffing is prima facie inhuman and unconstitutional unless justified by compelling circumstances. The judiciary has consistently emphasized that convenience of the police, administrative routine, or vague apprehensions cannot justify the use of handcuffs. Instead, any departure from the norm of

minimal restraint must be supported by specific, recorded reasons and subjected to judicial scrutiny.

The judicial discourse on handcuffing also reflects a broader shift in Indian constitutionalism—from a formalistic interpretation of rights to a substantive, dignity-based approach. The Supreme Court has repeatedly affirmed that prisoners and detainees do not become “non-persons” upon arrest or incarceration. Rather, they continue to enjoy all fundamental rights except those necessarily curtailed by the fact of lawful detention. This rights-centric approach aligns Indian jurisprudence with international human rights standards, particularly those embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, both of which prohibit cruel, inhuman, or degrading treatment.

However, despite clear constitutional and judicial mandates, the practice of routine handcuffing continues in many parts of the country. This persistence reveals deeper structural challenges within the criminal justice system, including inadequate police training, lack of accountability mechanisms, and an entrenched culture of coercion inherited from colonial policing models. The failure to internalize human rights norms at the operational level results in repeated violations of judicial guidelines, thereby eroding public trust in law enforcement institutions.

Against this backdrop, the present article undertakes a comprehensive examination of the laws relating to handcuffing in India. It seeks to analyse the constitutional foundations, statutory provisions, and judicial pronouncements governing the practice, while also situating the Indian position within the broader framework of international human rights law. The article further explores the tension between security considerations and individual liberty, and critically assesses the effectiveness of existing safeguards in preventing abuse.

By engaging with doctrinal analysis and judicial reasoning, this study aims to underscore that handcuffing must remain an exceptional measure, justified only by demonstrable necessity and subject to strict judicial oversight. The continued relevance of this inquiry lies in the urgent need to reconcile policing practices with constitutional values, ensuring that the criminal justice system operates not merely as an instrument of control, but as a mechanism for the protection of human dignity and the rule of law.

## CONCEPT AND NATURE OF HANDCUFFING

Handcuffing refers to the act of physically restraining an individual's hands, typically by means of metal, plastic, or synthetic restraints, with the objective of restricting bodily movement. Although often perceived as a routine security measure employed during arrest, transit, or court production, handcuffing has profound legal, psychological, and symbolic implications. It represents one of the most intrusive forms of State control over the human body and directly impacts an individual's autonomy, dignity, and social standing.

From a legal perspective, handcuffing is not merely a mechanical act but a form of **bodily restraint** that must satisfy constitutional standards of necessity and proportionality. The act of restraining the hands impairs not only physical mobility but also the individual's capacity to perform basic human functions, thereby constituting a serious encroachment upon personal liberty. In many cases, handcuffing is accompanied by public exposure, further intensifying the humiliation and stigma associated with criminal accusation.

The symbolic dimension of handcuffing cannot be overlooked. In societal perception, handcuffs are intrinsically linked with criminal guilt and dangerousness. When an accused person is handcuffed in public view—particularly during transit or court production—it creates an irreversible impression of culpability, irrespective of the legal presumption of innocence. This symbolic degradation is especially problematic in the case of undertrial prisoners, who have not been convicted and whose guilt has not been established through due process of law.

In the Indian context, handcuffing has historically been used during arrest, transportation of prisoners, and production before courts, often without individualized assessment. The practice has its roots in colonial policing methods that emphasized control and deterrence rather than rights protection. Despite constitutional safeguards and judicial warnings, handcuffing has frequently been employed as a matter of administrative routine or convenience, rather than as an exceptional measure grounded in necessity.

The critical legal question, therefore, is not whether handcuffing can ever be justified, but **under what circumstances it may be lawfully employed**. The Supreme Court of India has consistently held that handcuffing cannot be mechanical, habitual, or routine. It must be justified by compelling and specific reasons such as a demonstrable risk of escape, violence,

or threat to public safety. The Court has emphasized that the mere fact of arrest or the seriousness of the charge does not automatically warrant the use of handcuffs.

Furthermore, the concept of handcuffing must be examined through the lens of **human dignity**, which lies at the heart of Indian constitutionalism. Any restraint that degrades, humiliates, or dehumanizes an individual—without compelling justification—violates the foundational values of the Constitution. Thus, handcuffing occupies a unique legal position as a measure that is not per se illegal but is constitutionally suspect unless strictly regulated.

## CONSTITUTIONAL FRAMEWORK GOVERNING HANDCUFFING

The constitutional framework governing handcuffing in India is primarily derived from the fundamental rights enshrined in Part III of the Constitution, particularly Articles 14, 19, and 21. These provisions collectively establish that State action affecting personal liberty must be reasonable, non-arbitrary, and consistent with human dignity.

### Article 21: Right to Life and Personal Liberty

Article 21 of the Constitution of India provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. Over the decades, judicial interpretation has transformed Article 21 from a narrow procedural guarantee into a substantive repository of rights. The Supreme Court has held that the expression “life” does not merely denote animal existence but includes the right to live with dignity, autonomy, and self-respect.

In the landmark case of *Maneka Gandhi v. Union of India (1978)*, the Supreme Court laid down that any procedure which deprives a person of personal liberty must be **just, fair, and reasonable**, and not arbitrary, fanciful, or oppressive. This judgment fundamentally altered the constitutional understanding of personal liberty and directly impacts custodial practices such as handcuffing.

Handcuffing, when imposed arbitrarily or as a matter of routine, constitutes a direct infringement of Article 21. It restricts bodily autonomy and subjects the individual to physical and psychological suffering without due justification. The Supreme Court has repeatedly emphasized that prisoners and undertrial detainees do not shed their fundamental rights at the prison gate. Lawful detention may justify certain restrictions, but it does not authorize inhuman or degrading treatment.

In *Prem Shankar Shukla v. Delhi Administration* (1980), the Court categorically held that handcuffing is **prima facie inhuman and unreasonable**, and therefore violative of Article 21, unless justified by compelling circumstances. The judgment recognized that personal liberty under Article 21 encompasses freedom from unnecessary bodily restraints and affirmed that dignity survives incarceration.

#### **Article 14: Right to Equality**

Article 14 of the Constitution guarantees equality before the law and equal protection of the laws. It strikes at arbitrariness in State action and mandates that any classification must be based on intelligible differentia with a rational nexus to the object sought to be achieved.

Indiscriminate handcuffing of all arrested persons, regardless of the nature of the offence, prior conduct, or likelihood of escape, constitutes arbitrary State action. Such blanket treatment ignores individual circumstances and fails to meet the constitutional standard of reasonable classification. By subjecting all accused persons to the same restraint, the State acts mechanically, thereby violating Article 14.

The Supreme Court has consistently held that equality is antithetical to arbitrariness. When handcuffing is imposed without individualized assessment, it reflects an abuse of discretion rather than a legitimate exercise of power. The requirement that police officers record reasons for handcuffing serves as an Article 14 safeguard against arbitrary action.

#### **Article 19: Freedom of Movement**

Article 19(1)(d) guarantees to all citizens the right to move freely throughout the territory of India. Although this right may be reasonably restricted in the interest of public order or during lawful arrest, any restriction must satisfy the test of proportionality.

Handcuffing imposes severe restrictions on an individual's freedom of movement, particularly during transit and public production before courts. When imposed unnecessarily, it goes beyond what is reasonably required to achieve the objective of preventing escape. Public handcuffing also interferes with freedom of expression and personal autonomy by subjecting the individual to social humiliation.

The Supreme Court has emphasized that restrictions on Article 19 rights must be reasonable both in substance and procedure. Unnecessary handcuffing—especially in cases involving

non-violent offences or cooperative accused persons—amounts to an unreasonable restriction and therefore fails the constitutional test.

The concept and nature of handcuffing, when examined within the constitutional framework, reveal that it is a practice fraught with legal and ethical complexities. Articles 14, 19, and 21 collectively mandate that handcuffing must remain an exception justified by necessity, not a routine instrument of control. The Constitution demands that even those accused of crime be treated with dignity, fairness, and equality, reinforcing the principle that the power to restrain must always be exercised with restraint.

### **STATUTORY PROVISIONS GOVERNING HANDCUFFING: CODE OF CRIMINAL PROCEDURE, 1973**

The statutory framework regulating arrest and detention in India is primarily embodied in the Code of Criminal Procedure, 1973 (CrPC). Although the Code does not expressly use the term *handcuffing*, it lays down important safeguards that implicitly restrict the use of physical restraints by law enforcement authorities. A careful reading of the relevant provisions demonstrates that the legislature did not envisage handcuffing as a routine or automatic consequence of arrest.

#### **Section 46: Arrest—How Made**

Section 46 of the CrPC prescribes the manner in which an arrest is to be affected. It authorizes a police officer to touch or confine the body of the person to be arrested, and to use reasonable force if the person forcibly resists arrest or attempts to evade it. The emphasis of the provision is on *reasonableness* and *necessity* in the use of force.

Significantly, Section 46 does not explicitly authorize the use of handcuffs or any other mechanical restraints. The absence of an express provision permitting handcuffing indicates legislative intent to restrict coercive measures to situations where they are absolutely necessary. Any interpretation that treats handcuffing as an inherent or implied power under Section 46 would therefore be inconsistent with both the statutory language and constitutional safeguards.

## **Section 49: No Unnecessary Restraint**

Section 49 of the CrPC provides a clear statutory limitation on the manner of arrest by stating that the arrested person shall not be subjected to more restraint than is necessary to prevent escape. This provision operates as a direct safeguard against excessive use of force and unwarranted physical restraint.

The expression “no more restraint than is necessary” embodies the principle of proportionality and requires law enforcement officers to assess each situation individually. Routine or mechanical handcuffing, without reference to the conduct or risk profile of the accused, directly contravenes the mandate of Section 49. Thus, the provision reinforces the constitutional requirement that deprivation of liberty must be minimal and justified by necessity.

A combined reading of Sections 46 and 49 makes it evident that handcuffing is not a default or automatic power vested in the police. Rather, it is an exceptional measure that may be resorted to only when lesser forms of restraint are demonstrably insufficient to prevent escape or violence. This statutory framework aligns closely with the judicial interpretation of handcuffing as an extraordinary practice requiring strict justification.

## **JUDICIAL APPROACH TO HANDCUFFING IN INDIA**

The judiciary, particularly the Supreme Court of India, has played a decisive role in defining and regulating the practice of handcuffing. Through a series of landmark judgments, the Court has transformed the issue from a matter of police discretion into one governed by constitutional discipline and judicial oversight.

### **Sunil Batra v. Delhi Administration (1978)**

In *Sunil Batra v. Delhi Administration*, the Supreme Court laid the foundation for a rights-based approach to custodial practices. The Court emphatically held that prisoners do not cease to be bearers of fundamental rights upon incarceration. Any form of cruel, inhuman, or degrading treatment inflicted upon prisoners was declared unconstitutional.

Although the case did not deal exclusively with handcuffing, it established the broader principle that custodial measures must conform to constitutional standards of dignity and

fairness. The judgment underscored that incarceration does not justify the suspension of basic human rights and that State power over detainees is subject to constitutional limitations.

### **Prem Shankar Shukla v. Delhi Administration (1980)**

The decision in *Prem Shankar Shukla v. Delhi Administration* represents the most authoritative judicial pronouncement on handcuffing in India. The Supreme Court categorically held that handcuffing is **prima facie inhuman, unreasonable, and unconstitutional**, unless justified by compelling circumstances.

Justice V.R. Krishna Iyer, speaking for the Court, laid down stringent guidelines governing the use of handcuffs. The Court held that:

- Handcuffing must be justified by a clear and present necessity, such as a proven tendency to escape or indulge in violence;
- Reasons for handcuffing must be specific, contemporaneously recorded, and capable of judicial scrutiny;
- The burden of proving the necessity of handcuffing lies squarely on the police authorities.

The Court further declared that routine handcuffing violates Articles 14, 19, and 21 of the Constitution, as it is arbitrary, disproportionate, and destructive of human dignity. This judgment remains the cornerstone of Indian jurisprudence on the issue.

### **Citizens for Democracy v. State of Assam (1995)**

In *Citizens for Democracy v. State of Assam*, the Supreme Court reinforced and extended the safeguards laid down in *Prem Shankar Shukla*. The Court held that the handcuffing of undertrial prisoners without prior judicial authorization is illegal and unconstitutional.

The judgment mandated that police officers must seek prior permission from a Magistrate before handcuffing an undertrial prisoner, except in rare and exceptional circumstances where immediate restraint is unavoidable. Even in such cases, the reasons for handcuffing must be promptly placed before the court. This decision significantly curtailed police discretion and emphasized judicial oversight as an essential safeguard against abuse.

## Other Relevant Judicial Decisions

Subsequent judicial pronouncements by the Supreme Court and various High Courts have consistently reiterated that handcuffing cannot be a matter of routine or administrative convenience. Courts have repeatedly stressed that the practice must remain an exception, justified by demonstrable necessity and governed by the principles of proportionality and human dignity.

The statutory provisions of the CrPC, when read in light of authoritative judicial pronouncements, establish a clear legal position: handcuffing is neither an inherent police power nor a routine incident of arrest. It is an extraordinary measure that must be exercised sparingly, justified by compelling circumstances, and subjected to strict judicial scrutiny. The combined effect of statutory safeguards and judicial activism has been to constitutionalize the practice of handcuffing, ensuring that the coercive power of the State is exercised within the bounds of dignity, fairness, and the rule of law.

## HANDCUFFING AND UNDERTRIAL PRISONERS

Undertrial prisoners constitute a substantial and often overwhelming proportion of India's prison population. These individuals are detained during the pendency of investigation, inquiry, or trial and have not been convicted of any offence. As such, the fundamental principle of criminal jurisprudence—the **presumption of innocence**—operates fully in their favor. Any custodial practice that treats undertrial prisoners as if they are already guilty strikes at the very root of constitutional fairness and due process.

Routine handcuffing of undertrial prisoners represents one of the most visible violations of this principle. When an undertrial is handcuffed during arrest, transit, or production before a court, the restraint communicates an implicit presumption of dangerousness or culpability. This not only undermines the presumption of innocence but also subjects the individual to public humiliation and psychological trauma. In many instances, such humiliation persists long after acquittal, leaving an indelible mark on the individual's social identity and dignity.

The Supreme Court of India has repeatedly emphasized that undertrial detention is not a form of punishment but a preventive measure to ensure the presence of the accused during trial and to safeguard the administration of justice. In *Hussainara Khatoon v. State of Bihar*, the Court highlighted the plight of undertrial prisoners and reaffirmed that procedural safeguards must

be strictly observed to prevent unjust deprivation of liberty. Within this framework, the use of handcuffs against undertrials demands the highest degree of justification.

Excessive or routine handcuffing of undertrial prisoners has been judicially recognized as amounting to **punishment prior to conviction**, which is constitutionally impermissible. Article 21 of the Constitution guarantees that no person shall be deprived of personal liberty except according to just, fair, and reasonable procedure. Subjecting an undertrial to degrading restraints without compelling necessity violates this guarantee by imposing a punitive burden in the absence of adjudicated guilt.

In *Prem Shankar Shukla v. Delhi Administration*, the Supreme Court unequivocally held that handcuffing an undertrial prisoner as a matter of routine is unconstitutional. The Court observed that undertrials, particularly those accused of non-violent offences or those who have cooperated with the investigation, cannot be treated as escape risks by default. The judgment underscored that the seriousness of the charge alone does not justify handcuffing and that individualized assessment is essential.

The issue of handcuffing undertrial prisoners also raises serious concerns under Article 14 of the Constitution. Blanket policies that mandate handcuffing of undertrials fail to recognize individual differences in behaviour, risk, and circumstances. Such mechanical treatment amounts to arbitrary State action and violates the principle of equality before the law. The requirement that reasons for handcuffing must be recorded and subjected to judicial scrutiny serves as a crucial safeguard against such arbitrariness.

Furthermore, the public handcuffing of undertrial prisoners during transit or court production has profound implications for their social dignity. The Supreme Court has acknowledged that public exposure in handcuffs leads to social ostracism, loss of reputation, and psychological distress, all of which are inconsistent with the constitutional mandate to treat individuals with dignity. This concern is particularly acute in cases involving marginalized communities, where the social consequences of arrest and public humiliation are disproportionately severe.

In *Citizens for Democracy v. State of Assam*, the Supreme Court significantly strengthened the legal protections available to undertrial prisoners by holding that handcuffing them without prior judicial permission is illegal. The Court mandated that police authorities must seek authorization from a Magistrate and provide specific reasons justifying the need for

handcuffing. This requirement reflects the judiciary's recognition that undertrial prisoners are especially vulnerable to abuse of power and therefore require enhanced protection.

The Court has also emphasized that alternative measures should be explored before resorting to handcuffing. Increased police escort, use of non-intrusive security arrangements, or closer supervision during transit are examples of less restrictive means that can adequately address security concerns without infringing constitutional rights. The principle of **least restrictive alternative**, though not expressly codified, is implicit in judicial reasoning on undertrial rights.

Despite these clear judicial directives, reports of routine handcuffing of undertrial prisoners continue to surface, revealing a persistent gap between legal norms and ground-level practices. Factors such as inadequate police training, lack of awareness of judicial guidelines, and institutional inertia contribute to ongoing violations. The absence of effective accountability mechanisms further exacerbates the problem, allowing unconstitutional practices to persist with minimal consequences.

In sum, the legal position concerning handcuffing of undertrial prisoners in India is unequivocal. Undertrials are entitled to the full protection of the Constitution, and any restraint imposed upon them must be strictly justified by compelling necessity. Routine or mechanical handcuffing not only violates the presumption of innocence but also amounts to punishment before conviction, thereby offending Articles 14 and 21 of the Constitution. Ensuring strict compliance with judicial safeguards is essential to uphold the dignity, liberty, and rights of undertrial prisoners within the criminal justice system.

## **HANDCUFFING AND INTERNATIONAL HUMAN RIGHTS STANDARDS**

The issue of handcuffing must also be examined in light of international human rights norms, which emphasize the inherent dignity of every human being, including those deprived of their liberty. India, as a signatory to several international human rights instruments, is under an obligation to ensure that domestic laws and practices conform to these global standards.

The **Universal Declaration of Human Rights (UDHR), 1948**, under Article 5, categorically provides that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment. Although the UDHR is not legally binding, it has attained the status of customary international law and has been frequently relied upon by Indian courts while interpreting fundamental rights.

Similarly, the **International Covenant on Civil and Political Rights (ICCPR), 1966**, to which India is a party, reinforces these protections. Article 7 of the ICCPR prohibits cruel, inhuman, or degrading treatment, while Article 10 mandates that all persons deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The routine handcuffing of detainees, particularly undertrial prisoners, is inconsistent with these provisions unless justified by strict necessity.

The **United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)** further provide that instruments of restraint shall be used only when no lesser form of control would be effective and shall not be applied for longer than strictly necessary. These rules clearly discourage the routine use of physical restraints and require proportionality, accountability, and oversight.

Indian courts have repeatedly acknowledged the relevance of international human rights norms in interpreting constitutional provisions. The jurisprudence on handcuffing reflects a conscious effort to harmonize domestic law with international standards, reinforcing the idea that dignity survives detention and incarceration.

### **EXCEPTIONAL CIRCUMSTANCES PERMITTING HANDCUFFING**

While the general rule is that handcuffing is impermissible, judicial decisions recognize that **exceptional circumstances** may justify its use. However, these exceptions are narrowly construed and subject to strict scrutiny.

Handcuffing may be permitted in cases involving:

- A demonstrable history of violent behaviour
- A credible and imminent risk of escape
- Serious threats to public safety, court security, or law enforcement personnel

Even in such cases, the burden lies entirely on the police or escorting authority to establish the necessity of handcuffing. Mere suspicion, seriousness of the offence, or administrative convenience does not constitute sufficient justification.

The Supreme Court has consistently emphasized that the decision to handcuff must be based on **individualized assessment** rather than blanket policies. Further, the restraint must be

proportionate, temporary, and removed once the risk subsides. Judicial authorization, particularly in the case of undertrial prisoners, is a mandatory safeguard.

Thus, handcuffing is legally permissible only as a **last resort**, when no lesser alternative can effectively address the security concern.

## **CHALLENGES IN IMPLEMENTATION OF LEGAL SAFEGUARDS**

Despite the existence of clear constitutional mandates, statutory provisions, and judicial guidelines, the practice of routine handcuffing continues to persist in many parts of India. This persistence reveals systemic and structural challenges within the criminal justice administration.

One major challenge is the **lack of adequate training and sensitization** among police personnel regarding human rights standards and judicial pronouncements. Many officers continue to operate under outdated practices rooted in colonial-era policing models that prioritize control over constitutional compliance.

Another significant issue is the **absence of effective accountability mechanisms**. Violations of judicial guidelines on handcuffing rarely result in disciplinary action or compensation, thereby weakening deterrence. Additionally, undertrial prisoners—often belonging to marginalized and economically weaker sections—lack access to legal remedies to challenge such violations.

Institutional inertia, overcrowding of prisons, and understaffing of police forces further contribute to the routine use of handcuffs as a matter of convenience. These challenges highlight the gap between normative legal standards and ground-level realities.

## **CONCLUSION AND RECOMMENDATIONS**

The legal framework governing handcuffing in India reflects a progressive and rights-oriented constitutional vision. Through judicial interpretation of Articles 14, 19, and 21, the Supreme Court has unequivocally established that handcuffing is not a routine police power but an exceptional measure justified only by compelling necessity. The statutory safeguards under the Code of Criminal Procedure further reinforce this position.

However, the continued prevalence of routine handcuffing—particularly of undertrial prisoners—indicates a failure in implementation rather than inadequacy of law. Such practices

undermine the presumption of innocence, violate human dignity, and erode public confidence in the criminal justice system.

### **Recommendations**

1. **Mandatory recording of reasons** for handcuffing in all cases
2. **Judicial oversight** and prior authorization, especially for undertrials
3. **Regular police training and sensitization** on human rights jurisprudence
4. **Adoption of alternative security measures** in place of physical restraints
5. **Strict disciplinary and compensatory mechanisms** for violations

In conclusion, ensuring that handcuffing remains an exception rather than a norm is essential for preserving constitutional morality and the rule of law. A criminal justice system that respects dignity even in restraint is the true hallmark of a mature constitutional democracy.

---

### **References**

1. Batra, S. v. Delhi Administration, (1978) 4 SCC 494
2. Citizens for Democracy v. State of Assam, (1995) 3 SCC 743
3. Code of Criminal Procedure, No. 2 of 1974, India
4. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171
5. Maneka Gandhi v. Union of India, (1978) 1 SCC 248
6. Prem Shankar Shukla v. Delhi Administration, (1980) 3 SCC 526
7. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (1948)
8. D.K. Basu v. State of West Bengal, (1997) 1 SCC 416
9. Joginder Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260
10. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273
11. Sunil Batra v. Delhi Administration, (1980) 3 SCC 488

12. Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96
13. Hussainara Khatoon v. State of Bihar, AIR 1979 SC 1369
14. Nilabati Behera v. State of Orissa, (1993) 2 SCC 746
15. Khatri v. State of Bihar, (1981) 1 SCC 627
16. State of Andhra Pradesh v. Challa Ramkrishna Reddy, (2000) 5 SCC 712
17. A.K. Gopalan v. State of Madras, AIR 1950 SC 27