



Aarthi Pai <aarthi.cfar@gmail.com>

Fwd: Clarification in respect of recommended amendment to Section 370, IPC by the Justice J. S. Verma Committee

meena seshu <meenaseshu@gmail.com>

Fri, Feb 8, 2013 at 6:22 PM

To: Aarthi Pai <aarthi.cfar@gmail.com>

----- Forwarded message -----

From: **Gopal Subramaniam** <gs.jsvc@gmail.com>

Date: Fri, Feb 8, 2013 at 6:17 PM

Subject: Re: Clarification in respect of recommended amendment to Section 370, IPC by the Justice J. S. Verma Committee

To: meenaseshu@gmail.com

Cc: Vrinda Grover <vrindagrover@gmail.com>

Dear Ms. Seshu

The Committee, in its report of January 23, 2013, proposed certain amendments to Section 370, IPC, to introduce a definition of the offence of 'trafficking' into the IPC and the punishment thereof. The Committee also notes that the Ministry of Law and Justice, Government of India, by way of the Criminal Law (Amendment) Ordinance, 2013 ("**Ordinance**"), dated February 3, 2013, has amended Section 370 of the IPC in terms of the Committee's recommendations.

The Committee, however, notes your representation on behalf of the National Network of Sex Workers to the effect that the Section 370, IPC, after being amended by the Ordinance, could be misused by police and other governmental authorities to harass (i) sex workers who engage in prostitution of their own volition, and not pursuant to inducement, force or coercion, as the amended Section 370 provides, and (ii) the clients of such sex workers, by bringing the act of gratification for a sex worker's services under the scope of the amended Section 370.

The members of the Committee wish to clarify that the thrust of their intention behind recommending the amendment to Section 370 was to protect women and children from being trafficked. The Committee has not intended to bring within the ambit of the amended Section 370 sex workers who practice of their own volition. It is also clarified that the recast Section 370 ought not to be interpreted to permit law-enforcement agencies to harass sex workers who undertake activities of their own free will, and their clients. The Committee hopes that law enforcement agencies will enforce the amended Section 370, IPC, in letter and in spirit.

Yours sincerely

Abhishek Tewari
Advocate
Counsel to the Committee

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In solidarity,

meena saraswathi seshu

SANGRAM, Sangli