

ITEM NO.23

COURT NO.1

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

Miscellaneous Application No.2157/2023 in W.P.(C) No. 1137/2023

X

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ANR.

Respondent(s)

(FOR ADMISSION and IA No.211690/2023-RECALLING THE COURTS ORDER)

Date : 13-10-2023 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Dr. Amit Mishra, Adv.  
Mr. Rahul Sharma, AOR

For Respondent(s) Ms. Aishwarya Bhati, ASG  
Ms. Sthavi Asthana, Adv.  
Ms. Manisha Chava, Adv.  
Ms. Chitrangda Rastravara, Adv.  
Ms. Poornima Singh, Adv.  
Mr. Ashwin Joseph, Adv.  
Ms. Anupriya Srivastava, Adv.  
Ms. Ameya Vikrama Thanvi, Adv.  
Ms. Shagun Thakur, Adv.  
Ms. B.L.N. Shivani, Adv.  
Mr. Abhijeet Singh, Adv.  
Mr. Rustam Singh Chauhan, Adv.  
Mr. Nithin Choudhary Pavuluri, Adv.  
Ms. Shreya Jain, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Shivika Mehra, Adv.  
Mr. Pratham Sagar, Adv.  
Mr. Ketan Paul, Adv.  
Mr. G.S. Makker, AOR  
Ms. Rukhmini Bobde, Adv.

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

- 1 During the course of the hearing, Dr Amit Mishra, counsel appearing on behalf of the petitioner, submitted a bunch of prescriptions in support of his submission that the petitioner is undergoing treatment for *post partum* psychosis since 10 October 2022.
- 2 The relevant dates which need to be noted, at this stage, as furnished by the counsel for the petitioner, are as follows:
  - Date of marriage : 3 December 2017
  - Date of birth of the first child : 30 September 2019
  - Date of birth of the second child : 30 September 2022
- 3 The photocopies of the prescriptions which have been produced before the Court are relied upon to indicate that the petitioner was undergoing treatment at Noida Psychiatric Clinic since 10 October 2022. The handwritten prescription dated 7 November 2022, which contains a prescription for administering five drugs, does not specify the nature of the ailment for which drugs were purportedly prescribed. Similarly, all other prescriptions, apart from containing the name of the petitioner and the date of the prescription, are silent in regard to the condition for which she was sought to be treated.
- 4 Be that as it may, we are of the view that, bearing in the mind the provisions of the Medical Termination of Pregnancy Act 1971<sup>1</sup>, it would be necessary to have a report of the Medical Board of the AIIMS, Delhi specifically on the following
  - 1 “Act”

aspects:

- (i) Whether the fetus is suffering from any abnormality as provided by sub-section 2(b) of Section 3 of the Act. Though the earlier report mentions that the fetus is normal, nonetheless, in order to place the matter beyond doubt, we request a further report to be submitted on the above aspect;
  - (ii) Whether the continuance of the pregnancy of the petitioner to full term would be jeopardised by the drugs which may be prescribed for the alleged condition from which the petitioner is stated to be suffering; and
  - (iii) The medical professionals at AIIMS would be at liberty to carry out their own diagnosis in regard to the alleged medical condition and to indicate their own independent evaluation of the mental and physical condition of the petitioner. Upon doing so, we request the doctors to apprise this Court if the petitioner is found to be suffering from *post partum* psychosis and whether any alternate administration of medication consistent with the pregnancy would be available so as to neither jeopardise the well-being of the petitioner or the fetus in that regard. This exercise shall be carried out during the course of the day.
- 5 The papers in regard to the medical prescriptions which have been tendered before the Court may be forwarded by Ms Aishwarya Bhati, Additional Solicitor General to the doctors at AIIMS.
- 6 The petitioner shall appear before the Medical Board at AIIMS, Delhi preferably at 2 pm today.
- 7 The report of the Medical Board may be furnished to Ms Aishwarya Bhati so that the same may be placed before the Court at 10.30 am on 16 October 2023.

8 List the Miscellaneous Application on 16 October 2023 at 10.30 am.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**