

[THE] TRANSFER OF PRISONERS ACT, 1950
(ACT 29 OF 1950)

[The text of the Act printed here is as on 30-11-1998]

STATEMENT OF OBJECTS AND REASONS

“Section 29 of the Prisoners Act, 1900, inter alia provides for the inter-State transfer of prisoners between the States in Parts A, C and D of the First Schedule to the constitution. There is no provision, however, either in the Prisoners Act, 1900, or any other law for the transfer of prisoners from prisons in those States to prisons in part B States and vice versa. Cases may arise where the removal or transfer of prisoners from Parts A, C and D States to Part B States and vice versa may be considered administratively desirable or necessary. This Bill is intended to provide, legal sanction to such transfers or removals.” Gazette of India., 1950, Pt. V, page 180.

[THE] TRANSFER OF PRISONERS ACT, 1950
(ACT 29 OF 1950)

[12th April, 1950]

An Act to provide for the removal from one State to another of persons confined in a prison.

Be it enacted by Parliament as follows: -

[The] Transfer of Prisoners Act, 1950
[Ss 1-3] 875

This Act as in force in the territories to which it generally extends, is extended to and shall be in force in, the Kohim district and the Mokochung district – See the kohim and Mokochung districts (Transfer of Prisoners) Regulation, 1961 (7 of 1961), s. 3 (16-8-1961).

The Act now extends to the State of Jammu and Kashmir by virtue of Act 25 of 1968, w.e.f. 15-8-1968.

It has been extended to the Union territory of Pondicherry by Act 26 of 1968, S. 2 (1-3-1969).

It has been extended to the Union territory of Goa, Daman and Diu by G.S.R. 430, published in Gazette of India, 20-3-1965, Pt. II, S. 3(i), p. 461; and to the Union territory of Dadra and Nagar Haveli by Regn. 6 of 1913.

It has been extended to Sikkim – See S.O. 208(E)/1975-Gaz. Of Ind., 16-5-1975, Pt. II, S. 3(ii), Ext., p. 1213.

1. **Short title and extent.** – (1) This Act may be called the Transfer of prisoners Act, 1950.
2. It extends to the whole of India ^a[* * * *]
 [a] Words except the State of Jammu and Kashmir omitted by the Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968), S. 2 (15-8-1968).
2. **Definitions.** – In this Act, -
 - (a) “court” includes any officer lawfully exercising civil, criminal or revenue jurisdiction;
 - [(b) “Government” or “State Government”, in relation to a Union territory, means the administrator thereof;]
 - [a] Substituted for former clause by 3 A.L.O., 1956 (1-11-1956).
 - (c) “prison” includes any place which has been declared by a State Government, by general or special order, to be a subsidiary jail.
3. **Removal of prisoners from one State to another.** - (1) where any person is confined in a prison in a State, -
 - (a) under sentence of death, or
 - (b) under or in lieu of a sentence of imprisonment or transportation, or
 - (c) in default of payment of a fine, or
 - (d) in default of giving security for keeping the peace or for maintaining good behaviour;
 the Government of that State may, with the consent of the Government of any other State, by order, provide for the removal of the prisoner from that prison to any prison in the other State.

(2) The officer in charge of the prison to which any person is removed under sub-section (1) shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the court by which such person has been committed, or until such person is discharged or removed in due course of law.

4. Amendment of section 29 of Act III of 1900.-[Repealed by the Repealing and Amending Act, 1957), S.2 and Sch. I (17-9-1957)]