

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

CWP No.14654 2021.

Date of Decision: 09.08.2021

Ritupreet Kaur and another

...Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: - Mr. Lokesh Vohra, Advocate,
for the petitioners.

Mr. Abhay Pal Singh Gill, AAG, Punjab,
for respondent No.1.

Mr. Satbir Singh Kanwar, Advocate,
for respondents No.2 & 3.

LISA GILL. J.

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

Prayer in this writ petition is for permission for medical termination of pregnancy of petitioner no.1.

Learned counsel for the petitioner while referring to Annexure P-5 i.e., opinion of the doctors treating the petitioner at PGIMER, Chandigarh, submits that the foetus carried by petitioner no.1 has been diagnosed with medical problems which make for a bad prognosis for carrying on with the pregnancy. However, the foetus is over 21 weeks old. Medical termination of pregnancy was thus not carried out.

Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh, vide order dated 04.08.2021 in this writ petition, was asked to examine petitioner no.1 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. xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx As per the ultrasound done on 05.08.2021, the period of gestation is 21 weeks and 2 days with single live intrauterine pregnancy **with relatively prominent left lateral ventricle in brain with facial abnormality in the form of receding mandible.**
2. The karyotype report of the amniotic fluid (protective fluid in the gestational sac) shows **derivative or extra chromosome 22q region, which is suggestive of 22q duplication syndrome.** In larger duplication of this chromosome 22q11.2 region, cardiac defects like aortic arch anomalies can occur and learning disability or mental disability is likely. These are features suggestive of a **chromosomal abnormality** which is not compatible with normal life.
3. 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.
4. The patient has been examined and found to be medically fit.

5. *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 (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.*
6. *In view of the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to **chromosomal abnormality** 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 21 weeks+2 days carries more than the usual risks which have been explained to the patient."*

The Medical Board has recommended that patient/petitioner no.1 may undergo medical termination of pregnancy at this stage due to 'chromosomal abnormality', which is not compatible with normal life. It is further stated that as pregnancy is at an advanced stage of gestation, medical termination of pregnancy carries more than usual risks which have been explained to the patient. Learned counsel for the petitioners submits that petitioners wish to go ahead with termination of pregnancy. Report dated 07.08.2021 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 petitioner no.1 is permitted. Petitioner no.1 shall remain present at the office of the Medical Superintendent, PGIMER, Chandigarh tomorrow i.e., on 10.08.2021 at 10 AM 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 petitioner no.1. In case petitioner no.1 needs any further care after the procedure, the same be also provided to her.

Writ petition is accordingly disposed of.

(LISA GILL)
JUDGE

09.08.2021

Sunil

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