

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5951 of 2018 (O&M)
Date of decision : 23.05.2019

Shabana

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Arvind Rajotia, Advocate,
for U.T., Chandigarh.

Mr. Vaibhav Narang, Advocate,
State Legal Services Authority.

Ritu Bahri, J. (oral)

Learned counsel for the petitioner states that Rs.8,00,000/- have already been paid by the State Legal Services Authority, Haryana.

As far as instructions with regard to termination of pregnancy after 20 weeks is concerned, as per affidavit dated 04.10.2018 of Under Secretary to Government of Haryana, Administration of Justice Department, vide letter dated 27.09.2018 (Annexure R-1), necessary sanction has been accorded to the Haryana State Legal Service Authority to pay Rs.8 lacs in total (i.e. Rs.3 lacs already paid + Rs.5 lacs more) as compensation to the petitioner. Further, as per affidavit dated 12.12.2018 filed by the Additional Chief Secretary to Government of Haryana, Administration of Justice Department, following instructions had been issued on 27.09.2018

(Annexure R-1):-

- (i) That in case of rape, if victim becomes 20 weeks pregnant, then her case shall be immediately sent to PGIMER, Chandigarh and PGI, Rohtak for examination by a medical board.
- (ii) That in such case where the victim of a rape becomes 20 weeks pregnant, then abortion can be done on the recommendation of medical board of PGIMER, Chandigarh or PGI, Rohtak, without getting Court orders.”

The above instructions have been brought to the notice of all the concerned, including SHO/Investigating Officers for strict compliance.

As far as State of Punjab is concerned, affidavit dated 18.12.2018 of Dr. Naresh Kumar, Director Health Service (Family Welfare), Punjab was filed, wherein it was stated that department of Health & Family Welfare, Punjab has issued directions to all the quarters concerned vide letter dated 01.11.2018 (Annexure R-1) for strict compliance. All the Civil Surgeons/Medical Superintendents/SMOs have been directed that in case of a rape, if victim becomes 20 weeks pregnant, then her case should be immediately referred to PGIMER, Chandigarh and after getting the recommendations from Medical Board of PGIMER, abortion be carried out without Court orders.

Similarly, affidavit of the Medical Superintendent, Govt. Multi Speciality Hospital, Sector-16, Chandigarh has been filed, wherein it has been stated that instructions dated 17.10.2018 (Annexure A-1) have been issued to the Senior Medical Officer/Medical Officer Incharge Obst. & Gynae Department, Govt. Multi Speciality Hospital, Sector -16, Chandigarh and its allied dispensaries, Civil Hospital, Sector 22, Civil Hospital, Sector 45 and Civil Hospital, Manimajra, U.T. Chandigarh, to ensure that in case

of a rape, if victim becomes 20 weeks pregnant, then her case should be immediately sent to PGIMER, Chandigarh or PGI, Rohtak for examination. However, if a rape victim becomes 20 weeks pregnant, abortion can be done on the recommendation of medical board of PGIMER, Chandigarh or PGI, Rohtak, without getting Court orders.

In view of the above replies, all the directions have been complied with. Accordingly, no further directions are required to be issued in this case.

Disposed of accordingly.

23.05.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No