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Press Release

High Court Directions on Misuse of Handcuffs

On 03 July 2018 the High Court directed the police not to misuse handcuffs for detainees. A Division Bench comprising of Hon'ble Justices Ms Salma Masud Chowdhury and Mr Justice AKM Zahirul Haque issued this direction in a Suo Motu Rule No. 11/2017.

The Court issued the *suo moto* rule on a news report published in the Daily Star on 29 May 2017 titled “**Handcuffed to hospital bed**” being brought into their attention .

On the same day, the Court issued a Rule upon the concerned authorities, Secretary, Ministry of Home Affairs; IGP; SP, Dhaka; Officer in-Charge (Ashulia) and DIG, Dhaka Range, as to why actions should not be taken against them for putting handcuffs on an injured student, Nazmul Hossain, of the Department of Government and Politics of Jahangirnagar University, in a bed of Enam Medical College Hospital, Savar, by violating Rule 330(a) of the Police Regulations of Bengal (PRB). The High Court directed the concerned respondents to remove the handcuffs from the injured student's hands.

Pursuant to the Court's order, the OC Ashulia Police Station, Dhaka, appeared before the Court in person at 10.30 AM on 31 May 2017 and apologized for the misconduct.

BLAST as Intervenor cited Clause 330(a) of the Police Regulation of Bengal (PRB), and Section 50 of the Code of Criminal Procedure 1898 (Cr.P.C) which states that ‘the person arrested shall not be subjected to more restraint than is necessary to prevent his escape.’ It was submitted that the use of handcuffs on an injured person in a hospital bed was violative of clause 330(a) of PRB and section 50 of Cr.P.C and of Article 35(5) of the Constitution of Bangladesh which prohibits torture or inhuman, cruel and degrading treatment.

The Deputy Attorney General submitted that since the police personnel responsible for the misconduct sought apology before the Court for the act and the matter has been settled and accordingly the Rule may be disposed of.

After a hearing, the Court passed judgment disposing of the Rule and directing the police not to misuse handcuffs for detainees. Advocates Abu Obaidur Rahman and Sharmin Akter appeared for BLAST, and the Deputy Attorney General Anabilananda Roy for the state.

Background:

On 26 May 2017, after the death of two students of Jahangirnagar University in a road crash, protesting students blocked the Dhaka-Aricha highway. Nazmul Hasan was arrested in relation to that incident and was kept handcuffed to his hospital bed on 28.05.2017, even while undergoing treatment in Enam Medical College, Savar. The police reportedly refused to open the handcuffs even when he needed to eat.

For further information, please contact

Mahbuba Akhtar

Deputy Director (Advocacy and Communications), BLAST

Email: mahbuba@blast.org.bd

For further information:

- Abu Obaidur Rahman, Advocate, Supreme Court of Bangladesh
Email: obaid.rahman67@gmail.com
Phone: 01914129856