# IPC Section 293

## IPC Section 293: Sale, etc., of obscene objects to young person  
  
Section 293 of the Indian Penal Code (IPC) addresses a specific and particularly egregious form of obscenity: the sale, distribution, or exhibition of obscene objects to young people. Recognizing the heightened vulnerability and potential for harm to individuals under the age of 20, this section imposes stricter penalties compared to the more general Section 292. It aims to protect young people from exposure to materials that could negatively influence their development and corrupt their morals.  
  
\*\*The Text of Section 293:\*\*  
  
> Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in section 292, or offers or attempts so to do, shall be punished, on first conviction, with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.  
  
  
\*\*Breaking down the elements of Section 293:\*\*  
  
1. \*\*"Whoever..."\*\*: This signifies that the section applies to any individual, regardless of their background or intent, who engages in the prohibited acts involving young people.  
  
  
2. \*\*"sells, lets to hire, distributes, exhibits or circulates..."\*\*: This encompasses various methods of disseminating obscene materials specifically targeting individuals under the age of 20. It criminalizes not only the actual sale or distribution but also exhibiting or circulating such materials, acknowledging the potential harm even without a direct transfer of ownership.  
  
  
3. \*\*"...to any person under the age of twenty years..."\*\*: This is the crucial distinguishing element of Section 293 compared to Section 292. It specifically focuses on the vulnerability of young people and emphasizes the heightened protection afforded to them under the law. The age limit of 20 years recognizes that individuals below this age are still in a formative stage of development and are more susceptible to negative influences.  
  
  
4. \*\*"...any such obscene object as is referred to in section 292..."\*\*: This directly links Section 293 to the definition of "obscene" provided in Section 292. This ensures consistency in interpretation and avoids any ambiguity regarding what constitutes obscene material under this section. The criteria for determining obscenity under Section 292, as discussed earlier, include lasciviousness, appeal to the prurient interest, and the tendency to deprave and corrupt those likely to encounter the material.  
  
  
5. \*\*"...offers or attempts so to do..."\*\*: This clause criminalizes not only the completed act of selling or distributing obscene materials to young people but also attempts or offers to do so. This recognizes that even unsuccessful attempts still represent a potential harm and a deliberate effort to expose young people to inappropriate content.  
  
  
6. \*\*"Punishment..."\*\*: The punishment for a first conviction under Section 293 is imprisonment for up to three years and a fine up to two thousand rupees. Subsequent convictions attract substantially harsher penalties, with imprisonment up to seven years and a fine up to five thousand rupees. The significantly enhanced punishment for repeat offenses reflects the seriousness with which the law treats the repeated exploitation and endangerment of young people through exposure to obscene materials.  
  
  
\*\*Key aspects and considerations regarding Section 293:\*\*  
  
\* \*\*Emphasis on protecting young people\*\*: The core purpose of Section 293 is to protect young people from the harmful effects of exposure to obscenity. The stricter penalties compared to Section 292 underscore the heightened concern for the well-being and development of individuals under the age of 20.  
  
  
\* \*\*Definition of "obscenity"\*\*: As mentioned earlier, the definition of obscenity under Section 293 is derived from Section 292. Courts consider the same criteria of lasciviousness, appeal to the prurient interest, and the tendency to deprave and corrupt, but with a specific focus on the potential impact on young people.  
  
  
\* \*\*Contemporary community standards and the age of the recipient\*\*: While contemporary community standards are relevant, the age of the recipient (under 20) plays a significant role in determining the obscenity of the material. Material that might be acceptable for adults could be considered obscene if targeted towards minors due to their developmental stage and susceptibility to negative influences.  
  
  
\* \*\*Balancing protection with freedom of expression\*\*: The courts must carefully balance the need to protect young people from harm with the constitutional guarantee of freedom of expression. This balance is particularly crucial in cases involving artistic works or educational materials that might contain explicit content but serve a larger purpose.  
  
  
\* \*\*Burden of proof\*\*: The prosecution must prove beyond a reasonable doubt that the material is obscene, that it was sold, distributed, or exhibited to a person under the age of 20, and that the accused had the requisite intent.  
  
  
\* \*\*Defenses\*\*: Possible defenses include arguing that the material is not obscene according to contemporary community standards considering the age of the recipient, that the accused was unaware of the recipient's age, or that the material served a legitimate artistic or educational purpose. The defense of "lack of knowledge of age" is often difficult to prove successfully, and the courts generally hold individuals responsible for ascertaining the age of the recipient when dealing with potentially sensitive materials.  
  
  
\*\*Examples of acts that might fall under Section 293\*\*:  
  
\* Selling pornographic magazines or DVDs to a teenager.  
\* Showing explicit images on a mobile phone to a minor.  
\* Distributing sexually suggestive pamphlets near a school.  
\* Sending obscene videos or messages to a minor online.  
\* Offering to sell pornographic material to a person under 20.  
  
  
\*\*Examples of acts that might NOT fall under Section 293\*\*:  
  
\* Displaying classical nude sculptures in a museum accessible to all ages (provided appropriate context and educational information are provided).  
\* Selling books with adult themes but with literary merit to an adult.  
\* Possessing a single copy of an adult magazine for personal use.  
\* Sharing a suggestive image with a consenting adult in private.  
  
  
  
In conclusion, Section 293 of the IPC provides crucial legal protection for young people from the harmful effects of exposure to obscene materials. It recognizes the unique vulnerability of individuals under the age of 20 and imposes stricter penalties for offenses related to the dissemination of obscenity to this age group. The effective application of this section requires a careful consideration of contemporary community standards, the specific context of the material, and the potential impact on young people's development. The courts must strive to balance the need to protect young people with the constitutional guarantee of freedom of expression, ensuring that legitimate artistic and educational pursuits are not unduly restricted while effectively combating the exploitation and endangerment of minors through exposure to obscenity.