

Navy Act, 1957

Chapter X - Arrest

(1) The Chief of the Naval Staff, every officer in command of a fleet or squadron of ships of the Indian Navy or of any ship of the Indian Navy or the senior officer present at a port or an officer having by virtue of sub-sections (2) and (3) of section 93 power to try offences, may, by warrant under his hand, authorise any person to arrest any offender subject to naval law for any offence triable under this Act mentioned in such warrant and any such warrant may include the names of more persons than one in respect of several offences of the same nature.

(2) Any person named in any such warrant as aforesaid may, forthwith on his arrest, if the warrant so directs, be taken to the ship of the Indian Navy to which he belongs or some other ship of the Indian Navy.

(3) A person authorised to arrest an offender may use such force as may be necessary for the purpose of effecting such arrest.

(4) Where a warrant under sub-section (1) is issued to a police officer, the police officer shall take steps to execute the warrant and arrest the offender in like manner as if such warrant had been issued by a Magistrate of competent jurisdiction and shall, as soon as may be, deliver the person when arrested into naval custody.

Section 84 - Arrest without warrant

(1) Any person subject to naval law may be ordered without warrant into naval custody by any superior officer for any offence triable under this Act.

(2) A person subject to naval law may arrest without warrant any other person subject to naval law though he may be of a higher rank who in his view commits an offence punishable with death, or imprisonment for life or for a term which may extend to fourteen years.

(3) A provost-marshal may arrest any person subject to naval law in accordance with the provisions of section 89.

(4) It shall be lawful for the purpose of effecting arrest, or taking a person into custody, without warrant to use such force as may be necessary for the purpose.

Section 85 - Procedure and conditions of naval custody

(1) No person subject to naval law who is arrested under this Act shall be detained in naval custody without being informed, as soon as may be, of the grounds for such arrest.

(2) Every person subject to naval law who is arrested and detained in naval custody shall be produced before his commanding officer or other officer prescribed in this behalf within a period of forty-eight hours of such arrest excluding the time necessary for the journey from the place of arrest to such commanding or other officer and no such person shall be detained in custody beyond the said period without the authority of such commanding or other officer.

Section 86 - Investigation after arrest

The charge made against any person subject to naval law taken into custody shall without any unnecessary delay be investigated by the proper authority and as soon as may be either proceedings shall be taken for the trial or such person shall be discharged from custody.

Section 87 - Duty to receive or keep in custody

- (1) The commanding officer shall be responsible for the safe custody of every person who is in naval custody on board his ship or in his establishment.
- (2) The officer or 1[sailor] in charge of a guard, or a provost-marshal shall receive and keep any person who is duly committed to his custody.

1. Substituted for the word "seamen" and "seaman" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2 (16-12-1974).

Section 88 - Procedure before trial

Subject to the provisions of this Act, the procedure before trial and the manner of investigation shall be as prescribed.

Section 89 - Provost-marshals

- (1) Provost-marshals may be appointed by the Chief of the Naval Staff or the prescribed officer.
- (2) The duties of a provost-marshal or to take charge of persons in naval custody, to preserve good order and discipline and to prevent breaches of the same by persons subject to naval law or to the law in force relating to the Government of the regular Army or the Air Force.
- (3) A provost-marshal may at any time arrest and detain for trial any person subject to naval law who commits, or is charged with, an offence and may also carry into effect any punishment to be inflicted in pursuance of a sentence passed under this Act, but shall not inflict any punishment on his own authority:

Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

- (4) For the purpose of sub-sections (2) and (3), a provost-marshal shall be deemed to include a provost-marshal and any of his assistants appointed under the law in force relating to the government of the regular Army or the Air Force.