

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE**

(DEPARTMENT OF JUSTICE)

LOK SABHA

UNSTARRED QUESTION NO.1386

TO BE ANSWERED ON WEDNESDAY, THE 19TH DECEMBER, 2018

Section 377 of IPC

1386. SHRI KONDA VISHWESHWAR REDDY:

Will the Minister of LAW AND JUSTICE be pleased to state:

- a) whether the Government is aware of the striking down of section 377 of the IPC by the Supreme Court and if so, the reaction of the Government to the same;
- b) whether is Government is taking steps to make sexual harassment laws gender-neutral in recognition of the rights of the community and if so, the details thereof; and
- c) if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS

(SHRI P.P.CHAUDHARY)

(a)to(c): The Hon'ble Supreme Court, vide its Order dated 06.09.2018 has held that section 377 of the Indian Penal Code, in so far as it criminalizes consensual sexual relationship between adults, is unconstitutional. The provisions of Section 377 will continue to govern non-consensual sexual acts against adults and acts of bestiality. Articles 141 and 142 of the Constitution of India provide that the law declared by Hon'ble Supreme Court shall be binding. Further, amendment in law is a continuous process and changes in law are made on the recommendations of Law Commission and in consultation with various stakeholders including States/Union Territories.

