# IPC Section 367: Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.

## IPC Section 367: Kidnapping or Abducting in Order to Subject Person to Grievous Hurt, Slavery, Etc. - A Detailed Explanation  
  
Section 367 of the Indian Penal Code addresses the aggravated forms of kidnapping and abduction where the intent goes beyond merely removing a person from their lawful guardianship or inducing them to leave a place. This section deals with situations where kidnapping or abduction is committed with the specific intent to subject the victim to grievous hurt, slavery, or other inhumane treatment. This reflects a heightened level of criminal intent and the potential for severe harm to the victim.  
  
The section reads as follows:  
  
\*\*367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.—Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected, or so disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.\*\*  
  
Let’s break down the key elements of Section 367 in detail:  
  
\*\*1. Kidnapping or Abducting:\*\*  
  
The foundation of this offence lies in the act of kidnapping or abduction, as defined under Sections 361 and 362 of the IPC, respectively.  
  
\* \*\*Kidnapping (Section 361):\*\* Taking or enticing any minor (below 18 for boys and below 16 for girls) out of the keeping of the lawful guardian without the guardian's consent.  
\* \*\*Abduction (Section 362):\*\* Forceful or fraudulent compulsion or inducement of a person to go from any place.  
  
Section 367 covers both these acts, emphasizing that the subsequent intent to cause harm is what elevates the offence to a more serious category.  
  
\*\*2. In Order That/Knowing it to be Likely:\*\*  
  
This phrase establishes the crucial \*mens rea\* element of the offence. The prosecution must prove either:  
  
\* \*\*Intent:\*\* The perpetrator kidnapped or abducted the person with the specific \*intent\* that the victim be subjected to grievous hurt, slavery, unnatural lust, or be put in danger of being subjected to such harms.  
\* \*\*Knowledge of Likelihood:\*\* The perpetrator \*knew\* it was likely that the victim would be subjected to such harms as a result of the kidnapping or abduction.  
  
This broadens the scope of the section. Even if the intended harm does not materialize, the perpetrator can be convicted if the prosecution proves the intent or knowledge at the time of the kidnapping or abduction.  
  
\*\*3. Subjected to/Disposed of as to be put in danger of being subjected to:\*\*  
  
This phrasing further expands the application of the section. It covers not only situations where the perpetrator directly inflicts the harm but also where they create a situation that puts the victim at risk of suffering such harm. For example, selling someone into slavery puts them in danger of being subjected to grievous hurt even if the perpetrator doesn’t directly inflict the harm themselves.  
  
\*\*4. Grievous Hurt:\*\*  
  
Defined under Section 320 of the IPC, grievous hurt encompasses several specific injuries, including emasculation, permanent privation of the sight of either eye, permanent privation of the hearing of either ear, privation of any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, and any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.  
  
\*\*5. Slavery:\*\*  
  
This refers to the condition of being owned and controlled by another person and deprived of personal freedom and forced to work against one's will.  
  
\*\*6. Unnatural Lust:\*\*  
  
This term refers to any sexual act considered deviant or against the order of nature. This typically includes non-consensual sexual acts and can encompass various forms of sexual assault and abuse.  
  
\*\*7. Punishment:\*\*  
  
The punishment prescribed under Section 367 is imprisonment of either description (rigorous or simple) for a term which may extend to ten years, and a fine. The significant term of imprisonment highlights the seriousness of the crime.  
  
\*\*8. Difference from Related Sections:\*\*  
  
Section 367 differs from other kidnapping and abduction offences (Sections 363, 364, 365, 366, and 366A) due to its focus on the \*purpose\* behind the kidnapping or abduction. While other sections address kidnapping/abduction for reasons such as wrongful confinement or compelling marriage, Section 367 specifically targets cases where the intent is to inflict grievous hurt, slavery, or unnatural lust.  
  
\*\*9. Importance of Section 367:\*\*  
  
This section plays a crucial role in:  
  
\* \*\*Protecting Vulnerable Individuals:\*\* It safeguards individuals from being kidnapped or abducted for malicious purposes beyond mere confinement.  
\* \*\*Addressing Aggravated Offences:\*\* It recognizes the enhanced severity of kidnapping and abduction when coupled with the intent to inflict serious harm.  
\* \*\*Deterring Heinous Crimes:\*\* The stringent punishment serves as a deterrent against individuals contemplating such acts.  
\* \*\*Upholding Human Dignity:\*\* It protects fundamental human rights by preventing individuals from being subjected to slavery, grievous hurt, or unnatural lust.  
  
In conclusion, Section 367 of the Indian Penal Code is a critical legal provision that addresses the aggravated forms of kidnapping and abduction. By focusing on the perpetrator's intent to inflict grievous hurt, slavery, or unnatural lust, it provides enhanced protection to potential victims and ensures that perpetrators of such heinous crimes face appropriate legal consequences. The section acknowledges the significant potential for harm arising from these aggravated forms of kidnapping and abduction and reinforces the state's commitment to protecting individuals from such exploitation and abuse.