

**OFFICE OF THE ADDL. DIRECTOR GENERAL OF POLICE :: CID
MEGHALAYA :: SHILLONG**

CIRCULAR NO. 10/2014

Sub : **Matter relating to Handcuffing.**

In modification to this office Circular No. 10/94, the following instructions are hereby issued following the Order and Judgement of the Hon'ble Supreme Court of India in "**Citizen for Democracy through its President-Vrs-State of Assam & Others** (1996 Cr.L.J 3247)" and "**In re: M.P. Dwivedi and Others** (1996 Cr.L.J 1670)".

Where a person is arrested by the police without warrant, the police officer concerned, may if he is satisfied that a particular prisoner is likely to jump jail or break out of the custody then and that **it is necessary to handcuff such a person, he may do so till the time he is taken to the police station and thereafter his production before the Magistrate.** Further use of fetters thereafter can only be under the orders of the Magistrate for which the following procedures should be followed:

1. **The Police on their own shall have no authority to direct or force Handcuffs or other fetters on a convict or under-trial-prisoner** heretofore referred to as prisoner in this circular, while lodged in a jail or while transporting or in transit from one jail to another or from jail to court and back.
2. Where the police have well-grounded basis for drawing a strong inference that a particular prisoner is likely to jump jail or break out of the custody then the said prisoner be produced before the Magistrate concerned and **a prayer for permission to handcuff the prisoner be made before the said Magistrate.** If strong grounds exist to use handcuff or other fetters on a prisoner, the prayer to use handcuff or fetters should be duly supported by concrete proof regarding proneness of the prisoner to violence, his tendency to escape, he being so dangerous/ desperate and the finding that no other practical way of forbidding escape is available.
3. In all the cases where a person arrested by police, is produced before the Magistrate and remand - judicial or non-judicial - is given by the Magistrate the **person concerned shall not be handcuffed unless, special orders in that respect are obtained from the Magistrate at the time of the grant of the remand.**
4. When the police arrests a person in execution of a warrant of arrest obtained from a Magistrate, the person so arrested shall not be handcuffed unless the police has also obtained orders from the Magistrate for the handcuffing of the person to be so arrested.

District Superintendents of Police should ensure that the above directions are strictly followed as violation of any of these directions shall be summarily punishable under the Contempt of Courts Act apart from other penal consequences under law.

Sd/
(P.J.P.Hanaman, IPS)
Director General of Police,
Meghalaya, Shillong