

HIGH COURT OF DELHI AT NEW DELHI

Dated: 26/05/2026

PRACTICE DIRECTIONS

Hon'ble Supreme Court in judgment dated 11.03.2026 passed in Miscellaneous Application No. 2238 of 2025 in Special Leave Petition (Civil) No. 18225 of 2024 titled *"Harish Rana vs Union of India & Ors."* at para 327(e) passed the following directions:-

> *"327 (e) The High Courts of all States shall issue appropriate directions to all Judicial Magistrates of First Class (JMFC) within their jurisdiction to receive intimation from the hospital, in accordance with the guidelines as laid down in Common Cause (supra), in the event the primary medical board and secondary medical board are unanimous in their decision to withdraw and/or withhold the medical treatment of any patient."*

Earlier Hon'ble Supreme Court vide judgment dated 09.03.2018 in Writ Petition (Civil) No. 215 of 2005 titled *"Common Cause (A Regd. Society) v. Union of India and Anr." (2018) 5 SCC 1 (Common Cause 2018)* had laid down various guidelines in respect of the procedure to be followed where passive euthanasia is sought – both in cases where an Advance Medical Directive exists and in cases where no Advance Medical Directive exists. The said guidelines had been modified to certain extent vide judgment dated 24.01.2023 in Miscellaneous Application No. 1699 of 2019 in Writ Petition (Civil) No. 215 of 2005 titled *"Common Cause (A Regd. Society) v. Union of India. (2023) 14 SCC 131 (Common Cause 2023).* The guidelines contained at para 198.4.7, 199.2 and 200 of *Common Cause 2018* as Modified in *Common Cause 2023* place responsibility on Judicial Magistrate of First Class (JMFC). The same are as under:-

> "198.4.7 *The hospital where the patient is admitted, shall convey the decision of the Primary and Secondary Medical Boards and the consent of the person or persons named in the Advance Directive to the jurisdictional JMFC before giving effect to the decision to withdraw the medical treatment administered to the executor.*
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> *199.2 In the event the Primary Medical Board certifies the option of withdrawal or refusal of further medical treatment, the hospital shall then constitute a Secondary Medical Board comprising in the manner indicated hereinbefore. The Secondary Medical Board shall visit the hospital for physical examination of the patient and, after studying the medical papers, may concur with the opinion of the Primary Medical Board. In that event, intimation shall*

be given by the hospital to the JMFC and the next of kin/next friend/guardian of the patient preferably within 48 hours of the case being referred to it.

200. Having said this, we think it appropriate to cover a vital aspect to the effect the life support is withdrawn, the same shall also be intimated by the Magistrate to the High Court. It shall be kept in a digital format by the Registry of the High Court apart from keeping the hard copy which shall be destroyed after the expiry of three years from the death of the patient.

In compliance of the above said directions of Hon'ble Supreme Court, Hon'ble the Chief Justice has been pleased to direct that all the Jurisdictional Judicial Magistrates of First Class (JMFC) shall receive intimation from the hospitals in terms of the guidelines referred above. The concerned Judicial Magistrate of First Class (JMFC) shall also keep a proper record of all such intimations received from the hospitals.

In case the life support is withdrawn the same shall also be intimated by the Magistrate to the High Court. The same shall be kept in a digital format by the Registry of High Court apart from keeping the hard copy which shall be destroyed after the expiry of three years from the death of the patient.

These Practice Directions shall come into force immediately.

BY ORDER

(Arun Bhardwaj)
Registrar General

Endst. No. 523 - 538 /Rules/DHC/2026 Dated: 26/05/2026

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6. The Principal District & Sessions Judge, South-East District, Saket Courts, New Delhi.
7. The Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi.
8. The Principal District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.

9. The Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
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12. The Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Court Complex, New Delhi
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15. Joint Registrar-cum-P.A.to Registrar General, Delhi High Court.
16 Private Secretaries to Hon'ble Judges for kind perusal of Their Lordships.

(Navjeet Budhiraja)
Joint Registrar (Rules)

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs) : DELHI

No. 3452—581/Rules/Gaz/2026 Dated 02 JUN 2026

Sub:- Practice Direction (No. 182/Rules/DHC) Dated 26.05.2026.

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(RAJESH KUMAR GOEL)
District Judge (Commercial Court-02)
Officer In-Charge Judicial Branch, Central
For Principal District & Sessions Judge (HQs)
Delhi

Encl: as above