

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

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IN VIRTUAL COURT

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**CWP No.17485 of 2021
Date of decision : 13.09.2021**

Gurwinder Kaur and another **.....Petitioners**

Vs.

Union Territory, Chandigarh and others **.....Respondents**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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

Ms. Aakansha Sawhney, Addl. Standing Counsel
for respondent No.1.

Mr. Saurabh Sharma, Advocate, for respondents No.2 & 3.

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing respondents No.2 and 3 to terminate the pregnancy of petitioner No.1 due to non-visualization of right kidney, stomach bubble and urinary bladder of foetus, and even there is severe oligohydramnios of petitioner No.1, as per ultrasound report (Annexure P-7), therefore, the life of foetus is incompatible (as the organs are not visualized) as continuation of such pregnancy is dangerous to physical and mental health of petitioner No.1. Further prayer of the petitioners is to direct the PGI authorities to constitute a Medical Board and examine petitioner No.1 and foetus growing in the womb and in case there is danger to the life of petitioner No.1 or to the baby in the womb, necessary directions be passed to respondent Nos.2 and 3 to terminate the pregnancy.

Vide order dated 07.09.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh to carry out the medical examination of petitioner No.1 with following request :-

“Let the petitioner No.1 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 25 yrs old primigravida. As per the ultrasound done on 08/09/2021, the period of gestation is 22 weeks +1 day with single live intrauterine pregnancy weighing 480+71gms with severe oligohydramnios (refers to amniotic fluid volume that is less than expected for that gestational age) with bilateral grossly hydronephrotic kidney (abnormality in fetal kidneys) and non-visualized urinary bladder.
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 Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to severe oligohydramnios with bilateral grossly hydronephrotic kidney and non visualized urinary bladder which is not compatible with 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+1 day carries more than the usual risks which have been explained to the patient.

5. The Board also 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 & 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.

6. The board advises that the doctors carrying out the medical termination of pregnancy perform fetal autopsy and genetic tests from fetal DNA, to guide the patient in her future pregnancies.”

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 severe oligohydramnios with bilateral grossly hydronephrotic kidney and non visualized urinary bladder which is not compatible with life.

In view of the above, the present petition is allowed. The petitioner No.1 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 petitioner No.1.

(RAJBIR SEHRAWAT)
JUDGE

13.09.2021
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Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No