

Coroners Act, 1871

Chapter III - Duties and Powers of Coroners

When a Coroner {Subs. by Act 10 of 1881, s.5, for "is informed"} [has reason to believe] that the death of any person has been caused by accident, homicide, suicide, or suddenly by means unknown, or that any person being a prisoner has died in prison,

and that the body is lying within the place for which the Coroner is so appointed,

the Coroner shall inquire into the cause of death.

Every such inquiry shall be deemed a judicial proceeding within the meaning of section 193 of the Indian Penal Code (45 of 1860).

Section 9 - Coroner to be sent for when prisoner dies

Whenever a prisoner dies in a prison situate within the place for which a Coroner is so appointed, the Superintendent of the prison shall send for the Coroner before the body is {Subs. by Act 4 of 1908, s.2, for "buried"} [disposed of]. Any Superintendent failing herein shall on conviction before a Magistrate be punished with fine not exceeding five hundred rupees.

Nothing in the former part of this section applies to cases in which the death has been caused by cholera or other epidemic disease.

Section 10 - Power to hold inquests on bodies within local limits wherever cause of death occurred.

Whenever an inquest ought to be holden on any body lying dead within the local limits of the jurisdiction of any Coroner, he shall hold such inquest, whether or not the cause of death arose within his jurisdiction.

Section 11 - Power to order body to be disinterred.

A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person either for the purpose of taking an original inquisition where none has been taken, or a further inquisition {Subs. by s.3, *ibid.*, for "where the first was insufficient"} [where the Coroner considers it necessary or desirable in the interests of justice to take a further inquisition].

Section 12 - Summoning jury

On receiving notice of any death mentioned in section 8, the Coroner shall summon five, seven, nine, eleven, thirteen or fifteen respectable persons to appear before him at a time and place to be specified in the summons, for the purpose of inquiring when, how and by what means the deceased came by his death.

Inquest may be on Sunday.- Any inquest under this Act may be held on a Sunday.

Section 13 - Opening Court.

When the time arrives, the Coroner shall proceed to the place so specified, open the Court by proclamation, and call over the names of the jurors.

Section 14 - Jurors to be Sworn

When a sufficient jury is in attendance, he shall administer an oath to each juror to give a true verdict according to the evidence, and shall then proceed with the jury to view the body.

Section 15 - View of body

The Coroner and the jury shall view and examine the body at the first sitting of the inquest, and the Coroner shall make such observations to the jury as the appearance of the body requires:

{Ins. by Act 4 of 1908, s.4.}[Provided that the Coroner may, with the concurrence of a majority of the jury, dispense with a view of the body, if he is satisfied, from medical evidence or medical certificates, that no advantage would result from such viewing.]

Section 16 - Proclamation for witnesses

The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Section 17 - Summoning witnesses.

{Subs. by Act 10 of 1881, s.6, for the original paragraphs.} [It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses; the Coroner shall inquire of such circumstances and the cause of death, and, if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

Any person disobeying such summons shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code (45 of 1860), as the case may be.]

For the purpose of causing prisoners to be brought up to give evidence, the Coroner shall be deemed a Criminal Court within the meaning of {Subs by Act 4 of 1938 for "Act No.XV of 1869 (to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them)".} [Part IX {Now see the Prisoners (Attendance in Courts) Act, 1955 (32 of 1955)} of the Prisoners Act, 1900 (3 of 1900)].

Section 18 - Post-mortem examinations.Fees to medical witnesses.

The Coroner may direct the performance of a post-mortem examination with or without an analysis of the contents of the stomach or intestines by any medical witness summoned to attend the inquest: and every medical witness, other than the Chemical Examiner to Government, shall be entitled to such reasonable remuneration as the Coroner thinks fit.

Section 18A - Report of Chemical Examiner

{Ins. by Act 4 of 1908, s.6.} Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898 (5 of 1898).]

Section 19 - Evidence to be on oath. Evidence on behalf of accused

All evidence given under this Act shall be on oath, and the Coroner shall be bound to receive evidence on behalf of the party (if any) accused of causing the death of the deceased person.

Interpreter.- Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the questions put to, and the answers given by, the witnesses.

Questions suggested by jury.- After each witness has been examined, the Coroner shall inquire whether the jury wish any further questions to be put to the witness, and, if the jury wish that any such questions should be put, the Coroners shall put them accordingly.

Section 20 - Coroner to take down evidence in writing

The Coroner shall commit to writing the material parts of the evidence given to the jury, and shall read or cause to be read over such parts to the witness and then procure his signature thereto.

Witnesses to sign depositions.- Any witnesses refusing so to sign shall be deemed to have committed an offence under section 180 of the Indian Penal Code (45 of 1860).

Coroner to subscribe depositions.- Every such deposition shall be subscribed by the Coroner.

Coroner a Magistrate.- {Ins. by Act 10 of 1881, s.7.}[For the purposes of section 26 of the Indian Evidence Act, 1872 (1 of 1872), a Coroner shall be deemed to be a Magistrate.]

Section 21 - Adjournment of inquest

The Coroner may adjourn the inquest from time to time, and from place to place.

Juror's recognizances.- Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded with.

The amount of such recognizances shall in each case be fixed by the Coroner {Ins.by Act 4 of 1908, s.7}[and the whole, or such part thereof as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31].

Section 22 - Coroner to sum up to jury

When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Section 23 - Coroner to draw up inquisition

When the verdict is delivered the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Section 24 - Contents of inquisition

Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth--

(1) where, when and before whom the inquisition is holden,

- (2) who the deceased is,
- (3) where his body lies,
- (4) the names of the jurors, and that they present the inquisition upon oath,
- (5) where, when and by what means the deceased came by his death, and
- (6) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition shall be in the form set forth in the Second Schedule hereto annexed, with such variation as the circumstances of each case require.

Section 25 - Procedure where death is found due to an act amounting to an offence

{Subs. by s.8, ibid., for the original section.} When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in {Subs. by the A.O.1950 for "the Provinces"}[a Part A State or a Part C State] the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the Commissioner of Police.]

Section 26 - Power to arrest and commit for trial

{Subs. by Act 4 of 1908, section.9, for the original section.} The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.]

Section 27 - [Repealed]

[Power to accept bail.] Rep. by the Coroners (Amendment) Act, 1908 (4 of 1908), s.10.

Section 28 - Warrant for burial

When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the {Subs. by s.11, ibid., for "burial"}[disposal] of the body on which the inquest has been taken.

Section 29 - Inquisitions not be quashed for want of form

No inquisition found upon or by any inquest shall be quashed for any technical defect.

Amendment of inquisition.- In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly.

Section 30 - Cessation of jurisdiction as to treasure trove, wrecks, etc

It shall no longer be the duty of the Coroner to inquire whether any person dying by his own act was or was not *felo de se*, to inquire of treasure trove or wrecks, to seize any fugitive's goods, to execute process or to exercise as Coroner any jurisdiction not expressly conferred by this Act.

Felo de se.-- A *felo de se* shall not forfeit his goods.

Deodands.-- Deodands are hereby abolished.

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