

(1) பக்கங்களின் எண்ணிக்கை

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரம் குறிப்பவர் சுருக்கொப்பம்

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தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial குறை

அரசாணை எண்.	3	அச்சகம்
மு. கோப்புத் தாள் எண்.		பலவகை
நாள் :	4 1 1883	199

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மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

3/1

JUDICIAL DEPARTMENT.

Coroner.

No. 1241.

FROM

THE HON. D. F. CARMICHAEL,
Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

Adverting to the extensive area of the town of Madras—twenty-seven square miles—and to the fact that, frequently, two, three, or more inquests have to be held, the same day, in different quarters of the town; the Coroner has applied for the grant of an allowance of 100 Rupees a month (which is to cover carriage allowance) to his Deputy, and for an establishment for that officer of an Interpreter on 50 Rupees and a Constable on 25:—these salaries also to be inclusive of carriage allowance.

2. His Grace the Governor in Council is of opinion that the application is a moderate one and should be allowed. He observes that the cost of the office of Coroner at the three Presidency towns is as under:—

	Budget, 1877-78.
	RS.
Calcutta	12,000
Madras	8,400
Bombay	15,600

The population of the three towns is, in round numbers, respectively 450,000, 400,000, and 675,000; but the area of Madras is not approached by either of the others, and it is this which demands the constant services of a Deputy Coroner.

3. The Act, No. IV of 1871, provides that the Coroner is, with the previous sanction of the Government, to appoint his own Deputy; and "that no such Deputy shall act except during the illness of the Coroner or *during his absence for any lawful or reasonable cause.*" The Advocate-General, having been requested by Government to advise on the precise meaning to be attached to the words in italics, has furnished the Opinion enclosed; viz., that, in the circumstances of Madras, it is a lawful and reasonable cause for the absence of the Coroner and the acting of his Deputy on an inquest, that the Coroner was engaged in holding another inquest.

A similar ruling, I am to observe, is to be found in Reg. r. Perkins (Queen's Bench Reports, Vol. VII, page 165) on the English Statute, 6 and 7 of the Queen, C. 83, S. 1; from which Section 38 of the Indian Act is taken, *verbatim* nearly.

4. A tabular statement accompanies.

I have the honor to be,
Sir,
Your most obedient servant,

OOTACAMUND,
19th June 1878.

Chief Secretary.

From H. STANBROUGH, Esq., Coroner of Madras, to the Chief Secretary to Government, dated Madras, 24th May 1878, No. 15-A.

I have the honor of bringing to the notice of His Grace the Governor in Council that inquests are almost of daily occurrence and that frequently two, three, or more occur in a single day. For instance, I may have fixed an inquest to be in the afternoon at the Adyar, another death is reported in quite an opposite direction and an inquest must be held the same evening, for the following reasons, viz. :—

Firstly.—The body lies exposed in a public thoroughfare.

Secondly.—That decomposition may set in if the body be kept till the next morning, when a *post-mortem* might be rendered impossible and prevent the causes of death being discovered.

Thirdly.—That it would be of great annoyance and inconvenience to the public, more especially to the residents of the street in which the body is lying.

Fourthly.—That, if an unnatural death occurs in a public street and be reported to the Coroner, the Hindoos who live in that street and even their children are obliged to starve till the matter is disposed of by the Coroner and the body ordered to be removed.

2. When two or more inquests, as above stated, are to be held the same day at different extremities, I am often compelled to call upon the Deputy Coroner to take one or more of them so that the public may have no cause for complaint, but that officer will not do so without remuneration.

3. I further beg to point out that when two or more inquests are to be held simultaneously and the Deputy Coroner be called upon to assist, he is unable to do so without an establishment, for I take with me the only Interpreter and Constable attached to the office. I therefore beg to suggest an establishment consisting of a Deputy Interpreter on a salary of 50 Rupees and Deputy Constable on a salary of Rupees 25 be allowed to him.

4. I further beg to state that in the year 1873, when I brought to the notice of Government the necessity of erecting dead-houses in the six health districts into which this town is divided, the Government, by their Order, dated 10th October 1873, No. 1630, informed me that they were not prepared to sanction the arrangement suggested, and decided that the needs of the case would be fully satisfied by an additional supply of tents of a light description with a fly, and also suggested that three such tents for the Black Town, Royapooram, and Egmore Police Stations would be sufficient.

5. In G.O., dated the 18th March 1874, No. 466, the Governor in Council sanctioned the sum of Rupees 1,485, the cost for making up three tents being made, the Government, by their G.O., dated 17th June 1874, No. 1104, authorized me to hire carts and bullocks, when needed, for carrying the tents to the place of inquest, and also directed that the peons attached to my office must, with the aid of

two or three coolies, pitch the tents whenever required and the charges being included in the monthly contingent bill of my office.

6. The above arrangements appeared to me so very expensive that I have deferred having the tents made and continue holding the inquests wherever I can procure a shady place.

7. Under the foregoing circumstances, I respectfully suggest that His Grace the Governor in Council may be pleased to grant an allowance of Rupees 100, inclusive of carriage, to the Deputy Coroner; that he be allowed an establishment consisting of a Deputy Interpreter on 50 Rupees and a Deputy Constable on a salary of Rupees 25, both inclusive of carriage allowance.

The Advocate-General is requested to advise on the following point. Clause 3, Section 38, of the Coroner's Act, 1871, runs as follows: "Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause." Is absence from the local limits of the High Court's Original Civil Jurisdiction the only absence contemplated; or would it be lawful for the Deputy to take an inquest at Royapooram while the Coroner is engaged on similar duty at the Adyar.

(True Extract)

(Signed)

D. F. CARMICHAEL,
Chief Secretary.

OPINION.

I think that Clause 3, Section 38, of the Coroner's Act, 1871, intends that the absence of the Coroner shall be absence from Madras (as in the case of leave of absence) and that in general it would not be lawful for the Deputy Coroner to hold an inquest at Royapooram while the Coroner was engaged on similar duty at the Adyar. If, however, the Coroner could not hold both inquests within a reasonable time, or if the Coroner held another appointment under Government which would render his absence either from Madras or from the inquest lawful, the Deputy Coroner would be entitled to act. Where the jurisdiction of the Coroner extends over a large area absence for the purpose of holding other inquests would be reasonable, which might not be so in a limited area. An inquest held by a Deputy Coroner would be *prima facie* good in almost every case and yet the Coroner may not have been acting within the spirit of the Act in authorizing the Deputy to hold a particular inquest.

2. The only general rule which can be laid down is that the Coroner is himself bound to hold inquests if he can do so, and it will depend upon the facts in each case or number of cases whether the absence of the Coroner was lawful or reasonable so as to authorize the Deputy to act for him.

(Signed)

P. O'SULLIVAN,
Advocate-General.

JUDICIAL DEPARTMENT.

Extract from Home Department, Government of India.		(Office to which the Propo- sition refers.)		NATURE OF CHARGE.		PROPOSITION.								Casual or Extraordinary.		Grounds of Proposition.	Local Government's recom- mendation.	ORDERS OF THE GOVERNMENT OF INDIA.	
Number.	Date.					Present Scales.		Proposed Scale.		PERMANENT.		TEMPORARY.		Casual or Extraordinary.				Grounds of Proposition.	Local Government's recom- mendation.
										Rs. A. P.		Rs. A. P.		Rs. A. P.					
										Rs. A. P.		Rs. A. P.		Rs. A. P.					
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										Rs. A. P.		Rs. A. P.		Rs. A. P.					

(Signed) D. F. CARMICHAEL,
Chief Secretary.

Copies of Memo.

Doc. No.

NOTE

1878

DEPT.

For the Government of
Port St. George.

For the Government of

No.

For the

For the

For the

For the

For the

Progs.

For the

No.

For the Government of
Port St. George.

May
Madras 29th April 1882.

3/4

C. G. Master, Esquire
Acting Chief Secretary
to Government
Coliacannund

Sir,

In obedience to the instructions
conveyed by Derris official memorandum
No. 465 D. dated 29th March 1882
from the Chief Secretariat, the
undersigned have the honour to
forward + a map showing the portion
of this Town which might, under
Section 3 of Act X of 1881, be excluded
from

+ with memo detailing
boundaries

deans the operation of the Coroners Act 1871.

2. — The relief to be given by a territorial restriction of the coroners jurisdiction operating only in the outlying ^{parts} of the Town will not, we fear, be substantial, as, owing to the sparse population of the suburbs but few inquests are held therein.

In 1881 only 14 inquests were held in those portions of the Town to which — after careful consideration, we feel justified in recommending the application of Act X of 1881.

3. — If we may be permitted to express an opinion on the subject generally, we would respectfully submit so long as the office of Coroner is maintained the true remedy for the inconveniences to which that officer and the public

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are said to be exposed is ^{3/4} (1.) to amend the Coroners Act still further by giving the Coroner a discretion as to the necessity for holding inquests and (2.) to invest the Deputy Coroner with a concurrent jurisdiction in such cases as may be delegated to him by the Coroner.

4. — We are led to suggest the first amendment above, because we are informed that many inquests are held which but for the stringent wording of the Act of 1871 would be unnecessary. The deceased may have met with some trifling accident which ultimately induced tetanus, he may have been a patient under skilled medical treatment for a considerable time before his

his death, yet, as his death would be due to accident, the Coroner must summon a jury and hold an inquest on the body. The death in Madras recently of a military officer of high standing who lingered for seven weeks after meeting with an accident affords an instance also in which strictly speaking the law required the holding of an inquest although not the slightest suspicion, or doubt as to the cause of death existed.

5 — The second amendment seems called for, as sometimes the Coroner is required to hold two or three inquests in opposite parts of the Town on the same day or same afternoon and the establishment being so small and the distances to be traversed

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so great, there is difficulty in assembling jurors and witnesses, and in obtaining the physical presence of the one Coroner, his one Interpreter and his one Constable. If the inquest be delayed the whole neighbourhood is put to inconvenience.

6 — We also attach for the information of Government separate minutes by the members of this Conference.

We have the honour to be,
Sir,
Your most Obedient Servants

J. Hicks
Commissioner of Police

M. S. S. S.
Chief Presidency Magistrate

Ludwig Norton

Coroner

The transmission of this report has been delayed owing to the length of time it took to get a copy ready for the proposed Comptroller's report.

From the Committee

21 24 May
21 31 May 1882

CONFIDENTIAL

Report of Committee ordered
to assemble to discuss and report on
attention of local limits of Commis-
sion.

48 Judaea Sept.

3/8

Read again p. 26th June, 82 no 558
June 1778

3/8

Order. 4 January/83 V. 22

In their letter of 29 May 1852 a Committee consisting of the Chief Presidency Magistrate, the Asst. Commr. of Police & the ^{of Madras} Prisoners, reported on the restriction of the ~~Comm~~ letter Officers territorial jurisdiction. The Govt. of India was thereafter

moved to exclude from the
Coroner's jurisdiction certain out-
lying portions of the Municipality
comprised within the local limits
of the Ordinary Original Civil
jurisdiction of the High Court.

The requisite sanction
under Act X of 1881 has since
been accorded & ~~the~~
duly notified, & the R^y

Pro. 26 June 82 no
558/ud

proceed to notice two suggestions
 which the Committee, in their
 letter quoted, have made with
 the object of giving additional
 relief to the Coroner. These
 suggestions are 1st that he
 should be allowed a dispensation
 in the matter of holding in-
 quests; & (2) that the Deputy
 Coroner should have con-
 current jurisdiction. As to
 (1), the Advocate General's opinion
 has been already communicated
 to the Coroner with C.O. 7th June
 1878, no. 1241. As to (2), it
 is observed that the Adv. Genl's
 opinion - a copy of which is
 appended & recorded in Pro. 14 June
 1878, no. 1241, would support the
 Committee's suggestion within the
 limits of what is therein ^{considered} ~~advised~~
 to be reasonable; being to the
 effect that "in the circumstances
 it seems it is a lawful &
 proper course for the Coroner

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 3/4
 & the Coroner & the acting of his
 Deputy as an inquiry that the
 Coroner was engaged in
 holding another inquest.
 absence from Madras without
 leave on private business &
 not, it is noted, he deemed a
 reason justifiable excuse for the
 delegation of the duty.

(From personal orders)
 J.P.
 H.E. Ch. Secy
 1878, no. 1241
 June 11/78

The Chief Presidency Magistrate } Despatch 17/1
 Comr. of Police
 Comr. of Madras District
 8/1/83
 I send you the

3/10
GOVERNMENT OF MADRAS.

3/10
JUDICIAL DEPARTMENT.

READ—the following paper:—

From the Committee appointed to report on the restriction of the Coroner's territorial jurisdiction, to the Chief Secretary to Government, dated Madras, 29th May 1882.

In obedience to the instructions conveyed by demi-official memorandum, No. 465-R, dated 29th March 1882, from the Chief Secretariat, the undersigned have the honor to forward a map * showing portions of this town which might, under Section 3 of * With memorandum detailing boundaries.

Act X of 1881, be excluded from the operation of the Coroners Act, 1871.
2. The relief to be given by a territorial restriction of the Coroner's jurisdiction operating only in the outlying parts of the town will not, we fear, be substantial, as owing to the sparse population of the suburbs, but few inquests are held therein. In 1881 only fourteen inquests were held in those portions of the town to which, after careful consideration, we feel justified in recommending the application of Act X of 1881.

3. If we may be permitted to express an opinion on the subject generally, we would respectfully submit that, so long as the office of Coroner is maintained, the true remedy for the inconveniences to which that officer and the public are said to be exposed is (1) to amend the Coroners Act still further by giving the Coroner a discretion as to the necessity for holding inquests, and (2) to invest the Deputy Coroner with a concurrent jurisdiction in such cases as may be delegated to him by the Coroner.

4. We are led to suggest the first amendment above because we are informed that many inquests are held which, but for the stringent wording of the Act of 1871, would be unnecessary. The deceased may have met with some trifling accident which ultimately induced tetanus; he may have been a patient under skilled medical treatment for a considerable time before his death; yet, as his death would be due to accident, the Coroner must summon a jury and hold an inquest on the body. The death in Madras recently of a military officer of high standing, who lingered for seven weeks after meeting with an accident, affords an instance also in which, strictly speaking, the law required the holding of an inquest, although not the slightest suspicion or doubt as to the cause of death existed.

5. The second amendment seems called for, as sometimes the Coroner is required to hold two or three inquests in opposite parts of the town on the same day or same afternoon, and the establishment being so small, and the distances to be traversed so great, there is difficulty in assembling jurors and witnesses and in obtaining the physical presence of the one Coroner, his one Interpreter, and his one Constable. If the inquest be delayed, the whole neighbourhood is put to inconvenience.

6. We also attach, for the information of members of this Conference.

ORDER—dated 4th January 1883,

In their letter of 29th May 1882, the Acting Commissioner of Police, the Chief Presidency Magistrate, and the Coroner of Madras, reported on the restriction of the latter officer's jurisdiction.

* Proceedings, 20th June 1882, No. 55, vol. I.

within the local limits of the Order.

2. The requisite sanction was notified, and the Government now, in their letter quoted, have the Coroner. These suggestions as to matter of holding inquests, and (2) jurisdiction. As to (1), the Advocate-General observed that the Advocate-General in Proceedings, 19th June 1878, N. 1, within the limits of what is therein that, in the circumstances of Madras, of the Coroner, and the acting of his in holding another inquest. Absent would not, it is noted, be deemed a

To the Chief Presidency Magistrate.
" Commissioner of Police.
" Coroner of Madras.

I think that Clause 3, Section 1, of the Coroners Act, 1871, intends that the absence of the Coroner shall be absolute, and that in general it would not be at Ráyapuram while the Coroner is however, the Coroner could not hold an inquest if he is appointed to hold another from Madras or from the inquest to act. Where the jurisdiction of the Coroner extends over a large area, absence for a limited area. An inquest held in almost every case, and yet the Coroner the Act in authorizing the Deputy

tion of Government, separate minutes by the

(Signed) F. J. HICKS,
Acting Commissioner of Police.

(Signed) T. WELDON,
Chief Presidency Magistrate.

(Signed) E. NORTON,
Coroner.

Judicial.

Committee, consisting of the Chief Presidency Magistrate, the Coroner of Madras, reported on the restriction of the latter officer's jurisdiction. The Government of India was thereafter moved to exclude from the Coroner's jurisdiction certain outlying portions of the Municipality comprised within the local limits of the Order.

At X of 1881 has since been accorded and duly notified to notice two suggestions which the Committee with the object of giving additional relief to that he should be allowed a discretion in the matter. The Deputy Coroner should have concurrent jurisdiction. The Advocate-General's opinion has been already communicated in Proceedings, 1882, No. 264. As to (2), it is observed—a copy of which is appended—recorded in Proceedings, 19th June 1878, N. 1, would support the Committee's suggestion that it would be reasonable, being to the effect that, in the circumstances of Madras, of the Coroner, and the acting of his in holding another inquest. Absent would not, it is noted, be deemed a

Extract.)

Chief Secretary.

HON.

the Coroners Act, 1871, intends that the absence of the Coroner shall be absolute, and that in general it would not be at Ráyapuram while the Coroner is however, the Coroner could not hold an inquest if he is appointed to hold another from Madras or from the inquest to act. Where the jurisdiction of the Coroner extends over a large area, absence for a limited area. An inquest held in almost every case, and yet the Coroner the Act in authorizing the Deputy

2. The only general rule which can be laid down is that the Coroner is himself bound to hold inquests if he can do so, and it will depend upon the facts in each case, or number of cases, whether the absence of the Coroner was lawful or reasonable so as to authorize the Deputy to act for him.

(Signed) P. O'SULLIVAN,
Advocate-General.

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Exd. J. W. Fischer.

Govt. of (1883) Mad

JUDICIAL.

Printed

Reel

Encl.

G.O., 4th January 1883, No. 3.

JANUARY.

Coroner of Madras.

Passing orders on certain suggestions made
the Committee appointed to report on the restri-
tion of the Coroner's territorial jurisdiction.

DEPARTMENT.

FILED 4th 1st 7/103

73.

First copy sent to Press. 10/1/03.

Returned for signature. 11/1/03

Despatched in print. 17/1/03

[Signature]

[Despatch Abstract.]

Coroner of Madrid. Raising
 orders on ^{certain} suggestions made by
 the Com. to report on the
 action of the Coroner's territorial
 jurisdiction that the Coroner should
 be allowed a discretion in the mat-
 -ter of holding inquests, & that
 the Coroner should have
 concurrent jurisdiction.