

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8080-2021

Date of decision : 12.4.2021

Shakuntla Devi

... Petitioner

VERSUS

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Arnav Sood, Advocate, for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG, Punjab.

Mr. Amit Jhanji, Advocate, for respondent No.2.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of COVID-19 Pandemic.

Petitioner-Shakuntla Devi aged 39 years has brought the instant writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus directing respondent No.2 to terminate pregnancy of the child in the womb of the petitioner which is about 23 weeks and 2 days old, in consonance to the report given by Post Graduate Institute of Medical Education and Research (PGIMER), Sector 12, Chandigarh-respondent No.2, as well as other medical record showing that it is single live intrauterine pregnancy with multiple congenital anomalies (poor prognosis not compatible with normal quality of life) and continuation of pregnancy would cause grave injury to the child.

Notice of the writ petition was given to the respondents, who have put in appearance through counsel.

When the petition came up for hearing on 8.4.2021, an order

was passed directing the petitioner to appear before the Medical Superintendent, PGIMER, Chandigarh on 9.4.2021 for examination by the Medical Board, observing that such Board would take a conscious decision regarding termination of the pregnancy. The Medical Board was requested to send the report in the Court by today i.e. 12.4.2021.

The report from the Medical Board has been received. The observations of the Board are as under : -

- “1. As per the USG done on 09.04.2021 the period of gestation is 23 weeks and 2 days with single live intrauterine fetus. There are multiple congenital anomalies; cerebellar hypoplasia with dilated fourth ventricle (Malformation of the brain), persistent opened mouth with retrognathia with the hypoplastic mandible (malformation of the face) and bilateral club foot (malformation of the foot). There is evidence of poly-hydro amnios (increased volume of amniotic fluid) present. Stomach bubble is absent.
2. Patient is psychologically distressed due to abnormal fetus in the present pregnancy.
3. The patient has been clinically examined and found to be medically fit.
4. As per the Royal College of Obstetricians & Gynaecologists (RCOG) guidelines (Termination of pregnancy for foetal abnormality, 2010), in cases where medical abortion is being performed after 21 weeks + 6 days of gestation for foetal abnormalities, to prevent a live birth, ultrasound-guided injection of Potassium Chloride in the foetal heart is advised before the abortion.
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 single live intrauterine pregnancy with multiple congenital anomalies (poor prognosis not compatible with normal quality of life).

sd/-

Prof. Manoj Goyal
(Member)

sd/-

Dr. Tulika Singh
(Member)

sd/-

Prof. Kanya Mukhopadhyay
(Member)

sd/-	sd/-	sd/-
Prof. Nandita Kakkar	Dr. Ruchita Shah	Dr. Himanshu Gupta
(Member)	(Member)	(Member)
sd/-	sd/-	sd/-
Dr. Shefali K Sharma	Dr. Anupriya Kaur	Dr. Sahajal Dhooria
(Member)	(Member)	(Member)
sd/-	sd/-	sd/-
Prof. Y.S. Bansal	Dr. Prema Menon	Dr. Raman Sharma
(Member)	(Member)	(Member)

sd/-
Prof. Rashmi Bagga
(Chairperson)”

I have heard learned counsel for the petitioner and learned counsel for the respondents besides going through the record.

In view of the report sent by the Medical Board of PGIMER, which has been reproduced above, it would be proper and appropriate to allow the present writ petition, it being single live intrauterine pregnancy with multiple congenital anomalies (poor prognosis not compatible with normal quality of life).

Therefore, the present writ petition is accepted and respondent No.2-PGIMER, Chandigarh is directed to carry out the medical termination of pregnancy of the petitioner taking all the necessary measures required for the purpose, with minimum risk to the life of the petitioner. Considering the fact that the pregnancy being carried out by the petitioner is at the advanced stage, the needful be done at the earliest, i.e., within next 7 days only.

As requested by learned counsel for the parties, copies of this order be given to the counsel for the parties under the signatures of the Bench Secretary of this Court.

April 12, 2021
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE