

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CWP No.13745 of 2021
DATE OF DECISION : 2ND AUGUST, 2021

Nancy

.... Petitioner

Versus

State of Union Territory of Chandigarh & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Aditya Pal Singla, Govt. Pleader, for
respondents No.1 & 2-UT, Chandigarh.

Mr. Anmol Partap Singh Mann, Advocate
for respondents No.3 to 5.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of mandamus directing the respondents No.3 to 5 to terminate the pregnancy of petitioner after following the due procedure, along with certain other prayers.

Vide order dated 27.07.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh (PGI) to carry out the medical examination of petitioner with following request:

“Let the petitioner be examined by the permanent Medical Board constituted at PGIMER, Chandigarh for this purpose; and submit a report qua problem

with the foetus and its possible effects if the foetus is continued and be permitted to born as a child, as well as, qua desirability of the termination of the pregnancy of the petitioner; within a period of three days.”

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

1. *The patient is a 28 yrs primigravida. As per the USG done on 28/07/2021 the period of gestation is 21 weeks and 2 days wks with single live intrauterine pregnancy with **Trisomy21**. This is a chromosomal abnormality in which the baby has one extra chromosome (i.e. 47). In a normal child there are 46 chromosomes. This condition is commonly called as **Down's syndrome** wherein the child born is mentally retarded and physically disabled. This is not compatible with normal life.*
2. *The patient is mental stressed due to carrying a pregnancy wherein the fetus is affected with a genetic disorder 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 & Gynaecologists (RCOG) guidelines (Terminal 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 **Trisomy21** which is not compatible with normal life.*

A perusal of the report of the Permanent Medical Board of the PGIMER, Chandigarh suggests that the patient may undergo medical termination of pregnancy at this stage due to Trisomy21, which is not compatible with life.

In view of the above, the present petition is allowed. The petitioner is permitted to get the pregnancy terminated. The respondent No.3-PGIMER, Chandigarh may proceed further by adopting all the safety measures and procedural protocol, as recommended by the Medical Board.

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.

2ND AUGUST, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>