

Delhi HC Issues Comprehensive Guidelines for MTP in Sexual Assault Cases

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Medical Termination of Pregnancy Latest News

- The Delhi High Court has stepped in to **address procedural lapses** and miscommunication that led to **delays** in the Medical Termination of Pregnancy (MTP) for a **minor rape survivor**.
- The case **exposed systemic flaws** in how hospitals and authorities handle MTP in sexual assault cases, particularly those involving minors.
- It prompted the court to frame detailed guidelines aimed at **ensuring timely, sensitive, and legally compliant medical care**.

Background of the Case

- A **17-year-old rape survivor** was taken to AIIMS, Delhi, for medical examination and MTP.
- Hospital authorities initially refused to conduct an ultrasound due to **lack of ID documents**, despite the survivor being accompanied by police and an FIR being registered.

- The Child Welfare Committee (CWC) directed termination, but the hospital demanded **age verification via ossification test** and continued to delay.
- After CWC's personal intervention, the ultrasound revealed a **gestation of 25 weeks and 4 days—beyond the legal limit of 24 weeks** under the **MTP Act, 1971**.
- The hospital **refused** further action without court orders.
- Following court direction, a medical board assessed the **gestation to be 23 weeks and 4 days**, finding the survivor fit for MTP.

Lapses Identified by the Court

- Hospitals **applied routine diagnostic protocols rigidly**, even in POCSO cases.
- **Discrepancy in ultrasound findings** raised concerns about medical accuracy.
- **Administrative delays** resulted in **psychological and physical hardship** to the survivor.

Guidelines Issued by the Delhi High Court

- **Directions to hospitals:**
 - **Identity verification:** No separate ID verification required if the survivor is accompanied by police with FIR and case files.
 - **Immediate medical attention:**
 - Mandatory comprehensive examination upon presentation of a pregnant sexual assault survivor.
 - In cases where gestation appears over 24 weeks, hospitals must **constitute a medical board** immediately **without waiting for court orders**.
 - **Legal and procedural awareness:**
 - SOPs, MTP Act, and POCSO guidelines must be accessible in **Emergency and Gynaecology departments**.
 - Doctors to be **sensitized** and trained in legal obligations under MTP and **POCSO Acts**.
 - **Training and accountability:**
 - **Quarterly training** for medical staff in coordination with Delhi State Legal Services Authority (DSLISA) and Delhi High Court Legal Services Committee (DHCLSC).
 - **Appointment of nodal officers** in each government hospital to coordinate with CWC, Investigating officers (IOs), and courts.
 - **Informed consent:** MTP consent must be taken in a language understood by the survivor or guardian (Hindi/English).
- **Directions to Delhi Police:**
 - **Biannual training:** IOs in POCSO cases must undergo mandatory six-monthly training on MTP protocols and court coordination.
 - **Documentation:** Training completion certificates to be filed in service records.
 - **Prompt medical action:** IOs to ensure survivors are brought to hospitals or boards at the earliest opportunity with relevant documentation.
- **Earlier guidelines by the Court:**

- **April 2025 guidelines:**

- CWCs must immediately notify DHCLSC when referring to minor survivors with gestational age over 24 weeks for MTP.
- DHCLSC to promptly decide on approaching courts for necessary permissions to avoid delay.

- **January 2023 guidelines:**

- Mandatory Urine Pregnancy Tests during medical examination of sexual assault survivors.
- Adult survivors found pregnant must be presented to the medical board the same day.
- State governments directed to ensure medical boards are available in hospitals.

Conclusion

- The Delhi High Court's proactive judicial intervention underscores the **need for sensitive, efficient, and legally sound procedures** in cases involving the MTP of sexual assault survivors.
- These guidelines aim to **bridge institutional gaps and uphold the fundamental rights** of survivors, particularly minors, under the ambit of constitutional and statutory protections.

Source: TH

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