

# The Whipping Act, 1909

( ACT NO. IV OF 1909 )

**1♣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:-

**Short title  
and extent**

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

**Whipping  
added to  
punishments  
described  
in Act XLV,  
1860**

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  
punishment**

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 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;

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

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

4. Whoever-

<sup>2</sup>[(a) abets, commits or attempts to commit, kidnapping as defined in sections 360 and 361 of the Penal Code in respect of any person under the age of fourteen;

(ab) abets, commits or attempts to commit, kidnapping or abduction as defined in sections 360, 361 and 362 of the <sup>3</sup>[said Code] in respect of any person under the age of fourteen in order that such person may be murdered or subjected to grievous hurt or slavery, or to the lust of any person or may be so disposed of as to be put in such danger;

(ac) abets, commits or attempts to commit, kidnapping or abduction as defined in sections 360, 361 and 362 of the <sup>4</sup>[said Code] with intent to cause the persons kidnapped or abducted to be secretly and wrongfully confined, where that person is under the age of fourteen;

(ad) abets, commits or attempts to commit the wrongful concealment or confinement of a person under the age of fourteen, knowing that person to have been kidnapped or abducted within the meaning of sections 360, 361 and 362 of the <sup>5</sup>[said Code]];

<sup>6</sup>[(ae)] abets, commits or attempts to commit, rape, as defined in section 375 of the <sup>7</sup>[said 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) abets, commits or attempts to commit an offence of insult to the modesty of a woman punishable under section 509 of the <sup>8</sup>[said Code] <sup>9</sup>;

(f) being a member of an assembly of two or more persons the common object of which is to commit an offence punishable under section 366 of the said Code abets, commits or attempts to commit such offence; or