# IPC Section 247

## IPC Section 247: An In-Depth Analysis of Wrongful Confinement to Extort Property, or Constrain to Illegal Act  
  
Section 247 of the Indian Penal Code (IPC) addresses the grave offense of wrongful confinement employed for the purposes of extortion or coercion. It specifically targets those who utilize confinement as a tool to illegally obtain property or compel someone to perform an unlawful act. This comprehensive analysis will delve into the various facets of Section 247, exploring its legislative intent, essential ingredients, judicial interpretations, relationship with other relevant sections, and its significance within the broader context of Indian criminal law.  
  
\*\*1. The Text of Section 247:\*\*  
  
Section 247 of the IPC states: "Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, with intent thereby to extort from any person any property or valuable security, or to constrain any person to do any act which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."  
  
  
\*\*2. Dissecting the Elements of Section 247:\*\*  
  
Several critical elements constitute the offense under Section 247:  
  
\*\*a) Wrongful Confinement:\*\* This forms the foundation of the offense. "Wrongful confinement" is defined under Section 340 of the IPC as "an act which prevents a person from proceeding in any direction in which that person has a right to proceed." This necessitates a complete restraint, obstructing all reasonable means of escape. The obstruction can be physical, using barriers or force, or through a show of force that instills a reasonable fear of force if the restrained person attempts to leave. The person’s right to proceed refers to a lawful right, not merely a desire.  
  
\*\*b) Confinement in Secret:\*\* Similar to Section 246, Section 247 requires that the confinement be carried out in a manner suggesting an intention to keep it hidden from those concerned about the confined person's welfare, including family, friends, or public servants. This concealment enhances the victim's vulnerability and the potential for coercion.  
  
\*\*c) Intention to Conceal Confinement:\*\* The prosecution must demonstrate that the manner of confinement indicated an intention to keep it secret. This intention can be inferred from the circumstances surrounding the confinement, such as the location chosen, the measures taken to prevent discovery, and the communication, or lack thereof, with those interested in the confined person.  
  
\*\*d) Intent to Extort Property or Valuable Security:\*\* The confinement must be carried out with the specific intent to extort property or valuable security from someone. Extortion involves obtaining something valuable from another person through coercion or intimidation. The property or security doesn't necessarily have to belong to the confined person; it could belong to a third party related to them.  
  
\*\*e) Intent to Constrain to an Illegal Act:\*\* Alternatively, the confinement could be intended to compel someone to perform an act that is illegal or facilitates the commission of an offense. This could include forcing someone to sign a false document, participate in criminal activity, or provide false testimony.  
  
  
\*\*3. Distinguishing Section 247 from Other Related Sections:\*\*  
  
Section 247 shares similarities with other provisions related to confinement and extortion, but its distinct elements set it apart:  
  
\* \*\*Section 340 (Wrongful Confinement):\*\* This section provides the general definition of wrongful confinement, of which Section 247 is a specific instance carried out with a particular intent.  
\* \*\*Section 246 (Wrongful Confinement in Secret):\*\* While both sections involve secret confinement, Section 247 adds the specific intent of extortion or coercion to an illegal act.  
\* \*\*Section 383 (Extortion):\*\* This section deals with extortion generally, which can be achieved through various means, including threats. Section 247 specifically addresses extortion achieved through secret wrongful confinement.  
\* \*\*Section 384 (Extortion by putting a person in fear of injury):\*\* This section deals with extortion through threats of injury. Section 247 focuses on extortion through the act of secret confinement.  
\* \*\*Sections 363-373 (Kidnapping and Abduction):\*\* While kidnapping and abduction can involve secret confinement, they often carry specific intents like ransom or forced marriage. Section 247 doesn't require these specific intents; its focus is on extortion or coercion to illegal acts through secret confinement.  
  
  
\*\*4. Burden of Proof:\*\*  
  
The prosecution shoulders the burden of proving all elements of Section 247 beyond a reasonable doubt. They must establish the wrongful and secretive nature of the confinement, the intention to conceal it, and the specific intent to extort property or compel an illegal act. Circumstantial evidence plays a vital role in establishing intent, particularly when direct evidence is unavailable.  
  
  
\*\*5. Punishment:\*\*  
  
Section 247 prescribes a punishment of imprisonment of either description (simple or rigorous) for a term which may extend to three years, or with fine, or with both. This higher punishment compared to Sections 246 and 340 reflects the increased severity of the crime, given the added elements of extortion or coercion to illegal acts.  
  
  
\*\*6. Judicial Interpretations and Case Laws:\*\*  
  
Judicial pronouncements have shaped the understanding and application of Section 247. Courts have emphasized the need to establish a clear link between the confinement and the intent to extort or coerce. The prosecution must demonstrate that the confinement was directly employed to achieve these illegal objectives. Mere coincidence between the confinement and the demand for property or the commission of an illegal act is insufficient.  
  
  
\*\*7. Contemporary Relevance and Practical Applications:\*\*  
  
Section 247 remains highly relevant in modern times. Cases of individuals being confined secretly to extort money from their families, or to force them into illegal activities like drug trafficking or forced labor, fall under this section. The increasing prevalence of organized crime underscores the importance of this provision in combating such activities.  
  
  
\*\*8. Constitutional Implications:\*\*  
  
Section 247 intersects with several fundamental rights guaranteed by the Indian Constitution. The right to personal liberty (Article 21) is violated by the wrongful confinement. The right to property (Article 300A) is threatened by the intent to extort. The right to freedom from exploitation (Article 23) is infringed upon when someone is coerced into illegal acts. The courts have a crucial role in upholding these fundamental rights and ensuring that Section 247 is effectively implemented to protect citizens from such violations.  
  
  
\*\*9. Related Legal Principles and International Instruments:\*\*  
  
The act of wrongfully confining someone to extort property or coerce them into illegal activities resonates with international legal instruments that address human trafficking and forced labor. The Palermo Protocol, a UN treaty supplementing the UN Convention against Transnational Organized Crime, defines trafficking in persons as the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. While Section 247 doesn't specifically address all aspects of human trafficking, its core principles align with the concerns addressed by the Palermo Protocol and other international instruments aimed at combating these serious crimes.  
  
  
\*\*10. Conclusion:\*\*  
  
Section 247 of the IPC criminalizes the act of wrongful confinement employed for the purposes of extortion or coercion to illegal acts, recognizing the inherent danger and violation of fundamental rights associated with such conduct. The section's focus on the intention behind the confinement requires careful scrutiny of circumstantial evidence. Its continued relevance highlights the importance of a robust legal framework to address these crimes and protect individual liberties. Understanding the nuances of this section, along with its constitutional implications and connection to international legal principles, is crucial for law enforcement agencies, legal professionals, and citizens to effectively combat these criminal activities and safeguard the rights of individuals within the Indian legal system.