

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

MONDAY, THE 11TH DAY OF MAY, 2020/21ST VAISAKHA, 1942

W.P(C) NO.9841 OF 2020

PETITIONER

MRS G

BY ADV. DR. K.P. PRADEEP

RESPONDENTS :

1. UNION OF INDIA,
REPRESENTED BY SECRETARY,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
SHASTRI BHAVAN, NEW DELHI-110001.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695001.
3. DIRECTOR OF MEDICAL EDUCATION,
MEDICAL COLLEGE KUMARAPURAM RD, CHALAKKUZHI,
THIRUVANANTHAPURAM, KERALA 695011.
4. STATION HOUSE OFFICER/INSPECTOR OF POLICE,
VIZHINJAMR POLICE STATION,
VIZHINJAM, THIRUVANANTHAPURAM- 695521
5. SUPERINTENDENT,
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
KUMARAPURAM P.O.,
THIRUVANANTHAPURAM- 695011.
6. SUPERINTENDENT,
GOVERNMENT WOMEN AND CHILD HOSPITAL,
THYCAUD, THIRUVANANTHAPURAM- 695014.

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7. DISTRICT CHILD WELFARE COMMITTEE,
THIRUVANANTHAPURAM, GOVERNMENT CHILDREN'S HOME, POOJAPURA,
THIRUVANANTHAPURAM- 695012.,
REPRESENTED BY ITS CHAIRPERSON.

R1 BY SRI. P.VIJAYAKUMAR, ASGI

R2 TO R7 BY SMT. VINITHA. B. GOVERNMENT PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 11.05.2020,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

GOPINATH P., J.

Dated this 11th day of May, 2020

ORDER

Admit.

2. Assistant Solicitor General accepts notice for the 1st respondent. Smt. Vinitha. B. , learned Government Pleader accepts notice on behalf of respondents 2 to 7.

3. I have heard Dr. K.P. Pradeep, learned counsel appearing for the petitioner and the respective counsel appearing for the respondents.

4. In view of the facts and circumstances of this case, there will be a direction that the minor child of the petitioner shall be subjected to medical examination at SAT Hospital, Thiruvananthapuram at 12 p.m. today itself (11.05.2020), considering the urgency of the matter.

5. Smt. Vinitha. B, learned government Pleader submits that the Government shall ensure that the Medical Board comprises of such Doctors who are competent to give a proper opinion to this Court. She also submits that normally a Psychiatrist will also be part of the Medical Board. Again considering

the urgency of the matter, the learned Government Pleader states that all attempts will be made to provide a suitable report in the matter by 3 p.m. today (11.05.2020), so that appropriate orders can be passed.

6. In view of the above, there will be a direction that the minor child of the petitioner will be subjected to medical examination by a Medical Board constituted as above at the SAT Hospital, Thiruvananthapuram at 12 p.m. today (11.05.2020). The Medical Board shall, after examination of the minor child of the petitioner, submit a report to this Court on the following :

i. Whether the continuance of the pregnancy would involve risk to the life of the minor child or of grave injury to her physical and mental health.

ii. Whether there is substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

iii. Whether having regard to the advanced stage of pregnancy, there is any danger (other than the usual danger which arises even in spontaneous delivery or at the end of the full term) if the minor child is permitted to terminate her pregnancy.

iv. The medical process best suited to terminate the pregnancy and the possibility of the child being born alive in the process.

v. The wishes of the minor daughter as regards the future course of action with respect to her pregnancy shall also be ascertained by the Psychiatrist on the medical board.

vi. Any other issues the medical board regards as relevant in such matters.

7. The Circle Inspector of Police, Vizhinjam Police Station is directed to facilitate the travel of the petitioner and her minor daughter to SAT Hospital, Thiruvananthapuram and also to ensure the safety of the family at the time of travel to and from the Hospital. The learned Government Pleader shall communicate these directions to the officers concerned forthwith.

Call at 3 p.m. today (11.05.2020).

GOPINATH . P
JUDGE

ACD

APPENDIX

PETITIONERS EXTS:

EXT P1: TRUE COPY OF THE FIR IN CRIME NO 1030 OF 2020 AT VIZHINJAM POLICE STATION

EXT P2: TRUE COPY OF OBSTETRIC USG REPORT OF THE GIRL ON 29-04-2020 AT 6TH RESPONDENT HOSPITAL

EXT P3: TRUE COPY OF REPORT OF THE MEDICO LEGAL EXAMINATION DATED 29-4-2020 AT 6TH RESPONDENT HOSPITAL

EXT P4: TRUE COPY OF THE ORDER OF PLACEMENT OF CHILD DATED 8-5-2020 OF THE 7TH RESPONDENT