

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO.871 OF 2017

MS. CHANCHALA KUMARI PETITIONER(S)
VERSUS
UNION OF INDIA & ANR. RESPONDENT(S)

O R D E R

Espousing the cause of the daughter, a minor girl, aged about 13 years, a victim of rape, the mother has preferred this writ petition seeking medical termination of her pregnancy. When the matter was listed before this Court on 15th September, 2017, the Medical Board was directed to be constituted at AIIMS, New Delhi comprising of certain doctors as per the names suggested by Mr. Ranjit Kumar, learned Solicitor General after obtaining instructions. The initial report was not specific and thereafter this Court on 18th September, 2017 passed the following order:-

"Let the matter be listed on Thursday, 21st September, 2017 on which day the Medical Board, consisting of Head of Departments, Obstetric and Gynecology, Paediatrics, Psychiatry, Radiology and Neurology from All India

Institute of Medical Sciences (AIIMS), New Delhi shall give its opinion with regard to medical termination of pregnancy. When we say medical termination of pregnancy we mean to convey all the factors including the factor of life of the fetus."

The competent authority of AIIMS, New Delhi, regard being had to the fact situation has constituted the Medical Board of 11 doctors. The report submitted by the Medical Board today reads as follows:-

"The case of Ms. 'X' was re-examined by the board members after which the board opines as follows:

Ms. 'X' is 24 weeks pregnant and termination of pregnancy is feasible. However, the ultrasound report shows 'low lying placenta', attempt to terminate pregnancy carries the risk of severe bleeding in which case a caesarian section will be required."

On a perusal of the report, we find that the termination of pregnancy is feasible. In view of the aforesaid, the termination of pregnancy is hereby allowed. The victim being accompanied by her mother shall report at AIIMS, New Delhi on Friday, 22nd September, 2017 at 9.00 a.m. and thereafter the competent authority of AIIMS shall do the needful in the matter ensuring that all safety

measures are taken. The Institute shall preserve the terminus fetus. Needless to say all expenses shall be borne by the AIIMS, New Delhi.

The writ petition is allowed accordingly.

.....CJI.
(DIPAK MISRA)

.....J.
(AMITAVA ROY)

.....J.
(A.M.KHANWILKAR)

NEW DELHI,
SEPTEMBER 21, 2017.

ITEM NO.12

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 871/2017

MS CHANCHALA KUMARI

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR EXEMPTION FROM FILING O.T. ON IA 91463/2017)

Date : 21-09-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s)

Mr.Kunwar Aditya Singh, Adv.
Mr.Anand K., Adv.
Ms.Ankita Upreti, Adv.
Mr.Suraj Prakash Singh, Adv.
Ms.Shivangi Singh, Adv.
Mr.Divyesh Pratap Singh, AOR

For Respondent(s)

Mr.Ranjit Kumar, SG
Ms.Sadhana Sandhu, Adv.
Mr.Gurmeet Singh Makker, AOR

UPON hearing the counsel the Court made the following
O R D E R

The writ petition is allowed in terms of the signed
order.

(Ashok Raj Singh)
Court Master

(H.S.Parasher)
Assistant Registrar

(Signed Order is placed in the file)