

THE WHIPPING (WEST PAKISTAN) (AMENDMENT) ORDINANCE,
1963

(W.P. Ordinance XLII of 1963)

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'THE WHIPPING (WEST PAKISTAN) (AMENDMENT)

Preamble.

Short title.

Insertion of new
section 3-A,
Act IV of
1909.

ORDINANCE, 1963

(W.P. Ordinance XLII of 1963)

[24" November, 1963]

An Ordinance to amend the Whipping Act, 1909, in its application to West Pakistan.

WHEREAS it is expedient to amend the Whipping Act, 1909 (IV of 1909), in its application to the Province of West Pakistan, for the purposes hereinafter appearing;

AND WHEREAS the Provincial Assembly is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in pursuance of the powers vesting in him under clause (1) of Article 79 of the Constitution of the Republic of Pakistan, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. This Ordinance may be called the Whipping (West Pakistan) (Amendment) Ordinance, 1963.

2. After section 3 of the Whipping Act, 1909 (IV of 1909), hereinafter referred to as the said Act, the following new section 3-A shall be inserted, namely:—

"3-A. Offences which may be punished with Whipping in lieu of or in addition to other punishment—

Whoever—

(a) abets, throws or attempts to throw any substance on the face of any person and thereby voluntarily causes hurt as defined in section 319 or grievous hurt as defined in section 320, of the Pakistan Penal Code';

(b) abets or causes or attempts to cause

1 This Ordinance was promulgated by the Governor of W. P. on 24 November, 1963; approved by the Provincial Assembly of 30" December, 1963, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan' (1962); and published in the 'W. P. Gazette (Extraordinary), dated 30" December, 1963, pages 4829-E to 4829-F.

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That is Act XLV of 1860.

Amendment of
section 4, Act
IV of 1909.

Insertion of new
section 4-A,
Act IV of
1909.

grievous hurt punishable under section
325 or section 326 of the said Code by
cutting' the nose or otherwise disfiguring
a male;

(c) abets, commits or attempts to commit an
offence of insult to the modesty of a
woman punishable under section 354 and
section 509 of the said Code; and

(d) abets, commits or attempts to commit an
offence punishable under sections 4, 5
and 6 of the West Pakistan Pure Food
Ordinance, 1960! (West Pakistan
Ordinance VII of 1960);

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, or the West Pakistan
Pure Food Ordinance, 19607, as the case may be."

3. In section 4 of the said Act—

(i) clauses (a), (ab), (ac) and (ad) shall be
omitted; and

(ii) clause (ae) shall be relettered as clause
(a) of the said section

4. In the said Act after section 4, amended as aforesaid, the
following new section 4-A shall be inserted, namely:—

"4-A. Compulsory whipping in certain offences—
qd) Whoever—

(a) commits, attempts to commit or abets the
commission of an offence punishable
under any of the sections 363 to 373
(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

1 published in the W.P. Gazette (Extraordinary), dated 11" March, 1960, pages 1445-64; adopted by Baln. Laws (Adaptation) with substitution of word "Balochistan" for the words "West Pakistan". Now the Balochistan Food Authority Act, 2014 (Act VI of 2014) published in the Balochistan Gazette (Extraordinary) No. 29, dated 7" February, 2014; which repealed the Balochistan Pure Food and Drugs Act, 1960 (W.P. Ordinance VII of 1960), S. 58.

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said Code causing disfiguration of a woman in face or body, or maiming a child under the age of fourteen years,

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 (Act V of 1898) 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 years of age, shall be liable to the punishment of whipping under sub-section