

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

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IN VIRTUAL COURT

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**CWP No. 15558 of 2021
Date of decision : 17.8.2021**

Manpreet Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Shiva Khurmi, Advocate, for the petitioner

Ms. Anju Arora, Addl. AG, Punjab

Mr. Aditya Pal Singla, Advocate, for respondents No.2 & 3

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing respondents No.2 and 3 to medically terminate the pregnancy of the petitioner, in light of other medical report issued by respondent No.2 (Annexure P-5) dated 9.8.2021 wherein the petitioner is advised to take permission from the Court in view of advanced gestation and multiple congenital malformation in fetus not compatible with life.

Further prayer of the petitioner is to direct respondents No.2 and 3 to constitute a competent medical board to provide a definite opinion with regard to the health of the fetus.

Vide order dated 12.8.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh to carry out the medical examination of the petitioner with following request :-

“Let the petitioner be examined by the Permanent Medical Board constituted at PGIMER, Chandigarh. The Board is requested to furnish its opinion qua the development and problem of the fetus and also qua desirability of the termination of the pregnancy; within 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 petitioner is a 26 years old primigravide married for 1.3 years with no previous comorbidities. As per the ultrasound done on 13.8.2021, the patient has conjoint twins (cephalothoracophagus) with fused head and thorax with AUA (actual ultrasound age) 23 to 24 weeks. The twins have multiple congenital anomaly in the form of :-

- a) Bilateral polycystic kidney (fluid-filled cysts to form in the kidneys with absent urinary bladder in both twins.
- b) Omphalocele (congenital abnormality in which the organs of the abdomen stick out through an opening in muscles in the area of the umbilical cord) with herniation of liver.
- c) Meningomyelocele (lumbosacral) (birth defect of the spinal canal and the backbone) in both the twins.
- d) Clubfoot in one of the twins.

The Board also wishes too inform that there is apossibility oof her needing an abdominal operation to complete the process of abortion in case it is not possible via the natural route due to conjoint twins (twins that are physically connected to each other).

2. The patient is mentally stressed due to carrying a pregnancy wherein the fetus is affected with multiple congenital malformations and does not wish to continue this pregnancy.

3. The patient has been examined and found to be medically fit. However, haemoglobin is 8.5 gm/dl showing that she is anaemic. Hence, 1 unit cross match blood should be arranged and kept ready prior to abortion procedure.

4. The board advises ultra sound guided injection of Potassium Chloride (KCl) into the fetal heart prior to abortion. This is as per the Royal college of Obstetricians and 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 conjoined twins with cephalothoracophagus with multiple congenital anomalies of the kidney, abdomen and spinal canal which are not compatible with 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 conjoined twins with cephalothoracophagus with multiple congenital anomalies of the kidney, abdomen and spinal canal which are not compatible with life.

In view of the above, the present petition is allowed. The petitioner is permitted to get the pregnancy terminated. The PGIMER,

Chandigarh may proceed further for Medical Termination of Pregnancy 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 the petitioner.

(RAJBIR SEHRAWAT)
JUDGE

17.8.2021
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No