

ITEM NO.7

COURT NO.7

SECTION XIV

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. 2238/2025 in SLP(C) No. 18225/2024

HARISH RANA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[PART HEARD BY: HON'BLE MR. JUSTICE J.B. PARDIWALA AND HON'BLE MR. JUSTICE K.V. VISWANATHAN]
(IA No. 270680/2025 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 11-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Ms. Rashmi Nandakumar, AOR
Ms. Dhvani Mehta, Adv.
Ms. Yashmita Pandey, Adv.
Ms. Ritumbhara Garg, Adv.
Mr. Manish Jain, Adv.
Mr. Vikash Kumar, Adv.

For Respondent(s) :

Ms. Aishwarya Bhati, A.S.G.
Mr. Amrish Kumar, AOR
Ms. Sushma Verma, Adv.
Ms. Shreya Jain, Adv.
Mr. B. L. Narasamma Shivani, Adv.
Mr. Arun Kanwa, Adv.
Mr. Sudarshan Lamba (aor), Adv.

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

1. Our order dated 26-11-2025 reads thus:-

"1. By this Miscellaneous Application, the applicant namely, Harish Rana, through his father, Shri. Ashok Rana, has prayed for the following reliefs:-

"(i) A declaration that the provision of clinically assisted nutrition and hydration, including but not limited to the use of feeding tubes, nasogastric tubes,

percutaneous endoscopic gastrostomy tubes, constitutes life-sustaining medical treatment.

(ii) Determination of the case of the Petitioner in terms of the judgment of this Hon'ble Court dated 24.01.2023 in Miscellaneous Application No. 1699 of 2019 in Writ Petition(Civil) No. 215 of 2005(Common Cause v. Union of India)

(iii) The Primary and Secondary Medical Boards at such hospital must be directed to make an independent determination regarding:

a. the irreversible and incurable nature of the Petitioner's permanent vegetative state; and

b. whether the continued administration of clinically assisted nutrition and hydration is in the best interests of the Petitioner.

(iv) Directions to the governments of States/Union Territories that have not taken steps in this regard to:

a. issue orders creating a process for the nomination of medical experts to the Secondary Medical Board, in accordance with the Common Cause guidelines, as modified in 2023;

(v) Directions to the High Courts to issue directions to Judicial Magistrates within their jurisdiction to receive intimation of withholding and withdrawal of life-sustaining treatment for hospitals; and

(vi) pass such further and other orders as this Hon'ble Court may deem fit and proper."

2. The main matter i.e., SLP(C) No. 18225 of 2024 came to be disposed of by this Court vide order dated 08.11.2024. The order reads thus:-

'1 A petition under Article 226 of the Constitution was instituted before the Delhi High Court seeking a direction to constitute a Medical Board to examine the health condition of the petitioner who is in a permanent vegetative state and to facilitate the administration of passive euthanasia. The petitioner is stated to suffer from 100% disability with Quadriplegia.

2 On 20 August 2024, while issuing notice to the Union of India, this Court had requested Ms Aishwarya Bhati, Additional Solicitor General to explore alternative solutions for providing adequate care to the petitioner.

3 A status report has been submitted before this Court by the Under Secretary to the Government of India in the Ministry of Health and Family Welfare. Annexure R-3 of the status report contains a report of the Central Government in the matter. The solutions which have been provided in the report are in the following terms:

"Consequent upon all the efforts made by the Central Government in compliance with the instructions given by the Hon'ble Supreme Court of India on 20 August, 2024, the following viable solutions have emerged for consideration of the Hon'ble Supreme Court of India:

(i) Home care of Shri Harish Rana with assistance from the Government of Uttar Pradesh as under:

- a. Regular Physiotherapist's visit
- b. Regular Dietician's visit
- c. Medical Officer on call
- d. Nursing care provision at home
- e. Availability of all required medicines and consumables free of cost.

(ii) If home care is not feasible, shifting of Shri Harish Rana to District Hospital, Noida, Sector-39 for ensuring availability of proper medical care considering his health condition.

(iii) Support from NGOs, if deemed fit, may also be considered."

4 Mr Manish Jain, counsel appearing on behalf of the petitioner, who is represented by his mother in these proceedings, states that the matter has been resolved satisfactorily and both the parents are agreeable to accepting the course as suggested in the above extracts.

5 The Special Leave Petition is accordingly disposed of taking the arrangement on the record. However, liberty is granted to either of the parents of the petitioner to move the Court in future should it become necessary to obtain further directions."

3. It appears from the averments made in the present application and also considering what has been brought to our notice by the learned counsel appearing for the applicant that the condition of 'Harish Rana' has gone from bad to worst. He is in a pathetic condition. It is not in dispute that Harish Rana is in a persistent vegetative state. He is suffering from 100% disability with Quadriplegia.

4. The learned counsel informs us that Harish is not

responding to any treatment. Harish is being kept artificially alive. His condition has not improved at all in past one year.

5. Having regard to the pathetic condition of Harish, we are of the view that we should direct the District Hospital, Sector-39, Noida to constitute a Primary Board of Doctors in terms of the judgment of this Court rendered in the case of Common Cause (A Registered Society) v. Union of India and Another: (2018) 5 SCC 1, more particularly, para 199.1 read with the modification order dated 24.01.2023 passed in Miscellaneous Application No.1699 of 2019 which reads as under:-

Para 199.1	<p>In cases where the patient is terminally ill and undergoing prolonged treatment in respect of ailment which is incurable or where there is no hope of being cured, the physician may inform the hospital which, in turn, shall constitute a Hospital Medical Board in the manner indicated earlier. The Hospital Medical Board shall discuss with the family physician and the family members and record the minutes of the discussion in writing. During the next discussion, the family members shall be apprised of the the pros and cons of withdrawal or refusal of further medical treatment to the patient and if they give consent in writing, then the Hospital Medical Board may certify the course of action to be taken. Their decision will be regarded as a preliminary opinion.</p>	<p>In cases where the patient is terminally ill and undergoing prolonged treatment in respect of ailment which is incurable or where there is no hope of being cured, the physician may inform the hospital, which, in turn, shall constitute a Primary Medical Board in the manner indicated earlier. The Primary Medical Board shall discuss with the family physician, if any, and the patient's next of kin/next friend/guardian and record the minutes of the discussion in writing. During the discussion, the patient's next of kin/next friend/guardian shall be apprised of the pros and cons of withdrawal or refusal of further medical treatment to the patient and if they give consent in writing, then the Primary Medical Board may certify the course of action to be taken preferably within 48 hours of the case being referred to it. Their decision will be regarded as a preliminary opinion.</p>
------------	---	---

6. We direct the Primary Board that may be constituted to give us a report whether the life sustaining treatment can be withheld or in other words withdrawn.

7. Let the Primary Board file its report before this Court in a sealed cover at the earliest, preferably, within a period of two weeks.

8. Registry is directed to forward one copy of this order at the earliest to the District Hospital, Sector-39, Noida. One copy of this order shall also be furnished to Ms. Aishwarya Bhati, the learned Additional Solicitor General, who had earlier assisted us in the main matter.

9. Heard in-part.

10. List the matter on 11.12.2025."

2. In pursuance of our Order, referred to above, the Chief Medical Officer, Ghaziabad, U.P. visited the residence of Mr. Harish Rana, Son of Mr. Ashok Rana for the purpose of evaluation of his health condition.

3. The Chief Medical Officer, Ghaziabad, U.P. was accompanied by four Medical Experts (i) Dr. Sachin Garg, Neurologist (ii) Dr. Amit Srivastava, Plastic Surgeon, (iii) Dr. Ankit Kmar, Anaesthesiologist and (iv) Dr. Akhil Prakash, Neuro Surgeon

4. The four Medical Experts examined Harish and addressed a letter to the Principal, LLRM Medical Collge, Meerut, UP. The contents of the letter read thus:-

"This is to say that after consulting with CMO Ghaziabad we have visited residential place of Mr. Harish Rana S/O Mr. Ashok Rana R/O- AM-1314, Raj Empire, Rajnagar Extention, Ghaziabad for evaluation of his health condition. The team included a neuro surgeon, a neurologist, a plastic surgeon and a critical care expert. Attendants Mr. Ashish Rana (brother) and Ms. Bhawna Rana (sister) were present during evaluation. Harish Rana suffered injuries about 13yrs back since that time he is under medical care under many centers. At present Patient was lying in bed with tracheostomy tube for respiration and gastrostomy for feeding. Patient was opening eyes spontaneously. His breathing was spontaneous with treacheostomy tube. He was emasciated and contactures were present in both lower limb and upper limb at shoulder, elbow, wrist, fingers, knee, ankle and toes. His pupils were normal in size but sluggish in reaction with no movement restriction. No facial asymmetry present. Gag reflex present. He was having spasticity all over both upper limb and

lower limb with deep tendon exaggerated at bicep, triceps, supinator, knee, ankle. Sensory and cerebellar examination could not be accurately assessed due to his state. He had intact brainstem function but due to his vegetative state he requires external support for his feeding, bladder bowel and back. He needs constant physiotherapy and tracheostomy tube care. The chances of his recovery from this state is negligible.

*Dr.Sachin Garg Dr.Amit Srivastava Dr.Ankit Kumar Dr. Akhil Prakash
Neurologist Plastic Surgeon Anaesthesiologist Neuro Surgeon".*

5. The bare reading of the letter would indicate that Harish is in a pathetic condition. He was found to be lying on a bed with treacheostomy tube for respiration and gastrostomy for feeding.

6. The photographs attached with the letter would indicate that he has suffered huge bed sores. The team of doctors are of the opinion that the chance of his recovery from the present state is negligible. Harish appears to be in this vegetative condition past 13 years.

7. In such circumstances, referred to above, we should now proceed to the next stage in the process.

8. In accordance with the decision of this Court in the case of "Common Cause (A Registered Society) vs. Union on India Indian Society of Critical Care Medicine Applicant" Reported in (2023) 14 SCC 131 with the Modification Order Reported in (2018) 5 SCC 1. We should now order that a Secondary Medical Board be constituted for the purpose of examination of Harish. The Board that may be constituted shall be in accordance with the Judgment of this Court in Common Cause (supra) read with Modification Order.

9. We request the Director, All Indian Institute of Medical Sciences, New Delhi to constitute a Secondary Board, as referred to above, and give us a Report by next Wednesday i.e. 17-12-2025.

10. Let the matter come up for hearing on Thursday i.e. 18-12-2025 as 2nd item on top of the Board as Part-Heard.

11. The letter addressed by the four Medical Experts to the Principal, LLRM Medical College, Meerut, U.P. along with other documents shall be forwarded to the Director, AIIMS at the earliest.

12. The Registry to inform about this order passed by this Court to the Director, AIIMS, New Delhi today itself.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)