

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE V.G.ARUN**

Tuesday, the 16th day of August 2022 / 25th Sravana, 1944
WP(C) NO. 26103 OF 2022(K)

PETITIONER:

XXXXXXXXXX

RESPONDENTS:

1. THE UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF WOMEN AND CHILD DEVELOPMENT, SASTHRI BHAVAN, NEW DELHI-110001.
2. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001.
3. DIRECTOR OF MEDICAL EDUCATION, MEDICAL COLLEGE P.O, MEDICAL COLLEGE, KUMARAPURAM ROAD, CHALAKKUZHI, THIRUVANANTHAPURAM, PIN-695011.
4. STATION HOUSE OFFICER, ELAVUMTHITTA POLICE STATION, PATHANAMTHITTA (DIST), PIN - 689507
5. THE SUPERINTENDENT, MEDICAL COLLEGE HOSPITAL, GANDHINAGAR, KOTTAYAM, PIN - 686008

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 5th respondent to constitute a Medical Board of the competent medical practitioners to examine the daughter of the petitioner a minor girl and file a report before this Hon'ble court forthwith during the pendency of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 12-08-2022 and upon hearing the arguments of M/S.BABU PAUL & MURALI MANOHAR, Advocates for the petitioner, the court passed the following:-

P.T.O.

V.G.ARUN, J.

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Dated this the 16th day of August, 2022

ORDER

When the writ petition came up for hearing on 12.08.2022, this Court had directed the 5th respondent to constitute a Medical Board for examining the victim girl and to make available a copy of the Medical Board's opinion. Accordingly, the Medical Board examined the child and the report is made available. The impression of the by the Medical Board after examination of the child, is as under;

"Gestational age by Ultrasound is 27 weeks 5 days and correlated with clinical findings. Anguish caused by continuation of pregnancy can be presumed to cause a grave injury to the mental health of 14 yr old unmarried girl. Hence Medical Board is recommending MTP."

The Medical Board having recommended MTP finding that, continuation of pregnancy may cause

grave injury to the mental health of the girl, the following interim directions are issued;

(i) The petitioner is permitted to get the victim girl's pregnancy terminated at a Government Hospital.

(ii) On production of this order the Superintendent of the hospital shall take immediate measures for constituting a medical team for conducting the procedure.

(iii) The petitioner shall file an appropriate undertaking, authorising the medical team to conduct the surgery at her risk.

(iv) If the baby is alive at birth, the hospital shall ensure that the baby is offered the best medical treatment available, so that it develops into a healthy child;

(v) If the petitioner is not willing to assume the responsibility of the baby, the State and its agencies shall assume full responsibility and offer medical support and facilities to the child, as may be reasonably feasible, keeping in

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mind the best interests of the child and the statutory provisions in the Juvenile Justice (Care and Protection of Children) Act, 2015.

Sd/-
V.G.ARUN
JUDGE

sc1/16.08.2022

