

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13769 of 2021 (O&M)

Date of Decision:30.07.2021

PUNIMA SHARMA

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Harmeet Singh, Advocate
and Ms. Harpreet Kaur, Advocate
for the petitioner.

Mr. TPS Chawla, DAG., Punjab.

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

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this writ petition is for permission for medical termination of pregnancy of the petitioner.

It is submitted that the foetus carried by the petitioner has been diagnosed with major congenital malformation – ‘encephalocele’. Prognosis for carrying on with the pregnancy is not good. However, the foetus is over 22 weeks. Therefore, Medical termination of pregnancy was thus not carried out.

Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh, vide order dated 27.07.2021 in this petition, was asked to examine the petitioner for an evaluation for advisability of medical termination of pregnancy. Report of Medical Board

has been received in a sealed cover today. Same is opened and perused.

Relevant observations of the Medical Board report read as under: -

- “1. The patient is a 31 yrs primigravida. As per the USG done on 28.07.2021 the period of gestation is 22 weeks and 2 days with single live intrauterine pregnancy with encephalocele. This is a malformation of the fetal brain characterized by sac-like protrusions of the brain and the membranes that cover it, through openings in the skull. This is not compatible with normal life.
2. The patient is mentally stressed due to carrying a pregnancy wherein the fetus is affected with congenital malformation and does not wish to continue this pregnancy.
3. The patient has been examined and found to be medically fit.
4. The board advises ultra sound guided injection of Potassium Chloride (KCI) into the fetal heart prior to abortion. This is as per the Royal college of Obstetricians & Gynecologists (RCOG) guidelines (Termination of pregnancy for fetal abnormality, 2010), when medical abortion is performed after 21 weeks + 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. In view of the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to **encephalocele** which is not compatible with normal life. We also wish to bring to the knowledge of the Hon’ble High Court that the medical termination of pregnancy at an advanced gestation of 22 weeks + 2 days carries more than the usual risks which have been explained to the patient.”

The Medical Board has recommended that patient/petitioner may undergo medical termination of pregnancy at this stage due to

‘encephalocele which is not compatible with normal life’. The usual risks accompanying such termination at this advanced stage of gestation have been explained to the petitioner. Learned counsel for the petitioner submits that petitioner wishes to go ahead with medical termination of her pregnancy. Report dated 29.07.2021 of the Board is taken on record subject to just exceptions.

Keeping in view categoric opinion of the Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh as above, medical termination of pregnancy of the petitioner is permitted. Petitioner shall remain present at the office of the Medical Superintendent, PGIMER, Chandigarh tomorrow i.e., on 31.07.2021 at 10.00 a.m., for admission and necessary steps to be taken for medical termination of pregnancy. Needless to say, due care and medical treatment be made available to the petitioner on usual charges. It is also directed that in case the petitioner needs any further care after the procedure, the same be also provided to her.

Writ petition is accordingly disposed of.

30.07.2021

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.