

(1) பக்கங்களின் எண்ணிக்கை

20

(2) புதுக்கித் திருப்பிய நாள்

19-5-93

(3) ஆதாரக் குறிப்பவர் சுருக்கொப்பம்

20/5/93

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

திரு. தி. சி. துரை

அரசாணை எண்.

மு. கோப்புத் தாள் எண்.

261

அச்சகம்

பலவகை

நாள் :

4-2-1881

199

சி. பாண்டி

மடிக்கவோ சுண்டபடி கையாளவோ கூடாது.

261
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JUDICIAL DEPARTMENT.

Bills—Legislative.

No. 261.

FROM THE HON. R. DAVIDSON, C.S.I.,
Chief Secretary to the Government of Fort St. George,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

SIR, In continuation of my letter, dated the 1st instant, No. 242, I am directed to forward, for your consideration, in connection with the Bill to empower the Madras Government to alter the local limits of the Coroner's jurisdiction, a paper from the Coroner of Madras, dated the 1st instant, containing suggestions for the amendment of the present Act IV of 1871.

2. The Commissioner of Police has suggested that the report of violent or suspicious deaths in the "outside" limits should be made to a Presidency Magistrate instead of to the Commissioner, but the Government consider this quite out of the question.

I have the honor to be,
Sir,

Your most obedient servant,

FORT ST. GEORGE,
4th February 1881.

Chief Secretary.

From E. NORTON, Esq., Coroner of Madras, to the Chief Secretary to Government,
dated Madras, 1st February 1881, No. 6.

In accordance with my letter to Government, dated 24th January 1881, No. 4, and with the Order, No. 197, passed thereon, dated 27th January 1881, I have the honor to lay before the Government, for their consideration, the following papers in connection with the proposed new Coroner's Act, and the existing Act, IV of 1871.

2. Section 17 of the existing Act makes provision for the punishment, under the Penal Code, of a witness who neglects to attend in obedience to a summons of the Coroner, or who, attending, refuses to give evidence. But there is no provision in the Coroner's Act—similar to that contained in Sections 170—174 of the Civil Procedure Code—which enables him summarily to punish a witness for non-attendance, or for refusal to give evidence when he has attended; though, under Section 31 of his

Act, the Coroner may summarily punish a juror who shall have disobeyed his summons. As I read the present Act, the Coroner would be bound personally to attend and prosecute a defaulting witness; an unnecessary addition to his labor.

2. The Act is silent as to the procedure to be adopted when the Coroner may require the attendance of a witness who resides outside the Presidency town.

3. There is nothing in the Act enabling the Coroner to compel the production of documents—a power which it seems to me it is very necessary that the Coroner should possess.

4. When an inquest is adjourned the Coroner, by Section 21, takes the recognizances of his jurors for their attendance at the adjourned inquest. But the Act contains nothing to show what procedure the Coroner is to adopt if one or more of the jurors is absent. Are all the former proceedings abortive, and must they be commenced again *de novo* before a new panel, or may the inquest proceed before the jurors who are present even if they be only four in number? Nor does the Act enable him to punish such defaulting juror, inasmuch as the terms of Sections 31—33 relate only to the first sitting, and not to the adjournment. The only remedy which the Act as it now stands affords is the slow and expensive one of a civil suit on the juror's recognizance, apparently at the Coroner's own cost.

5. A voluntary confession of guilt made at an inquest by a prisoner while he is in the custody of the Police to a Coroner is, apparently, by Section 26 of the Evidence Act (I of 1872), inadmissible in evidence should the prisoner be tried at the Sessions on the warrant of the Coroner, and cannot be proved against him, on the ground that a Coroner is not a Magistrate. It has been held that even a Village Munsif is, in this Presidency, a Magistrate for the purpose of Section 26 of the Evidence Act (Indian Law Reports 2, Madras Series, page 5). Possibly a Coroner should be declared a Magistrate for the purposes of the same section.

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1881.
JUDICIAL DEPARTMENT.

From
The Chief Secretary to the Govt. of
Fort St. George.

To
The Secy. to the Govt. of India,
Legislative Department.

Dated 1st February 1881.

Issued.

Recd.

No. 131.

Enclosure.

Enclosure.—For forwarding for consideration, letter from the Coroner of Madras containing suggestions for the amendment of the Coroners Act (IV of 1871).

Despatched 8/2/81.

To

The Secretary to the Government
of India,

Legislative DEPARTMENT.

Sir,

In continuation
of my letter dated the 18th
instant, No 242,
I am directed to forward
the remarks of the
Commissioner of Police
dated 31st January 1881
on the provisions of the
Bill to alter the local
limits of the Coroner's
jurisdiction &c.

I am also directed
to forward for your
consideration in con-
nection with the Bill,
~~under reference~~ a paper
from the Coroner of
Madras.

*To empower the magistrates
to alter the local limits
of the Coroner's jurisdiction.*

261
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82
1/2

2. The friends of the
have agreed to have the
Baptist Church the
headquarters for all the
outside friends of the
made to a great extent
help to consider the
subject of the

Dec. 8/2 } For 1st July

1832-41

172-1026

DEPARTMENT.

~~to~~

1/2/81.
3.12.10)

to punish a witness for non attendance, or for refusal to give evidence when he has attended: though under section 31 of his Act, the Coroner may summarily punish a juror who shall have disobeyed his summons. As I read the present Act, the Coroner would be bound personally to attend and prosecute a defaulting witness; an unnecessary addition to his labours.

2. The Act is silent as to the procedure to be adopted when the Coroner may require the attendance of a witness who resides outside the Presidency town.

3. There is nothing in the Act, enabling the Coroner to compel the production of documents - a power which it seems to me it is very necessary that the Coroner should possess.

4. When an Inquest is adjourned the Coroner, by section 24, takes the recognizances of his Jurors for their attendance at the adjourned inquest. But the Act contains nothing to show what procedure the Coroner is to adopt if one or more of the jurors is absent. Are all the former proceedings abortive

and

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and must they be commenced again de novo before a new panel, or may the inquest proceed before the jurors who are present even if they be only 4 in number? Nor does the Act enable him to punish such a defaulting juror, inasmuch as the terms of sections 31-33 relate only to the first sitting and not to the adjournment. The only remedy which the Act as it now stands affords is the slow and expensive one of a civil suit on the Jurors' recognizance, apparently at the Coroner's own cost.

5. A voluntary Confession of guilt made at an inquest by a prisoner while he is in the custody of the Police to a Coroner is, apparently by section 26 of the Evidence Act (I of 1872) inadmissible evidence should the prisoner be tried at the Sessions on the warrant of the Coroner, and cannot be proved against him on the ground that a Coroner is not a Magistrate. It has been held that even a Village Munsiff in this Presidency is a Magistrate for the purpose of section 26 of the Evidence

Evidence Act. (Indian Law Reports 2, Madras
Series page 5) Possibly a Coroner should be
declared a magistrate for the purposes of
the same section.

I have the honor to be,

Sir,

Madras } Your most obedient servant
Coroner's Office } Edley Norris
1st February 1881 } Coroner.

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Judicial (1881) Department

R. (R. 6)

From

The Coroner of Madras

The Chief Secretary
to Government

1881/1922

No. 328

N^o 6

Dated 15th February 1881
Recd /

Long before Government, in
accordance with his letter to
Government dated 21st January
1881, N^o 4 and with Order thereon
N^o 197 dated 27th January 1881,
for their consideration, certain
remarks in connection with the
proposed New Coroner's Act and
the Existing Act IV of 1871.

N^o 10

Remarks by Commissioner of Police
on proposed Bill to alter the local limits
of Coroner's Jurisdiction in Madras.

2/8

1st. During the year 1880 there were 137 inquests held or about one in every 71 hours. Of this total 79 were held within the limits of Quora, Perumbore Vepery and that part of Black Town west of Popham's Broadway - 13 were held in Triplicane - 11 in Mylapore & St. Thomas - 22 in Royapooram and 12 in Black Town to East of Popham's Broadway - If therefore the Coroner were compelled to reside say in Quora or Vepery I cannot see any great necessity for the limits of the Coroner's Jurisdiction being curtailed.

2nd. If however it is considered that the work as above shown is too much for one officer to perform, then I would suggest that a Deputy Coroner be appointed.

3rd. Should it be finally determined that the Coroner's Jurisdiction shall be altered and that the Police are to act under the Sections of the Procedure

Code

Code applicable to unnatural or
sudden deaths, then I would suggest
that the procedure there laid down
be carried out in its entirety and that
the Police report therein referred to be
made to the nearest Magistrate of
whom there are four in the City
of Madras.

Madras Police }
Commissioner's Office } W. Swinburn
31st January 1881 } Ag. Commr. of Police

To

The Chief Secretary to Government
Fort St. George

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11/26/92

Dated 31 January } 1881
Recd 1 Feb }

4. In the case of a person
who is not a member of the
club, the fee is \$1.00 per
month, plus a cent for each
page of the book.

Remarks by Commissioner
of Police on proposed Bill
to alter the local limits
of Coroners's jurisdiction in
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of Carriers of
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2-8-13 ✓

23/10/13 ✓

11-1-18 ✓

15-7-18 ✓

GOV. OF U.S.A.

Just

Letter to J. J. I.

4 July 1911, No. 261

Vol. 13-14

Bills. Leg. Fr. for
correction letter from the
Colon of Honduras containing
suggestions for the amendment
of the ^{Colon} ~~franchise~~ Act
(IV of 1871) in connection
with the Bill to empower
the Honduras Govt. to alter
the local limits of the
Colon's jurisdiction.

✓