**Delhi High Court seeks Central government response on plea claiming absence of penal code in Jammu and Kashmir**

The **Delhi** **High court** passed a judgement on **17th February, 2023**. This was seen in the case of **Anubhav Gupta v Union of India & Anr. 2023/DHC** he case was presided over by **Hon’ble Justices** **Mukta Gupta** **and** **Poonam A Bamba**

**FACTS OF THECASE:**

The petition, filed by advocate Anubhav Gupta, argued that in August 2019, the Union government brought in The Jammu and Kashmir Reorganisation Act, 2019 and repealed the Ranbir Penal Code, 1989 as it was operational in the territory of Jammu and Kashmir.

However, though changes were made to the provisions of the Indian Penal Code (IPC) with the Reorganisation Act, Section 18 of the IPC which defines “India” as the territory of India excluding the State of Jammu and Kashmir, remains unamended.

This effectively leaves the territory of Jammu and Kashmir with no penal code, the petitioner said.

“That the effect of the above is that while the Ranbir Penal Code, 1989 has been repealed and while Indian Penal Code, 1860 continues to have extra territorial application, so, any Indian committing offence in territory of Jammu and Kashmir would be punished, while any foreign national committing an offence in territory of Jammu and Kashmir would go scot-free as the definition of India for Indian Penal Code excludes territory of Jammu and Kashmir. This would be against Constitutional Guarantees in Article 19(l)(d) and (e) of the Constitution of India,” the plea stated.

**ORDER OF THE COURT**

The Delhi High Court recently issued notice to the Central government on a plea alleging that there is no penal code in operation in the Union Territory of Jammu and Kashmir (J&K) for foreign nationals.

A Division Bench of Justices **Mukta Gupta** and **Poonam A Bamba** directed the government to file its response within four weeks.The matter will now be considered on April 26

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**Order reviewed by Drishti verma**

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