OFFICE OF THE COMMISSIONER OF POLICE : DELHI
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CIRCULAR

No. 26 /2023

Sub. Directions of Hon'ble Supreme Court of India passed in its order dated 17.10.2023 in W.P. (Civil) No. 1011/2022 titled Supriyo @ Supriya Chakraborty & Anr. Vs Union of India.

In view of the order dated 17.10.2023 passed by the Hon'ble Supreme Court of India, in order to check violence and discriminations upon the queer community and especially queer couples, the Commissioner of Police, Delhi has directed the field formations to be sensitized on dealing with cases of queer couples and the following directions be ensured while dealing with such issues: -

I) There shall be no harassment of queer couples by summoning them to the police station or visiting their places of residence solely to interrogate them about their gender identity or sexual orientation;

II) Police shall not force queer persons to return to their natal families if they do not wish to return to them.

III) When a police complaint is filed by queer persons alleging that their family is restraining their freedom of movement, police shall on verifying the genuineness of the complaint ensure that their freedom is not curtailed.

IV) When a police complaint is filed apprehending violence from the family for the reason that the complainant is queer or is in a queer relationship, police shall on verifying the genuineness of the complaint ensure due protection.

V) Before registering an FIR against a queer couple or one of the parties in a queer relationship (where the FIR is sought to be registered in relation to their relationship), police shall conduct a preliminary investigation in terms of ***Lalita Kumari v. Government of U.P,*** to ensure that the complaint discloses a cognizable offence. The police must first determine if the person is an adult. If the person is an adult and is in a consensual relationship with another person of the same or different gender or has left their natal home of their own volition, the police shall close all such complaints after recording a statement to that effect.

Keeping in view of the above observations, all police officials are hereby directed to ensure strict compliance of the directions issued above. Non-compliance of the above directions shall be viewed as contempt of the Court and appropriate action shall be taken against the erring officers.

This issues with the approval of Commissioner of Police, Delhi.

30/10/2023

(HAREESH H.P.)
DEPUTY COMMISSIONER OF POLICE,
LEGAL DIVISION, PHQ : NEW DELHI

No. 4151-4300/Record Branch/PHQ, dated Delhi, the 30/10/2023.

Copy forwarded to the: -

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Addl. Commissioners of Police, Delhi.
4. All DCsP of Districts/Units including IGI & FRRO, Delhi/ New Delhi.
5. OSD to the Commissioner of Police, Delhi.
6. LA to the Commissioner of Police, Delhi.
7. All ACsP Sub Division and SHOs of all Police Stations.
8. ACP /IT Centre with the direction to upload the Circular in Intra DP net.
9. All Inspectors/PHQ including Reader to CP, Delhi.