

ITEM NO.70

COURT NO.12

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s). 30408/2024

[Arising out of the Final Judgment dated 19-03-2024 in C.A. No.8402/2016 passed by this Hon'ble Court]

ASIT BARAN MONDAL & ANR.

Petitioner(s)

VERSUS

DR. RITA SINHA MBBS MS (OBST. GYNAE) & ORS.

Respondent(s)

[IA No.180620/2024 - EXEMPTION FROM FILING O.T.;
IA No.277011/2024 - EXEMPTION FROM FILING O.T.;
IA No.245842/2024 - EXEMPTION FROM FILING O.T.;
IA No.186421/2024 - EXEMPTION FROM PERSONAL APPEARANCE, and;
IA No.193928/2024 - EXEMPTION FROM PERSONAL APPEARANCE]

DATE : 19-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) By Court's Motion

Mr. Karan Bharihoke, Adv. (*Amicus Curiae*)

For Respondent(s) Ms. Aishwarya Bhati, Additional Solicitor General

Mr. Sarvesh Singh Baghel, AoR

Mr. D. L. Chidananda, AoR

Mr. Nishe Rajen Shonker, AoR

Mrs. Anu K Joy, Adv.

Mr. Alim Anvar, Adv.

Mr. Santhosh K, Adv.

Mrs. Devika A.L., Adv.

Mr. Sabarish Subramanian, AoR

Mr. Sameer Abhyankar, AoR

Mr. Rahul Kumar, Adv.

Ms. Ripul Swati Kumari, Adv.

Mr. Krishna Rastogi, Adv.

Mr. Aakash Thakur, Adv.

Ms. Disha Singh, AoR

Mr. Rohit Bansal, AoR

Mr. Kartikeya Rastogi, Deputy Advocate General

Ms. Inderdeep Kaur Raina, Adv.

Ms. Misha Rohatgi, AoR

Mr. Nakul Mohta, Adv.

Mr. Amulya Upadhyay, Adv.

Mr. Ayush Kashyap, Adv.

Ms. Sneha Menon, Adv.

Ms. Rabaica Jaiswal, Adv.

Mr. Kunal Mimani, AoR

Mr. Kunal Vajani, Adv.

Mr. Parag Chaturvedi, Adv.

Mr. Abhinav Rana, Adv.

Mr. Sudarshan Lamba, AoR

Ms. Aishwarya Bhati, A.S.G.

Ms. Shivika Mehra, Adv.

Mr. Annirudh Sharma-(ii), Adv.

Mr. Abhijeet Pandove, Adv.

Ms. Seema Bengani, Adv.

Mr. Raman Yadav, Adv.

Mr. Prateek Bhatia, AoR

Mr. Aravindh S., AoR

Ms. Jyoti P, Adv.

Mr. Ankit Roy, AoR

Ms. Nimisha Menon, Adv.

Mr. Shantanu Kumar, AoR

Mr. Saket Jee, Adv.

Mr. Amrish Kumar, AoR

Mr. Santosh Krishnan, AoR

Mr. Mrinal Elkar Mazumdar, Adv.

Ms. Indira Bhakar, Adv.

Mr. Vineet Singh, Adv.

Mr. Kanu Agrawal, Adv.

Mr. Tadimalla Bhaskar Gowtham, Adv.

Mr. Krishna Kant Dubey, Adv.

Mr. Harish Pandey, Adv.

Mr. Shashwat Parihar, Adv.

Ms. Priyadarshni Priya, Adv.

Ms. Sansriti Pathak, Adv.

Mr. Varun Chugh, Adv.
Mr. Shreekant Neelappa Terdal, AoR

Ms. Mrinal Gopal Elker, AoR

Mr. Samir Ali Khan, AoR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Khan, Adv.

Mr. Shree Pal Singh, AoR
Mr. Mukesh Kumar Maroria, AoR
Mr. Sumeer Sodhi, AoR
Mr. Prashant Singh, AoR

Ms. Ankita Sharma, AoR
Mr. Arjun D Singh, Adv.
Ms. Ishika Neogi, Adv.

Ms. Supriya Juneja, AoR

Ms. Swati Ghildiyal, AoR
Ms. Deepanwita Priyanka, Adv.
Ms. Neha Singh, Adv.

Mr. Avijit Mani Tripathi, AoR
Mr. T.K. Nayak, Adv.

Mr. Lokesh Sinhal, Sr.Additional Advocate General
Mr. Samar Vijay Singh, AoR
Mr. Nikunj Gupta, Adv.
Ms. Sabarni Som, Adv.
Ms. Aakanksha, Adv.
Mr. Gaurav Yadava, Adv.
Mr. Aman Dev Sharma, Adv.
Ms. Karishma Malani, Adv.

Mr. G.M.Kawoosa, Adv.
Mr. Pashupathi Nath Razdan, AoR

Ms. Nidhi Jaswal, AoR

Mr. Dhruv Yadav, Adv.

Ms. Yugandhara Pawar Jha, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AoR
Mr. Shrirang B. Varma, Adv.
Ms. Yasha Goyal, Adv.

Mr. Pukhrambam Ramesh Kumar, AoR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.

Ms. Rajkumari Divyasana, Adv.

**Mr. Rajeev Singh, Additional Advocate General
Mr. Siddhant Sharma, AoR
Mr. Prafull Bhardwaj, Adv.**

**Mr. Milind Kumar, AoR
Mr. Raghvendra Kumar, AoR
Mr. Rajiv Kumar Choudhry, AoR**

**Mr. Sravan Kumar Karanam, AoR
Mr. Kumar Abhishek, Adv.
Ms. M. Harshini, Adv.**

**Mr. Gopal Singh, AoR
Mr. Ishwar Singh, Adv.**

**Mr. Piyush Hans, Deputy Advocate General
Mr. Manan Verma, AoR
Mr. Sumit Kumar, Adv.
Mr. Shubham Arora, Adv.**

**Mr. Saurabh Trivedi, AoR
Ms. Astha Sharma, AoR**

**Ms. K. Enatoli Sema, AoR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.**

**Mr. Sabarish Subramanian, AoR
Mr. Anando Mukherjee, AoR
Mr. Abhimanyu Tewari, AoR
Mr. Vishnu Shankar Jain, AoR
Mr. Guntur Pramod Kumar, AoR**

UPON hearing the Counsel, the Court made the following

O R D E R

The matter was earlier listed and heard on 05.08.2025, when a detailed order was passed. However, when the final approved version was sent to the Court Master for uploading, it transpired that, due to inadvertent human oversight and error, the initially typed document was uploaded and reflected on the website of the Supreme Court for the proceedings of 05.08.2025.

2. The same having been brought to our notice by the Court Master yesterday, the matter was directed to be listed today i.e., 19.08.2025, which has been done.

3. In the aforesaid background, to correct the inadvertent human error, and to ensure that this Court, being a Court of Record, has the correct order duly approved and authenticated by the Court Masters, the Record of Proceedings dated 05.08.2025 reflected on the website in the present case shall be treated as *non est*. Accordingly, the said uploaded version, is substituted with the following, which would be the duly approved order of this Court, dated 05.08.2025.

“ On 17.08.2016, in **Civil Appeal No.8402 of 2016 [Asit Baran Mondal & Anr. v Dr. Rita Sinha & Ors.]** reported as **(2016) 9 SCC 364**, the Court recorded:

‘3. The learned counsel would further submit that the medical negligence is writ large in a number of private hospitals and there is no check on it. He would urge that neither the Union of India nor the Medical Council of India nor the State Governments are prescribing any guidelines for treatment of the patients in the Intensive Care Units (ICU) or Critical Care Units (CCU). That apart, there is no proper care at the stage of operation or post-operational stage.

4. In view of the aforesaid submission, we are inclined to issue notice to the Union of India, the Medical Council of India and to all the State Governments represented by the Health Secretaries. Notice be issued forthwith to the newly added parties, fixing a returnable date within six weeks.’

(emphasis supplied)

2. Thereafter, the Court *vide* Order dated 19.03.2024, where one of us (Amanullah, J.) was part of the *coram*, dismissed **Civil Appeal No.8402 of**

2016, as under:

'4. The appeal stands dismissed being devoid of any merits.

5. However, the aspect raised by this Court in the present proceedings vide order dated 17th August, 2016, shall have to be examined separately.

6. To address the said issue, the Union of India, the Medical Council of India (now National Medical Commission) and the State Governments/Union Territories were directed to file affidavits. Several affidavits have been filed.

7. The Registry is directed to list this matter on 23rd July, 2024 for this Court to examine of the larger issue involved in this matter, separately.'

(emphasis supplied)

3. Directions, varied in nature, were issued thereafter by this Court on different dates of hearing. Today, Mr. Karan Bharihoke, learned *Amicus Curiae* submits a Report — the outcome of consultations with officials of the State Governments/Union Territories¹ as well as representatives of the Central Government. The Report is allowed to be placed on record.

4. However, on a query of the Court on the participants involved in preparing the Report, it is informed that there was no representation from health providers from the private sector, including corporate-owned/operated hospitals.

5. In such view of the matter, we are of the opinion that the exercise, so far undertaken, does not enable this Court to lay down the guidelines for comprehensive admission, treatment and discharge from Intensive Care Units²/Critical Care Units³ in the health sector. Thus, the Court would require a

¹ Hereinafter referred to as 'UTs'.

² Hereinafter referred to as 'ICUs'.

³ Hereinafter referred to as 'CCUs'.

fresh and comprehensive proposal to enable it to issue appropriate directives, including internal and external verification of the procedure, as proposed, to be implemented in the health sector by all the concerned parties. The yardstick may be, to the extent possible, universal in application and, in a few cases, peculiar to the needs of the hospitals catering to the requirements of the local populace or specific to the medical condition concerned. The said roadmap, therefore, requires a prior and in-depth deliberation by all the stakeholders.

6. Accordingly, all State Governments/UT Administrations are directed to convene a State-Level Regional Conference with representatives of all the stakeholders i.e., the representatives from teaching/non-teaching hospitals, the Directorate of Health Sciences/Services (by whatever name known), the State Medical Council, corporate-run hospitals, and experts having vast experience of managing ICUs/CCUs/trauma centres and emergency medical services etc., as felt desirable, by the State Government/UT. The objective of the conference is to deliberate on the core issues noted in the preceding paragraph being monitored by this Court. The aim of the Conference should be to formulate a minimum Standardised Procedure for operating ICUs/CCUs within the State/UT, as well as determining the grade of ICUs/CCUs required, based on the hospital's capacity and patient volume. The same should also lay down the basic norms relating to infrastructure/logistical support, quality of service, competence/qualification of personnel including doctors, nurses and paramedic staff, hygiene, etc. It is expected that the Report would outline the internal and self-audited mechanisms for implementation across all hospitals in the healthcare sector. For the State-

Level conference, the concerned Additional Chief Secretary/Senior-most Official of the Department of Health in the State/UT shall attend the meeting and is made responsible for finalizing the report. The Final Resolution shall be signed by such officer. This requirement is mandatory, and there shall be no departure from it. This Court recognises and believes that, in critical situations, the doctors/physicians are the best judges and experts to decide the best course of option available in this regard. The focus of the entire exercise should be to come up with a module which enables efficient decision-making and effective monitoring of patients in ICUs/CCUs.

7. The Central Government shall also conduct similar exercise, as spelt out in the previous paragraphs, by holding an interactive session with the national bodies of the concerned doctors, paramedics, nursing staff and any other relevant stakeholders, who are required to be consulted.

8. The Court expects, from the proposed Reports, a comprehensive working document for establishing, running and self-auditing of ICUs/CCUs in the healthcare sector, with sufficient flexibility to take care of the unknown factors as also any special local condition.

9. The Centre and the States/UTs are free to formulate the issues and arrive at the recommendations, which shall be forwarded to Ms. Aishwarya Bhati, learned Additional Solicitor General⁴ and the learned *Amicus Curiae* for

⁴ Hereinafter referred to as 'ASG'.

submitting the report Central and State-wise, general or specific, as the case may be.

10. The Report on record be also taken note of while deliberations are conducted by the Central and the State Governments/UTs. The exercise, as directed by this Order, be undertaken and completed within eight weeks from today.

11. We reiterate that all the State Governments/UTs are directed to cooperate with the learned *Amicus Curiae* and Ms. Bhati, learned ASG, and if any clarification/assistance is desired while preparing the final Report(s), such request be made without delay to the learned *Amicus Curiae* and/or Ms. Bhati, learned ASG, giving sufficient time to them to respond so as to ensure that the final Report is submitted within the time frame fixed in this order.

12. The matter has been accorded utmost priority by this Court, since the issues for deliberation/decision deal with the lives of common citizens of the country and have been pending since the year 2016, i.e., for the last nine years.

13. The matter be listed on 16.10.2025. A copy of this Order be despatched to the Departments of Health of all the States/UTs as also to the Ministry of Health and Family Welfare. Government of India.

14. The Court takes a serious view of the non-representation of some of the

States/UTs when the matter was taken up. The attendance of the learned counsel for the States/UTs present will be recorded. Considering the public importance of the matter at hand, an *ex-parte* hearing is deferred for the present.”

The Registry shall indicate in the uploaded document of 05.08.2025, by way of a note that the said version/document is *non est* and substituted by the order recorded today i.e., 19.08.2025, which is the order actually passed on 05.08.2025.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANJALI PANWAR)
COURT MASTER (NSH)