CIRCULAR

No.78/2012

Subject: – Guidelines on use of handcuffs.

It has been noticed that even violent and desperate criminals or such criminals who have a past history of escape, are being produced before courts without handcuffs. While there are indeed restrictions on the use of handcuffs, we should not hesitate to use them in deserving cases after observing all formalities and procedures laid down by the Hon'ble Supreme Court.

Hon'ble Supreme Court has issued guidelines regarding use of handcuffs by Police in its order dated 01.05.1995 in Writ Petition (C) No. 22 of 1995 titled 'Citizens for Democracy Vs. State of Assam and Others'. According to these guidelines:-

1. When an accused is arrested by the police without warrant, the police officer concerned may, if he is satisfied that the accused –
   (i) is prone to violence;
   (ii) has a tendency to escape from police custody;
   (iii) is so dangerous / desperate that there is no other practical way of forbidding his escape;

   use handcuffs till the time he is taken to the police station and thereafter the his production before the Magistrate. Further use of handcuffs thereafter can only be under the orders of the Metropolitian Magistrate.

2. The police officer effecting arrest of such an accused shall lodge a D.D. Entry citing antecedents of escapes or attack on police personnel or violent attitude or involvement in violent incidents of crime to justify handcuffing the accused as per guidelines in para 1 above.

3. I.O. shall forward this D.D. entry to District DCP for writing to D.G. Prisons to keep the detenue in Special Security Wards.

4. The I.O. shall move an application for use of handcuffs on the accused during police remand as well as during his production from prison before the Courts, citing antecedents of escape from custody or attack on police personnel to evade arrest or violent tendencies including his involvement in violent crime to show that the accused is so dangerous and desperate that there is no other

practical way of preventing his escape other than to handcuff him. He shall get a written order of the Metropolitian Magistrate.

5. A copy of such order shall be given by the I.O. to the lock-up in-charge who shall produce such a person before the magistrate duly handcuffed every time in compliance of the court order.

6. A copy of such order shall also be sent by I.O. to DCP 3rd Bn. by FAX for his information and necessary action.

7. When the police officer arrests an accused while executing a non-bailable warrant of arrest, the accused shall not be handcuffed unless the police officer has also obtained orders from the concerned Magistrate for handcuffing the accused.

8. Barring the conditions discussed above, handcuffs shall **NOT** be used on an accused, prisoner or under trial, while in police custody or lodged in lock up or while in transit for the purpose of investigation or taking him from police station to Court or Court to jail.

9. All police officers shall meticulously obey the above mentioned directions.

(RAJNEESH GUPTA)
DY. COMMISSIONER OF POLICE
GENL.ADMN., DELHI

No.10201-10450/Record Branch/PHQ dated Delhi, the 30.11.2012

Copy forwarded for information and necessary action to:-

1. All Spl. Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Ranges, Delhi.
3. All Addl. CsP/DCsP, Districts, Delhi.
4. DCP, 3rd Bn.-DAP, Delhi.
5. SO to Commissioner of Police, Delhi.
6. All ACsP, Sub-Divisions, Delhi.
7. All SHOs, Delhi.