

Prisons Act, 1894 (9 of 1894), Section 56 – Liberty of challenging the classification – Regarding confinement of a prisoner in irons – Petitioner has been alternatively described as dangerous/notorious/hardcore prisoner – It is evident that the term dangerous prisoner, ‘has been used in a loose sense and not in the sense of para 3(q) which restricts the term to prisoners to be confined in irons – Classification is done under para 495 and 496 of the Jail Manual occurring under Chapter 16 which provides that prisoners may be classified on the basis of criminal record, violent and aggressive tendencies, person being an escape or discipline risk etc. – Classification has been done at the highest levels – Yet, the exercise of such a power by the prison administration without recourse to judicial scrutiny may render the same uncanalized and arbitrary, thus, violating Article 14 of the Constitution of India – The petitioner and other similarly situated persons would thus have the liberty of challenging their classification by presenting an appropriate petition before the Court under whose warrant they have been remanded to custody – The power to classify is thus upheld with the above caveat – Constitution of India, Article 14 – Punjab Jail Manual, paragraph 3(q), 495, 496.

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