

TRANSFER OF PRISONERS ACT, 1950

29 of 1950

[12th April, 1950]

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STATEMENT OF OBJECTS AND REASONS "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".-Gaz. of Ind.. 1950, PL V. page 180.

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 ¹ [* * * *]

1. 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 re-venue Jurisdiction;

[(b) "Government" or "State Government", in relation to a Union territory, means the administrator thereof;]

(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 1990 :-

Repealed by the Repealing and Amending Act, 1957 (36 of 1957), S. 2 and Sch. I (17-9-1957).]