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Air Force Act, 1950

Chapter IX - Arrest and Proceedings Before Trial

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(1). Any person subject to this Act who is charged with an offence may be taken into air force custody.

(2) Any such person may be ordered into air force custody by any superior officer.

(3) Any officer may order into air force custody any officer, though he may be of a higher rank, engaged in a quarrel, affray or disorder.

Section 103 - Duty of commanding officer in regard to detention

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(1)It shall be the duty of every commanding officer to take care that a personunder hiscommand when charged with an offence is not detained in custody for more thanforty-eight hours after the committal of such person into custody is reported to him,without the charge being investigated, unless investigation within that periodseems to him to be impracticable with due regard to the publicservice.

(2) Every case of a person being detained in custodybeyond a period of fortyeight hours, and the reason thereof, shall be reported by the commanding officer to the air or other officer to whom application would be made to convenea general or district court -martial for the trial of the person charged.

(3) In reckoning the period of forty-eight hoursspecified in sub-section(1),Sundays and public holidays shallbe excluded.

(4)Subject to theprovisions of this Act, the Central Government may make rulesa providing for the manner in which and the period for which, any person subjectto this Act may be taken into and detained in air force custody, pending thetrial by any competent authority for any offence committed byhim.

Section 104 - Interial between committal and court-martial

In every case where any such person as is mentioned in section 102 and as is not on active service remains in such custody for a longer period than eight days, without a court-martial for his trial being ordered to assemble, a special report giving reasons for the delay shall be made by his commanding officer in the manner prescribed; and similar report shall be forwarded every eight days until a court-martial is assembled or such person is released from custody.

Section 105 - Arrest by civil authorities

Wherever any person subject to this Act, who is accused of any 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 air force custody of such person upon receipt of a written application to that effect signed by his commanding officer.

Section 106 - Capture of deserters

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(1) Whenever any person subject to this Act deserts, the commanding officer of the unit, or detachment to which he belongs, shall give written 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 were a person for whole apprehension a warrant had been issued by a magistrate; and shall deliver the deserter, when apprehended, into air force 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 107 - Inquiry into absence without leave

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(1) When any person subject to this Act, has been absent from his duty without due authority for a period of thirty days, a Court of inquiry shall, as soon as practicable, be assembled, and such Court shall, on oath or, affirmation administered. In the prescribed manner, inquire respecting the absence of the person, and the deficiency , if any, in the property of the Government entrusted to his care, or in any arms, ammunition, equipment, instruments, clothing or nedessaries, and if satisfied of the fact of such absence without due authority, or other sufficient cause, the Court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the unit to which the person belongs shall enter in the court-martial book of the unit a record of declaration.

(2) If the person declared absent does not afterwards surrender or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

Section 108 - Provost-marshals

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(1) Provost-marshals may be appointed by1[the Chief of the Air Staff], or by any prescribed officer.

(2) The duties of a provost-marshal 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 Air Force.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to this Act who commits, or is charged with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of the sentence awarded by a court-martial, or by an officer exercising authority under section 82 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 purposes of sub-sections (2) and (3), a provost-marshal shall be deemed to include a provost-marshal appointed under the Army Act or the Navy-Act and any person legally exercising authority under him or on his behalf.

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1. Substituted for the words "the Commander-in-Chief" by the Commanders-in-Chief (Change in Designation) Act, (19 of 1955), S. 2 and Sch. (7-5-1955).

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