

PART B.—REFERENCES TO, THE CHEMICAL EXAMINER,

1. (i) The question as to whether any, and, if so, what, articles should be sent for chemical analysis, and the transmission of such articles to the Chemical Examiner will rest ordinarily with the Medical Officer (usually the Civil Surgeon), who should, however, attend to any requisition made by the Magistrate or the Police in this matter.

Medical officer to be consulted about articles to be sent to Chemical Examiner.

(ii) In cases where human subjects are not concerned the Police may send articles to, and correspond direct with the Chemical Examiner.

In certain cases Police may send articles direct.

(iii) All Magistrates are at liberty to forward any articles connected with any Criminal Case before them to the Chemical Examiner, but the desirability of their consulting the Civil Surgeon or other Medical Officer before doing so is obvious.

Everything upon which the Chemical Examiner's opinion is necessary, should be forwarded to him with the least possible delay.

2. On the subject of the Chemical Examiner's work in India, the careful attention of Magistrates, Medical Officers and the police is directed to the statement of the conditions of medico-legal inquiry in India as compared with such inquiry in England, prepared by the Chemical Examiner for the Punjab, and annexed hereto as Appendix A.

Conditions of Medico-legal inquiry in India.

3. Whenever any article is sent to the Chemical Examiner, whether by a Magistrate, Medical Officer or the Police it should be accompanied by a statement containing all possible information that may serve to guide the Chemical Examiner in his investigation.

Statement to accompany articles sent.

4. All articles should be forwarded in separate bottles, the stomach in one, its contents in another, the liver in a third, dry particles in small phials; and when any articles liable to decomposition are sent, they should always, whether the season be hot or cold, be immersed in methylated spirits of wine which should be used

Mode of packing of articles to be sent.

in the proportion of one-third of the bulk of the articles.

The cork of each bottle should be tied down and sealed and each bottle should be numbered. To ascertain that it has been securely closed, the bottle should be placed for some minutes with its mouth down.

Weight of articles sent to be noted.

5. The weight of each article sent, and, where the portion of an organ is sent, the weight of the whole organ, as well as of the part sent, and, in the case of fluids the total quantity of the fluid and the quantity sent should be stated on a ticket attached to the bottle, and also in the letter of invoice prescribed in paragraph 8 below.

Precautions in packing bottles.

6. (i) The several bottles containing the articles sent should be enclosed in a tin or wooden box, which should be large enough to allow of a layer of raw cotton, at least three-fourths of an inch thick, being put between the bottle and the box; the box should be securely fastened and covered with wax-cloth.

(ii) In cases where any of the contents of the bottles might prove offensive, the box must be of tin, and Macdougall's powder or charcoal should be dusted between the box and wax-cloth.

Articles to be packed and sealed in the presence of the forwarding officer.

7. All articles on being put up by the forwarding officer, and sealed and numbered by him, should be packed in his presence and under his immediate supervision, and the package should then be sealed by him, in accordance with the usual rules of the Post Office as to parcels, in such a manner that it cannot be opened without destroying the seal. The seal used should be a private seal, and the same throughout.

Invoice of articles and post-mortem reports or statement to accompany articles.

8. In all cases of transmission of articles to the Chemical Examiner, whether by a Magistrate, Medical Officer, or the Police, a letter of invoice giving a full description of the articles sent, should be despatched by post, together with the statement or post-mortem report. A duplicate of the invoice should also be

placed between the wax-cloth and the box to accompany the package. Both copies of the invoice should be stamped with an impression of the seal referred to in paragraph 7.

The Chemical Examiner should be requested to return, if possible, any articles sent to him for examination which is likely to be required at the trial.

9. In inquiries or trials, where reference has been made to the Chemical Examiner, it will be the duty of the Magistrate to examine the official who despatched the articles for analysis with regard to the indentivity of the invoice and seal, and thereby establish the identity of the subjects reported on with those sent for analysis, and prove that the Chemical Examiner's report refers to the subject connected with the case under inquiry. If the decision of the case turns on the results of the chemical examination, a copy of the judgment, and of the evidence regarding symptoms and postmortem appearances, will be supplied to the Chemical Examiner; such copies being made at the expense of Government as a special charge.

Evidence should be taken to prove that Chemical Examiner's report refers to the subject connected with the inquiry.

10. In all cases of homicide, where the body is found, the identity of the body with the person said to be deceased must be fully established before the Magistrate trying or inquiring into the case.

Identity of body to be proved.

In such cases, where there has been a postmortem examination, evidence must be recorded, by the Magistrate to prove the custody of the body of the deceased after death, and its delivery for the purpose of post-mortem examination to the Medical Officer.

11. In all cases in which articles are brought up in evidence, the custody of such articles, throughout the various stages of the inquiry must be clearly traced and established. Evidence must be recorded on this point, and the evidence should never leave it doubtful as to what person or persons have had charge of the articles at any stage of the proceedings.

Proper custody of articles to be proved.

All such articles must be distinctively marked, and any reference to them in the record must be so clear as to leave no room for doubt as to the special article referred to.

Evidence of non-professional witnesses re blood and human hair should be accepted with caution.

12. Magistrates are warned that the evidence of non-professional witnesses on the subject of blood and of human hair must be accepted with the utmost caution, and that, where the case rests materially on the proof of such matters, the evidence of a professional witness must be taken, and reference made, if necessary, to the Chemical Examiner.

Chemical Examiner attached to Custom Departments are Chemical Examiners for the purpose of section 510 Criminal Procedure Code.

13. The Chemical Examiners and Assistant Chemical Examiners attached to the Customs Departments at Madras, Bombay; and Calcutta are 'Chemical Examiners to Government', for the purpose of section 510, Criminal Procedure Code.

GOVERNMENT OF INDIA

FINANCE DEPARTMENT (CENTRAL REVENUE)

Simla, the 7th August, 1943. NOTIFICATION

Chemical Establishment

No. 67.—With reference to section 510 of the Code of Criminal Procedure, 1898, (Act V of 1898), the Central Government is pleased to declare that the Chemical Examiners in the Custom Houses at Bombay, Calcutta, and Madras in the Central Revenue Control Laboratory, New Delhi, the Central Excises and Salt Revenue Department, North Western and North Eastern India and in the Opium Factory, Ghazipur, are Chemical Examiners to Government.