

Coroners Act, 1871

Section 1 - SHORT TITLE - This Act may be called The Coroners Act, 1871.2[* * * * *]

CORONERS ACT, 1871 CORONERS ACT, 1871 4 of 1871 [27th January, 1871] We, the undersigned, the Members of the Select Committee of the Council of Governor- General of India for the purpose of making Laws and Regulations, to which the Bill to consolidate laws relating to Coroners has been referred, have the honour to present this preliminary report. The Bill, as introduced, was intended merely to consolidate the existing law contained in two statutes and three Acts, and it provided, in the words of 33 Geo. III, Cap. 52, S. 157 that the Coroners should exercise the like jurisdiction as by law might be exercised by Coroners elected for counties in England. We have struck out this provision, which would have necessitated constant reference to English statutes and text-books, and we have in lieu thereof codified such part of the English law of Coroners as seemed adapted to the Presidency towns. The amended bill accordingly declares the Coroner's jurisdiction to enquire into deaths by accident, homicide or suicide, sudden deaths by means unknown, and deaths of prisoners in prison. It enables him to order a body to be disinterred, it provides for summoning juries, swearing the jurors, viewing the body, summoning witnesses, and post-mortem examinations. It declares that the evidence shall be taken on oath, that witnesses unacquainted with English shall be examined through an interpreter, that questions suggested by the jury shall be put, and that the Coroner shall take down the material parts of the evidence. Power is given to adjourn the inquest. When the witnesses have been examined, the Coroner will sum up, and the jury will consider of their verdict. When the verdict is delivered, the Coroner will draw up an inquisition setting forth the matters specified in S. 24, and in the form given in the second Schedule. When the verdict amounts to murder, culpable homicide, or killing by a rash or negligent act (the last mentioned offence is about to be added to the Penal Code) the Coroner will bind by recognizance any person acquainted with the facts to appear at the next sessions, and prosecute or give evidence. The Coroner will also certify the recognizances and deliver them with the inquisition and evidence to the Court in which the trial is to be. He may also issue his warrant for the apprehension of the accused. The amended Bill expressly abolishes the Coroner's jurisdiction as to treasure-trove and wrecks, and declares that he shall not be liable to execute process. The Coroner of Calcutta will, under the amended Bill, be appointed by the Lieutenant Governor of Bengal and not by the Governor-General in Council. As to Coroner's juries, we have provided (S. 31) that when an inquest is held on the body of a prisoner, no officer of the prison and no prisoner confined therein shall be a juror. There is a similar provision in the Schedule to the English Prisons Act (28 and 29 Vic., c. 126) , clause 48. As to a Coroner's rights, we have added three clauses, one providing for repaying his disbursements for fees to medical witnesses, hire of rooms for the jury, and the like; another exempting him from serving on juries, and a third privileging him from arrest while engaged in the discharge of his official duty. We have omitted the clause corresponding with Act 12 of 1867, S. 12, as this will more fitly be placed on the Prisoners Bill now before the Council. We have omitted, as unnecessary, the elaborate specification of the informalities in case of which the inquisition may be amended by a Judge of the High Court. For variances between the statements in the inquisition and the Evidence Act 18 of 1862 (Ss. 1 and 57) appears to provide sufficiently....." -Gazette of Ind., 1870, Pt. V, p. 351. An Act to consolidate and amend the laws relating to Coroners. Preamble. - Whereas it is expedient to consolidate and amend the laws relating to Coroners in the Presidency-towns; It is hereby enacted as follows :- CHAPTER 01: PRELIMINARY SECTION 01: SHORT TITLE - This Act may be called The Coroners Act, 1871.2[* * * * *]