

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19471 of 2021 (O&M)

Date of Decision:30.09.2021

Salony Bansal and another

.....Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R. Kartikeya, Advocate
for the petitioners.

Mr. Sharan Sethi, Addl.AG., Haryana.

Mr. Piyush Khanna, 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 – ‘uncontrolled hypothyroidism with very high TSH (Thyroid Stimulating hormone) values during her first and second trimester’. Prognosis for carrying on with the pregnancy is not good. However, the foetus is little over 23 weeks. Medical termination of pregnancy was thus not carried out.

Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh, vide order dated 24.09.2021 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 today. Same is opened and perused.

Relevant observations of the Medical Board report read as under: -

- “1. The petitioner is a 28 yrs old primigravida. As per the ultrasound done on 25.09.2021, the period of gestation is 23 weeks 5 days with single live intrauterine pregnancy weighing 623 gms $\pm$ 92 gms with polyhydramnios (excessive accumulation of amniotic fluid around the fetus in the womb) and features suggestive of umbilical cord hernia (protrusion of small bowel loops in umbilical cord) which is a congenital malformation of the anterior abdominal wall. Her clinical records show that she is having uncontrolled hypothyroidism with very high TSH (Throid Stimulating hormone) values during her first and second trimester.
2. The fetal echocardiography (examination of fetal heart) done on 25.09.2021 is normal.
3. The petitioner 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 petitioner has been examined and found to be medically fit for undergoing MTP.
5. Her ultrasound findings show an umbilical cord hernia which is a form of defect in the anterior abdominal wall. Further, due to her raised TSH values during her early pregnancy, the possibility of such derangement causing intellectual impairment in the offspring cannot be ruled out. Hence the board recommends MTP in this case. 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 23 weeks + 5 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 heart is advised prior to abortion to prevent a live birth.

7. The board advises that the doctors carrying out the abortion get fetal autopsy and genetic tests from fetal DNA done, to guide the patient in her future pregnancies.”

The Medical Board has recommended that patient/petitioner no.1 may undergo medical termination of pregnancy at this stage due to ‘uncontrolled hypothyroidism with very high TSH (Thyroid Stimulating hormone) values during her first and second trimester’. 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 29.09.2021 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 01.10.2021 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 at applicable cost, unless the petitioner is found entitled to any concessions or benefits under any applicable Scheme. As advised by the Medical Board, fetal autopsy and genetic tests from fetal DNA, to guide the patient in her

future pregnancies, be also carried out.

Writ petition is accordingly disposed of.

Copy of this order be given to learned counsel for the parties
under signatures of the Bench Secretary.

30.09.2021

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

[LISA GILL]

Judge