

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15095 of 2021 (O&M)

Date of Decision:12.08.2021

Surjeet Kaur and another

.....Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Sharma, Advocate
for the petitioners.

Mr. Ashish Yadav, Addl.AG., Haryana.

Mr. Anmol Partap Singh Mann, 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 petitioner no.1.

It is submitted that the foetus carried by petitioner no.1 has been diagnosed with major congenital malformation – ‘amniotic sac rupture resulting in leakage of amniotic fluid causing high risk to the mother (patient) due to severe womb infection as well as to the fetus who can have poorly developed lungs and reduced chances of survival at birth’. Prognosis for carrying on with the pregnancy is not good. However, the foetus is little over 21 weeks. Medical termination of pregnancy was thus not carried out.

Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh, vide order dated 09.08.2021 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 petitioner is a 32 yrs old primigravida with no previous comorbidities. As per the ultrasound done on 10.08.2021, the period of gestation is 22 weeks and 3 days with single live intrauterine pregnancy with severe oligohydramnios (severely reduced amniotic fluid around the fetus) and left renal pyelectasis (dilated renal pelvis). She gives history of leakage of amniotic fluid from the 4th month of pregnancy, which may be the likely cause of severe Oligohydramnios. Severely reduced amniotic fluid before 22 weeks of gestation can lead to poorly developed lungs of the fetus (pulmonary hypoplasia) and reduced chances of survival at birth. In addition, amniotic sac rupture resulting in leakage of amniotic fluid can cause severe infection (chorioamnionitis) in the patient herself. Hence, pregnancy termination is recommended as this condition can cause problems in both the patient and her fetus.
2. The patient is mentally stressed due to medical abnormality in her pregnancy and probable outcome and does not wish to continue the pregnancy.
3. The patient has been examined and found to be medically fit.
4. In view of the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to amniotic sac rupture resulting in leakage of amniotic fluid causing high risk to the mother (patient) due to severe womb infection as well as to the fetus who can have poorly developed lungs and reduced chances of survival at birth. We also wish to bring to the knowledge of the Hon’ble High Court that medical termination of pregnancy at an advanced gestation of 22 weeks + 3 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 'amniotic sac rupture resulting in leakage of amniotic fluid causing high risk to the mother (patient) due to severe womb infection as well as to the fetus who can have poorly developed lungs and reduced chances of survival at birth'. The usual risks accompanying such termination at this advanced stage of gestation have been explained to petitioner no.1. Learned counsel for the petitioners submits that petitioner no.1 wishes to go ahead with medical termination of her pregnancy. Report dated 11.08.2021 of the Board is taken on record subject to just exceptions.

Keeping in view categorical 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 13.08.2021 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 petitioner no.1. In case petitioner no.1 needs any further care after the procedure, the same be also provided to her. Learned counsel for the petitioners submits that petitioners are poor people, therefore, they may be provided free medical aid. In case, the petitioners are found eligible under any of the scheme/s as available in PGIMER, benefit thereof be extended to the petitioners.

Writ petition is accordingly disposed of.

[LISA GILL]
Judge

12.08.2021
s.khan

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