# IPC Section 370: Trafficking of person.

## Section 370 of the Indian Penal Code: Trafficking of Persons  
  
Section 370 of the Indian Penal Code (IPC) deals with the grave offense of trafficking of persons. It was introduced in 2013 through the Criminal Law (Amendment) Act, replacing the earlier, less comprehensive provisions dealing with trafficking. The section aims to address various forms of human trafficking, including trafficking for sexual exploitation, forced labor, slavery, servitude, and the removal of organs. It recognizes the exploitative nature of trafficking and the violation of human rights it entails.  
  
\*\*The wording of Section 370:\*\*  
  
\*\*(1)\*\* Whoever knowingly or having reason to believe that a person is being transported, harboured, recruited, or received for the purpose of exploitation, commits the offence of trafficking in persons.  
  
\*\*Explanation:\*\* The core of the offense lies in the act of knowingly or having reasonable grounds to believe that a person is subject to one of the following actions:  
  
\* \*\*Transportation:\*\* Movement of a person from one place to another, regardless of whether it crosses state or national borders.  
\* \*\*Harbouring:\*\* Providing shelter or refuge to a person, knowingly that they are being trafficked.  
\* \*\*Recruitment:\*\* Enticing or persuading a person to engage in activities that constitute exploitation.  
\* \*\*Receiving:\*\* Taking possession or control of a person, knowing they are being trafficked.  
  
The purpose of these actions must be \*\*exploitation\*\*, which forms the crux of the offense.  
  
\*\*(2)\*\* Explanation.—The expression “exploitation” shall include, at a minimum, any of the following:  
  
(a) prostitution;  
(b) slavery or practices similar to slavery;  
(c) servitude;  
(d) forced labour;  
(e) the removal of organs;  
(f) begging;  
(g) using a person for the commission of a crime, including drug trafficking;  
(h) using a person for benefit by a terrorist group or by persons engaged in acts of terrorism; or  
(i) pornography.  
  
\*\*Explanation:\*\* The explanation clause provides a non-exhaustive list of activities that constitute exploitation. It encompasses various forms of exploitation, including:  
  
\* \*\*Prostitution:\*\* Engaging a person in sexual activity for commercial gain, regardless of consent.  
\* \*\*Slavery or practices similar to slavery:\*\* Owning or controlling a person as property, denying their freedom and dignity.  
\* \*\*Servitude:\*\* Forcing a person to perform labor against their will under coercion or threat.  
\* \*\*Forced labor:\*\* Compelling a person to work under duress, often involving threats of violence or other forms of coercion.  
\* \*\*Removal of organs:\*\* Illegally extracting organs from a person, often through coercion or deception.  
\* \*\*Begging:\*\* Forcing a person to beg for money, often involving coercion and exploitation of their vulnerability.  
\* \*\*Using a person for the commission of a crime:\*\* Exploiting a person to commit illegal activities like drug trafficking or theft.  
\* \*\*Using a person for the benefit of a terrorist group:\*\* Recruiting or using a person for terrorist activities.  
\* \*\*Pornography:\*\* Producing, distributing, or possessing pornographic material involving a trafficked person.  
  
The inclusion of "at a minimum" signifies that other forms of exploitation, even if not explicitly mentioned, can fall under the purview of this section.  
  
\*\*(3)\*\* The consent of the victim of trafficking in persons to the exploitation, for which such person has been trafficked, shall be immaterial where such person has been trafficked by means of coercion, inducement, or any other manner specified in the Explanation.  
  
\*\*Explanation:\*\* This crucial clause clarifies that the victim's consent to the exploitation is irrelevant if they were trafficked through:  
  
\* \*\*Coercion:\*\* Use of force, threats, or intimidation to compel the victim's participation.  
\* \*\*Inducement:\*\* Persuading the victim through false promises, deception, or manipulation.  
\* \*\*Any other manner specified in the Explanation:\*\* This encompasses other forms of exploitation listed in the Explanation clause, highlighting that even if a victim seemingly "consents," their consent is vitiated if it results from any of the exploitative practices mentioned.  
  
\*\*(4)\*\* Whoever commits the offence of trafficking of any minor for any purpose shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.  
  
\*\*Explanation:\*\* This clause addresses the aggravated form of trafficking involving minors. Trafficking a minor for any purpose, regardless of the form of exploitation, attracts harsher penalties, ranging from a minimum of seven years to life imprisonment, along with a fine.  
  
  
\*\*(5)\*\* Whoever commits the offence of trafficking of any person for any purpose other than the purposes mentioned in Explanation under sub-section (2), shall be punished with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.  
  
  
\*\*Explanation:\*\* This clause deals with trafficking for purposes not explicitly mentioned in the explanation under sub-section (2). While not as severe as trafficking for purposes listed in the explanation, it still carries a significant penalty of imprisonment ranging from three to seven years and a fine. This provision recognizes that exploitation can take diverse forms beyond the specific examples listed.  
  
  
\*\*(6)\*\* Whoever commits the offence of trafficking of a person more than once shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.  
  
\*\*Explanation:\*\* This clause stipulates enhanced punishment for repeat offenders. Trafficking a person more than once attracts a minimum sentence of ten years extending to life imprisonment, along with a fine. This reflects the gravity of repeated involvement in such a heinous crime.  
  
  
Section 370 represents a significant step towards combating human trafficking in India. By criminalizing various forms of exploitation and recognizing the vulnerability of victims, it provides a legal framework for prosecution and offers protection to those who have been trafficked. It is important to note that effective implementation of this law, along with proactive measures to prevent trafficking and support victims, is crucial to eradicate this pervasive crime.