OFFICE OF THE COMMISSIONER OF POLICE : DELHI

CIRCULAR

Circular No. 02 /2019

Subject:- Guidelines of Hon'ble Supreme Court of India in W.P.(Crl.) No. 76/2016 – Titled Navtej Singh Johar & Ors. Vs UOI regarding dealing with the cases pertaining to Section 377 IPC.

The Hon'ble Supreme Court of India, vide its judgment delivered on 06.09.2018 in the above captioned matter, has issued the following guidelines concerning legality of Section 377 IPC.

1. It is declared that insofar as Section 377 IPC criminalises consensual sexual acts of adults (i.e. persons above the age of 18 years who are competent to consent) in private, is violative of Articles 14, 15, 19 and 21 of the Constitution. It is, however, clarified that such consent must be free consent, which is completely voluntary in nature, and devoid of any duress or coercion.

2. The declaration of the aforesaid reading down of Section 377 IPC shall not, however, lead to the reopening of any concluded prosecutions, but can certainly be relied upon in all pending matters whether they are at the trial, appellate, or revisional stages.

3. The provisions of Section 377 IPC will continue to govern non-consensual sexual acts against adults, all acts of carnal intercourse against minors, and acts of beastiality.

The above instruction should be brought to the notice of all concerned for meticulous compliance. Non-compliance of these instructions will be viewed seriously.

This has the approval of Commissioner of Police, Delhi.

(RAJESH DEO)
DEPUTY COMMISSIONER OF POLICE
LEGAL CELL, PHQ : DELHI.

No. 151-300 /Record Branch/PHQ, dated, Delhi, the 14/1/2019.

Copy forwarded for information and necessary action to the :-

1. All Special Commissioners of Police, Delhi.
2. Special Commissioner of Police, Training with the request to include the above instructions in the training programme.
3. All Joint Commissioners of Police, Delhi.
4. All Addl. Commissioners of Police, Delhi.
5. All Dy. Commissioners of Police, Districts/Units, Delhi.
6. DCP/SPUWAC, Delhi.
7. DCP/IT Centre, Delhi with the request for uploading on Intra DP Net.
8. SO to C.P., Delhi.