

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2833 OF 2021

X ... Petitioner
V/s.
State of Maharashtra and anr. ... Respondents

Mr.Siddheshwar Biradar, Advocate for the Petitioner.
Ms.Neha Bhide, "B" Panel Counsel for the Respondents/State.

**CORAM : UJJAL BHUYAN &
MADHAV J. JAMDAR, JJ.
DATE : JULY 30, 2021.**

P.C.:-

Heard Mr.Biradar, learned counsel for the petitioner; and
Ms.Neha Bhide, learned AGP for the respondents/State.

2. On 15th July, 2021, the following order was passed:-

"2. By way of this petition under Article 226 of the Constitution of India, petitioner seeks a direction to the respondents for constitution of a medical board to examine her pregnancy and thereafter to permit her to undergo medical termination of her pregnancy.

3. Grounds given for seeking termination of pregnancy is that petitioner is an illiterate and unmarried lady. Raising up a child alone in a conservative society may be difficult for her; besides the mental trauma of her carrying pregnancy being an unwed mother. These are the reasons for which she seeks medical termination of her pregnancy.

4. Without expressing any opinion on this aspect *vis-a-vis* the Medical Termination of Pregnancy Act, 1971, we direct respondent No.2-Sasoon General Hospital, Pune to constitute a medical board for examining the petitioner.

5. Petitioner shall appear before respondent No.2 within 48 hours for her examination.

6. Report of the medical board shall be placed before the court on or before the next date in a sealed cover.

7. Stand over to 22nd July, 2021."

3. Thereafter, on 22nd July, 2021 we had passed the following order:-

"3. Today, when the matter is called upon, report of the Medical Board dated 17th July, 2021 of B.J. Govt. Medical College & Sassoon Hospital, Pune has been placed before us. We have carefully perused the report of the Medical Board. From the report we find that the Petitioner was examined by the Medical Board on 17th July, 2021. After examination of the Petitioner, the Medical Board has recommended as under :-

"On clinical and ultrasound examination mother has pregnancy of 22 weeks and 3 days with single live intrauterine fetus. She has generalized neurofibromatosis and pregnancy is with placenta praevia having risk of haemorrhage requiring surgical intervention. She is unmarried and has mild intellectual disability. In view of this and poor social support, continuation of pregnancy being associated with higher mental and physical morbidity and mortality, medical termination of pregnancy is recommended with kind permission of Hon'ble High Court."

4. In view of the report of the Medical Board as extracted above, we permit the Petitioner to undergo medical termination of her pregnancy in the B.J. Govt. Medical College and Sassoon Hospital, Pune. Outcome of procedure may be informed to the Court on the next date.

5. Stand over to 30th July, 2021."

4. Today, Ms.Bhide, learned AGP has placed before us letter dated 29th July, 2021 of the Dean of B.J. Government Medical College & Sassoon Hospital, Pune, wherefrom we find that medical termination of pregnancy of the petitioner was carried out on 26th July, 2021 leading to extraction of the fetus.

5. Before disposing of the writ petition our attention has been drawn to section 5A of the Medical Termination of Pregnancy Act, 1971 which has been inserted vide the Medical Termination of Pregnancy (Amendment) Act, 2021 and notified in the Gazette of India on 25th March, 2021. Section 5A reads as under :-

“5A(1) No registered medical practitioner shall reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act except to a person authorized by any law for the time being in force.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year, or with fine, or with both.”

6. In view thereof, Registry may issue general instructions that henceforth while approaching the court seeking medical termination of pregnancy name and particulars of the woman whose pregnancy is sought to be terminated may not be disclosed in the writ petition. In the cause-title she may be referred to as XYZ or ABC.

7. Ms.Bhide, learned AGP may also instruct the concerned authority that name and particulars of the woman whose pregnancy has been terminated should not be revealed by the medical board or by the hospital.

8. Let copies of this order be furnished to Ms.Bhide, learned AGP as well as to the Registrar General of this court.

9. In respect of the present petition necessary correction may be made regarding name of the petitioner by referring to her as "X" in the orders dated 15th July, 2021 and 22nd July, 2021.

10. Writ petition is disposed of.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)

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