

CWP-17610-2021

Date of decision : September 10, 2021

AMANDEEP KAUR

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Hema Sharma, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. Alok Kumar Jain, Advocate for respondent No. 3.

LISA GILL, J.

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

Prayer in this petition is for permission for medical termination of pregnancy of the petitioner.

It is submitted that diagnosis regarding health of the foetus being carried by the petitioner is not conducive for carrying on with the pregnancy. However, the foetus is little over 22 weeks, therefore, medical termination of pregnancy was not carried out.

Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh, vide order dated 08.09.2021 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. Same is opened and perused. Relevant observations of the Medical Board read as under:-

“1. The petitioner is a 27 years old primigravida. As per the ultrasound done on 09.09.2021, the period of gestation is 21 weeks +2 day with single live intrauterine pregnancy weighing 354±52 gms **with multiple congenital malformations in the form of mild**

ventriculomegaly, segmental anomaly in spine with low lying tethered cord, complex cardiac anomaly and bilateral clenched hand and club foot.

2. The fetal ECHO done on 09.09.2021 is suggestive of **tetralogy of fallot (TOF)** which is a cardiac malformation in the fetal heart that **includes multiple developmental cardio vascular anomaly including ventricular septal defect (VSD), double outlet right ventricle (DORV) and pulmonary stenosis** which requires multiple surgeries during neonatal period and 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. However, the patient has been recently diagnosed with Diabetes Mellitus for which regular monitoring of blood glucose levels is needed and insulin dose needs to be titrated accordingly.

5. The Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to **teralogy of fallot which is a congenital cardiac malformation** which has poor prognosis and 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.

6. The board also 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 head is advised prior to abortion to prevent a live birth.

Hence, the **board advises MTP** in this case with the advise to be followed as listed above.”

The Medical Board has recommended that petitioner may undergo medical termination of pregnancy at this stage due to 'tetralogy of fallot which is congenital cardiac malformation'. The usual risks accompanying such termination at this advanced stage of gestation have been explained to the petitioner. Learned counsel for the petitioner submits that petitioner wishes to go ahead with medical termination of her pregnancy.

Report dated 09.09.2021 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 the petitioner is permitted. Petitioner shall remain present at the office of the Medical Superintendent, PGIMER, Chandigarh tomorrow i.e., on 11.09.2021 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 the petitioner. In case petitioner needs any further care after the procedure, the same be also provided to her. Learned counsel for the petitioner submits that petitioner is poor, therefore, she may be provided free medical aid. In case, the petitioner is found eligible under any of the scheme/s as available in PGIMER, benefit thereof be extended to the petitioner.

Writ petition is, accordingly, disposed of.

Copy of this order be supplied to learned counsel for the petitioner as well as learned counsel for respondent No. 3 under signatures of Bench Secretary of this Court.

September 10, 2021
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.