

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.627 OF 2017

MAMTA VERMA

PETITIONER

VERSUS

UNION OF INDIA AND ORS

RESPONDENT(S)

O R D E R

Petitioner - Mamta Verma, aged 26 years, has approached this Court under Article 32 of the Constitution of India seeking directions to the respondents to allow her to undergo medical termination of her pregnancy. She apprehended danger to her life, having discovered that her fetus was diagnosed with Anencephaly, a defect that leaves foetal skull bones unformed and is both untreatable and certain to cause the infant's death during or shortly after birth. This condition is also known to endanger the mother's life.

By order dated 04.08.2017, while issuing notice to the respondents, this Court gave a direction for examination of the petitioner by a Medical Board consisting of the following Doctors of Sir J.J. Group of Hospitals, Mumbai :

1. HOD, Gynecology
2. HOD, Neurology
3. Dr. Anirudha Badade, MD, DMRD
4. Dr. Deepak Ugra, MD (PAED)

It is mentioned in the report dated 08.08.2017, received from the Dean, Grant Govt. Medical College & Sir J.J. Group of Hospital, Mumbai, that Dr. Anirudha Badade, MD, DMRD, and Dr. Deepak Ugra, MD (PAED) are no more associated with Sir J.J. Group of Hospitals, Mumbai. Hence, HOD Padiatric and HOD Radiology were included in Medical Board in their place and the following members of the said hospital were present in the Board :

- 1) Dr. Ashok Anand, Professor & HOD, Department of Obstetrics and Gynecology
- 2) Dr. Kamlesh Jagyashi, Professor & HOD, Department of Neurology
- 3) Dr. N.R. Sutay, Professor & Head, Department of Pediatric
- 4) Dr. Shilpa Domkundwar, Professor & Head, Department of Radiology

The aforesaid Medical Board has examined the petitioner and stated that as on 08.08.2017, she was into her 25th week and 1 day of pregnancy. The said Board has further opined as follows :

"Patient wants pregnancy to be terminated as the fetus is not likely to survive. It is causing immense mental agony to her.

After going through the Ultrasonography reports, Committee is of opinion that there is no point to continue the pregnancy as fetus has ANENCEPHALY which is non-compatible with life and continuation of pregnancy shall pose severe mental injury to her."

We have been informed that the fetus is without a skull and would, therefore, not be in a position to survive. It is also submitted that the petitioner understands that her fetus is abnormal and the risk of fetal mortality is high. She also has the support of her husband in her decision making.

Upon evaluation of the petitioner, the aforesaid Medical Board has concluded that her current pregnancy is of 25 weeks and 1 day. The condition of the fetus is not compatible with life. The medical evidence clearly suggests that there is no point in allowing the pregnancy to run its full course since the fetus would not be able to survive outside the uterus without a skull.

Importantly, it is reported that the continuation of pregnancy can pose severe mental injury to the petitioner and no additional risk to the petitioner's life is involved if she is allowed to undergo termination of her pregnancy.

In the circumstances, we consider it appropriate in the interests of justice and particularly, to permit the petitioner to undergo medical termination of her pregnancy under the provisions of Medical Termination of Pregnancy Act, 1971. Mr. Ranjit Kumar, learned Solicitor General appearing for the respondents, has not opposed the petitioner's prayer on any ground, legal or medical. We order accordingly.

The termination of pregnancy of the petitioner will be performed by the Doctors of the hospital where she has undergone medical check-up. Further, termination of her pregnancy would be supervised by the above stated Medical Board who shall maintain complete record of the procedure which is to be performed on the petitioner for termination of her pregnancy.

With the aforesaid directions, the instant writ petition is allowed in terms of prayer (a) seeking direction to the respondents to allow the petitioner to undergo medical termination of her pregnancy.

.....J
[S. A. BOBDE]

.....J
[L. NAGESWARA RAO]

NEW DELHI;
AUGUST 09, 2017.

ITEM NO.13

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.627/2017

MAMTA VERMA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH W.P.(C) No.635/2017 (X)

Date : 09-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Ms. Sneha Mukherjee, Adv.
For Mr. Satya Mitra, AOR

For Respondent(s) Mr. Ranjit Kumar, Ld. SG
Ms. Sadhana Sandhu, Adv.
For Mr. G.S. Makker, Adv.

Mr. Nishant R. Katneshwarkar, Adv.
Ms. Deepa Kulkarni, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition (Civil) No.627/2017

The instant writ petition is allowed in terms of the signed order.

Writ Petition(Civil) No.635/2017

List the matter on 10.08.2017 at the top of the Board.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
BRANCH OFFICER

(Signed Order is placed on the file)

Copy of this Order be given today