THE WHIPPING ACT

[INDIA ACT IV, 1909] (22nd March, 1909)

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Whipping added to punishments described in the Penal Code.

2. In addition to the punishments described in section 53 of the Penal Code, offenders are also liable to the punishment of whipping.

Offences punishable with whipping in lieu of other punishments.

3. Whoever commits any of the following offences, namely :—

(*a*) theft, as defined in section 378 of the Penal Code 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 th

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 ;

may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the said Code.

Offences punishable with whipping in lieu of or in addition to other punishment.

4. Whoever—

(*a*) abets, commits or attempts to commit rape, as defined in section 375 of the Penal Code ;

(*b*) compels, or induces any person by fear of bodily injury, to submit to an unnatural offence, as defined in section 377 of the said Code

(*c*) voluntarily causes hurt in committing or attempting to commit robbery, as defined in section 390 of the said Code ;

(*d*) commits dacoity, as defined in section 391 of the said Code ;

(*e*) commits any offence under sections 324, 325, 326, 329, 331, 333, 365, 366, 366A, 367, 368, 369, 372, 392 or 393 of the said Code ;

may 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.

Juvenile offenders when punishable with whipping.

5. Any juvenile offender who abets, commits or attempts to commit—

(*a*) any offence punishable under the Penal Code, 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 law with imprisonment which the President of the Union may, by notification in the 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.

Special provisions as to punishment with whipping in frontier districts.

6. Whenever the President of the Union has, by notification [1] in the Gazette, declared the provisions of this section to be in force in any frontier district or any wild tract of country within the Union of Burma, any person who in such district or tract of country, after such notification, as aforesaid, commits any offence punishable under the Penal Code 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.

[1] For such a Notification, *see Burma Gazette*, 1909, Part I, p. 572.