

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLTAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 20th Feb, 1985.

No.486/LD/85. The following Ordinance made by the President on the 20th day of January, 1985, is hereby published for general information:-

(ORDINANCE XLV OF 1985)

AN

ORDINANCE

to make provision relating to the execution of the punishment of whipping.

WHEREAS it is expedient to make provision relating to the execution of the punishment of whipping;

AND WHEREASE the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title, Extent, Application and Commencement.**- (1) This Ordinance may be called the Execution of the Punishment of Whipping Ordinance, 1985.
 - (2) It extends to the whole of Azad Jammu and Kashmir
 - (3) It applies to the execution of the punishment of whipping imposed under any law for the time being in force.
 - (4) It shall Come into force at once.
2. **Definitions.**- In this Ordinance, unless there is anything repugnant, in ' the subject-or context authorised medical, "officer" means, a medical officer, howsoever, designated, authorised by Government.
3. **Ordinate to override other laws.**- The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.
4. **Specification of whip.**- The whip, excluding its handle, shall be of one single price only and preferably be made of leather, or a cane or a branch of tree, having no knob or joint on it, and its length and thickness shall not exceed 1.22 meters and 1.25 cm, respectively.
5. **The conditions. and mode of execution of punishment of whirring.**- The following provisions shall apply to the execution of the punishment of whipping, namely:-
 - (a) before the execution of the punishment commences, the convict shall be medically examined by the authorised

medical officer so as to ensure that the execution of the punishment will not cause the death of the convict ;

- (b) if the convict is too old or too weak, having regard to the sentence of whipping awarded, the number of stripes shall be applied in such manner and with such intervals that the execution of the punishment does not cause his death;
- (c) if the convict is ill, the execution of the punishment shall be postponed until the convict is certified by the authorised medical officer to be physically fit to undergo the punishment ;
- (d) if the convict is a woman who is pregnant, the execution of the punishment shall be postponed until the expiration of a period of two months after the birth of the child or miscarriage, as the case may be;
- (e) if, at the time of the execution of the punishment, the weather is too cold or too hot, the execution shall be postponed until the weather has become normal;
- (f) the punishment shall be executed in the presence of the authorised medical officer at such public place as the Azad Government of the State of Jammu and Kashmir may appoint for the purpose;
- (g) the person appointed to execute the punishment shall be impartial and of nature understanding;
- (h) he shall apply the whip with moderate force without raising his hand above his head so as not to lacerate the skin of the convict ;
- (i) after he has applied a stripe, he shall raise the whip aloft and shall not pull it off;
- (j) the stripes shall be spread over the body of the convict so, however, that the stripes shall not be applied on the head, face, stomach or chest or the delicate parts of the body of the convict;
- (k) such clothes of the convict shall be left on the body of the convict as are required by the Injunctions of Islam to be put on;
- (l) the stripes shall be applied, in the case of a male, while he is standing and, in the case of a female, while she is sitting; and
- (m) if, after the execution of the punishment has commenced, the authorised medical officer is of the opinion that there is apprehension of the death of the convict, the execution of the punishment shall be postponed until the authorised

medical, officer certifies him physically fit to undergo the remainder of the punishment.

6. **Custody of convict pending execution of punishment, etc.**- (1) In the case of a convict to whom only the punishment of whipping has been awarded, he shall, until the execution of the punishment is completed, be dealt with as if sentenced to simple imprisonment.
- (2) If, in the opinion of the authorised medical officer, a convict cannot, because of old age, ill health or for any other reason, undergo the whole or any part of the punishment of whipping, the case shall be referred to the Court which may order the execution of the punishment in such manner as it may deem fit.
7. **Power to make rule.**- The Government may, by notification in the official Gazette, make rules for the purposes of carrying into effect the provisions of this Ordinance.
8. **Savings.**-Notwithstanding any judgment, decree, or order of any court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Execution of the punishment of Whipping Ordinance, 1979 (Ordinance XXV of 1979) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or-exercised under this Ordinance.

Sd/-

(Major General (R) Abdul Rehman Khan)
President,
Azad Jammu & Kashmir.

Sd/-

(Syed Shakir Shah)
Section officer Legislation