# IPC Section 373: Buying minor for purposes of prostitution, etc.

## Section 373 of the Indian Penal Code: Buying Minors for Purposes of Prostitution, etc.  
  
Section 373 of the Indian Penal Code (IPC) criminalizes the act of buying a minor for the purpose of prostitution, illicit intercourse, or any other unlawful and immoral purpose. This section complements Section 372, which focuses on selling minors, by targeting those who create the demand for such exploitation by purchasing children. It recognizes that combating child trafficking and exploitation requires addressing both the supply and demand sides of the problem.  
  
\*\*The wording of Section 373:\*\*  
  
Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.  
  
  
\*\*Explanation of Key Terms and Concepts:\*\*  
  
\* \*\*Buys:\*\* Acquiring ownership or possession of a minor through purchase or any other form of transaction involving consideration.  
\* \*\*Hires:\*\* Obtaining temporary possession or control of a minor in exchange for payment or other benefits.  
\* \*\*Otherwise Obtains Possession:\*\* This broad phrase encompasses any method of acquiring control or custody of a minor, even if it doesn't involve a formal purchase or hiring agreement. This includes receiving, accepting, or taking custody of a minor for exploitative purposes.  
\* \*\*Person under the age of eighteen years:\*\* This clearly defines the victim as a minor, emphasizing their vulnerability and the illegality of exploiting them.  
\* \*\*Intent:\*\* Similar to Section 372, the prosecution needs to establish that the offender acted with the specific intent of employing or using the minor for prostitution, illicit intercourse, or other unlawful purposes. This intent can be inferred from the circumstances surrounding the transaction or subsequent actions.  
\* \*\*Prostitution:\*\* Engaging in sexual activity for commercial gain.  
\* \*\*Illicit Intercourse:\*\* Sexual activity outside the confines of marriage, considered unlawful and immoral in certain contexts.  
\* \*\*Unlawful and immoral purpose:\*\* This phrase encompasses a wide range of exploitative purposes beyond prostitution and illicit intercourse, such as using the minor for pornography, forced labor, or other illegal activities. This acknowledges that minors can be exploited for various reasons.  
\* \*\*Knowing it to be likely:\*\* Even if the offender doesn't have a direct intent, the section covers situations where they are aware that it's probable the minor will be exploited for prostitution, illicit intercourse, or other unlawful and immoral purposes. This recognizes that buyers may not always explicitly state their intentions, but their actions and the surrounding circumstances can indicate their knowledge of the likely outcome.  
  
  
\*\*Scope and Application:\*\*  
  
Section 373 addresses various forms of exploitation involving minors, including:  
  
\* \*\*Sex Trafficking:\*\* The section directly targets individuals who fuel the demand for child sex trafficking by purchasing minors for sexual exploitation.  
\* \*\*Child Prostitution:\*\* It specifically criminalizes the act of buying a minor for the purpose of prostitution.  
\* \*\*Forced Marriage:\*\* While not explicitly mentioned, buying a minor for forced marriage, where the child is subjected to sexual exploitation within the marriage, can fall under the purview of this section.  
\* \*\*Other forms of exploitation:\*\* The inclusion of "unlawful and immoral purpose" broadens the scope to encompass other forms of exploitation beyond sexual abuse, recognizing that minors can be purchased for various exploitative purposes, such as forced labor or illegal activities.  
  
  
\*\*Punishment:\*\*  
  
The punishment for buying a minor for purposes of prostitution or other unlawful and immoral purposes is:  
  
\* \*\*Imprisonment up to Ten Years:\*\* The offender can be imprisoned for a term which may extend up to ten years.  
\* \*\*Fine:\*\* In addition to imprisonment, the offender is also liable to a fine.  
  
  
  
\*\*Relationship with Other Sections:\*\*  
  
Section 373 works in conjunction with other provisions in the IPC related to child protection and exploitation:  
  
\* \*\*Section 372 (Selling Minors for Purposes of Prostitution):\*\* Sections 372 and 373 address both sides of the transaction, targeting both the sellers and buyers of minors for exploitative purposes.  
\* \*\*Section 370 (Trafficking of Persons):\*\* While Section 370 covers trafficking in general, Section 373 specifically focuses on the buying of minors for exploitation.  
\* \*\*The Protection of Children from Sexual Offences Act (POCSO Act):\*\* The POCSO Act specifically deals with sexual offenses against children and can be applied in conjunction with Section 373 in cases involving the buying of minors for sexual exploitation.  
  
  
  
\*\*Challenges in Enforcement:\*\*  
  
Similar to other anti-trafficking laws, enforcing Section 373 can be challenging:  
  
\* \*\*Identifying Buyers:\*\* Identifying individuals who buy minors for exploitation can be difficult, as these transactions often occur clandestinely.  
\* \*\*Proving Intent:\*\* Establishing the buyer's intent to exploit the minor can require substantial evidence, which can be challenging to gather.  
\* \*\*Victim Cooperation:\*\* Minors who are victims of trafficking may be hesitant to cooperate with law enforcement due to fear, coercion, or trauma.  
  
  
  
\*\*Significance of Section 373:\*\*  
  
Despite these challenges, Section 373 is a crucial legal tool in the fight against child exploitation. By criminalizing the act of buying minors for prostitution or other unlawful purposes, it targets the demand that fuels this heinous crime. Continued efforts to strengthen law enforcement, improve victim support services, and raise public awareness are essential to ensure the effective implementation of this vital provision and create a safer environment for children.