# IPC Section 370A: Exploitation of a trafficked person.

## Section 370A of the Indian Penal Code: Exploitation of a Trafficked Person  
  
Section 370A of the Indian Penal Code (IPC) deals specifically with the exploitation of a trafficked person. Introduced alongside Section 370 in the 2013 amendment, it complements the anti-trafficking framework by targeting the various forms of exploitation inflicted upon victims who have been trafficked. This section recognizes that the act of trafficking itself is a crime, but the subsequent exploitation constitutes a separate and distinct offense with its own set of penalties.  
  
\*\*The wording of Section 370A:\*\*  
  
Whoever, knowing or having reason to believe that a person has been trafficked, uses such a person for the purpose of exploitation as defined in sub-section (2) of section 370, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.  
  
\*\*Explanation:\*\*  
  
The key elements of this offense are:  
  
\* \*\*Knowledge or Reason to Believe:\*\* The perpetrator must be aware, or have reasonable grounds to suspect, that the person they are exploiting has been trafficked. This emphasizes the importance of due diligence and highlights the culpability of those who turn a blind eye to potential trafficking situations. Ignorance is not a valid defense if there are clear indicators that a person has been trafficked.  
\* \*\*Use for the Purpose of Exploitation:\*\* The offender actively utilizes the trafficked person for exploitative purposes. This can involve forcing them into labor, sexual exploitation, or any other form of exploitation as defined under Section 370(2). The focus is on the perpetrator's active involvement in the exploitation.  
\* \*\*Exploitation as defined in Section 370(2):\*\* The exploitative activities covered under this section are the same as those listed in the explanation clause of Section 370(2). These include prostitution, slavery, servitude, forced labor, organ removal, begging, involvement in criminal activities, terrorism, and pornography. This ensures consistency in defining exploitation across both sections.  
  
\*\*Punishment:\*\*  
  
Conviction under Section 370A carries a punishment of rigorous imprisonment for a term of not less than five years, which may extend up to ten years, along with a fine. This stringent punishment reflects the gravity of exploiting a person who is already a victim of trafficking.  
  
\*\*Distinction between Section 370 and 370A:\*\*  
  
While both sections address trafficking and exploitation, there's a crucial difference:  
  
\* \*\*Section 370\*\* criminalizes the \*act of trafficking\* itself – the transportation, harboring, recruitment, or receiving of a person for the purpose of exploitation.  
\* \*\*Section 370A\*\* criminalizes the \*exploitation of a person already trafficked\*. It targets those who benefit from the vulnerability of trafficked persons by exploiting them for various purposes.  
  
This distinction is important because it allows for separate charges and convictions even if the same person is involved in both the trafficking and the subsequent exploitation. It also allows for prosecution of those who may not have been directly involved in the trafficking process but are knowingly exploiting a trafficked person.  
  
  
\*\*Significance of Section 370A:\*\*  
  
Section 370A is a crucial component of India's anti-trafficking legislation for several reasons:  
  
\* \*\*Focus on the Victim:\*\* It prioritizes the protection of trafficked persons by specifically criminalizing their exploitation.  
\* \*\*Deterrent Effect:\*\* The stringent penalties act as a deterrent against exploiting trafficked persons.  
\* \*\*Comprehensive Coverage:\*\* It encompasses various forms of exploitation, ensuring that those who profit from the vulnerability of trafficked persons are held accountable.  
\* \*\*Closing Loopholes:\*\* By addressing the exploitation separately, it closes potential loopholes that could allow perpetrators to escape punishment even if they are not directly involved in the trafficking process.  
\* \*\*Complementing Section 370:\*\* It works in conjunction with Section 370 to create a more robust legal framework against trafficking, covering both the act of trafficking and the subsequent exploitation of victims.  
  
\*\*Challenges and Implementation:\*\*  
  
Effective implementation of Section 370A faces certain challenges:  
  
\* \*\*Identification of Trafficked Persons:\*\* Identifying victims of trafficking can be difficult, especially if they are coerced or fearful of reporting.  
\* \*\*Proving Knowledge or Reason to Believe:\*\* Establishing that the perpetrator knew or should have known that the person was trafficked can be complex.  
\* \*\*Gathering Evidence:\*\* Collecting evidence of exploitation can be challenging, especially in cases involving organized crime.  
\* \*\*Victim Cooperation:\*\* Victims may be hesitant to cooperate with law enforcement due to fear, trauma, or dependence on their traffickers.  
  
  
Despite these challenges, Section 370A is a vital legal tool in the fight against human trafficking. By criminalizing the exploitation of trafficked persons, it provides a strong legal basis for prosecuting offenders and protecting victims. Continued efforts to improve victim identification, strengthen law enforcement capacity, and raise public awareness are essential to ensure the effective implementation of this important provision.