

(In virtual Court)

CWP No.12293 of 2021

Date of Decision: 13.07.2021

Laxmi Devi and another

.....Petitioners

Versus

U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Shaveta Sanghi, Advocate for the petitioners.

Ms. Aakanksha Sawhney, Addl. Standing counsel
for respondent Nos.1, 3 and 4.Mr. Alok Kumar Jain, Advocate,
for respondent No.2-PGI, Chandigarh.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of direction to respondent No.2 or any other medical facility for performing medical termination of pregnancy of petitioner No.1 on account of medical complications in the pregnancy beyond the period of 20 weeks as stipulated under Section 3 of the Medical Termination of Pregnancy Act, 1971.

Vide order dated 08.07.2021, this Court had directed the PGI, Chandigarh to medically examine the petitioner; by issuing the following directions:

“Accordingly, the Director, PGI, Chandigarh is directed to constitute a Medical Board comprising of the doctors of the concerned department/s, if it has already not been constituted for this purpose, to examine the condition of the foetus and to opine about the prognosis qua the foetus and about the desirability of continuation of the pregnancy or termination thereof.”

Pursuant to the above said order, the report has been received from the PGI, Chandigarh, which has categorically recommended the medical termination of the pregnancy in view of the conditions of the fetus. The report, prominently reads as under:-

“With reference to the directions received from the Hon'ble Punjab and Haryana High Court dated 8.7.2021 received through email in office of Medical Superintendent, Nehru Hospital on 9.7.2021 in which the Permanent Medical Board has been asked to examine the petitioner Laxmi Devi and submit its recommendation in a sealed cover to the court indicating as to whether it recommends termination of the pregnancy of the petitioner.

The petitioner Laxmi Devi appeared in the O/o Medical Superintendent on 10.07.2021 and was medically evaluated by the Medical Board at PGIMER, Chandigarh on dated 10.07.2021:

Following are the observations:

- 1. As per the ultrasound done on 10.07.2021 showed the period of gestation (POG) is 25 wks+6 days with single live intrauterine fetus with a cardiac anomaly in the form of persistent truncus arteriosus, large VSD (ventricular septal defect) and right sided aortic arch.*
- 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. The Board advises ultrasound guided injection of potassium chloride (KCL) into the fetal heart prior to abortion. This is as per the Royal College of Obstreticians and Gynecologists (RCOG)*

guidelines (Termination of Pregnancy for fetal abnormality, 2010), when medical abortion is performed after 21+6 days of gestation for fetal abnormalities, ultrasound guided injection of potassium chloride into the fetal heart is advised prior to abortion to prevent a live birth.

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 congenital cardiac anomalies (poor prognosis not compatible with normal quality of life)."*

In view of the above, this Court finds it appropriate to permit the medical termination of pregnancy by adopting all the safety measures and procedural protocol, as recommended by the Medical Board of PGI, Chandigarh.

Let the necessary procedure be carried out at the earliest possible so as to avoid any further complications and danger to the life of petitioner No.1.

Disposed of in view of the above terms.

A copy of this order be given to learned counsel for the parties under the signature of Bench Secretary of this Court.

(RAJBIR SEHRAWAT)
JUDGE

13.07.2021
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No