**MP High Court Mandates Swift Disclosure of Termination Details in Rape Victim’s Case**

**Case Title:** Shri Lucky Bijolia (Representing Advocate) Vs. The State of Madhya Pradesh Principal Secretary Department of Public Health and Family Welfare & Ors.

**Case No.:** WRIT PETITION No. 9585 of 2024

**Dated on:** 30th APRIL, 2024

**Coram:** HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

**Facts:**

In this case, a writ petition was filed under Article 226 of the Constitution of India by the petitioner, who is the father of a rape victim, seeking medical termination of his daughter's pregnancy. The victim, a minor, was abducted on January 28, 2024, and recovered on March 1, 2024. On the same day of her recovery, her Medical Legal Case (MLC) was conducted, revealing her pregnancy. However, the petition seeking termination of her pregnancy was filed on April 8, 2024, more than a month after the pregnancy was detected. The court noted that neither the treating doctor nor the police officer informed the petitioner or the victim's relatives about the pregnancy and the possibility of termination under the law. The victim's pregnancy was terminated on April 17, 2024, following court directions. Further, the court criticized the apathetic conduct of the investigating officer and the treating doctor for failing to inform the victim's family about her right to terminate the pregnancy, which it deemed as a violation of her right under Article 21 of the Constitution of India.

**Legal Provisions:**

**Medical Termination of Pregnancy Act, 1971**: This Act empowers registered medical practitioners to terminate specific pregnancies and addresses related matters or incidental issues.

**Article 226 of the Constitution of India**: It grants the HCs the power to issue writs, orders, or directions for the enforcement of fundamental rights or for any other purpose within their respective jurisdictions.

**Article 21 of the Constitution of India**: It guarantees the right to life and personal liberty.

**Contentions of the Appellant:**

The contentions of the appellant, primarily revolved around seeking medical termination of his daughter's pregnancy, who is the victim of rape. The appellant argued that the victim, being a minor, should have been informed about her right to terminate the pregnancy under the law. They emphasized that despite the victim being abducted and subsequently recovered, there was a significant delay in filing the petition seeking termination of pregnancy, which they attributed to a lack of awareness about legal provisions regarding termination of pregnancy resulting from rape. Moreover, the appellant sought to highlight the responsibility of the investigating officer and the treating doctor in informing the victim's family about their rights in such cases, arguing that their failure to do so infringed upon the victim's right to live with dignity as guaranteed by Article 21 of the Constitution of India.

**Contentions of the Respondents:**

The respondents, contended that they informed the court that the petitioner's daughter's pregnancy had already been terminated on April 17, 2024, in compliance with the court's previous directive issued on April 12, 2024. Further, they contended that during the victim's MLC examination, the victim's mother was present and consented to the examination, during which the victim was informed of her pregnancy. However, they acknowledged that the affidavit of the treating doctor was not filed as the doctor had been transferred, but they did not deny that neither the victim's parents nor the victim herself were orally informed about the pregnancy and its termination options. Moreover, they provided documentation showing that the investigating officer had informed the petitioner about the victim's pregnancy on March 4, 2024, during an ultrasound examination, but the officer's memorandum indicated only the pregnancy status without any advice on termination.

**Court’s Analysis and Judgement:**

Upon its critical analysis, the Hon’ble Court issued directions and mandated that in all cases of rape where the victim is found to be pregnant, she or her parents must be immediately advised by the police officer and treating doctor about her right to terminate the pregnancy under the Medical Termination of Pregnancy Act, 1971. Failure to comply with these directions would be treated as contempt of court. Moreover, the court ordered that the information provided to the victim and her family members must be documented in writing by the investigating officer and treating doctor. Furthermore, the court directed the dissemination of this order to all police stations in Madhya Pradesh and government hospitals. With these directives, the court disposed of the petition.

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**Judgement Reviewed By- Shramana Sengupta**