

## CHAPTER 275.

## WHIPPING AND FLOGGING.

[No. XXXIV of 1922.]

[30th December, 1922.]

1. This Ordinance may be cited as the Whipping and Flogging Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires,— Interpretation.

“the court” means a magistrate’s court or the Supreme Court, as the case may be;

“child” means a person who is, in the opinion of the court, under the age of fourteen years;

“guardian” in relation to a child means the parent or the lawful guardian of the child and includes anyone who, in the opinion of the court having cognizance of any case in which the child is concerned, has for the time being the custody, control or charge of the child;

“sentence” includes adjudication, and also a sentence passed by the lawful authority upon any prisoner for breach of any prison or other regulation;

“prison” includes any lock-up house, police-cell, or other duly authorised place of detention for persons in custody;

“keeper” includes the superintendent or other chief resident officer of a prison.

3. Sentences of whipping and flogging shall be subject to the following provisions of this section: Regulation of sentences of whipping and flogging.

(a) a female shall not be sentenced to be whipped or flogged; but in any case where that sentence may be passed on a male, the court may sentence a female of or above the age of fourteen years to undergo solitary confinement, or any other additional punishment permitted by law to be inflicted on a female for an offence against the rules of the prison;

- (b) a child shall not be sentenced to be flogged, but may be sentenced to be whipped;
- (c) every sentence of whipping or flogging shall specify the number of strokes to be inflicted; the number of strokes shall not exceed twelve in the case of a whipping or twenty-four in the case of a flogging;
- (d) where anyone sentenced to be whipped or flogged is not in custody, the person directed by the court may take him to the place where the sentence is to be carried out, and detain him for the time necessary for carrying out the sentence;
- (e) no one shall be sentenced to be whipped or flogged more than once for the same offence.

Regulations  
for carrying  
out sentences  
of whipping  
or flogging.

4. A sentence of whipping or flogging shall be carried out subject to the following regulations:—

- (1) A sentence of whipping or flogging shall be carried out with an instrument from time to time approved by the Governor.
- (2) A sentence of whipping shall be carried out privately within the precincts of a prison, or at a police station, or at any other place directed by the court; and a sentence of flogging shall be carried out within the precincts of a prison, and no one not officially connected with the prison shall be allowed to be present thereat.
- (3) A sentence of whipping or flogging carried out in a prison shall be carried out in the presence of the surgeon of the prison or of some other duly qualified medical practitioner, and the surgeon or practitioner shall have power, on the ground of the illness or infirmity of the person in respect of whom the sentence was passed, to direct any abatement of the number of strokes or the postponement of the carrying out of the sentence.
- (4) A child who is sentenced to be whipped shall be whipped by a prison officer in the presence of the keeper of the prison, or by a police or other constable in the presence of an officer or a non-commissioned officer of police, and also in the presence, if he desires to be present, of the guardian of the child; and the whipping may

be inflicted at once unless the child, or the guardian of the child, forthwith gives notice of appeal against the conviction and complies with the requirements of the law for the time being in force relating to appeals from the decisions of magistrates' courts.

- (5) Each sentence of whipping or flogging shall be executed continuously.

5. When a person is convicted at the same sitting of the court of any two or more distinct offences, for any two or more of which a sentence of whipping or flogging may be passed, the aggregate number of strokes to be inflicted under all the sentences shall not exceed twelve in the case of a whipping or twenty-four in the case of a flogging.

Maximum number of strokes in the case of cumulative sentences.