

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 582**

**TO BE ANSWERED ON THE 25<sup>TH</sup> JUNE, 2019/ ASHADHA 4, 1941 (SAKA)**

**CASES UNDER SECTION 377**

**582. DR. SHASHI THAROOR:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Ministry is aware that Section 377 of Indian Penal Code, 1860 was read down by the Supreme Court to hold that all sexual acts between two consenting adults is legal;**
- (b) whether the Ministry is aware that the ruling is applicable to all cases pending at the trial, appellate and revisional stages;**
- (c) the number of cases with charges under Section 377 for sexual acts between two consenting adults pending at the trial, appellate and revisional stages as on 6<sup>th</sup> September, 2018, State-wise;**
- (d) whether the Ministry has urged the States to withdraw cases under Section 377 which involve sexual act between two consenting adults;**
- (e) if so, the details thereof and if not, the reasons therefor; and**
- (f) the number of cases pending with charges under Section 377 for sexual acts between consenting adults at the trial, appellate and revisional stages as on date, State-wise?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI G. KISHAN REDDY)**

**(a) to (f): In the Writ Petition (Criminal) No. 76 of 2016, the Hon'ble Supreme Court has decriminalized offences under section 377 of the**

**Indian Penal Code, so far as it penalizes any consensual sexual relationship between two adults. As per Article 141/142 of the Constitution, the law declared by the Supreme Court is binding on all Courts within the territory of India and enforceable throughout the territory of India. It is for the State Governments/UT Administrations concerned to consider withdrawal of such cases, following the due process of law.**

**National Crime Record Bureau (NCRB) compiles and publishes crime statistics in its publication 'Crime in India'. The published reports are available till the year 2016. As per the information published by NCRB, State-wise details of the cases under Section 377 of IPC pending trial at the end of the year during the period 2014-2016 are enclosed at Annexure-I.**

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**State/UT-wise Cases Pending Trial at the end of the year under Unnatural Offences  
(Section 377 IPC) during 2014-2016**

SL	State/UT	2014	2015	2016
1	Andhra Pradesh	6	4	4
2	Arunachal Pradesh	0	0	1
3	Assam	0	2	7
4	Bihar	3	19	38
5	Chhattisgarh	19	38	44
6	Goa	8	11	9
7	Gujarat	34	47	80
8	Haryana	182	196	213
9	Himachal Pradesh	53	55	54
10	Jammu & Kashmir	37	41	45
11	Jharkhand	8	11	13
12	Karnataka	6	16	14
13	Kerala	209	290	448
14	Madhya Pradesh	142	185	241
15	Maharashtra	258	326	442
16	Manipur	0	0	1
17	Meghalaya	0	0	0
18	Mizoram	2	1	1
19	Nagaland	0	1	0
20	Odisha	14	28	49
21	Punjab	51	82	94
22	Rajasthan	79	116	124
23	Sikkim	0	0	2
24	Tamil Nadu	5	7	4
25	Telangana	6	14	23
26	Tripura	2	2	4
27	Uttar Pradesh	158	310	923
28	Uttarakhand	6	8	5
29	West Bengal	20	36	88
	<b>TOTAL STATE(S)</b>	<b>1308</b>	<b>1846</b>	<b>2971</b>
30	A & N Islands	2	4	2
31	Chandigarh	10	13	12
32	D&N Haveli	0	0	0
33	Daman & Diu	0	0	1
34	Delhi UT	268	349	425
35	Lakshadweep	0	0	0
36	Puducherry	13	1	0
	<b>TOTAL UT(S)</b>	<b>293</b>	<b>367</b>	<b>440</b>
	<b>TOTAL (ALL INDIA)</b>	<b>1601</b>	<b>2213</b>	<b>3411</b>

Source: Crime in India

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