

CIRCULAR

The Hon'ble Supreme Court of India while disposing of Miscellaneous Application No.1699/2010 [***Common Cause (A Regd. Society) v/s Union of India & another***] ***vide order dated 24.01.2023 (reported in 2023 SCC OnLine SC 99)*** has laid down '**Advance Medical Directive**' regarding the '**right of a person to die with dignity**', which would serve as a fruitful means for making decision when a person is faced with a medical condition with no hope of recovery and is continued on life support system/medicines and his life support system/medicines may be withdrawn.

In this regard, if permission to withdraw medical treatment is refused by the Secondary Medical Board, it would be open to the person or persons named in the Advance Directive or even the treating doctor or the hospital staff to approach the High Court by way of writ petition under Article 226 of the Constitution. Further, there may be cases where the Primary Medical Board may not take a decision to the effect of withdrawing medical treatment of the patient or the Secondary Medical Board may not concur with the opinion of the Primary Medical Board; in such a situation the nominee of the patient or the family member or the treating doctor or the hospital staff can seek permission from the High Court to withdraw life support by way of writ petition under Article 226 of the Constitution.

In the circumstances stated above, as directed, such petitions will be classified as **WP (GM-RES)** and same shall be posted before the Division Bench of **Court Hall No.2 at Principal Bench, Bengaluru** to decide for grant of approval or not.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd/-
(M.Chandrashekar Reddy)
Registrar (Judicial)

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