

CHAPTER 28

CORPORAL PUNISHMENT

Ordinances
nos. 16 of 1889

3 of 1904

51 of 1939.

AN ORDINANCE TO REGULATE THE LAW RELATING TO SENTENCES OF WHIPPING.

[3rd August. 1W.]

short title

1. This Ordinance may be cited as the Corporal Punishment Ordinance.

Maximum
number of
strokes or lashes
which may
lawfully be
inflicted for an
offence.

2. When a person is convicted of any offence legally punishable by whipping, the sentence awarded by the court for such offence shall not, anything to the contrary in any enactment present or future of Sri Lanka notwithstanding, exceed the number of six strokes with a light cane or rattan in the case of a boy below the age of sixteen, or of twenty-four strokes with a rattan or the like number of lashes in the case of a person above the age of sixteen.'

Maximum
number of
strokes for
combined
offence.

3. When a person is convicted at one trial of any two or more distinct offences, any two or more of which are legally punishable by whipping, the combined sentences awarded by the court for any such offences shall not, anything to the contrary in any enactment present or future of Sri Lanka notwithstanding, exceed a total number of six strokes with a light cane or rattan in the case of a boy below the age of sixteen, or of twenty-four strokes with a rattan or the like number of lashes in the case of a person above the age of sixteen.

Maximum
number of
strokes which
may be inflicted
for breach of
prison
regulations.

4. When any sentence of whipping shall be passed by the lawful authority upon any prisoner for breach of any prison or other regulation, the total number of strokes to be inflicted under such sentence shall not exceed twelve strokes with a rattan cane in the case of a boy above the age of fourteen and below the age of sixteen, or twenty-four strokes with a rattan or the like number of lashes in the case of a person above the age of sixteen; and no prisoner shall be liable for more than one such sentence in respect of the act or acts or omission or omissions in respect of which he shall have been sentenced as aforesaid.

The instrument
to be used.

5. No sentence of whipping shall be carried out except with an instrument approved by the Minister in charge of the subject of Justice.

6. In no case shall a sentence of Females not to whipping be passed upon a female either by be whipped. the courts or in the prisons of Sri Lanka.

7. (1) Whoever is convicted by the High Court or any Magistrate's Court of any of the following offences may be punished with whipping in addition to any other punishment to which he may for such offence be liable under the Penal Code, that is to say:—

Offences
punishable with
whipping in
addition to other
punishments
prescribed by the
Penal Code.

- (a) voluntarily causing hurt by dangerous weapons or means, as defined in section 315 of the said Code ;
- (b) voluntarily causing grievous hurt by dangerous weapons or means, as defined in section 317 of the said Code;
- (c) rape, as defined in section 363 of the said Code; and attempting to , commit the same;
- {d) unnatural offences, as defined in section 365 of the said Code;
- (e) theft after preparation for causing death or hurt, as defined in section 371 of the said Code;
- (f) extortion by threat, as defined in section 377 of the said Code;
- (g) putting a person in fear of accusation in order 'to commit extortion, as defined in section 378 of the said Code;
- (h) robbery, as defined in section 379 of the said Code;
- (i) attempting to commit, robbery, as defined in section 381 of the said Code;
- (j) robbery with attempt to cause death or grievous hurt, as defined in section 383 of the said Code;

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(k) attempting to commit robbery when armed with deadly weapon, as defined in section 384 of the said Code;

Code, in order to the committing of any offence punishable with whipping under this section.

(l) lurking house-trespass or house-breaking, as defined in sections 429 and 431 of the said Code, in order to the committing of any offence punishable with whipping under this section;

(2) Subsection (1) shall apply only to male offenders above the age of sixteen years.

(m) lurking house-trespass by night or house-breaking by night, as defined in sections 430 and 432 of the said

8. Nothing in this Ordinance shall be taken to empower any court or prison authority to award in respect of any offence a greater number of strokes or lashes than could have been lawfully awarded if this Ordinance had not been enacted.

Ordinance in no case increases maximum number of strokes which may be awarded.