

22ND FEBRUARY, 2025

**PUCL CONDEMNS HANDCUFFED DEPORTATION
OF INDIANS FROM USA
&
DEMANDS THAT**

The Indian Government must

- *Apologise to the migrants for the complicity of the Indian government in this inhumane treatment; and*
- *Compensate the migrants for their physical and mental suffering.*
- *Must make public the terms of the 2012 protocol with the U.S. regarding deportation procedures; and initiate its revision if it is not in conformity with international human rights law as well as Indian Constitutional law.*

The US Government must compensate the migrants who have suffered humiliation and trauma through the dehumanizing experience they have been put through at the hands of US Law enforcement.

PUCL strongly condemns the actions of the U.S. government subjecting Indian deportees to inhuman and degrading treatment by handcuffing and shackling them while transporting Indians back to India, thereby violating international human rights standards.

PUCL also condemns the abject failure and inaction by the Indian government to demand that the US government stop use of handcuffs and shackles and comply with international human rights standards as spelt out by the Convention against Torture (CAT), ICCPR, UDHR and Indian SC rulings.

On the night of February 16, 2025, a total of 112 Indians were sent on the third U.S. C17 military aircraft from the United States, which landed at Amritsar's Sri Guru Ramdas Ji International Airport. This was the [third mass deportation, less than 24 hours after](#) the February 15 deportation of 117 people, and [less than a fortnight from the February 5 deportation](#) of 104 individuals in a similar manner. What is appalling is that during these mass deportations, the Indian deportees' [hands and feet were restrained, cuffed and chained for the entire duration of their 40 to 60 hour air](#) travel.

Responding to public outcry against this inhumane treatment of detainees, India's [External Affairs Minister Shri S Jaishankar stated](#) that the use of restraints was "not a new one" in aircraft deportations by U.S Immigration and Customs Enforcement ('ICE') and that the same was in accordance to a 2012 protocol between the two nations, which in turn is nowhere to be

publicly found! PUCL is shocked at both the Indian and United States governments' flagrant disregard for the detainees' basic human right to dignity, fairness and humane treatment both in International Law, as well as their fundamental rights under the Constitution of India.

In particular, we are shocked at the failure of the Indian Government to stand up for its citizens and instead granting a free pass to the United States government to subject Indians to inhuman and degrading treatment amounting to torture. This is especially so, since after the 1st deportation on 5th February, 2025, the Prime Minister of India, Shri Narendra Modi met the US President, Donald Trump in Washington.

The incidents demonstrate that there is no improvement in the way the US treats Indian migrants and that such ill treatment continues because the Indian government refuses to stand up for the principle that Indian citizens abroad must be treated in accordance with the norms of international human rights law.

It is pertinent to note that the immigrants who were subjected to prolonged handcuffing were not terror-accused or criminals or convicts awaiting extradition. Even if these persons remotely posed a perceived threat, the international and domestic human rights law was required to be followed and not given the go by.

INTERNATIONAL LEGAL STANDARDS VIOLATED

Article 5 of the [Universal Declaration of Human Rights \(UDHR\)](#), 1948 provides that no one shall be subjected to "...*torture or to cruel, inhuman or degrading treatment or punishment*". Article 7 of the binding [International Covenant on Civil and Political Rights \(ICCPR\)](#), 1966, to which both United States and India are state parties, also provides the same. The using of handcuffs and chains to restrain Indian deportees over the course of the 40 to 60 hour flight journeys, is the very embodiment of cruel, inhumane and degrading treatment meted out to them, several of whom were women and children. Besides violating the internationally recognised core tenets of human rights, this instance amounts to torture and a deprivation of civil and political rights too.

Article 1 of the [United Nations Convention Against Torture \(UNCAT\)](#), 1984, to which U.S. is a signatory, defines torture as "*any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*"

In the present incident, handcuffs, chains and foot restraints were placed upon the deportees intentionally by American ICE agents. This was a prolonged and severe physical restriction, which was bound to cause both physical and mental pain, emotional distress and suffering to the deportees. Such restrictions were entirely disproportionate to any considerations of security, safety or order. Hence, placing these physical restraints and inflicting such pain and suffering by the public officials unequivocally amounted to United States' attempt at meting out punishment for the perceived wrongs of the deportees, i.e. of attempting to enter the U.S. without requisite documentation. The indignity and humiliation meted out to the Indian deportees through these acts, is also indicative of the prejudiced approach of the U.S towards them.

In fact, Article 10 of the UNCAT requires States Parties to ensure that law enforcement personnel (civil or military), as well as others involved in the custody, interrogation, or treatment of individuals are educated and informed about the prohibition against torture. UNCAT's Article 11 requires States to systematically review interrogation rules, instructions, methods, and practices to prevent torture. However, United States Homeland Security's [ICE Handbook on Arrests](#) does not evince any sensitivity or respect to the United States' international commitments against conduct which amounts to torture. The manner in which restraints were used to transport the deportees displays an absolute and deliberate failure of the United States to ensure compliance with applicable human rights standards and to train its officials against inflicting torture.

The Committee Against Torture ('CAT') established under Article 17 UNCAT is empowered to monitor compliance with the provisions of the UNCAT, and upon receipt of information of violations by a State party is required to initiate an inquiry under Article 20. While India is a signatory to UNCAT, it has not yet ratified the convention yet, in spite of a long standing demand from the international human rights community, other member states and civil society in India. However, the inhuman and degrading treatment amounting to torture of Indian deportees meted out by U.S. which is a state party to the UNCAT, has been widely reported, and it is pertinent that the CAT take cognisance of the same. The CAT must ensure that U.S. forthwith stops this inhuman and degrading practice which falls foul of the UNCAT. Additionally, India must file a complaint before the Human Rights Committee as a State Party to the ICCPR. [Article 41 allows for inter-State complaints before the Human Rights Committee by State Parties.](#)

PUCL demands that the Indian government file such a complaint in order to secure justice for its citizens whose rights have been violated in the present incident.

SHOCKING IGNORANCE OF INDIAN CONSTITUTIONAL LIMITATIONS ON HANDCUFFING

The Indian Government's callous lack of concern for its citizens' basic human rights abroad betrays the promise of the Indian Constitution. It is unfortunate that even though on 13th February, 2025, our [Prime Minister Shri Narendra Modi met the U.S. President Donald Trump after](#) the protests and condemnation that followed the [first air-deportation on February 5](#), the concerns about the inhumane and cruel manner of cuffing and chaining the hands and feet of deportees do not seem to have been raised by the PM as is demonstrated by the fact that the shackling and handcuffing continued even after the PM met President Trump. PUCL strongly condemns such turning of a blind-eye to the ill treatment of our citizens, which is violative of the Constitution's promise of equality and dignity.

The Governments of [Mexico](#), [Colombia](#) and [Brazil](#) have demanded guarantee of dignified treatment of the deportees, even going as far as refusing to accept further deportation flights from the U.S. unless the same is ensured. [India, on the other hand](#), has excused this mistreatment on the basis of an alleged "2012 protocol" that allowed for in-flight handcuffing for deportation. Meanwhile, the External Affairs Minister Shri S Jaishankar's apathetic and indifferent response that there is "[...no change, I repeat, no change, from past procedure for the flight undertaken by the US on 5 February 2025](#)", signals to the lack of concern for the dignity

of Indian citizens before the international community.

PUCL demands that the Government of India makes public the 2012 protocol between India and USA regarding deportation public and available for downloading by citizens, as *prima facie* it appears to be violative of Article 21 of the Indian Constitution and well-settled law on handcuffing laid down by the Supreme Court of India.

The Supreme Court in *DK Basu vs State of West Bengal* (1997) not only directed that the use of handcuffs or leg chains should be avoided, but also restricted any use of physical restraints to be “*strictly in accordance with the law repeatedly explained and mandated in judgement of the Supreme Court in `Prem Shankar Shukla vs Delhi Administration` (1980)*”. In the case of *Prem Shankar Shukla* v. Delhi Administration, the Apex Court had held that using handcuffs “...*is prima facie inhuman and, therefore, unreasonable, is over-harsh and at the first flush, arbitrary. Absent fair procedure and objective monitoring, to inflict `irons` is to resort to zoological strategies repugnant to Art. 21*”. Hence, even in the matter of handcuffing of criminals, the position of the law in our country has been clear, that not only is handcuffing prohibited without prior court permission, but handcuffing is only allowed in exceptional circumstances when sufficient cause is shown by a police officer and the same is accepted by a Court.

Despite the explicit ruling of the SC protecting citizens against arbitrary handcuffing as part of Art. 21, the right to life, the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 brought by the present Central government to replace the older CrPC, contains a new provision, Section 43(3), regulating arrests made. It provides that a police officer may use handcuffs while making the arrest of a person or while producing such a person before the court. Hence, sec. 43(3) BNSS abrogates from the law laid down in multiple judgments of India’s apex court and from the constitutional mandate under Article 21. We point this out to stress that the present incident of the Indian Government’s conscious inaction and refusal to protect its deportee citizens’ basic human rights demonstrates the present ruling regime’s approach of denying the fundamental rights guaranteed under the Indian Constitution to our own citizens, even on its own soil. Nonetheless, the acquiescence of the government to the manner of handcuffing and deporting Indian citizens cannot save it from being grossly unconstitutional and in violation of the law laid down on handcuffing by the Hon’ble Apex Court.

PUCL accordingly submits that the forced handcuffing and restraints used in the deportations not only violates international legal standards, including the Universal Declaration of Human Rights (UDHR), the United Nations Convention Against Torture (UNCAT), and the International Covenant on Civil and Political Rights (ICCPR), but it also falls foul of the Indian Constitutional limitations on handcuffing. It is evident that both the U.S. and Indian governments have failed in their obligations to protect the fundamental rights of these individuals, and immediate corrective action is necessary to ensure justice and prevent such violations in the future.

The People's Union for Civil Liberties Demands that the INDIAN government must:

1. File an Inter-State Complaint with the UN Human Rights Committee under Article 41 of the ICCPR, seeking redress for the violation of its citizens' rights and holding the U.S. accountable for its actions.
2. Immediately disclose and make public the terms of the 2012 protocol with the U.S. regarding deportation procedures and initiate its revision, if it is not in conformity with International Human Rights law as well as Indian Constitutional law.
3. Repeal Section 43(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 and restore the law laid down by the Supreme Court which lays down constitutional limits on the arbitrary power of police officials to resort to handcuffing.
4. Apologise to the deportees for the inaction of the Indian government in the face of this inhumane treatment and compensate the deportees for their physical and mental suffering.
5. Ensure that any immigrants being deported in future are not made to suffer such ordeal and their human rights are ensured within the framework of international law.
6. Take proactive steps to ensure that USA conducts immediate Review and Reform of Deportation Procedures, including but not limited to the [ICE Arrest Procedures Handbook](#)) and ensure that the conduct of its officials does not fall foul of obligations under Articles 10 and 11 of the UNCAT.
7. Take measures under the international mechanisms, to ensure that United States desists from treating immigrants in this inhumane manner and comply with international law norms and ensure that the United States compensates immigrants who have suffered dehumanising humiliation and trauma at the hands of U.S. officials.
8. Ratify the UN Convention Against Torture and ensure that the UNCAT takes cognisance of the human rights violations committed by the United States in this instance and justice for the victims.

22nd February, 2025

Kavita Srivastava, President

Dr. V. Suresh, General Secretary

People's Union for Civil Liberties (PUCL)