

## ACT NO. V OF 1900.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th February, 1900.)

An Act further to amend the Whipping Act, 1864.

WHEREAS it is expedient further to amend the Whipping Act, 1864; It is hereby enacted as V of 1864 follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Whipping Act, 1900;

(2) It extends to the whole of British India, inclusive of British Baluchistan and the Santhal Parganas; and

(3) It shall come into force at once.

Addition of new section after section 4, Act VI, 1864.

Additional punishment of whipping for rape in certain cases.

2. After section 4 of the Whipping Act, 1864, as VI of 1864 amended by the Indian Criminal Law Amendment Act, 1895, the following shall be added, namely:— III of 1895

“4A. Whenever any Local Government has, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declared the provisions of this section to be in force in any local area within its province, any person in that local area, who, being a member of an assembly of two or more persons, the common object of which assembly is to commit rape as defined in section 375 of the Indian Penal Code, abets, commits or attempts XLV of 1860. to commit such offence, may be punished with whipping in addition to any other punishment to which, for such abetment, offence or attempt, he may be liable under the said Code.”

Substitution of new sec-

3. For section 5 of the Whipping Act, 1864, as VI of 1864 amended by section 6 of the Indian Criminal Law Amendment

III of 1895. Amendment Act, 1895, the following shall be substituted, namely :—

tion for section 5, Act VI, 1864.

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

Juvenile offenders when punishable with whipping.

(a) any offence which is punishable under the Indian Penal Code otherwise than with death, or

(b) any offence which is punishable under any other law with imprisonment,

may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable :

Provided that the Governor General in Council may, by notification in the Gazette of India, direct that the punishment of whipping shall not be inflicted in respect of such offences falling under clause (b) as he may think fit to specify in this behalf.

*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.”

4. The words “under the provisions of the Indian Penal Code” in the preamble to the Whipping Act, 1864, the words “under the provisions of the said Code” in section 1 of the same Act, and section 6 of the Indian Criminal Law Amendment Act, 1895, are hereby repealed.

XLV of 1860.

VI of 1864.

III of 1895.