

CWP No.7305 of 2020  
Date of Decision: 13.05.2020

Kiran and another

.....Petitioners

Versus

Chandigarh Administration, U.T. Chandigarh and another

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. Sanjeev Sharma, Advocate  
for the petitioners.

Mr. Pankaj Jain, Advocate  
Senior Standing Counsel  
for respondent No.1-UT, Chandigarh.

Mr. Amit Jhanji, Advocate  
for respondent No.2-PGIMER, Chandigarh.

**NIRMALJIT KAUR, J. (ORAL)**

Instant writ petition has been filed seeking issuance of a direction for medical termination of pregnancy of petitioner No.1 (Kiran) in view of the poor prognosis.

While issuing notice of motion, learned Single Bench, vide order dated 08.05.2020, directed the medical examination of petitioner No.1 to be carried out by the Permanent Medical Examination Board, constituted at respondent No.2-PGIMER, Chandigarh and respondent No.2 was accordingly directed to submit the requisite medical examination report in a sealed cover. The said report of the Medical Board has been submitted, which is as under:-

“Subject: CWP No.7305 of 2020 titled as Kiran and another Vs. UT, Chandigarh administration and another regarding patient Kiran, age 24 years female CR No.202002336847

With reference to the directions received from the Hon'ble Punjab and Haryana High Court dated 08/05/2020 received in the MS office on 08/05/2020 in which the Permanent Medical Board has been asked to examine the first petitioner Kiran and submit its recommendation in a sealed cover to the Court indicating as to whether it recommends termination of the pregnancy of the petitioner at this stage.

The first petitioner pt Kiran was medically evaluated by the Medical Board at PGIMER, Chandigarh on dated 11/05/2020. Following are the observations:

1. As per her last menstrual period, the period of gestation (POG) on 11/05/2020 is 22 wks + 4 days. As per USG done today the POG is 23 days + 6 days. She has a single live intrauterine fetus with Arnold Chiari II malformation.
2. Arnold Chiari II malformation consists of hydrocephalous alongwith open spinal dysraphism (spina bifida) at lumbosacral region which is a severe congenital anomaly with poor prognosis and not compatible with normal life.
3. As per the Royal College of Obstetricians and guidelines- (Termination of pregnancy for fetal abnormality, 2010), if abortion is performed after 22 wks, there is a possibility of a live birth. Hence, in such cases injection of ultrasound guided Potassium Chloride into the fetal heart is advised prior to abortion, to prevent a live birth.
4. The patient has been examined and has been found to be clinically fit however she is under mental stress due to carrying of pregnancy in which the fetus is affected with Arnold Chiari II Malformation.
5. Keeping in view the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to severe congenital anomaly. We also wish to bring to the knowledge of the Hon'ble High Court that doctors may perform the procedure of Potassium Chloride injection under ultrasound guidance into the fetal heart before

termination of pregnancy, so as to prevent the fetus being born alive.”

It is clear from the report that the patient is found to be clinical fit but is undergoing mental stress due to carrying of pregnancy in which the fetus is affected with Arnold Chiari II malformation and the Board has clearly held that the patient may under go medical termination of pregnancy due to severe congenital anomaly.

In view of the said medical report, this Court has no choice but to accept the request of the petitioner, which is also recommended by the Permanent Medical Board.

In view of the above, respondent No.2-PGIMER, Chandigarh is requested to get the pregnancy of petitioner No.1 namely Kiran terminated under the supervision of the head of Department PGIMER, Chandigarh (Obstetrics and Gynecology). It is further requested that all necessary facilities for undertaking the procedure be afforded to the patient. The petitioner be admitted at PGIMER, Chandigarh by tomorrow i.e. 14.05.2020 and necessary procedure be carried out thereafter taking into account the necessary medical parameters.

In case the petitioner is eligible for any benefit under the Poor Patient Welfare Fund, the petitioner may submit necessary application, which shall be considered by the PGIMER authorities, in accordance with law.

Disposed of in the above terms.

**13.05.2020**  
*sandeep/ajay-1*

**(NIRMALJIT KAUR)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No