

Coast Guard Act, 1978

Chapter VI - Arrest and Proceedings Before Trial

(1) Any person subject to this Act who is charged with an offence may be taken into Coast Guard custody, under the order of any superior officer.

(2) Notwithstanding anything contained in sub-section (1), an officer may order into Coast Guard custody any other officer engaged in a quarrel, affray or disorder, though such other officer may be of a higher rank.

Section 60 - Duty of Commanding Officer in regard to detention

(1) It shall be the duty of every Commanding Officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(2) The case of every person being detained in custody beyond a period of forty-eight hours, and the reasons therefor shall be reported by the Commanding Officer to the Deputy Inspector-General under whom he is serving or such other officer to whom an application may be made to convene a Coast Guard Court for the trial of the person charged.

(3) In reckoning the period of forty-eight hours specified in sub-section (1), Sundays and other public holidays shall be excluded.

(4) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in Coast Guard custody, pending the trial by any competent authority for any offence committed by him.

Section 61 - Arrest by civil authorities

Whenever any person subject to this Act, who is accused of an offence under this Act, is within the jurisdiction of any Magistrate or police officer, such Magistrate or police officer shall aid in the apprehension and delivery to Coast Guard custody of such person upon receipt of a written application to that effect signed by his Commanding Officer or an officer authorised by the Commanding Officer in that behalf.

Section 62 - Capture of deserters

(1) Whenever any person subject to this Act deserts, the Commanding Officer of the unit or ship to which he belongs, shall give information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he was a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, into Coast Guard custody.

(2) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

Section 63 - Coast Guard police officers

(1) The Director-General or any prescribed officer may appoint persons for discharging the functions specified in sub-sections (2) and (3).

(2) The duties of a person appointed under sub-section (1), are to take charge of persons confined for any offence, to preserve good order and discipline and to prevent breaches of the same by persons serving in, or attached to, the Coast Guard.

(3) Notwithstanding anything contained in section 59, a person appointed under subsection (I) may, at any time, arrest and detain for trial any person subject to this Act who commits, or is charged with, an offence, any may also carry into effect any punishment to be inflicted in pursuance of a sentence awarded by a Coast Guard Court or by an officer exercising authority under section 57 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.