

ITEM NO.20
(PART HEARD)

COURT NO.13

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. 30408/2024

[Arising out of impugned final judgment and order dated 05-07-2024
in C.A. No. 8402/2016 passed by the Supreme Court of India]

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. 296433/2025 - 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
IA No. 193928/2024 - EXEMPTION FROM PERSONAL APPEARANCE

WITH

SLP(C) NO. 38704/2025 (IX-A)

IA No. 339141/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON

Date : 20-04-2026 These matters were called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

(By Courts Motion)

For Petitioner(s) : Ms. Aishwarya Bhati, ASG
Mr. Karan Bharihoke, *Amicus Curiae*
Dr. Nitish Naik
[Committee constituted by this Court]

Petitioner-in-person

For Respondent(s) : Mr. Sarvesh Singh Baghel, AoR

Mr. Piyush Hans, D.A.G.
Ms. Rachna Gandhi, Adv.
Mr. Sudarshan Singh Rawat, AoR

Mr. D. L. Chidananda, AoR

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, 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. Mangaljeet Mukherjee, Adv.
Mr. Anando Mukherjee, AoR
Mr. Shwetank Singh, Adv.
Ms. Riya Dhingra, Adv.
Mr. Utkarsh Anand, Adv.

Mr. Sabarish Subramanian, AoR
Ms. Mrinal Gopal Elker, AoR

Mr. Naveen Sharma, AoR
Mrs. Swati Bhushan Sharma, Adv.
Mr. S.K. Sharma, Adv.
Ms. Payal Gola, Adv.

Mr. Kamendra Mishra, AoR
Mr. Vinod Kumar, Adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Krishna Pandey, Adv.
Ms. Aditi Mishra, Adv.

Mr. Prasenjeet Mohapatra, AoR

Mr. Amit Kumar, Sr. Adv., Advocate General
Mr. Avijit Mani Tripathi, AoR
Mrs. Relha Bakshi, Adv.
Mr. T.K. Nayak, Adv.
Mr. ZH Isaac Haiding, Adv.

Mr. Shuvodeep Roy, AoR
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

Mr. Sameer Abhyankar, AoR
Mr. Aryan Srivastava, Adv.
Mr. Krishna Rastogi, Adv.

Ms. Disha Singh, AoR
Ms. Eliza Bar, Adv.
Ms. Akansha, Adv.
Ms. Anjali Saxena, Adv.

Mr. Kartikey Rastogi, Adv. (DAG)
Ms. Inderdeep Kaur Raina, Adv.
Ms. Tamanna Kavdia, Adv.
Mr. Rohit Bansal, AoR

Mr. Amit Anand Tiwari, AAG, Sr. Adv.
Ms. Misha Rohatgi, AoR
Mr. Nakul Mohta, Adv.
Mr. Amulya Upadhyay, Adv.
Mr. Ayush Kashyap, Adv.
Ms. Tanvi Anand, Adv.

Mr. Kunal Mimani, AoR
Mr. Parag Chaturvedi, Adv.
Mr. Mranal Prajapati, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Sudarshan Lamba, AoR
Ms. Shivika Mehra, Adv.
Mr. Annirudh Sharma-(II), Adv.
Ms. Seema Bengani, Adv.
Mr. Raman Yadav, Adv.
Mr. Mohan Prasad Gupta, Adv.
Mrs. Madhulika Upadhyay, Adv.
Mr. Abhijeet Pandove, Adv.

Mr. Aravindh S., AoR
Ms. Anika Bansal, Adv.
Mr. Bharath S, Adv.

Mr. Ankit Roy, AoR
Ms. Nimisha Menon, Adv.
Ms. Mrinalini Ramesh, Adv.

Mr. Shantanu Kumar, AoR
Mr. Amrish Kumar, AoR
Mr. Santosh Krishnan, AoR

Mr. Pattabhiram, Adv.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Mukesh Verma, Adv.
Mr. Srajan Yadav, Adv.

Ms. Indira Bhakar, 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. Santosh Ramdurg, Adv.
Mr. Yogesh Vats, Adv.
Mr. Ankit Raj, Adv.
Mr. Shreekant Neelappa Terdal, AoR

Mr. Samir Ali Khan, AoR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Irshad Khan, Adv.
Mr. Manu Arya, 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.
Mr. Divya Tripathi, Adv.

Ms. Supriya Juneja, AoR

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

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Samar Vijay Singh, AoR
Mr. Nikunj Gupta, Adv.
Ms. Sabarni Som, Adv.
Mr. Gaurav Yadava, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Gaj Singh, Adv.
Mr. Anupam Saxena, Adv.

Mr. Ashvini Kumar Mishra, Adv.
Mr. Surajit Basu, Adv.

Mr. G.M.Kawoosa, Adv.
Mr. Pashupathi Nath Razdan, AoR
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Mr. Astik Gupta, Adv.
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Mr. Aaditya Aniruddha Pande, AoR
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Mr. Karun Shamra, Adv.
Ms. Anupama Ngangom, Adv.
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Mr. Vikram Choudhary, Adv.

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Mr. Rajesh Singh, Adv.
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Mr. Akhileshwar Jha, Adv.
Mr. Anupam Kumar, Adv.
Ms. Priyanka, Adv.
Mr. Milind Kumar, AoR

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

Mr. Sravan Kumar Karanam, AoR
Mr. Kumar Abhishek, Adv.
Mr. P. Venkatraju, Adv.
Mr. Santosh Kumar Yadav, Adv.
Ms. M. Harshini, Adv.

Mr. Gopal Singh, AoR
Mr. Manan Verma, AoR
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.
Ms. Yanmi Phazang, Adv.

Mr. Sabarish Subramanian, AoR

Mr. Mangaljeet Mukherjee, Adv.
Mr. Anando Mukherjee, AoR
Mr. Shwetank Singh, Adv.
Ms. Riya Dhingra, Adv.
Mr. Utkarsh Anand, Adv.

Mr. Abhimanyu Tewari, AoR
Mr. Vishnu Shankar Jain, AoR

Mr. Guntur Pramod Kumar, AoR
Ms. Prerna Singh, Adv.
Mr. Dhruv Yadav, Adv.
Ms. Vanshika Singh, Adv.

Ms. Patil Rekha Chandra Gouda, AoR

O R D E R

Pursuant to our request, Prof. (Dr.) M. Srinivas, Director, All India Institute of Medical Sciences, New Delhi (AIIMS); Prof. (Dr.) Nitish Naik, AIIMS; Prof. (Dr.) Vimi Rewari, AIIMS; Dr. Harsh Mahajan, Mahajan Imaging and Labs; are present in Court and Dr. Naresh Trehan, Chairman and Managing Director, Medanta; Dr. Shiv Sarin, Director, Institute of Liver and Biliary Sciences; Dr. Pankaj Chaturvedi, Director, Advanced Centre for Treatment, Research and Education in Cancer, Tata Memorial Centre (ACTREC), Navi Mumbai along with Dr. Sheel Pushp Bhosale, Head of Department, ACTREC; Dr.

Saumitra Rawat, Chairperson, Institute of Surgical Gastroenterology, GI and HPB Onco-Surgery and Liver Transplant, Sir Ganga Ram Hospital, New Delhi; Dr. Nishant Kumar; Dr. Devi Prasad Shetty, Narayana Health; Dr. Sulagna Bhattacharjee; Dr. Richa Aggarwal and Dr. Manas Roy (Ministry of Health) have joined the proceedings through video conferencing.

2. Most of the doctors have personally addressed the Court and have come up with suggestions, which we find to be highly practical and deserving of due consideration for incorporation in the final guidelines, which the Court would be required to approve for taking forward the process of establishing on-ground requirements for Intensive Care Units at various levels with varying set of standards. Certain suggestions have been made that timelines should be prescribed; personnel operating specialized/sophisticated equipments should be properly trained; standard operating procedures in the form of checklists should be formulated; and most importantly, a GPS-based hospital locator should be created so that, in times of need, the public may identify the nearest medical facility and the services available there, depending upon the nature of the case and the condition of the patient concerned. All these

issues have been duly noted by Ms. Aishwarya Bhati, learned Additional Solicitor General (ASG) and Mr. Karan Bharihoke, learned *Amicus Curiae*.

3. We are pleased to record that the exercise, as envisaged in the present proceeding, has reached an important stage. We are informed that a foundational document, namely, *Guidelines for Organization and Delivery of Intensive Care Services*, on which there is consensus, and which is practical, implementable, and necessary as a minimum standard for an Intensive Care Unit, has been prepared. Copies of the same has been handed over to us and is taken on record. Let copies thereof be shared with all the States and Union Territories (UTs).

4. Moving further, as an immediate measure, let all the Additional Chief Secretaries/Secretaries, as the case may be, heading the Department of Health and Medical Education in the States and the UTs, convene a meeting of all experts involved in this exercise for the purpose of preparing an action plan for implementation of the guidelines. Such plan shall be realistic and practical. At the first instance, five basic issues shall be identified and prioritised. The challenge, according to the Court, lies in determining what ought to be treated

as absolutely essential and mandatory; accordingly, an initial list of five basic requirements, in terms of priority, relating to both manpower and equipments/logistics, shall be prepared. The meeting shall also formulate a methodology for implementation on the ground and more importantly, indicate a mechanism to ensure compliance and monitoring of such implementation. We expect the said exercise to commence immediately and the first meeting to be held within one week from today. We direct that such meeting shall be attended personally by the concerned Additional Chief Secretary/Secretary, as the case may be, heading the Department of Health and Medical Education in the States and the UTs. There shall be detailed discussions and deliberations, and the advice/opinion of all members of the team shall be taken into consideration. The initial exercise shall be carried out at the State/UT level. The report prepared pursuant thereto, shall be forwarded by the respective States/UTs to the Secretary, Department of Health, Government of India, who shall, in turn, circulate the same to all the States/UTs as also to the learned ASG. Learned ASG is requested to share the same with the learned *Amicus Curiae* and the members of the team constituted by the Court. Thereafter, under the aegis

of, and to be arranged/coordinated by, the Secretary, Department of Health, Government of India, a meeting shall be convened of all the Additional Chief Secretaries/Secretaries, as the case may be, heading the Department of Health and Medical Education in the States and the UTs and the team constituted by the Court, on a mutually convenient date, where a final common agreed draft shall be prepared and circulated to all the States by the Secretary, Department of Health, Government of India. We direct that such meeting shall be attended personally by the Secretary, Ministry of Health, Government of India and the Additional Chief Secretaries/Secretaries, as the case may be, heading the Department of Health and Medical Education in the States and the UTs. Learned ASG, learned *Amicus Curiae* and the members of the team constituted by this Court are also requested to participate in the said meeting. A final report/blueprint/recommendation shall be prepared, which shall be placed before this Court on the next date.

5. The entire exercise, as detailed in the foregoing paragraph, shall be completed within a period of three weeks from today.

6. List on 18.05.2026 at 2.00 p.m.

7. For the sake of clarity, at the request of the

learned *Amicus Curiae*, the guidelines handed over today shall be the basic guidelines in the field. However, at the initial stage of implementation, the Court is confining itself to five major issues which brook no further delay.

8. For further clarity, henceforth the term “Intensive Care Unit (ICU)” shall be used to cover all such facilities which have been dealt with in the previous orders of this Court.

9. In order to facilitate the entire process, let the Ministry of Health, Government of India formally issue the guidelines, which have been placed before us today, to the States/UTs concerned, for the present, by way of an advisory. A copy thereof shall also be uploaded on the website of the Ministry of Health, Government of India. Further, copies of all the subsequent reports be also uploaded on the website of the Ministry of Health, Government of India.

10. During the course of the proceedings today, a suggestion was made that, having regard to future requirements, it is imperative that the nursing staff be trained to handle such situations, since they remain with the patient round the clock, unlike doctors who may visit periodically. We fully endorse the suggestion,

which is not only pragmatic but also imperative. Accordingly, the Indian Nursing Council and the Para Medical Council of India are impleaded as party respondents.

11. Registry on its own shall make the necessary endorsements in the cause title and also issue notice to the newly impleaded respondents.

12. In addition, Ms. Aishwarya Bhati, learned ASG, shall also serve copies of this order along with the other pleadings upon the said respondents. They shall ensure that they are represented in the present case.

13. On the next date, the newly added respondents shall come up with a plan indicating how they propose to augment the courses/curriculum and training imparted by them, so that persons emerging from institutions recognised by them are capable of managing and handling situations in such ICUs.

14. In the meantime, it shall also be open to all experts/doctors forming part of the team constituted by this Court, to furnish their suggestions in advance to Ms. Aishwarya Bhati, learned ASG, or to the learned *Amicus Curiae*, for onward transmission to all the States/UTs and the Union of India.

15. On the next date, the Court requests that all

members of the team make it convenient to attend the proceedings. However, they shall have the option of appearing either physically or through virtual mode.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR

(Copy of Guidelines for Organization and Delivery of Intensive Care Services is annexed with the ROP)