

Whipping Act, 1909

4 of 1909

[22 March 1909]

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SCHEDULE 1 :- THE SCHEDULE

Whipping Act, 1909

4 of 1909

[22 March 1909]

An Act to consolidate and amend the law relating to the punishment of whipping Whereas it is expedient to consolidate and amend the law relating to the punishment of whipping; It is hereby enacted as follows:-

1. Short Title And Extent :-

- (1) This Act may be called the Whipping Act, 1909; and
[2][(2) It extends to the whole of Pakistan].

2. Whipping Added To Punishments Described In Act Xlv, 1860 :-

In addition to the punishments described in section 53 of the Pakistan Penal Code[3], offenders are also liable to the punishment

of whipping.

3. Offences Punishable With Whipping In Lieu Of Other Punishment :-

Whoever commits any of the following offences, namely:-

- (a) theft, as defined in section 378 of the Pakistan Penal Code[4] other than theft by a clerk or servant of property in possession of his master,
 - (b) theft in a building, tent or vessel, as defined in section 380 of the said Code;
 - (c) theft after preparation for causing death or hurt, as defined in section 382 of the said code;
 - (d) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;
 - (e) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section;
- [5][may, subject to the provisions of sections 4 and 4-A, be punished], with whipping in lieu of any punishment to which he may for such offence be liable under the said code.

3A. Section 3A :-

4. Offence Punishable With Whipping In Lieu Of Or In Addition To Other Punishment :-

Whoever-

- (a) abets, commits or attempts to commit, an offence of assault on, or use of criminal force to, any woman, punishable under section 354 of the Pakistan Penal Code;
- (b) voluntarily causes hurt as defined in section 319 of the Pakistan Penal Code, or grievous hurt as defined in section 320 of the said Code, by throwing, attempting to throw or abetting the throwing of, any substance on the face of any person;
- (c) voluntarily causes grievous hurt punishable under section 325 or section 326 of the Pakistan Penal Code, by cutting, attempting to cut or abetting the cutting of the nose of or otherwise disfiguring a male;
- (d) abets, commits or attempts to commit, rape as defined in

section 375 of the Pakistan Penal Code;

(e) compels or induces any person, by fear of bodily injury, to submit to an unnatural offence as defined in section 377 of the Pakistan Penal Code;

(f) voluntarily causes hurt in committing or attempting to commit robbery, as defined in section 390 of the Pakistan Penal Code;

(g) commits dacoity as defined in section 391 of the Pakistan Penal Code;

(h) abets, commits or attempts to commit, an offence of insult to the modesty of a woman punishable under section 509 of the Pakistan Penal Code;

may, subject to the provisions of section 4-A, be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence, abetment or attempt be liable under the said Code].

4A. Compulsory Whipping In Certain Offences :-

(1) Whoever-

(a) commits, attempts to commit or abets the commission of an offence punishable under any of the sections 363 to 376 (both inclusive) of the Pakistan Penal Code in respect of a male under ten years of age or a female; or

(b) commits, attempts to commit or abets the commission of an offence punishable under section 325 or section 326 of the said Code causing disfiguration of a woman in face or body, or maiming a child under the age of fourteen years;

[9][(c) abets, commits or attempts to commit, in respect of, or involving, cattle, an offence of-

(i) taking gift for recovering stolen property punishable under section 215 of the Pakistan Penal Code;

(ii) theft punishable under section 379, 380, 381 or 382 of the said Code;

(iii) dishonestly receiving or retaining stolen property punishable under section 411 of said Code; or

(iv) lurking house-trespass or house-breaking punishable under section 453, 457, 458, 459 or 460 of the said Code];

shall be punished with whipping in addition to any other punishment to which he may for such offence, abetment or attempt be liable under the said Code.

(2) Notwithstanding anything contained in section 393 of the Code of Criminal Procedure, 1898[10] a male sentenced to imprisonment for more than five years (not being a sentence of death or transportation) or any male whom the Court considers to be more than forty-five year of age, shall be liable to the punishment of whipping under sub-section (1)].

5. Juvenile Offenders When Punishable With Whipping :-

Any juvenile offender who abets, commits or attempts to commit-

(a) any offence punishable under the Pakistan Penal Code[11], except offences specified in Chapter VI and in sections 153A and 505 of that Code and offences punishable with death, or

(b) any offence punishable under any other law with imprisonment

which the [12][Provincial Government] may, by notification in the [13][Official Gazette], specify in this behalf, may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable. Explanation- In this section the expression "juvenile offender" means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary, shall find to be under sixteen years of age, the finding of the Court in all cases being final and conclusive.

6. Special Provision As To Punishment With Whipping In Frontier Districts :-

When any [14][Provincial Government] has by notification in the [15][Official Gazette], declared the provisions of this section to be in force in any frontier district or any wild tract of country within the jurisdiction of such [16][Provincial Government], any person who in such district or tract of country after such notification as aforesaid commits any offence punishable under the Pakistan Penal Code[17] with imprisonment for three years or upwards, may be punished with whipping in lieu of any other punishment to which he may be liable under the said Code.

7. Section 7 :-

Amendment of section 392, Act V, 1898]. Repealed by the Repealing Act, 1938 (I of 1938), section 2 and Schedule.

8. Repeals :-

Repealed by the Second Repealing and Amending Act, 1914[18], section 3 and Second Schedule.

SCHEDULE 1

THE SCHEDULE

[Enactments repealed]. Repealed by the Second Repealing and Amending Act, 1914 (XVII of 1914), section 3 and Second Schedule.