

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 394 of 2018

Date of order: 01.11.2018

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Smti. Salma Khan Vs. State of Meghalaya & Anr.

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**Coram:**

**Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice**

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**Appearance:**

For the Petitioner/Appellant(s) : Mrs. T. Yangi B, Adv.  
For the Respondent(s) : Mr. S. Sen, Sr. GA with  
Ms. Z.E. Nongkynrih, GA

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Petitioner, mother of the victim (minor) has prayed for issue of a direction so as to constitute a Medical Board to give opinion regarding termination of pregnancy of the victim. Procedure and method for termination of pregnancy in certain cases as envisaged by the Medical Termination of Pregnancy Act, 1971 and MPT Rules. Section 3 Sub-section (2) (b) of the Act is applicable to the present case.

Termination of pregnancy by not less than two registered medical practitioners can be on the opinion that the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health. A pregnancy caused by rape in terms of explanation 1 to Sub-section 2(b) of Section 3 is presumed to constitute grave injury to the mental health of the pregnant woman.

As per Section 3, the precondition, for allowing termination of pregnancy, is the opinion of two registered medical practitioners, therefore, at the first instance requisite opinion from the medical practitioners is required, therefore, Director Health Services, Meghalaya is directed to constitute a Medical Board of registered medical practitioners for examining the victim in tune with the requirement of Section 3(2)(b) of MPT Act, 1971. The said Board shall be constituted at an earliest so that the victim is examined and opinion/report is submitted to the Court at an earliest.

Copy of the order be supplied to the learned Sr. GA, who shall get the same delivered to the Director Health Services, Meghalaya for ensuring

compliance at an earliest. The date for examination of the victim by the Board shall also be conveyed to the learned Sr. GA as well as to the learned counsel for the petitioner so as to enable them to ensure presence of the victim before the Medical Board on the date as shall be fixed.

Keeping in view the urgency involved, if needful is done upto 05.11.2018 and report is submitted, eventually the case shall be listed on 05.11.2018, otherwise 6<sup>th</sup> and 7<sup>th</sup> November 2018 being the holidays, shall be listed on 08.11.2018.

**(Mohammad Yaqoob Mir)**  
**Chief Justice**

Meghalaya  
01.11.2018  
"Sylvana PS"

