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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7256/2019**

ANUJA KAPUR Petitioner

Through: Petitioner in person

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC
for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **09.07.2019**

1. This public interest litigation has been preferred with the following prayers:

“A. Issue a Writ/ Order or Direction in the nature of mandamus issuing the notice to the respondents to:

(i) Frame the necessary guidelines

(ii) Frame the appropriate laws and bye-laws related to marital rape as a ground of divorce;

(iii) Fix the appropriate punishment/penalties for violation of the above framed guidelines and laws.

B) Issue a Writ/Order or Direction in the nature of mandamus issuing the notice to the respondents to ensure that there should be a clear guideline for registration of the case related to Marital Rape under framed guidelines and laws, so that accountability, responsibility and liability of the concerned authorities could be assigned and awarding penalties and punishments be awarded to safeguard the fundamental right

guaranteed by the Constitution of India and dignity of the woman in marriage.”

2. Having heard the petitioner and looking to the facts and circumstances of the case, it appears that the main prayers are about the drafting of the guidelines, appropriate laws and bye-laws relating to marital rape as a ground of divorce; to fix appropriate punishment or penalty for violation of guidelines and laws so framed; and for drafting of guidelines for the registration of the case relating to marital rape under the framed guidelines.
3. Drafting of the law is the function of Legislature and not of the Court. Court is more concerned in the interpretation of the law rather than the drafting of the laws. The main prayer in this writ petition is to draft the laws or bye-laws and with appropriate punishment or penalties in case of violation of guidelines. This is a function of the Legislature to be performed. We would not give any direction to draft the laws or bye-laws or to fix the appropriate punishment or penalty.
4. With the aforesaid observation, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 09, 2019/ns

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