

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A. K. JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 2ND DAY OF APRIL, 2020/13TH CHAITHRA, 1942

W.P.C TMP - 9 /2020

PETITIONER:

"ABC", Cheroor P.O, Thrissur , Pin-680008.

By Adv. Sri. Rajit

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, Ministry of Child welfare,
Thycaud, Thiruvananthapuram, Pin 695014
3. Station House Officer/Inspector of Police, Viyyoor Police Station,
Thrissur-Kundukad Road, Mannumkad,
Ramavarmapuram, Thrissur, Kerala 680001
4. Director of Medical Education, Medical College Kumarapuram Rd, Chalakkuzhi,
Thiruvananthapuram, Kerala 6950115.
5. Superintendent, Medical College Hospital,
Thrissur, M. G. Kavu, Kerala 680596.

By Shri Jaishanker V. Nair, CGC for R1

Shri Manu Vijayakumaran, Government Pleader for R2, R3, R4 & R5

This writ petition having come up for admission on 02/04/2020, the Court on the same day passed the following:

P.T.O.

A.K. JAYASANKARAN NAMBIAR, J.

&

SHAJI P. CHALY, J.

W.P.C TMP - 9 /2020

Dated this the 2nd day of April, 2020

ORDER

A.K.Jayasankaran Nambiar, J.

Admit.

2. The learned Central Government Counsel Shri Jaishanker V. Nair takes notice for the first respondent. The learned Government Pleader Shri Manu Vijayakumaran takes notice for respondents 2 to 5.

3. After hearing submissions on behalf of respondents 2 to 5 and after hearing the submissions of Shri Rajit, the learned counsel appearing for the petitioner, we direct the fifth respondent to constitute a medical board comprising of the regular doctors, who are included in a medical board to examine the stage of pregnancy of minor girls and, in addition to that, a Psychiatrist as well. The medical board so constituted shall examine the minor daughter of the petitioner herein on 3/4/2020 and submit a report before this Court on the following aspects:

i. Whether the continuance of the pregnancy would involve risk to the life of the pregnant woman 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 pregnant mother is permitted to terminate her pregnancy;

iv. The medical process best suited to terminate the pregnancy and the possibility of the child be 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.

4. The medical board shall make the report available before this Court on the aforesaid aspects on 4/4/2020.

5. Considering the present period of lockdown in the State, the District Police Chief, Thrissur City, is directed to facilitate the travel of the petitioner and his family to the Medical College Hospital, Thrissur, on 3/4/2020 by also ensuring the safety to the said family in the course of travel to and from the hospital. Shri Manu Vijayakumaran, the learned Government Pleader undertakes to communicate the said direction to the District Police Chief, Thrissur, forthwith.

Post on 4/4/2020 at 10.30 am.

A.K.JAYASANKARAN NAMBIAR
JUDGE

SHAJI P. CHALY
JUDGE

ms/2/4/2020