

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-10893-2021(O&M)
Decided on : 15.06.2021**

BABY KAUR AND ANOTHER V/S

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. J.S Bajwa, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG Punjab

Mr. Saurabh Sharma, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Article 226/227 of the Constitution of India for directing the respondent No.2 or any other medical organization for conducting the medical termination of the pregnancy of the petitioner No.1 on account of medical complications as stipulated under Section 3 of the Medical Termination of Pregnancy Act, 1971.

Report of the Medical Board has been received pursuant to order dated 11.06.2021. The same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

As per the report of the Permanent Medical Board, it has been recommended that the patient Baby Kaur may undergo medical termination of pregnancy at this stage due to severe congenital anomaly occipital encephalocele with gross hydrocephalus which is not compatible with normal life. In the wake of the report received, the case of the petitioner falls under Section 3(2)(ii) of the Medical Termination of the Pregnancy Act, 1971, even though the pregnancy of the petitioner is beyond the prescribed period of 24 weeks, which has been mentioned therein.

Learned counsel for the petitioner has also made an earnest prayer that since the petitioner is a poor lady she would not be in a position to bear the expenses of the medical termination of pregnancy at PGIMER Chandigarh, hence she may not be charged for the medicines and the procedure.

In the circumstances, after hearing learned counsel for the parties and in view of the medical report submitted by the Permanent Medical Board the petitioner is allowed to undergo medical termination of her pregnancy as advised and recommended by the Permanent Medical Board of respondent-institute to whom the petitioner No.1 had been referred for medical evaluation. The petitioner No.1 shall present herself before the respondent-Post Graduate Institute of Medical Education and Research (PGIMER), Sector 12, Chandigarh within the next two days and upon her appearance the respondent-institute shall carry out the procedure for medically terminating her pregnancy at the earliest, without any further delay. The procedure for medically terminating the petitioner's pregnancy would be carried out under the supervision of the Head of Department- (Obstetrics & Gynecology)-Post Graduate Institute of Medical Education and Research (PGIMER), Sector 12, Chandigarh or in the alternative by a doctor who may be deputed by the Head of Department (Obstetrics & Gynecology) to carry out the aforementioned procedure.

Coming to the prayer of the learned counsel for the petitioner qua the petitioner's poor financial status and inability to bear the expenses of hospitalization etc., respondent-institute shall extend all possible help in the said regard to the petitioner as may be permissible under the Rules.

The petition stands allowed in the above terms.

(MANJARI NEHRU KAUL)
JUDGE

June 15, 2021

S.Sharma(syr)

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No