

# The Coroners (Maharashtra Repeal) Act, 1999

MAHARASHTRA

India

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### Act 8 of 2000

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The Coroners (Maharashtra Repeal) Act, 1999 Maharashtra Act No. 8 of 2000 For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1960, Part 5-A, Extraordinary, dated the page \_\_\_\_\_. (This Act received the assent of the Governor on the 6th January, 2000; assent was first published in the Maharashtra Government Gazette, Extraordinary, Part IV on the 7th January 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 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take immediate action to continue the said Ordinance, for the aforesaid purposes; and therefore, the said Ordinance was repealed by withdrawal and the Coroners (Maharashtra Repeal) (Continuance) Ordinance, 1999, was promulgated with retrospective effect, that is, with effect from the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:-

### 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 onto 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 of 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 Magistrate's 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 Coroner's 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 Maharashtra Order 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.