

11.02.2022
Supp List : 1
Ct. No.13
Saswata

WPA 2513 of 2022
Nivedita Basu
Vs.
State of West Bengal & Ors.

Ms. Sutapa Sanyal
Mr. Subhajit Dan
... for the petitioner

Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. T.M.Siddqui
Mr. Nilotpal Chatterjee
... for the State

The petitioner is pregnant for about 34 weeks now. It is submitted that a large number of complications affecting the health of the petitioner as well as the foetus have been detected by three several medical practitioners. The petitioner wishes to terminate the pregnancy with medical intervention.

Mr. Banerjee, counsel for the State submits that lawful Medical Termination of Pregnancy (MTP) on the directions of the Court can be allowed for a foetus upto 25 weeks old. The Courts have allowed MTPs in respect of foetus up to the age of 27 to 28 weeks in deserving cases.

This Court directs the Director of IPGME&R, (SSKM Hospital), Kolkata, respondent no. 4 to constitute a medical board comprising of experts, inter alia, in gynaecology and obstetrics as per the Medical Termination of Pregnancy Act, 1971 (as amended in the year 2021) to assess the medical condition of the petitioner and the necessity and advisability of the MTP

at this stage. The mental and physical health of the petitioner as well as the foetus should be considered and opinion should be submitted to this Court as expeditiously as possible but not later than Tuesday 15th February, 2022.

All expenses towards the tests and other examinations that may be required by the Board shall be borne by the petitioner.

Let this matter stand adjourned and be listed on 16.02.2022 given the advanced stage of the foetus.

The petitioner shall submit all medical documents of the foetus to the Director, IPGME&R SSKM Hospital, Kolkata, immediately along with a copy of this order.

(Rajasekhar Mantha, J.)