The medical board, constituted on the court’s directions, had recommended MTP as a “special case” and warned of “mental injury” to the woman in case it was not carried out.

In a landmark decision, the Supreme Court on Monday permitted a woman to carry out an abortion in her 26th week of pregnancy. The decision was made on the grounds that the fetus was suffering from severe cardiac ailments, Press Trust of India reported. “Keeping in view the report of the medical board, we are inclined to allow the prayer and direct medical termination of pregnancy of petitioner no. 1 (woman),” the Supreme Court bench comprising of justices Dipak Misra and A M Khanwilkar.

The decision came after the woman and her husband appealed the apex court to allow abortion on grounds of abnormalities which could be even fatal to her.

The medical board, constituted on the court’s directions, had recommended MTP as a “special case” and warned of “mental injury” to the woman in case it was not carried out. The doctors had said that the infant, if born, would have to undergo “complex” medical procedures and the chances of survival were low. What makes the court’s order significant is that the law does not allow MTP beyond 20 weeks.

In her petition to the court, the woman had submitted a medical report which said the fetus suffered from a condition called pulmonary atresia, a birth defect of the pulmonary valve which controls blood flow from the right ventricle to the pulmonary artery. Senior counsel Colin Gonsalves, who represented the petitioners, cited the medical board’s report stating that failure to carry out MTP would prove fatal to the mother.
Perusing the report, the court said, “It is clear as crystal that the medical board is of the view that there is a case for termination of pregnancy as a special case…” The petitioners had also challenged the constitutional validity of Section 3(2)(b) of the Medical Termination of Pregnancy (MTP) Act which prohibits abortion of a fetus after 20 weeks of pregnancy.

Subsequently, they decided to limit their arguments to the case in hand. On June 23, the court had ordered that a medical board of seven doctors of SSKM Hospital be set up to examine and report on her health.

The couple also challenged in its plea the constitutional validity of Section 3(2)(b) of the Medical Termination of Pregnancy (MTP) Act which prohibits abortion of a foetus after 20 weeks of pregnancy. The couple attached a report suggesting that the foetus suffered from serious abnormalities, including cardiac issues. The report further said that if the birth was allowed, the baby may not survive even the first surgery and, moreover, the foetus could prove fatal to the mother’s health as well.

The court had earlier asked responses from state government over the issue. “This petition challenges the constitutional validity of section 3(2)(b) of the Medical Termination of Pregnancy Act, 1971 (MTP) restricted to the ceiling of 20 weeks stipulated therein,” the plea said. “This challenge is to the effect that the 20 week stipulation for a woman to avail of abortion services under section 3(2)(b) may have been reasonable when the section was enacted in 1971 but has ceased to be reasonable today where technology has advanced and it is perfectly safe for a woman to abort even up to the 26th week and thereafter,” the plea from the couple had said.

Couple’s plea further pointed out that determination of fetal abnormality in many cases can only be done after the 20th week and women thereafter have to suffer excruciating pain and agony because of the deliveries they are forced to go through. “The ceiling of 20 weeks is therefore arbitrary, harsh, discriminatory and violative of Articles 14 and 21 of the Constitution of India,” it has said.

DR M. G. SHIVARAMU
PRINCIPAL & PROFESSOR
CASE REPORTS

Death resulting from complications of Laparoscopic Procedure (Tubectomy)

Case of suspected smothering and strangulation

FIG NO 1: LAPROSCOPIC WOUND

FIG NO 2: ON EXPOSURE OF PERITONEUM

FIG NO 3: ANTEMORTEM CLOT AT TRANSVERSE Meso COLON

FIG NO 4: HAEMOPERITONEUM

FIG NO 1: TRANSVERSE LIGATURE MARK

FIG NO 2: CONTUSED EYES, UPPER LIP AND INJURED NASAL SEPTUM
PUBLICATIONS


5. Vijay KAG. Profile of fatal road traffic accidents due to drunken driving. IJFMP. 2017;10(1):33-35.


CME ATTENDED

1. Dr MG Shivaramu, participated in Revised Basic Course Workshop on MEDICAL EDUCATION TECHNOLOGIES conducted at Adichunchanagiri Institute of Medical Sciences, Nodal Centre St. Johns Medical College on 8th-10th May 2017.

2. Dr NT Satish, Dr Vinay J has attended the CME on MEDICO LEGAL ISSUES at Ramaiah Medical College on 23 March 2017.

3. Dr Kumar U, Dr Vinay J has attended the CME on ETHICAL AND LEGAL ASPECTS OF MEDICAL CARE at BGS JIMS o 26 may 2017.