

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(s) (Civil) No(s).1126/2017

RITU VARUN SHARMA &amp; ANR.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

Date : 20-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Mr. Adarsh Uppadhyay, Adv.  
Mr. Abhishek Chaudhary, Adv.  
Mr. Garvesh Kabra, Adv. [AOR]For Respondent(s) Mr. Tushar Mehta, ASG  
Ms. Sadhana Sandhu, Adv.  
Mr. Sailendra Saini, Adv.  
Mr. Rajat Nair, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. G.S. Makker, Adv.UPON hearing the counsel the Court made the following  
O R D E R

On 17.11.2017, the following order was passed :

"This is a petition seeking direction to have the medical termination of pregnancy of the petitioner No.1.

Having heard learned counsel for the petitioners and Mr. Tushar Mehta, learned Additional Solicitor General for the Union of India, it is directed that the petitioner No.1 shall make herself available at All India Institute of Medical Sciences (AIIMS), New Delhi, tomorrow i.e. 18<sup>th</sup> November, 2017 at 11.30 a.m. and the competent authority of the AIIMS, in the meantime, shall constitute a medical board, which shall examine the petitioner No.1 and submit a report through Mr. Tushar Mehta by 20<sup>th</sup> November, 2017. When we say to submit a report, it should state whether there is real need or necessity for termination of pregnancy or not and also with regard to the condition of the foetus and the mother.

List the matter on 20<sup>th</sup> November, 2017.

A copy of the order passed today be handed over to the learned counsel for the parties."

In pursuance of the aforesaid order, the petitioner No.1 was examined at AIIMS. Medical Board examining her has given the following opinion vide Report dated 18.11.2017 :

- "The mother's general condition is good.
- Pregnancy is 27 weeks and 4 days period of gestation according to her last menstrual period as on date, which is corroborated on per abdominal examination and available USG reports.
- On review of her medical records - the fetal ECHO performed on 7/11/17 and 9/11/17 show that baby has "double outlet right ventricle (DORV) with no evidence of stenosis, normal aortic arch, and large VSD".
- As the gestation is around 28 weeks and weight is around 1 kg, the fetus has achieved the age of viability with good likelihood of survival if delivered now. Delivery at this gestation is likely to require prolonged neonatal intensive care unit (NICU) stay and the baby may experience a range of significant complications related to prematurity.
- Also, termination of pregnancy at this stage is essentially a preterm delivery, which would require induction of labour with oxytocics, which if fails, may require a caesarian section, compromising future obstetric experience.
- The abnormality of fetal heart is likely to be amenable to cardiac surgery after the baby is born. The risk of cardiac surgery is lower in baby delivered as term normal birth weight compared to a premature, low birth weight baby.
- In view of the presence of the congenital heart disease and renal pyelectasis, analysis for fetal chromosomes and 22q11 deletion is advisable.

- 3 -

The board has come to the conclusion that in view of advanced gestation and a viable fetus, termination is not advisable at this stage."

The report of the Medical Board is taken on record.

In view of the aforesaid, we have no option but to reject the writ petition and accordingly it stands dismissed.

(Subhash Chander)  
AR-cum-PS

(H.S. Parasher)  
Assistant Registrar