REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

PREM SHANKAR SHUKLA V. DELHI ADMINISTRATION (1980)

BENCH: Mr. Justice V.R. Krishna Iyer, Mr. Justice R.S. Pathak & Mr. Justice O. Chinnappa Reddy

DECIDED: April 29, 1980

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Routine handcuffing of undertrials and prisoners is prima facie inhuman and unconstitutional; handcuffs require prior judicial permission.

1. Factual Matrix & Background:

The petitioner, an undertrial prisoner, was routinely handcuffed while being escorted from Tihar Jail to the trial court. He challenged the practice of routinely putting prisoners in irons as arbitrary, degrading, and violative of Articles 14, 19, and 21.

2. Substantive Legal Questions Framed:

Whether the routine practice of handcuffing undertrial prisoners during transit between jail and court is unconstitutional, and under what circumstances handcuffs may be permitted.

3. Analysis & Ratio Decidendi:

The Supreme Court held that handcuffing is prima facie degrading, inhuman, and violative of human dignity protected by Article 21. Handcuffs cannot be used routinely or as a matter of administrative convenience. They may be used only in extraordinary situations where there is credible evidence that the prisoner is violent or prone to escape, and prior permission of the trial magistrate must be obtained.

4. Principles Enunciated:

- 1. Routine handcuffing violates human dignity under Articles 14, 19, and 21.
- 2. Handcuffs may be used only in exceptional cases with recorded reasons.
- 3. Police must obtain prior judicial permission before handcuffing an accused.

5. Practical Litigation Implications:

- If an accused is handcuffed without prior recorded judicial permission, file an application before the trial court for disciplinary action and contempt against escort officers.

.....J.
[SUPREME COURT BENCH]

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