

The Transfer of Prisoners Act, 1950

(ACT NO. 29 OF 1950)

[*As on the 11th May, 2025*]

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LIST AMENDING ACTS

1. The Repealing and Amending Act, 1952 (48 of 1952).
2. The Repealing and Amending Act, 1957 (36 of 1957).
3. The Central Laws (Extension to Jammu and Kashmir) Act, 1968 (25 of 1968).

LIST OF ABBREVIATIONS USED

Notifn.	*for*	Notification.
A.O.	.	Adaptation of Laws Order.
Subs.	.	Substitution.

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THE TRANSFER OF PRISONERS ACT, 1950

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Definitions.
3. Removal of prisoners from one State to another.
4. [*Repealed.*]

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THE TRANSFER OF PRISONERS ACT, 1950

ACT NO. 29 OF 1950[1]

[12*th 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:—

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 [2]* * *.

2. Definitions.—In this Act,—

(*a*) "court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

[3][(*b*) "Government" or "State Government", in relation to a Part C State, means the administrator thereof;]

(*c*) "prison" includes any place which has been declared by 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, *Act III of* 1900.] *Rep. by the Repealing and Amending Act,* 1957 (36 *of* 1957), *s*. 2 *and Sch. I.*

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1. The Act has been extended to—
   Kohima and Mokakchung Districts by Reg. 7 of 1961;
   Dadra and Nagar Haveli by Reg. 6 of 1963;
   Goa, Daman and Diu by notification No. GSR 430, dated 9-3-1965, *see* Gazette of India, Part II, s. 3(*i*).
2. The words "extends to the State of Jammu and Kashmir" omitted by Act 25 of 1968, s. 2 and the Sch. (w.e.f. 15-8-1968).
3. Subs. by A.O. (No. 3) 1956, for cl. (*b*) (w.e.f. 1-11-1956).

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 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 for such transfer or removals.

NEW DELHI; VALLABHBHAI PATEL.

The 27*th February*, 1950.

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