
THE LEGALITY OF HANDCUFFING IN INDIA: A CRITICAL STUDY UNDER ARTICLE 21 OF THE CONSTITUTION

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1. ABSTRACT

The legality of handcuffing has emerged as a significant constitutional issue within the Indian criminal justice system, particularly in the context of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Although handcuffing is often justified as a security measure to prevent escape, maintain public order, or ensure the safety of law enforcement personnel, its use has consistently raised questions regarding the protection of individual dignity, fairness, and procedural justice. The absence of uniform standards governing its application has further contributed to legal uncertainty and judicial scrutiny.

This study critically examines the legality of handcuffing in India by analysing the constitutional framework, relevant statutory provisions, judicial interpretations, and the legal principles governing the exercise of police powers. Particular emphasis is placed on the evolving jurisprudence of the Supreme Court of India and the extent to which statutory provisions relating to handcuffing conform to the constitutional mandate of Article 21. The study also evaluates the impact of the Bharatiya Nagarik Suraksha Sanhita, 2023, in regulating the use of handcuffs and examines whether the legislative framework adequately safeguards the fundamental rights of accused persons and prisoners.

Adopting a doctrinal research methodology, the paper relies upon constitutional provisions, statutory enactments, judicial precedents, and recognised legal commentaries. The analysis further incorporates established principles of statutory interpretation, including the Golden Rule, the Mischief Rule, and the Purposive Rule, to examine whether the legal provisions governing handcuffing are capable of achieving a constitutionally balanced interpretation. The study seeks to explore the constitutional validity of handcuffing within the Indian legal system and to identify the legal and practical issues that continue to influence its application in contemporary criminal justice administration.

Keywords: Article 21, Handcuffing, Personal Liberty, Human Dignity, Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), Constitutional Law, Criminal Justice Administration, Statutory Interpretation.

2. Introduction

Handcuffing has long been recognised as one of the most visible forms of physical restraint employed by law enforcement agencies during arrest, detention, escort, and transportation of accused persons and prisoners. While the practice is primarily intended to prevent escape, ensure public safety, and facilitate effective law enforcement, it simultaneously raises significant constitutional and legal concerns regarding the protection of individual liberty and human dignity. In a democratic society governed by the rule of law, the exercise of police powers cannot be unrestricted; rather, it must conform to the constitutional guarantees that safeguard the rights of every individual, irrespective of the nature of the offence alleged against them.

The Constitution of India places the right to life and personal liberty at the heart of its constitutional framework through Article 21, which provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law. Over the years, judicial interpretation has considerably expanded the scope of Article 21 to include the right to live with dignity, protection against arbitrary State action, and the guarantee of fair, just, and reasonable procedure. Consequently, every action of the State, including the use of handcuffs by police authorities, is required to satisfy the constitutional standards of legality, necessity, proportionality, and fairness.

The issue of handcuffing has frequently come before the Indian judiciary, particularly the Supreme Court, which has consistently emphasised that the routine or mechanical use of handcuffs is inconsistent with constitutional values unless justified by exceptional circumstances. Judicial decisions have recognised that the dignity of an accused person or prisoner does not cease merely because such person is under arrest or in custody. At the same time, the courts have also acknowledged that law enforcement agencies possess legitimate responsibilities to maintain security, prevent escape, and protect public order. The legal challenge, therefore, lies in balancing the competing interests of individual liberty and effective criminal justice administration.

The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 has renewed the legal debate surrounding the use of handcuffs by introducing statutory provisions governing their application in specified circumstances. This development has generated important constitutional questions regarding the extent to which such provisions conform to the

guarantees embodied in Article 21 and the principles evolved through judicial interpretation. The issue assumes greater significance in light of the continuing need to prevent arbitrary exercise of police powers while ensuring effective investigation and administration of criminal justice.

Against this background, the present study critically examines the legality of handcuffing in India under Article 21 of the Constitution. It analyses the constitutional framework, relevant statutory provisions, and leading judicial pronouncements governing the use of handcuffs. The study further employs established principles of statutory interpretation, particularly the Golden Rule, the Mischief Rule, and the Purposive Rule, to evaluate whether the existing legal framework strikes an appropriate balance between the protection of fundamental rights and the legitimate objectives of law enforcement. By adopting a doctrinal approach, this research seeks to contribute to the constitutional discourse on the permissible limits of State power and the protection of individual liberty within the Indian criminal justice system.

3. Conceptual and Theoretical Background

The concept of handcuffing occupies a significant position within the criminal justice system as a coercive measure employed by law enforcement authorities to restrain an accused person or prisoner. It is generally used during arrest, transit, investigation, or judicial production with the primary objective of preventing escape, protecting public safety, and ensuring the effective administration of justice. Although handcuffing serves legitimate law enforcement purposes, its application inevitably interferes with an individual's physical liberty and personal dignity. Consequently, its legality has remained a subject of constitutional scrutiny in India.

From a conceptual perspective, handcuffing is understood as a form of physical restraint imposed upon an individual who is either under arrest or in lawful custody. The power to restrain a person is not absolute but must be exercised strictly within the limits prescribed by law. The criminal justice system recognises that every accused person is presumed innocent until proven guilty, and therefore any restriction upon personal liberty must be justified by legal necessity rather than administrative convenience. Routine or mechanical handcuffing without reasonable justification may transform a preventive measure into an instrument of arbitrary State action.

The constitutional foundation governing the legality of handcuffing is primarily derived from Article 21 of the Constitution of India, which guarantees that no person shall be deprived of life or personal liberty except according to the procedure established by law. Judicial interpretation has considerably expanded the scope of Article 21 by incorporating the principles of fairness, reasonableness, non-arbitrariness, and human dignity. Consequently, any statutory provision or executive action authorising the use of handcuffs must satisfy these constitutional requirements. The protection guaranteed under Article 21 extends not only to ordinary citizens but also to arrested persons, undertrial prisoners, and convicted prisoners.

The theoretical foundation of this study is based upon the constitutional doctrine of the Rule of Law, which requires every exercise of governmental power to remain subject to constitutional limitations. Closely connected to this principle is the doctrine of proportionality, which requires that restrictions imposed upon personal liberty must be necessary, reasonable, and proportionate to the legitimate objective sought to be achieved. Handcuffing, therefore, cannot be justified merely because an individual has been arrested; rather, it must be supported by specific circumstances demonstrating a genuine necessity for such restraint.

Another important theoretical framework adopted in this research is the principle of human dignity. Indian constitutional jurisprudence consistently recognises that dignity constitutes an inseparable component of the right to life and personal liberty. The use of physical restraints in a manner that humiliates, degrades, or unnecessarily restricts an individual is inconsistent with constitutional values unless authorised by law and justified by compelling circumstances. Thus, the legality of handcuffing must always be examined not only from the perspective of police powers but also through the broader constitutional commitment to protecting individual dignity.

The present study also adopts the principles of statutory interpretation as an analytical framework. The Golden Rule is applied to ensure that statutory provisions relating to handcuffing are interpreted in a manner that avoids unjust or unconstitutional consequences. The Mischief Rule assists in identifying the legislative purpose behind authorising handcuffing and determining whether the provision effectively addresses the intended mischief without facilitating arbitrary action. Further, the Purposive Rule enables an interpretation that harmonises statutory provisions with the constitutional mandate embodied in Article 21. Collectively, these interpretative principles provide a constitutional lens through which the

legality of handcuffing may be critically examined.

4. Statement of the Problem

The use of handcuffs by law enforcement authorities has remained a contentious issue in the Indian criminal justice system due to the tension between the State's responsibility to maintain public safety and the constitutional obligation to protect individual liberty and human dignity. Although handcuffing may be necessary in exceptional circumstances to prevent escape, violence, or security risks, its routine or indiscriminate use raises serious constitutional concerns under Article 21 of the Constitution of India.

The legal framework governing handcuffing has undergone significant developments through judicial interpretation and legislative intervention. While the Supreme Court of India has consistently emphasised that handcuffing should not be adopted as a matter of routine and must be justified by compelling reasons, the enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 has introduced statutory provisions regulating its use in specified circumstances. This has generated important legal questions regarding the extent to which such statutory provisions are consistent with the constitutional principles evolved by the judiciary.

Further, the absence of uniform implementation standards, the possibility of arbitrary exercise of police powers, and the continuing debate on balancing effective law enforcement with the protection of fundamental rights have created uncertainty in the practical application of the law. These concerns necessitate a comprehensive examination of the constitutional validity and legal limits of handcuffing within the Indian legal system.

Accordingly, the present study seeks to critically analyse the legality of handcuffing under Article 21 of the Constitution by examining the constitutional framework, statutory provisions, and judicial principles governing its use. The study also evaluates the relevance of established principles of statutory interpretation in resolving conflicts between legislative provisions and constitutional guarantees, thereby identifying the existing legal issues that require greater doctrinal clarity and constitutional consistency.

5. Objectives of the Study

1. To examine the constitutional validity of handcuffing under Article 21 of the Constitution of India, with particular reference to the principles of personal liberty, human dignity, and

procedural fairness.

2. To analyse the statutory framework governing the use of handcuffs in India, particularly the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, in the light of judicial interpretations and established principles of statutory interpretation.

3. To critically evaluate whether the existing legal framework governing handcuffing adequately balances individual fundamental rights with the legitimate objectives of law enforcement, and to identify the legal and practical issues associated with its implementation.

6.1 Research Methodology

6.1.1 Research Design

The present study adopts a doctrinal research design, as it is primarily based on the analysis and interpretation of legal principles, constitutional provisions, statutory enactments, and judicial decisions relating to the legality of handcuffing in India. The research is descriptive as well as analytical in nature, aiming to examine the constitutional validity of handcuffing under Article 21 of the Constitution of India. It critically analyses the existing legal framework, relevant judicial precedents, and statutory provisions to evaluate their consistency with constitutional principles and established rules of statutory interpretation.

7.1 Sources of Data

The study is based entirely on secondary sources of data. Primary legal materials include the Constitution of India, the Bharatiya Nagarik Suraksha Sanhita, 2023, and judicial decisions of the Supreme Court of India and various High Courts. Secondary sources consist of books, legal commentaries, research articles, law journals, government reports, and other authentic academic publications relevant to the subject. These materials provide the legal foundation for analysing the constitutional and statutory aspects of handcuffing in India.

7.1.1 Tools and Techniques of Data Collection

The research employs a doctrinal method of legal analysis, involving the systematic examination of constitutional provisions, statutory enactments, judicial precedents, and recognised legal literature. The collected materials are analysed using analytical and

interpretative techniques. Particular emphasis is placed on the application of the Golden Rule, the Mischief Rule, and the Purposive Rule of statutory interpretation to examine the legality of handcuffing under Article 21 of the Constitution of India.

8. Scope of the Study

The scope of this study is confined to examining the legality of handcuffing within the Indian legal system. It focuses on the constitutional protection guaranteed under Article 21 of the Constitution of India, the relevant provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, and significant judicial pronouncements governing the use of handcuffs. The study also analyses the application of established principles of statutory interpretation in evaluating the constitutional validity of the existing legal framework.

9. Limitations of the Study

The present study is limited to a doctrinal analysis based on secondary sources of data. It does not include empirical methods such as field surveys, interviews, questionnaires, or case studies involving police officials, judicial officers, prisoners, or other stakeholders. Further, the research is confined to the legal position prevailing in India and does not undertake a comparative analysis of foreign legal systems or international legal instruments.

10. Constitutional Framework Governing Handcuffing under Article 21

The constitutional validity of handcuffing must therefore be examined within the broader framework of Article 21. Handcuffing undoubtedly restricts the physical liberty of an individual and has the potential to affect personal dignity and reputation. Although the State possesses the authority to arrest and detain persons in accordance with law, such authority cannot be exercised arbitrarily or mechanically. Every restriction imposed upon personal liberty must satisfy the constitutional requirements of legality, necessity, fairness, and proportionality.¹

The jurisprudence relating to Article 21 underwent a significant transformation after *Maneka Gandhi v. Union of India*, wherein the Supreme Court held that the procedure contemplated under Article 21 must be fair, just, and reasonable, and not arbitrary, oppressive,

¹ *Constitution of India, art 21.*

or unreasonable. This landmark interpretation considerably expanded the scope of Article 21 and established that every law affecting personal liberty must conform to constitutional principles of fairness. Consequently, any statutory provision or executive action authorising the use of handcuffs must also withstand the constitutional test laid down under Article 21.²

Another important constitutional principle relevant to handcuffing is the recognition of human dignity as an inseparable component of the right to life and personal liberty. The Supreme Court has repeatedly observed that a person does not lose fundamental rights merely because he or she has been arrested or imprisoned. The constitutional guarantee of dignity extends to every individual in State custody. Therefore, the use of handcuffs cannot be justified merely on the basis of administrative convenience or routine police practice. It must be supported by objective reasons demonstrating genuine necessity in the particular facts and circumstances of each case.

The constitutional framework also reflects the broader principle that State power must always remain subject to judicial review. While law enforcement agencies are entrusted with maintaining public order and preventing crime, the exercise of police powers is limited by constitutional safeguards designed to prevent arbitrariness and abuse of authority. In this context, Article 21 acts as a constitutional limitation upon executive discretion by requiring that every restriction on personal liberty must be legally authorised and constitutionally justified.³

Thus, the constitutional framework governing handcuffing in India is founded upon the principles of personal liberty, human dignity, procedural fairness, non-arbitrariness, and the rule of law. These constitutional values provide the legal foundation for examining the validity of statutory provisions and executive practices relating to the use of handcuffs. Accordingly, the legality of handcuffing cannot be determined solely by statutory authorisation but must always be assessed in the light of the constitutional guarantees embodied in Article 21 of the Constitution of India.⁴

² *A.K. Gopalan v State of Madras* AIR 1950 SC 27.

³ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

⁴ *Bandhua Mukti Morcha v Union of India* (1984) 3 SCC 161.

11. Statutory Framework Governing Handcuffing in India

The legality of handcuffing in India is not governed solely by constitutional principles but is also regulated through statutory provisions that prescribe the circumstances in which physical restraints may be employed by law enforcement authorities. These statutory provisions are intended to balance the necessity of maintaining public safety and effective criminal justice administration with the constitutional obligation to protect the fundamental rights of individuals.

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which replaced the Code of Criminal Procedure, 1973, has introduced specific provisions relating to the use of handcuffs in certain categories of offences and circumstances. The legislative objective behind these provisions is to enable police authorities to prevent escape, ensure security during arrest and transportation, and maintain public order where there exists a genuine risk. However, the exercise of such statutory power cannot be regarded as absolute and must always remain subject to constitutional limitations.⁵

The statutory framework governing handcuffing must be interpreted harmoniously with Article 21 of the Constitution of India. Even where legislation authorises the use of handcuffs, such authority cannot be exercised arbitrarily or mechanically. The constitutional requirement of fairness, reasonableness, and non-arbitrariness continues to govern every exercise of police power. Therefore, statutory provisions permitting handcuffing must be applied only in situations where they are supported by lawful necessity and objective justification.

The principles of statutory interpretation play a significant role in understanding the scope and application of these provisions. The Golden Rule requires that statutory language should not be interpreted in a manner that produces unjust or unconstitutional consequences. The Mischief Rule assists in identifying the legislative purpose behind permitting handcuffing and ensures that the provision addresses the intended security concerns without encouraging arbitrary practices. Likewise, the Purposive Rule requires that statutory provisions be interpreted in a manner consistent with constitutional values, particularly the protection of personal liberty and human dignity under Article 21.⁶

⁵ *Bharatiya Nagarik Suraksha Sanhita, 2023.*

⁶ *Constitution of India, art 21.*

Accordingly, the statutory framework governing handcuffing cannot be examined in isolation. Its legality depends upon a harmonious interpretation of statutory provisions with constitutional guarantees and judicial principles. Such an approach ensures that the exercise of police powers remains consistent with the rule of law while preserving the balance between effective law enforcement and the protection of fundamental rights.⁷

12. Judicial Interpretation of Handcuffing under Article 21

The constitutional validity of handcuffing in India has been shaped primarily through judicial interpretation. While statutory provisions confer certain powers upon law enforcement authorities, the Supreme Court of India has consistently held that such powers must be exercised within the constitutional framework established under Article 21. Through a series of landmark decisions, the judiciary has reaffirmed that the right to life and personal liberty includes the right to live with dignity, even for persons under arrest or in judicial custody.⁸

The courts have repeatedly observed that handcuffing is an exceptional measure and cannot be adopted as a routine practice. The mere fact that a person has been arrested or accused of an offence does not automatically justify the use of handcuffs. Instead, the necessity for such restraint must be determined on the basis of objective circumstances, such as the likelihood of escape, the possibility of violence, or other genuine security concerns. The burden lies upon the authorities to demonstrate that the use of handcuffs was legally necessary and proportionate to the circumstances of the case.⁹

Judicial interpretation has also established that the discretionary powers of police authorities are subject to constitutional limitations. The Supreme Court has consistently held that administrative convenience, public curiosity, or routine departmental practice cannot justify restrictions that infringe the dignity and personal liberty of an individual. Consequently, every decision to handcuff an accused or prisoner must satisfy the constitutional requirements of fairness, reasonableness, and non-arbitrariness.¹⁰

Furthermore, the judiciary has recognised that constitutional rights do not cease upon arrest or imprisonment. A prisoner or undertrial continues to enjoy the protection of

⁷ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

⁸ *Constitution of India*, art 21.

⁹ *Prem Shankar Shukla v Delhi Administration* (1980) 3 SCC 526.

¹⁰ *Sunil Batra v Delhi Administration* (1978) 4 SCC 494.

fundamental rights except to the extent lawfully restricted. Therefore, any action involving physical restraint must be supported by valid legal reasons and remain subject to judicial scrutiny. These constitutional principles have significantly influenced the development of Indian criminal jurisprudence and continue to govern the legality of handcuffing under Article 21.

The following landmark decisions illustrate the evolution of judicial principles governing the use of handcuffs and provide the legal foundation for determining the constitutional limits of police powers in India.¹¹

13. Prem Shankar Shukla v. Delhi Administration (1980) 3 SCC 526

Facts of the Case

The petitioner, an undertrial prisoner, challenged the routine practice of being handcuffed while being escorted between the prison and the court. He contended that the indiscriminate use of handcuffs violated his fundamental rights guaranteed under the Constitution of India, particularly the right to life and personal liberty under Article 21. The case raised an important constitutional question regarding whether police authorities could handcuff an accused person as a matter of routine without recording any specific reasons or obtaining judicial approval.

Issue before the Court

Whether the routine use of handcuffs on an undertrial prisoner, without any specific justification based on necessity or security, violates Article 21 of the Constitution of India.

Judgment

The Supreme Court held that handcuffing cannot be adopted as a routine or mechanical practice. Justice V.R. Krishna Iyer observed that every individual, including an accused or an undertrial prisoner, possesses the constitutional right to live with dignity. The Court ruled that handcuffs may be used only in exceptional circumstances where there is a genuine possibility of escape, violence, or other serious security risks. The authorities must record valid reasons before resorting to handcuffing, and such action remains subject to judicial scrutiny.

¹¹ *Citizens for Democracy v State of Assam* (1995) 3 SCC 743.

The Court further emphasised that administrative convenience or departmental practice cannot justify the use of handcuffs. Any restriction on personal liberty must satisfy the constitutional requirements of fairness, reasonableness, and non-arbitrariness under Article 21.

Ratio Decidendi

The ratio of the decision is that handcuffing is constitutionally permissible only in exceptional circumstances supported by reasonable necessity. Routine or indiscriminate handcuffing is arbitrary and inconsistent with the guarantee of personal liberty and human dignity under Article 21 of the Constitution.

Relevance to the Present Study

This judgment forms the constitutional foundation for regulating the use of handcuffs in India. It establishes that statutory powers relating to handcuffing cannot be exercised mechanically and must always be interpreted in harmony with Article 21. The decision also supports the application of the Golden Rule, Mischief Rule, and Purposive Rule of statutory interpretation by ensuring that statutory provisions are construed in a manner that protects constitutional rights while permitting reasonable restrictions only where genuinely necessary.¹²

14. Citizens for Democracy v. State of Assam (1995) 3 SCC 743

Facts of the Case

The petition was filed by the non-governmental organisation Citizens for Democracy, challenging the practice of routinely handcuffing and fettering undertrial prisoners and other persons in police custody. The petitioner contended that such practices were arbitrary, inhuman, and inconsistent with the constitutional guarantee of personal liberty and human dignity under Article 21 of the Constitution of India. The case required the Supreme Court to determine the legality of using handcuffs and fetters during arrest, detention, and production before courts.

Issue before the Court

Whether the routine use of handcuffs and fetters on undertrial prisoners and persons in

¹² *Prem Shankar Shukla v Delhi Administration* (1980) 3 SCC 526.

custody violates the fundamental rights guaranteed under Article 21 of the Constitution of India.

Judgment

The Supreme Court reiterated that handcuffing is an exceptional measure and cannot be adopted as a matter of routine. The Court held that police and prison authorities must record specific reasons demonstrating the necessity for handcuffing in each individual case. Mere suspicion or administrative convenience cannot justify the use of physical restraints.

The Court further directed that, wherever practicable, permission from the competent court should be obtained before handcuffing an accused person. Even in situations requiring immediate action, the authorities must subsequently justify their decision before the court. The judgment emphasised that the exercise of police power must always remain subject to judicial supervision and constitutional limitations.

Ratio Decidendi

The ratio of the judgment is that handcuffing and fettering are constitutionally permissible only when supported by compelling reasons such as a genuine risk of escape, violence, or danger to public safety. Any routine or arbitrary use of handcuffs violates Article 21 and the constitutional guarantee of human dignity.

Relevance to the Present Study

This decision represents one of the most authoritative judicial pronouncements on the legality of handcuffing in India. It strengthens the constitutional safeguards recognised in *Prem Shankar Shukla* by prescribing procedural safeguards against the arbitrary exercise of police powers. The judgment also supports the application of the Golden Rule, Mischief Rule, and Purposive Rule by ensuring that statutory provisions relating to handcuffing are interpreted consistently with the constitutional values of fairness, reasonableness, and human dignity.¹³

15.Critical Analysis of the Legality of Handcuffing under Article 21

The legality of handcuffing in India cannot be determined merely by referring to

¹³ *Citizens for Democracy v State of Assam* (1995) 3 SCC 743.

statutory provisions authorising its use. The constitutional validity of every law relating to personal liberty must ultimately be tested against Article 21 of the Constitution of India. Although the Bharatiya Nagarik Suraksha Sanhita, 2023 recognises the use of handcuffs in specified circumstances, the exercise of such statutory power remains subject to constitutional limitations developed through judicial interpretation.¹⁴

A critical examination of the existing legal framework reveals that the use of handcuffs involves two competing constitutional interests. On one hand, the State has a legitimate duty to maintain public order, prevent the escape of dangerous offenders, and ensure the safety of police personnel and the public. On the other hand, every accused person continues to enjoy the constitutional protection of personal liberty and human dignity until deprived of such liberty in accordance with a fair, just, and reasonable procedure established by law. Therefore, neither public security nor individual liberty can be regarded as absolute.¹⁵

The principles of statutory interpretation provide an important constitutional framework for resolving this conflict. Applying the Golden Rule, statutory provisions relating to handcuffing should not be interpreted in a manner that results in arbitrary or excessive restrictions upon personal liberty. Likewise, the Mischief Rule requires the law to be construed in light of the legislative objective of preventing escape and maintaining security rather than encouraging routine or mechanical handcuffing. The Purposive Rule further demands that statutory provisions be interpreted consistently with the constitutional values embodied in Article 21, thereby ensuring that legislative intent does not undermine fundamental rights.

Another significant concern is the possibility of arbitrary exercise of police discretion. In the absence of strict procedural safeguards, the decision to handcuff may vary depending upon individual officers rather than objective legal standards. Such inconsistency may lead to unequal treatment and undermine public confidence in the administration of criminal justice. Judicial oversight and the recording of reasons for handcuffing therefore remain essential safeguards against misuse of statutory powers.¹⁶

From a constitutional perspective, the legality of handcuffing should always depend upon the existence of necessity, proportionality, and reasonable justification in the facts of each

¹⁴ Constitution of India, art 21.

¹⁵ Bharatiya Nagarik Suraksha Sanhita, 2023.

¹⁶ *Prem Shankar Shukla v Delhi Administration* (1980) 3 SCC 526.

individual case. A statutory provision cannot be interpreted as granting unrestricted authority to use handcuffs merely because an arrest has been affected. Rather, the constitutional mandate of Article 21 requires that every exercise of police power be guided by fairness, reasonableness, and respect for human dignity. Thus, the constitutional validity of handcuffing ultimately depends not only upon legislative authorisation but also upon its lawful and non-arbitrary implementation.¹⁷

16.1. Suggestions and Recommendations

Based on the constitutional, statutory, and judicial analysis undertaken in this study, the following recommendations are proposed to ensure that the use of handcuffing remains consistent with Article 21 of the Constitution of India:

16.1.1. Clearer Statutory Guidelines: The statutory provisions governing handcuffing should provide clear and uniform criteria regarding the circumstances in which handcuffs may be used. This would reduce ambiguity and minimise arbitrary decision-making by law enforcement authorities.

16.1.2. Mandatory Recording of Reasons: Police officers should be legally required to record written reasons whenever handcuffs are used. Such documentation would promote transparency, facilitate judicial review, and ensure accountability in the exercise of police powers.

16.1.3. Judicial Oversight: Wherever practicable, the use of handcuffs should remain subject to judicial supervision, particularly in cases involving undertrial prisoners. Judicial oversight would act as an effective safeguard against unnecessary or excessive restrictions on personal liberty.

16.1.4. Training and Sensitisation of Police Personnel: Regular training programmes should be conducted to educate law enforcement officials on constitutional principles, judicial guidelines, and human dignity. Such programmes would encourage the lawful and proportionate exercise of police powers.

16.1.5. Strict Compliance with Constitutional Principles: All statutory provisions relating to handcuffing should be interpreted and implemented in accordance with Article 21 of the

¹⁷G.P. Singh, *Principles of Statutory Interpretation* (16th edn, LexisNexis 2024).

Constitution of India. The principles of fairness, reasonableness, proportionality, and non-arbitrariness must guide every decision involving the use of physical restraints.

16.1.6. Periodic Review of Police Practices: Appropriate authorities should periodically review the implementation of handcuffing practices to ensure compliance with statutory provisions and judicial guidelines. Such reviews would help identify procedural deficiencies and promote consistency in law enforcement practices.

16.1.7. Strengthening Accountability Mechanisms: Effective disciplinary and legal measures should be adopted against instances of unlawful or arbitrary handcuffing. Accountability mechanisms would reinforce public confidence in the criminal justice system while protecting the constitutional rights of individuals.

17. Conclusion

The legality of handcuffing in India must always be examined in the light of Article 21 of the Constitution, which guarantees the right to life, personal liberty, and human dignity. While the State has a legitimate responsibility to maintain public order and prevent the escape of accused persons, such powers cannot be exercised arbitrarily or as a matter of routine. Every restriction on personal liberty must satisfy the constitutional requirements of fairness, reasonableness, and proportionality.

This study has examined the constitutional framework, statutory provisions, and judicial principles governing the use of handcuffs in India. The analysis of landmark judgments demonstrates that handcuffing is an exceptional measure and should be resorted to only when justified by genuine necessity. The study further highlights that statutory provisions under the Bharatiya Nagarik Suraksha Sanhita, 2023 must be interpreted in harmony with Article 21 by applying established principles of statutory interpretation, namely the Golden Rule, the Mischief Rule, and the Purposive Rule.

In conclusion, the legality of handcuffing depends not merely on statutory authorisation but on its constitutional validity and lawful implementation. A balanced approach that protects both public safety and individual dignity is essential for ensuring that the exercise of police powers remains consistent with the rule of law and the constitutional values of justice, liberty, and equality.

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