

Standing Procedure Code of the Appointment, Disciplinary Procedure, Cancellation of Appointment, and Duties and Responsibilities of Inquirers into Sudden Deaths (ISDs)

1. Legal Framework

By virtue of the powers vested in the Minister in charge of the subject of Justice under Section 108 of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of conducting inquests into deaths under Chapter XXX of the said Act, this Standing Procedure Code sets out the procedure relating to the appointment and cancellation of appointments of Inquirers into Sudden Deaths (ISDs), together with the duties and responsibilities to be discharged by such officers in accordance with the provisions of the Act.

2. Nature of Appointment

- 2.1.** The post of Inquirer into Sudden Deaths is not a permanent salaried government position, but an honorary post serving the public. However, for inquests conducted by Inquirers into Sudden Deaths, payments are made through the relevant High Court in accordance with the provisions of Chapter X, Section 3 of the Establishments Code (In accordance with Ministry of Justice Circular No. 03/2019 and its amendments)
- 2.2.** Inquirers into Sudden Deaths shall not hold any other salaried position in the Government, a Statutory Board, or the Private Sector. Service should be provided whenever possible.
- 2.3.** Inquirers into Sudden Deaths are not entitled to receive any benefit or remuneration from any external party for performing their duties or for any duty already performed.
- 2.4.** The appointment as an Inquirer into Sudden Death shall be valid for a period of three (03) years from the effective date, or until the appointee reaches the age of seventy (70) years , whichever occurs first.

3. Basic Qualifications for Appointment

3.1. To be appointed as an Inquirer into Sudden Deaths for a Divisional Secretariat Division, an applicant must fulfil the following qualifications:

- 3.1.1.** Must be a citizen of Sri Lanka.
- 3.1.2.** Must be not less than twenty-seven (27) years and not more than sixty five (65) years of age.
- 3.1.3.** Must possess good character and sound health.
- 3.1.4.** Must be a permanent resident for at least one year within a Grama Niladhari Division belonging to the inquest area for which the appointment is sought.
- 3.1.5.** Must have passed in 03 subjects at one sitting at the G.C.E. (Advanced Level) Examination (excluding the Common General Test and General English). [Preference will be given to applicants with proficiency,

technical knowledge, and passes in 3 Biological Science subjects at the G.C.E. (A/L).]

- 3.1.6. Priority will be given to applicants who have obtained a Credit Pass for the English language in the G.C.E. (Ordinary Level) Examination.
- 3.1.7. Must possess proficiency in the language medium in which duties are expected to be performed.
- 3.1.8. Must not have been convicted by a court of law for any criminal offence, other than an offence under the Motor Traffic Act (Chapter 203) punishable by a fine not exceeding ten thousand rupees (Rs. 10,000/-), as amended from time to time.
- 3.1.9. Must not be a person removed from any post appointed by the Minister in charge of the subject of Justice.
- 3.1.10. Employment of the applicant or their spouse as a Registrar of Births and Deaths appointed under the Births and Deaths Registration Act, No. 17 of 1951, shall be considered a disqualification for appointment to this post.

3.2. To be appointed as an Inquirer into Sudden Deaths for hospitals, an Inquirer into Sudden Deaths must satisfy the following basic qualifications:

- 3.2.1. Must have completed a minimum of three (03) years of continuous service as an Inquirer into Sudden Deaths in a division within the district where the hospital is located.
- 3.2.2. At the time of consideration for appointment, the officer must not be facing a disciplinary inquiry and must not have been found guilty in any disciplinary inquiry or criminal case.
- 3.2.3. Applicants must have obtained a Credit Pass for English in the G.C.E. (Ordinary Level) Examination, as they should possess a knowledge of English sufficient to read and understand medical records.
- 3.2.4. Must hold a Diploma for Inquirers into Sudden Deaths.
- 3.2.5. Must have participated in capacity development training workshops conducted by the Ministry of Justice / Ministry of Health.

4. Procedure for Appointment / Extension

4.1. Procedure for Divisional Secretariat Appointments

- 4.1.1. Calling for applications through a notice published in the Government Gazette or on the Ministry website for vacant inquest areas.
- 4.1.2. Conducting a written examination for applicants meeting the basic qualifications to test their knowledge of general knowledge, general legal principles and biological science topics.
- 4.1.3. Applicants qualifying in the written examination will be subjected to a structured interview, and appointments will be granted upon approval of the Hon. Minister of Justice.

4.2. Procedure for Hospital Appointments

- 4.2.1.** Calling for applications through a notice published on the Ministry website for vacant hospital positions.
- 4.2.2.** Conducting a written examination for applicants meeting the basic qualifications to assess their knowledge of post-mortem examinations and their ability to read and understand medical reports.
- 4.2.3.** Applicants qualifying in the written examination will be subjected to a structured interview, and appointments will be granted upon approval of the Hon. Minister of Justice.

4.3. Procedure for Extension of Service

- 4.3.1.** Three (03) months prior to the expiry of the three-year tenure under Sections 4.1 and 4.2, a written request for extension must be submitted along with an affidavit certifying that basic qualifications (excluding educational and language qualifications) remain unchanged.
- 4.3.2.** Submission of a medical report obtained from a government hospital regarding the applicant's good state of health is mandatory.
- 4.3.3.** All factors during the completed period of service, such as good conduct, efficiency, integrity, discipline, and attendance at training sessions and workshops held by or in collaboration with the Ministry of Justice or Ministry of Health, will be taken into consideration.

5. Duties and Responsibilities

- 5.1.** Inquirers into Sudden Deaths are appointed by the Hon. Minister in charge of the subject of Justice to dignified and highly responsible positions, with the expectation that they will conduct prompt inquiries into sudden deaths to assist the judiciary and promptly and respectfully hand over the body to the relatives of the deceased.
- 5.2.** Duties must be performed in accordance with Chapter XXX of the Code of Criminal Procedure Act, No. 15 of 1979, and circulars/written instructions issued by the Ministry from time to time.
- 5.3.** Inquirers are legally bound to report their recommendations to the relevant courts diligently, fairly, impartially, and through thorough investigation.
- 5.4.** Must possess a broad understanding of the relevant laws regarding reporting information and conducting investigations as an Inquirer into Sudden Deaths.
- 5.5.** Every Inquirer must possess a valid appointment letter issued by the Ministry and an official identity card during their tenure.
- 5.6.** Every Inquirer is assigned a registration serial number, which must be quoted in all official matters. The seal must contain this number and must not display the National Emblem or any Judicial Crest.
- 5.7.** Inquirers may display a signboard stating "Inquirer into Sudden Deaths" at their office and residence to notify the public.

- 5.8.** Duty cannot be performed after the expiration of the appointed period. If a service extension is required, a written request must be submitted to the Ministry Secretary three (3) months prior to the expiration of the appointment period.
- 5.9.** Exercising duties as an Inquirer after expiry or without a proper extension is a punishable offence under Section 168 of the Penal Code of Sri Lanka, liable to prosecution and conviction.
- 5.10.** Inquirers must not delay handing over bodies to relatives without lawful cause. The Inquirer's certificate (Form B18) must be issued within a time frame (less than 24 hours from death) allowing sufficient time for customary funeral rites.
- 5.11.** The function of an Inquirer into Sudden Deaths conducting an inquest is not to investigate a crime or an offence, but to report the cause and manner of death to the Court. Accordingly, duties must be performed with responsibility at all times under the provisions governing functions and powers under Chapter XXX of the Code of Criminal Procedure Act, No. 15 of 1979.
- 5.12.** Upon receiving information about a death within their division, the Inquirer must immediately proceed to the location of the body to hold the inquiry. Relatives must never be instructed to bring the body to another location.
- 5.13.** Where a post-mortem examination is performed by a Judicial Medical Officer (JMO), the cause of death in Form B18 must be recorded verbatim and in the same language as stated by the JMO.
- 5.14.** Where no post-mortem examination is performed and the Inquirer into Sudden Deaths states the apparent cause of death, it must be recorded on Form B-18 as trained, in accordance with the format recommended by the World Health Organization (WHO Format) and the Ministry of Health, as follows: Ia - Immediate cause; Ib, Ic - Antecedent or underlying causes; and II - Contributory conditions.
- 5.15.** Upon completion of each inquest, the relevant report must be submitted to the Magistrate immediately. For this purpose, the prescribed format attached hereto must be prepared in triplicate (03 copies). The first copy must be submitted to the Magistrate along with the inquest report. The second copy must be sent to the Additional Secretary performing duties in relation to Inquirers into Sudden Deaths at the Ministry of Justice. Action must be taken to retain the third copy in the file of the Inquirer into Sudden Deaths.
- 5.16.** It is the responsibility of an Inquirer into Sudden Deaths to keep inquest reports safely preserved, and in the event of a resignation or termination of service, all relevant documents must be filed and formally handed over in writing to the successor Inquirer into Sudden Deaths appointed to the post. The details of the documents so handed over must be completed in accordance with the prescribed form and submitted to the Secretary to the Ministry of Justice within 15 days from the date of such handing over.
- 5.17.** The responsibility of deciding whether a post-mortem examination should be conducted by a Judicial Medical Officer (JMO) in respect of a death lies with the Inquirer into Sudden Deaths. It is mandatory to refer to a Judicial Medical Officer every suspicious death that may lead to a court case, deaths resulting from road traffic accidents, deaths where the precise cause cannot be determined

and deaths specified by Ministry circulars as requiring mandatory post-mortem examination.

- 5.18.** Form B18, introduced by the Registrar General's Department must be used for every inquest into a sudden death, and its original copy must be handed over to the relatives so as to enable them to submit it to the Registrar of Births and Deaths, while the second copy must be submitted to the Additional District Registrar. In the event that an amendment is required to a Form B18 issued by oneself or by one's predecessor, a written request to that effect must be submitted to the Additional District Registrar in charge of the second copies, and action must be taken to properly resubmit the said document after making the necessary amendments.
- 5.19.** Inquests into deaths confirmed after admission to a hospital or upon being brought to a hospital must be conducted by the Inquirer into Sudden Deaths appointed to that hospital, if one has been so appointed; if not, they shall be conducted by the Inquirer into Sudden Deaths of the jurisdiction to which the said hospital belongs.
- 5.20.** If a death occurs within a particular Inquirer into Sudden Deaths division and the body is referred to a hospital for a post-mortem examination, the inquest into sudden death shall be conducted by the Inquirer into Sudden Deaths belonging to the division corresponding to the location where the death occurred.
- 5.21.** In respect of maternal deaths, action must be taken in accordance with the instructions specified in Ministry of Justice Circular Nos. 01/2014 and 13/2018.
- 5.22.** Upon completion of each inquest, the relevant report must be submitted to the Magistrate immediately.
- 5.23.** In addition, duties must be carried out in accordance with circulars, guidelines, and instructions issued by the Ministry from time to time.
- 5.24.** Upon appointment to the post of Inquirer into Sudden Deaths, participation in capacity development training courses conducted by the Ministry of Justice, the Ministry of Health, or any other government institution with the concurrence of the Ministry of Justice in relation to those duties is mandatory.
- 5.25.** In the event that the service of an Inquirer into Sudden Deaths is terminated, all documents in his or her custody must be handed over to the newly appointed Inquirer into Sudden Deaths for that division. Likewise, if an Inquirer into Sudden Deaths dies, the newly appointed Inquirer into Sudden Deaths for that division must collect the relevant documents.
- 5.26.** In the event that an Inquirer into Sudden Deaths dies, the successor Inquirer into Sudden Deaths appointed to that division shall collect the relevant documents from the nearest relative.
- 5.27.** standardized forms provided by the Ministry must be used in order to maintain greater transparency, accuracy, and uniformity.
- 5.28.** Although photographs and recordings of the deceased body and surrounding evidence may be taken during an inquest for future requirements, such photographs, voice recordings, or any information regarding the inquest must not be released or provided to social media or any third party under any circumstances, except upon a judicial order.

6. Disciplinary Control

- 6.1. The disciplinary authority for Inquirers into Sudden Deaths is the Secretary to the Ministry in charge of the subject of Justice and services must be provided in accordance with the instructions and orders given by him/her.
- 6.2. Upon any complaint, petition, or information received by the Ministry of Justice regarding a failure to fulfill the duties and responsibilities specified under Section 5, non-compliance with the orders of the Secretary to the Ministry in charge of the subject of Justice, or the misuse and abuse of office, an investigation will be conducted by a public officer nominated by the Secretary (which investigation must be concluded within 03 months), and the disciplinary action recommended by the said investigating officer shall be taken upon confirmation by the Secretary.
- 6.3. If, during the said investigation, the officer is found guilty of the charges and termination of service is recommended, the appointment to the post of Inquirer into Sudden Death shall be revoked at any time upon confirmation of the said recommendation by the Secretary and with the concurrence of the Hon. Minister of Justice.
- 6.4. If an Inquirer into Sudden Deaths is removed in terms of Section 6.3 of this Code of Conduct, an appeal may be submitted within a period of one calendar month from the date of such removal.

7. Cancellation of Appointment

- 7.1. Expiry of the three (03) year period of appointment under Section 4.
- 7.2. An Inquirer into Sudden Deaths reaching the age of seventy (70) years.
- 7.3. Resignation of an Inquirer into Sudden Deaths from the post by submitting a written request.
- 7.4. Any change occurring in the qualifications required for appointment under Section 3 regarding an Inquirer into Sudden Deaths.
- 7.5. Disciplinary grounds.
- 7.6. Reports indicating the lack of an adequate level of good health to perform the duties of an Inquirer into Sudden Deaths.
- 7.7. Appointment to a post in the Public Service, Provincial Public Service, Public Corporation, Commission, or Statutory Board, or election as a Member of Parliament, Provincial Council Member, or Local Government Authority Member.
- 7.8. Acting in contravention of the provisions set out in Sections 2, 3, 4, and 5 of this Code of Conduct.

8. Inquest Areas (Jurisdictions)

- 8.1. Inquest jurisdictions are determined by the Minister in charge of the subject of Justice, covering Divisional Secretariat Divisions and Hospitals.

9. Reporting for Duty

- 9.1. All Inquirers must report to the Magistrate of their respective jurisdiction and carry out duties subject to circular instructions issued by the Secretary to the Ministry of Justice

9.2.If temporarily unable to report for duty, the Inquirer must nominate an Inquirer from the same or adjacent division to act on their behalf and immediately notify the Ministry Secretary.

10. Local and Overseas Leave

10.1. All Inquirers into Sudden Deaths are bound to provide services on weekdays as well as on public holidays and weekends, as required, regardless of office hours. If an Inquirer into Sudden Deaths intends to take local or overseas leave for a period exceeding one (01) week, the relevant application, including the name of an Inquirer into Sudden Deaths from an adjacent division to cover duties, must be submitted to the Ministry of Justice.

11. Official Dress Code

11.1. When participating in an inquest into a sudden death, it is highly important to attend in appropriate formal attire so as to preserve the dignity of the post.

11.2. Inquirers into Sudden Deaths who engage in inquest duties dressed in European attire should wear black trousers and a white shirt (with a necktie), or engage in duties dressed in the white national attire.

11.3. Female Inquirers into Sudden Deaths should engage in duties appropriately dressed in an Osaria (Kandyan saree) or saree, as suitable for the occasion.

12. Notifications

12.1. An Inquirer into Sudden Deaths must promptly inform the Secretary to the Ministry in writing of any of the following:

12.1.1. A change in the name of the Inquirer into Sudden Deaths

12.1.2. A change in the residential address or phone number

12.1.3. The necessity arising for the Inquirer into Sudden Deaths to terminate service

12.2. In the event of circumstances such as death or ill health that make it difficult to engage in the Inquirer into Sudden Deaths service, the family members and/or relatives and/or other close associates of the Inquirer into Sudden Deaths must be kept informed so that they may notify the Secretary to the Ministry in writing regarding the matter through the relevant Grama Niladhari.

13. Definitions

- I. Code: Means this Standing Procedure Code
- II. Ministry: Means the Line Ministry handling matters relating to the Code of Criminal Procedure Act, No. 15 of 1979.
- III. High Court: Means the High Court having jurisdiction over the area served by the Inquirer into Sudden Deaths.
- IV. Secretary: Means the Secretary to the Line Ministry handling matters relating to the Code of Criminal Procedure Act, No. 15 of 1979.