

Transfer of Prisoners Act [1950]

[Act No. 29 of 1950]¹

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 India²

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 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 –

- under sentence of death. or
- under, or in lieu of, a sentence of imprisonment or transportation⁴, or
- in default of payment of a fine, or
- 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. – [Repealed by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and Schedule I.]

¹ Published in the *Gazette of India*, Part II. Section 1, p. 23 dated 15th April 1950.

² The words "except the State of Jammu and Kashmir" omitted by Act 25 of 1968, Sec. 2 [w.e.f. 15th August, 1968].

³ Substituted by A.L.O., 1956 dated 1st November, 1956.

⁴ Now imprisonment for life.