

Coroners (Maharashtra Repeal) Act, 1999**8 of 2000**

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Coroners (Maharashtra Repeal) Act, 1999**8 of 2000**

An Act to repeal the Coroners-Act, 1871, applicable within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay (now Brihan Mumbai), in the State of Maharashtra. WHEREAS the Governor of Maharashtra had promulgated the Coroners (Maharashtra Repeal) Ordinance, 1999, on the 26th July of 1999 (hereinafter referred to as "the said Ordinance"); AND WHEREAS upon the re-assembly of the State Legislature on the 22nd October, 1999, the said Ordinance was laid before both Houses of the State Legislature, however, a Bill for converting the said Ordinance into an Act of the State Legislature could not be introduced in the Maharashtra Legislative Assembly for want of time as the session of the State Legislature prorogued on the 23rd October, 1999. AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance would have ceased to operate after the 3rd December, 1999, the date on which the period of six weeks from the date of re-assembly of the State Legislature would have expired; AND WHEREAS it was considered expedient to ensure that the said Ordinance is converted into an Act of the State Legislature : AND WHEREAS both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the said Ordinance, for the aforesaid purposes; and therefore, the said Ordinance was repealed by withdrawal and the Coroners (Maharashtra Repeal) (Continuance) Ordinance, 1999, was promulgated with retrospective effect, that is, with effect from

the 26th July, 1999, on the 2nd December, 1999; AND WHEREAS it is expedient to replace the provisions of the Coroners (Maharashtra Repeal) (Continuance) Ordinance, 1999, by an Act of the State Legislature; It is hereby enacted in the Fiftieth Year of the Republic of India as follows :-

NOTES The Coroners Act, 1871, had been enacted, inter alia, for the then Presidency town of Bombay and was applicable, within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay (now Brihan Mumbai), to inquire into the unnatural, accidental or otherwise suspicious deaths. With the ever increasing population in the City of Mumbai, by migration or otherwise, the number of accidental and unnatural deaths had also been increasing. As compared to the number of such incidents, the present machinery of the Coroner's Court was totally inadequate and the procedure to inquire into such deaths provided under the said Act had also proved to be quite cumbersome, time consuming and outdated. This was resulting in delay in handing over the body of the deceased to the relatives, thereby causing avoidable anxiety, agony and mental tension to the relatives of the deceased. The Government of Maharashtra, therefore considered it expedient to repeal the Coroners Act, 1871, which was applicable only in Brihan Mumbai, and make the provisions of sections 174 and 176 and other relevant related provisions of the Code of Criminal Procedure, 1973, as were applicable in the other parts of the State of Maharashtra, applicable also to the local area of Brihan Mumbai to have uniformity throughout the State of Maharashtra. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to repeal the Coroners Act, 1871, applicable to the area within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay (now Brihan Mumbai], in the State of Maharashtra, for the purposes aforesaid, the Coroners (Maharashtra Repeal) Ordinance, 1999 was promulgated by him on the 26th July, 1999. Thereafter, the session of the State Legislature was convened by the Hon'ble Governor on the 22nd October, 1999 and the said Ordinance was placed on the table of both Houses of the State Legislature on the same date. However, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in the Legislative Assembly for want of time as the said session was prorogued on the very next day, i.e. on the 23rd October, 1999. As the State Legislature had re-assembled on the 22nd October, 1999. the said

Ordinance would have ceased to operate after the expiry of six weeks period therefrom, i.e. the 3rd December, 1999. It was, therefore, considered expedient to continue the said Ordinance in operation till the next session of the State Legislature, scheduled to commence on the 13th December, 1999. at Nagpur. Coroners (Maharashtra Repeal) Act, 1999 817 As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the Coroners (Maharashtra Repeal) Ordinance, 1999 (Mah. Ord. XVII of 1999), the Coroners (Maharashtra Repeal) (Continuance) Ordinance, 1999 (Mah. Ord. XXIX of 1999), was promulgated by the Governor of Maharashtra on the 2nd December, 1999, with retrospective effect, i.e. with effect from the 26th July, 1999.- Statement of Objects and Reasons.

1. Short Title And Commencement :-

- (1) This Act may be called the Coroners (Maharashtra Repeal) Act, 1999.
- (2) It shall be deemed to have come into force on the 26th July, 1999.

2. Repeal Of Act Iv Of 1871 :-

The Coroners Act, 1871, in its application to the area within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay (now Brihan Mumbai), in the State of Maharashtra, is hereby repealed.

3. Effect Of Repeal And Savings :-

It is hereby declared that on such repeal, the following consequences shall ensue:-

- (1) On the date of coming into force on this Act,-
 - (a) the offices of the Coroner and Additional Coroners of Mumbai shall stand abolished, and the persons holding the said offices immediately before the said date, if appointed to the said posts,-
 - (i) by transfer from the cadre of Metropolitan Magistrate, shall stand transferred to the establishment of the Chief Metropolitan Magistrates Court; and
 - (ii) by nomination, shall stand absorbed in such other equivalent post under the State Government, in Mumbai, as the State

Government may deem fit;

(b) the staff appointed for the purposes of implementation of the Coroners Act, 1871, may be transferred by the State Government to such of the equivalent posts, in Mumbai, as the State Government may deem fit;

(c) any proceeding or inquiry pending before the Coroners Court, shall be deemed to be a proceeding or inquiry within the meaning of section 176 of the Code of Criminal Procedure, 1973, and shall be transferred to, and dealt with, by the Magistrate empowered in this behalf, by the State Government by general or special order issued in this behalf, under the provisions of section 174 read with section 176 of the Code of Criminal Procedure, 1973.

(2) Save as otherwise provided in this Act, the provisions of section 7 of the Bombay General Clauses Act, 1904, with regard to effect of repeal, shall apply.

4. Repeal Of Mah. Ord. Xxix Of 1999 And Savings :-

(1) The Coroners (Maharashtra Repeal) (Continuance) Ordinance, 1999 is hereby repealed.

(2) Notwithstanding such repeal, any action taken under the said Ordinance (including any order or notification issued), shall be deemed to have been taken or issued under the corresponding provisions of this Act.