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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5112/2023

GDN

..... Petitioner

Through: Mr. Anuj Kapoor, Ms. Tanima Kishore, Ms Priyanka Prasanth & Ms. Anjesh Dahiya, Advs. (M: 8130324433).
Mother of Petitioner (virtually)

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Ms. Mehak Nakra, ASC with Mr. Abhishek Khari, Adv. for GNCTD. (M: 98711 44582)
Dr. Pushpa Mishra and Dr. Ashish Jain, from LJNP hospital. (virtually)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **28.04.2023**

1. This hearing has been done through hybrid mode.
2. In the present petition, the Petitioner is the mother of a 16 year old, minor girl who is 25 weeks pregnant. The present petition has been filed seeking directions to the Respondent- Government of NCT of Delhi, to allow termination of pregnancy of the Petitioner's minor daughter
3. The Petitioner and her entire family are Nepalese citizens. The husband of the Petitioner, i.e, the father of the girl, is stated to be working as a security guard in a factory in Delhi. The case of the Petitioner is that her daughter was subject to a brutal gang rape in Nepal. The incident is stated to have occurred in October, 2022 while both the parents of the minor girl were working in Delhi. The girl moved to India to her parents in March, 2023 and it is stated that after her moving to India, she realized that she was pregnant. By the time she approached the concerned authorities for the purpose of

termination, the gestation period was already 25 weeks. Accordingly, the mother of the girl has approached this Court seeking permission for termination of her daughter's pregnancy, which is beyond 24 weeks.

4. This Court vide order dated 21st April, 2023 directed the Respondent to constitute a Medical Board in the LNJP hospital for examining the minor girl and to submit a report.

5. Pursuant to the said order, the LNJP hospital constituted a Board consisting of the following members:

- i. Dr. Pushpa Mishra – Deptt of Obs & Gynae
- ii. Dr. Prachi Gaba – Deptt of Anaesthesia
- iii. Dr. Rachna Sharma – Deptt of Obs & Gynae
- iv. Dr. Satyam – Deptt of Radio Diagnosis
- v. Dr. Ashish Jain – Deptt of Neonatology

6. The said Board has examined the girl and has submitted a report on 26th April, 2023. Since the report was inconclusive, the Court had requested the doctors to join the proceedings virtually. Dr. Pushpa Mishra and Dr. Ashish Jain have joined the proceedings virtually today.

7. The report of the Medical Board constituted by the LNJP hospital has been received in Court.

8. The Court has interacted with both the respected doctors. Dr. Mishra has informed the Court that the opinion of the Medical Board is that the termination of the pregnancy can be done. However, there are certain risks that are involved owing to the fact that the girl has low haemoglobin and that the gestation period of the foetus is 27 weeks.

9. Both the doctors have informed the Court that they have counseled the mother and the girl of the risks involved. Ld. counsel for the Petitioner,

who is present in Court, also submits that they are conscious of the risks that are involved in the termination.

10. Accordingly, in view of the fact that the girl is a rape victim and taking a humanitarian view of the matter, though the girl and her family are Nepalese citizens, this Court directs that the termination of the pregnancy be effected as soon as possible by the doctors at LNJP hospital.

11. The Medical team shall ensure that the best possible care is given to the pregnant girl including post-operative care so that she recovers completely and is only then discharged.

12. The family has assured that in case the foetus is born alive, considering the age of the foetus, the family would give adequate care in the nursery of the LNJP hospital.

13. The Petitioner is free to move an application in such a situation to revive the present petition for further directions.

14. Let the report of the Medical Board be taken on record.

15. The present order is being passed in the peculiar facts and circumstances of this case.

16. The present petition is disposed of in the above terms.

PRATHIBA M. SINGH, J

APRIL 28, 2023/dk/rp