

Court No. - 4

Case :- WRIT - C No. - 6102 of 2022

Petitioner :- Ms. X Thru. Her Legal Guardian Bharat Lal

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Civil Sectr. Lko. And Others

Counsel for Petitioner :- Ashish Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

In compliance of order dated 08.09.2022, Sri Shubham Tripathi, learned counsel for respondent no.10 has filed affidavit on behalf of respondent University today and the same is taken on record.

Heard learned counsel for the petitioner-victim and learned Standing Counsel for the State.

The petitioner is a rape victim. Under the extraordinary circumstances, this Court proceeded to pass the following order on 12.09.2022.

The report dated 12.9.2022 placed by Sri Shivam Tripathi, learned counsel for the University is taken on record.

The case relates to unwanted pregnancy of a rape victim. We had fixed the matter on 14.9.2022.

Sri Shivam Tripathi, learned counsel appearing for the University has been prompt enough to apprise the Court about the report which we called for under our order dated 14.9.2022. On an oral request of the learned counsel for the University, we proceeded to summon the record of the case and that is how the matter has come up. We deem the case to be an urgent one calling for immediate attention. It is in these circumstances, we proceed to pass the following order.

Keeping in view the report dated 12.9.2022 placed before us, we permit the medical experts to proceed with the challenge of terminating the pregnancy in the interest of justice. This we permit in order to free the victim of the

trauma and social miseries ahead. The petitioner shall be provided due medical care equipped with all the necessities required for the purpose. We hope and trust that the CMO, Bahraich shall monitor financial implications to the fullest inclusive of the fooding and lodging of two extra family members of the victim.

We also permit the medical board to obtain necessary consent of victim's father before termination of pregnancy. The tissues of foetus shall be preserved for forensic analysis and use of the evidence in trial.

List/put up this matter on 20.9.2022.

It is informed that the victim had to undergo necessary medical treatment and unwanted pregnancy has been terminated by following requisite procedure. The victim has been discharged from the Hospital and is presently under the guardianship of her natural parents. All these informations have been put forth before us through the counsel appearing for the petitioner.

At this stage, learned counsel for the victim has also pressed the prayer for rehabilitation of the victim. It is submitted that the government has also evolved a scheme whereunder the victims of rape have been provided financial support so that they lead a normal life like ordinary citizens. The rehabilitation scheme is implemented State-wide wherein the provision for compensation is also provided for. It is informed that the victim in the present case is going through a vulnerable situation and is dependent for all sorts of help including legal services to claim the benefit of the scheme applicable in this behalf.

Accordingly, we hereby direct the Secretary, District Legal Services Authority, Bahraich to ensure all the necessary legal assistance and help to the victim and ensure that the claim for compensation as per the prevailing scheme i.e. U.P. Victim Compensation Scheme, 2014 as amended from time to time is provided to the petitioner without any delay. All the requisite steps for the payment of compensation shall be taken by the Secretary, District Legal Services Authority, Bahraich expeditiously. The Secretary, District Legal Services Authority, Bahraich shall take up the matter with the district authorities and submit a report to the Senior Registrar of this Court as to outcome of such efforts taken for the

payment of compensation to the victim or her family.

For any threat to the life and personal liberty of the victim, it shall be open to make an application before the competent court under the victim protection scheme and the application so made shall also be dealt with expeditiously in accordance with law.

The writ petition is, accordingly, ***disposed of.***

Order Date :- 20.9.2022

Arti/-

(Om Prakash Shukla,J.)

(Attau Rahman Masoodi,J.)