

COMMON CAUSE (A REGD. SOCIETY)
v.
UNION OF INDIA
(Miscellaneous Application No. 1699 of 2019)
In
(Writ Petition(Civil) No.215 of 2005)
JANUARY 24, 2023
**[K.M. JOSEPH, AJAY RASTOGI,
ANIRUDHA BOSE, HRISHIKESH ROY AND
C.T. RAVIKUMAR, JJ.]**

*Constitution of India– mi amana lemna(dignity) shijabagi hak(right)–
Advanced directive–Common Cause (A registered Society) v. Union of India (2018) 5 SCC
1: (2018) 6 SCR 1 gi judgment sengdoknaba(clarification) application–fagatpagi asha
leitaba amasung life support system/hidak(medicine) piduna hingliba mi amagi medical
condition thengnarabadi, Advance Directives leitaba matamda, life support system
louthkkadra haibasi Courtna writ petition aduda khumgadaba wahang oirammi–adugi
matungda, Courtna directivesing semlammi–Houjik, sengdokpinaba application
tharammi– directionsing tashengna thabak oina pangthokpa, langamdaba apanba kaya
thengnabana maram oiduna Courtda haijabani–directionsinggi paragraph 198-199 adu
party singgi pukning leitadaba(concerns) adu yenglaga semdokkhi/louthokkhi–
Miscellaneous application toufam thokpa (dispose) toure.*

CRIMINAL ORIGINA JURISDICTION: Miscellaneous Application No. 1699 of 2019
in Writ Petition(Civil) No.215 of 2005.

Arvind P. Datar, Sr.Adv., Dr. Dhvani Mehta, Ms. Rashmi Nandakumar, Ms.
Shreya Shrivastava, Advs. for Petitioner.

K.M. Nataraj, A.S.G, Gurmeet Singh Makker, Mohd. Akhil, Adit Khorana, Shailesh
Madiyal, Udai Khanna, Vinayak Sharma, Anirudh Bhat, Sanjay M. Nuli, Nakul Chengappa
K.K., Chitransh Sharma, Anuj S. Udupa, Dr. R.R. Kishore, Advs. for the Respondent.

Courtgi Order ibiba(pass)

K.M. JOSEPH, J

Indian Society of Critical Care Medicinena court asina *Common Cause (A Registered
Society) v. Union of India and Another (2018) 5 SCC 1 gi reported judgment adugi
clarification pibinaba tharakpa applicationni.*

(2) Learned Judge ahumgi Bench amana Reference tourakpada basis oiraga
Constitution Bench ama constitute toukhi. Court asina mamangda takhiba decisions
khara adugi backdropda, particular oina, Advance Directives haina describe touba adugi
matangda Court asina suitable direction pibigadra natraga norms sembigadra haiba
wahangsingna Courtbu engage tourammi. Advance Directives leitaba, mi am nabadagi

recoverygi asha leitraba amasung mahak life support system /medicinena makha tana hingba medical condition thengnaba matamda, life support system adu withdraw tougadra haiba question asi Court asigi concern oirammi. Mina dignity yaona shijanabagi rightgi matangda Court na kupna khannarami. Madugitungda, Court asina makhada piriba directives asi semkhi:

“198. Eikhoigi considered opiniononda, sacrosanct oiba right to life with dignity adu fructification oibada Advance Medical Directivena fruitful means oiduna facilitate tougani. Patient adugi treatmentgi coursedada relevant timedada lakpa doubt, eikhoina khalli, hairiba directivena kokhangani. Asida nattana, masina layengliba doctorsinggi mind kankhathangani maramdi satisfy oiaraba matungda, makhoina lawful mannerda act toui habagi ensure touinaba makhoigi position oi. Advance Medical Directive abstractiononda operate touba, eikhoina makha taningi. Safeguards leiba tai. Makhoidu spell out touba tangaifade. Eikhoina akhoisingdu makhada enumerate touri:

198.1. Advance Directive kanana execute touni amasung karamna?

198.1.1. Sound mind leiba amsung healthy state of mind amasung communicate touba ngambagi positionda leiba, relate touba, document execute toubagi purpose amasung consequence khangba adult amana Advance Directive execute touba yai.

198.1.2 Voluntarily amasung coercion natraga inducement natraga compulsion yaodana amasung full knowledge natraga information leiraga masi execute touba oigadabani.

198.1.3 Undue influence natraga constraint yaodaba informed consent pibagi characteristics leigadabani.

198.1.4. Masi aiba oina mayek sengna haigani madudi medical treatment karamba matamda withdraw tougani natraga specific medical treatment piroi maduna process of death delay khaktanggi effect leiba maduna amaromda mahakki pain, anguish amasung suffering thokhangani amasung makha tana state of indignityda mahakpu leihangani.

198.2. Masi kari yaogani?

198.2.1. Medical treatment withhold natraga withdraw resort toubagi circumstancesda mari leinaba decision masina mayek sengna takkani.

198.2.2 Masi specific termsda oigadabani amasung instructions absolutely clear amasung unambiguous oigani.

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198.2.3. Executorna matam amada hekta instructions/authority adu revoke touba yai haibasi pangani.

198.2.4. Asigumba document ama execute toubagi consequence executorna khangi haibasi disclose tougani.

198.2.5 Executorna mari leinaba matamda decision loubu incapable oiba matamgda, Advance Directivega consistent oina medical treatment refuse natraga withdraw toubagi consent pinaba authorize touba guardian natraga close relative maming mayek sengna masina specify tougani.

198.2.6. Karigumba valid oiba Advance Directives amadagi henna leiraba, makhoidu revoke toudriba oiradi, most recentltly sign touba Advance Drective aduna anabagi(patient) aroiba apamba fonngdokpani haina lougani amasung madu thabak onthokkani.

198.3. *Madu karamna record tougani amasung preserve tougani?*

198.3.1. Document adu, attesting witness, henna fabadi independent, anigi mamangda executorna sign tougadabani amasung mari leinaba District Judgena asumna happa jurisdiction adugi Judicial Magistrate First Class(JMFC)na countersign tougani.

198.3.2 Document adu voluntarily amasung coercion natraga inducement natraga compulsion yaodana amsung mari leinaba information amasung consequences khanglaga execute toukhi haibasi JMFCgi satisfaction lei haina record tougani.

198.3.3. Document adugi copy ama JMFCna digital format da thambagi mathakta magi officeda mashak kaidana thamgani(preserve).

198.3.4. JMFCna document adugi copy ama Jurisdictional District Courtgi Registryda preserve tounaba thagani. Masigi mathakta, District Judgegi Registry na document adu digital formatda retain tougani.

198.3.5. Document execute touba matamda yaohoudaba executorgi hek thangnaba family members JMFC na khanghannaba tougani amsung document execution toubadu khanghangani

198.3.6. Local government natraga Municipal Corporation natraga Municipality natraga Panchayatgi, amabu oire amabu oire, competent officerda copy ama shinnagani. Hairibi document adugi custodian oinaba mathakta palliba authoritysingna masigi matangda competent official ama hapkani.

198.3.7. Advance Directivegi copy ama family physianda, leiradi, JMFCna pihangani

198.4. Karamba matamda amasung kanana masi chatnahangani?

198.4.1. Executor adu terminally ill amasung sangna layenglibada(prolonged medical treatment) recovery amasung laina adu cure oini haibagi asha leidraba, layengliba

doctor(treating physician) aduna Advance Directivegi matangda khanghallabadi, mahakna thabak houdringeida, madu ashengba (genuine) amasung achumba(authentic) oibra haibasi jurisdictional JMFC dagi khangdökkani.

198.4.2. Documentda palliba instructions doctornaweightage pifam thoki. Adubu, executor adu terminally ill amasung prolong treatment chatthari natraga life support da hingli amasung executorgi anaba adu incurable oi natraga mahakpu cure toubagi asha leitre haina fully satisfy oiraba matungda documentda yaoba wafamdu thabak oina onthokkani.

198.4.3. Anaba(document executor) yengliba physianna documentda yaoriba instructionsinggi thabak onthokpa tangaifade haina satisfy oirabadi, annabagi laiong(nature), medical care available amasung atoppaa alternative forms of treatment gi consequences amasung layengdana thambagi(remaining untreated) consequence gi matangda executor natraga magi guardian/naknaba mari,ama oire ama oire, khanghangani. Mahakna shoidana ensure touhangabadi, maram chaba ground da thajei, madudi hairiba mi aduna mangonda piriba information khanglammi, option loinamakki matangda kupna khannare amasung medical treatment withdraw natraga refuse toubagi khwaidagi faba choice ni haibasi soidana khalle.

198.4.4. Executorbu medical treatment gidamak admit touriba hospital/physician aduna layengliba(treating) department adugi Head amasung critical careda experience leiba amasung medical professionda yamdrabada chahi kungi mashak maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi yamdrabada expert ahum yaona shaba Medical Board ama shemgani, maduna patient adu magi guardian/naknaba marimatagi mamangda visit tougani amasung makha tana medical treatment withdraw natraga refuse toubagi Instructionsdu thabak oina pangthoknaba certify tougadra natraga touroidra haibagi opinion ama lakkani. Decision asi preliminary opinion oina lougani.

198.4.5. Advance Directivesda yaoba instructionsingdu Hospital Medical Boardna thabakta onthokfam thoki haina certify touraba matungda, physician/hospitalna khudakta jurisdictional Collectorda wafam(proposal) adugi matangda khanghangani. Jurisdictional Collectorna khudakta mari leinaba district adugi Chief District Medical Officerna Chairman oiba amasung critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi punna yengbada maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi expert ahum yaoba

Medical Board ama shemgani(hanna shemba Hospitalgi Medical Board gi member oiroidabani). Makhoi punna anaba(patient) admit touduna leiriba hospital visit tougani amasung Hospitalgi Medical Board gi ahanba warep(initial finding)du yarabadi(concur), Advance Directivesda yaoba instructionsing adu thabak oina pangthoknaba certificatedu makhoiina yabiba(endorse) yai.

198.4.6 Mahak wari shanaba yaribra amasung medical treatment withdraw toubagi consequences adu khangba ngamladi, Collectorna semba Boardna mangjounana executorgi wishes khandokkadabani. Karigumba, executor adu decision loubu ngamdrabadi natraga decision loubagi capacity impair oiradi, Advance Directiveda piba clear instruction adugi

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manungda amasung chanana executorgi medical treatment refuasal natraga withdrawal matangda Advance Directiveda executorna nominate toubaguardiangi consent lougadabani.

198.4.7. Executorda administer touriba medical treatment withdraw toubagi decision adu thabak onthokpa mamangda, Collectorna semba Medical Boardgi Chairman, haibadi, Chief District Medical Officer Boardgi decision adu jurisdictional JMFCda khanghangani. JMFCna patient adu yarimakhei thuna visit tougani amasung aspect khudingmak examine touraba matungda Boardgi decision adu thabak oina pangthokpangi authorize tougani.

198.4.8. Document adu thabak oina pangkhoktringei mamangda karigumba matang amada executorna kakthatba yai.

198.5. Medical Board na ayaba(permission) pibidrabadi karitouba yai?

198.5.1. Medical treatment withdraw toubagi permission Medical Boardna refuse touradi, Advance Directivegi executor natraga magi family membersing natraga layengbiriba doctor (treating doctor) faobanasu natraga hospitalgi staffna Constitution gi Article 226gi makhada High Court approach touduna writ petition thaba yai. High Courtda asigumba application amatharaklabadi, hairiba High Court adugi Chief Justicena approval grant natraga refuse tougadra haiba decision lounaba Division Bench ama semgani. High Courtna critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi expert ahum yaoba independent oiba Committee ama semba yai.

198.5.2. State counsel da opportunity piraga High Courtna application adu yamna thuna hearing tougani. Patient examine tounaba amasung Advance Directiveda yaoriba instructionsing thabak onthokpangi feasibility matangda report pinabagi mshana taba ordergi matung inna High Courtna Medical Board semba ngammi.

198.5.3. Asigumba wafamsi thengthaba yadaba maramna High Courtna yaribamakhei thuna decision pigadabani haibasi pandrasu yai amasung "Patient gi best interest" principle du wakhalda thamlaga High Courtna maramsing mayek sengna takpigani.

198.6. *Advance Directive kakpa natraga chatnadaba.*

198.6.1. Mi amana Advance Directive withdraw natraga alter toubagi capacity leiba matamda, mahakna madu apamba matamda withdraw natraga alter toubagi amasung masi toubada Advance Directive record toubada sijinnaba manaba procedure ingani. Advance Directive withdrawal natraga revocation in writing oigani.

198.6.2 Advance Directive gi matamda directive semliba miduna circumstances leibadu anticipate touhoudaba amsung mahakna anticipate touramlagadi magi decision adu affect touramgani haiba thajanabagi reasonable ground leirabadi Advanncce Directive khannariba treatmentda applicable oiroi.

198.6.3. Advance Directive adu mayek sengdraba amsung chayetnarabadi, mari leinaba Medical Boardna madu thabak oina pangthokloi amsung asigumba matangda Advance Directive leitaba patientsda chatnagadaba guidelines chatnagani.

198.6.4. Hospital Medical Board na mi ama layengbada Advance Directive follow touroi haina decision louradi, Collector na semba Medical Boardda consideration tounaba amasung Advance Directivegi matangda appropriate direction pibinaba application ama thagani.

199. Advance Directive leitaba case kaya leigani haibasi mayek sengna takpa tangaifade. Adugumba mi kanglup adubu tonganna tahanba yade. Advance Directive leiba casesingda chatnaba procedure amasung safeguards adu Advance Directive leitaba casesingda chap mannana chatnagani amasung madugi mathakta, makhada piriba procedure chatnagani:

199.1. Patient adu terminally ill oiba amasung Incurable oiraba ailment amagi prolonged oina layengliba natraga cure tougani haibagi asha leitra cases da, physianna hospitalda khanghangani, mathangda hospitalna hanna pankhiba mannergi matung inna Hospital Medical Board semgani. Hospital Medical Board na family physician amasung family membersingda khannagani(discuss), amasung khannariba warolsinggi(minute) iduna thamgani. Khannaba(Discussion) matamda, family membersingbu patientgi medical treatment withdraw touba natraga refusalgi afa fatta khanghangani amasung makhoina consent iduna pirabadi, Hospital Medical Boardna makha tana paikhatkadaba course of action certify touba yai. Makhoigi decision adu preliminary opinion oina lougani.

199.2. Makha taba medical treatment withdrawal natraga refusal gi option Hospital Medical Boardna certify touba matamda, hospitalna khudakta jurisdictional Collectorda khanghangani. Jurisdictional Collectorna Chief District Medical Officer na Chairman oiba amasung critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi expert ahum yaoba Medical Board ama semgani. Collectorna semba Medical Boardna patientgi physical examination tounaba hospital visit tougani amasung medical papers study touraba matungda Hospital Medical Boardna piba opinion adu concur touba yai. Adumna oirabadi, Collectorna semba Medical Boardgi Chairmanna JMFC amasung patientgi family membersingda khanghangani

199.3. JMFCna yarimakhei thuna patient adu visit tougani, amasung medical reports verify tougani, patientgi condition examine tougani, patientgi family membersingda discuss tougani, karigumba hiram khudingmakta satisfy oirabadi Collectorna happa Medical Boardna terminally ill oiraba patientdugi medical treatment withdraw touba natraga refuse toubagi decision adu endorse touba yai.

199.4. Patientgi medical treatment withdraw toubagi matangda Boardna decision loudaba case mayam leiba yai natraga Collectorna khangba Medical Boardna Hospital Medical Boardgi opinion adu concur toudaba yai. Asigumba matangda, patientgi nominee natraga family member natraga treating doctor natraga hospitalgi staffna Constitution gi Article 226gi makhada life support withdraw toubagi permission pinaba writ petition thaba yai, adu oiradi approval grant tougadra natraga touroidra haiba decide tounaba High Court dugi Chief Justicena Division Bench ama semgani. Competent medical practitionersingda khannaraba

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matungda critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi doctor ahumgi independent committee ama High Courtna depute tounaba semgani.

200. Asi hairaba matungda, life support withdraw toubagi vital aspect to effect cover toubaga appropriate oi haina eikhoina khanli, masigi matungda Magistratena High Courtda khanghalgani. Patientna shiba chahi ahumgi matungda destroy tougadaba hard copy thambagi mathakta High Court Registryna digital formatda masi thamgani

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U201. Advance Directivegi matungda eikhina pirib directionsing amasung mathakta pankhriba safeguards Parliamentna subject asida legislation toudri faoba chatnagani."

(3) Applicant asina atenba matamgi manungda Court asi approach toure.

Approach toubagi maramsi directionssing thabak oina pangthokpada lantokpa yadaba athingba(insurmountable obstacles) kaya houbbadagi houjik faoba thengnabana oiramba yai. Khudam oina, Court asina Advance Directive mi amana thamabada(devised), madu attesting witness ani, henna fabadi ndependent witness oiba adugi mamangda oibata nattana, madu Judicial Magistrate First Class amana countersign tougani haina palli. Masigi Clause asina Court asina piriba directionsgi pandam(object) adu loinamak maithiandrasu shonthahalle haina taklammi.

Atoppa maong(aspect) kharasu applicationda mayeksengna(highlight) takli.

(4) Respondent oiriba Union of Indiana counter affidavit file tourammi. Counter affidavitda yaoba warol(contents)dagi Union of Indiana application adu oppose toubagi firep(stand) eikhoina thengnei.

(5) Eikhoina khangle, clarification pibiyu haina thaba applicationni. Mahoushagi chatnabi oinadi, Constitution of Indiagi Article 142 na piba powerna yabiba application ama Court asida thangatlakpanina, eikhoina application asi makha tana khanaba(consideration) touramdaba yai khalli. Adumakpu, matungda development lakkhre. Development thorakliba asi respondentsu ahongba khara puraknaba/yananaba hotnaba orders thorakliba adudagi mayek sengli. Respondent-Uniongi officers, mahoushagi yaofam thokpa oina medical experts, marakta discussiongi round kaya toukhre haibasi urani.

Applicantgi matung inna, yamlaba Doctorsingna thengnariba awabasing(difficulties) fongdokrakli amasung Court asina semkhiba(lay down) mathakta pankhiba paragraphs manungda yaoba principles adugi object adu mapung fana thabak onthoknaba mechanism ama semnabagi Courtgi directions adu amuk hanna khanaba(revisit) tasengna tangaifade.

(6) Shri Arvind Datar, learned senior counsel, applicant gidamak leplibha, mateng panglibha, Dr. Dhvani Mehta amasung Ms. Rashmi Nandakumar, learned counsel, Dr. R.K. Kishore, learned counsel, Mr. K.M. Nataraj, learned Additional Solicitor General su Respondent-Union of India gi

mahutta taraba matungda paragraph 198 dagi 199 yaoba directions adu makhada takliba asumna semdokpa/louthokpa tangaifade haina eikhoina khalli:

Para	Existing Guidelines	Modifications
Para 198.2.5	Executorna mari leinaba matamda decision louba incapable oiba matamgda, Advance Directivega consistent oina medical treatment refuse natraga withdraw toubagi consent pinaba authorize touba guardian natraga close relative maming mayek sengna masina specify tougani.	Executorna mari leinaba matamda decision louba incapable oiba matamda, Advance Directivega consistent oina medical treatment refuse natraga withdraw toubagi consent pinaba authorize touba guardian(s) natraga close relative(s) maming mayek sengna masina specify tougani.
Para 198.3.1	Document adu, attesting witness, henna fabadi independent, anigi mamangda executorna sign tougadabani amasung mari leinaba District Judgena asumna happa jurisdiction adugi Judicial Magistrate First Class(JMFC)na countersign tougani.	Document adu, attesting witness, henna fabadi independent, anigi mamangda executorna sign tougadabani amasung notary natraga Gazetted Officergi mamangda attest touramgadabani.
Para 198.3.2	Document adu voluntarily amasung coercion natraga inducement natraga compulsion yaodana amsung mari leinaba information amasung consequences khanglaga execute toukhi haibasi JMFCgi satisfaction lei haina record tougani.	Document adu voluntarily amasung coercion natraga inducement natraga compulsion yaodana amsung mari leinaba information amasung consequences fajana khanglaga execute toukhi haibasi witnesss amasung notary natraga Gazetted Officergi satisfaction lei haina record tougani.
Para 198.3.3	Document adugi copy ama JMFCna digital format da thambagi mathakta magi officeda preserve tougani.	Louthokle(Deleted.)

Para

198.3.4 JMFCna document adugi copy ama Jurisdictional District Courtgi Registryda preserve tounaba thagani. Masigi mathakta, District Judgegi Registry na document adu digital formatda retain tougani.

Loukhokle(Deleted)

Para

198.3.5 Document execute touba matamda yaohoudaba executorgi hek thangnaba family membersda JMFC na khanghannaba tougani amsung document execution toubadu khanghangani.

Executorna Paragraph 198.2.5 da palliba mi natraga mishing adugi mathakta family physician, leiramladi, khanghabbaga loinana Advance Directivegi copy amamam pigani.

Para

198.3.6 Local government natraga Municipal Corporation natraga Municipality natraga Panchayatgi, amabu oire amabu oire, competent officerda copy ama shinnagani. Hairibi document adugi custodian oinaba mathakta palliba authoritysingna masigi matangda competent official ama hapkani.

Local government natraga Municipal Corporation natraga Municipality natraga Panchayatgi, amabu oire amabu oire, competent officerda copy ama shinnagani. Hairibi document adugi custodian oinaba mathakta palliba authoritysingna masigi matangda competent official ama hapkani.

Executorna mashagi Advance Directive adu digital health recordsqi, leirabadi, manung canhanba yai.

Para

198.3.7 Advance Directivegi copy ama family physianda, leiradi, JMFCna pihangani.

Loukhokle(Deleted).

Para

198.4.1 Executor adu terminally ill amasung sangna layenglibada(prolonged medical treatment) recovery amasung laina adu cure oini haibagi asha leidraba, layengliba doctor(treating physician) aduna Advance Directivegi matangda khanghallabadi, mahakna thabak houdringeida, madu ashengba (genuine) amasung achumba(authentic) oibra haibasi jurisdictional JMFC dagi khanggdokkani.

Executor adu terminally ill amasung sangna layenglibada(prolonged medical treatment) recovery amasung laina adu cure oini haibagi asha ledraba, ***amasung decision-making capacity leidraba,*** layengliba doctor(treating physician) aduna Advance Directivegi matangda khanghallabadi, mahakna thabak houdringeida, madu ashengba (genuine) amasung achumba(authentic) oibra haibasi

patientgi existing digital health records, leiragadi, natraga Judgment asigi Paragraph 198.3.6 da palliba documentgi custodiandagi khangdokkani.

Para 198.4.2	Documentda palliba instructions doctornaweightage pifam thoki. Adubu, executor adu terminally ill amasung prolong treatment chatthari natraga life support da hingli amasung executorgi anaba adu incurable oi natraga mahakpu cure toubagi asha leitre haina fully satisfy oiraba matungda documentda yaoba wafamdu thabak oina onthokkani.	Ahongba leite(No change).
Para 198.4.3	Anaba(document executor) yengliba physianna documentda yaoriba instructionsinggi thabak onthokpa tangaifade haina satisfy oirabadi, annabagi laiong(nature), medical care available amasung atoppaa alternative forms of treatment gi consequences amasung layengdana thambagi(remaining untreated) consequence gi matangda executor natraga magi guardian/naknaba mari,ama oire ama oire, khanghangani. Mahakna shoidana ensure touhangabadi, maram chaba ground da thajei, madudi hairiba mi aduna mangonda piriba information khanglammi, option loinamakki matangda kupna khannare amasung medical treatment withdraw natraga refuse toubagi khwaidagi faba choice ni haibasi soidana khalle.	Anaba(document executor) yengliba physianna documentda yaoriba instructionsinggi thabak onthokpa tangaifade haina satisfy oirabadi, annabagi laiong(nature), medical care available amasung atoppaa alternative forms of treatment gi consequences amasung layengdana thambagi(remaining untreated) consequence gi matangda <u>Advance Directiveda palliba mi natraga mishing,</u> ama oire ama oire, khanghangani. Mahakna shoidana ensure touhangabadi, maram chaba ground da thajei, madudi hairiba mi aduna mangonda piriba information khanglammi, option loinamakki matangda kupna khannare amasung medical treatment withdraw natraga refuse toubagi khwaidagi faba choice ni haibasi soidana khalle.
Para 198.4.4	Executorbu medical treatment gidamak admit touriba hospital/physician aduna layengliba(treating) department adugi Head amasung critical careda experience leiba amasung medical professionda yamdrabada chahi	Executorbu medical treatment gidamak admit touriba hospital aduna <u>layengliba(treating) physician amasung yamdrabada chahi mangagi marileinaba speciality aduda experience leiba yamdrabada expert ani yaoraga</u>

kungi mashak maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi yamdrabada expert ahum yaona shaba Medical Board ama shemgani, maduna mathangda patient adu magi guardian/naknaba marimatagi mamangda visit tougani amasung makha tana medical treatment withdraw natraga refuse toubagi Instructionsdu thabak oina pangthoknaba certify tougadra natraga touroidra haibagi opinion ama semgani. Decision asi preliminary opinion oina lougani.

Primary Medical Board ama shemgani, maduna mathangda patient adu magi guardian/naknaba marimatagi mamangda visit tougani amasung makha tana medical treatment withdraw natraga refuse toubagi Instructionsdu thabak oina pangthoknaba certify tougadra natraga touroidra haibagi opinion ama, **henna fabadi, case adu makhoida refer tourakpaki pung 24 gi manungda**, semgani. Decision asi preliminary opinion oina lougani.

Para 198.4.5

Advance Directivesda yaoba instructionsingdu Hospital Medical Boardna thabakta onthokfam thoki haina certify touraba matungda, physician/hospitalna khudakta jurisdictional Collectorda wafam(proposal) adugi matangda khanghangani. Jurisdictional Collectorna khudakta mari leinaba district adugi Chief District Medical Officerna Chairman oiba amasung critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi punna yengbada maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi expert ahum yaoba Medical Board ama shemgani(hanna shemba Hospitalgi Medical Board gi member oiroidabani). Makhoi punna anaba(patient) admit touduna leiriba hospital visit tougani amasung Hospitalgi Medical Board gi ahanba warep(initial finding)du yarabadi(concur), Advance Directivesda yaoba instructionsing adu thabak oina pangthoknaba certificatedu makhoina yabiba(endorse) yai.

Advance Directivesda yaoba instructionsingdu **Primary** Medical Boardna thabakta onthokfam thoki haina certify touraba matungda, hospitalna khudakta **District adugi Chief Medical Officerna nominate touba registered medical practitioner ama amasung Primary Medical Board da yaodaba marileinaba(concerned) specialityda yamdrabada chahi mangagi experience leiraba yamdrabada subject expert ani yaona Secondary Medical Board** semgani. Makhoi anaba(patient) admit touduna leiriba hospital visit tougaani amasung Hospitalgi **Primary** Medical Boardgi initial findingdu yanaradi(concur), Advance Directivesda yaoba instructionsing adu thabak oina pangthoknaba certificatedu makhoina yabiba(endorse) yai. **Case adu refer tourakpaki pung 48gi manungda Secondary Medical Boardna makhoiqi opinion pigani.**

Para 198.4.6	Mahak wari shanaba yaribra amasung medical treatment withdraw toubagi consequences adu khangba ngamladi, Collectorna semba Boardna mangjounana executorgi wishes khandokkadabani. Karigumba, executor adu decision louba ngamdrabadi natraga decision loubagi capacity impair oiradi, Advance Directiveda piba clear instruction adugi manungda amasung chanana executorgi medical treatment refuasal natraga withdrawal matangda Advance Directiveda executorna nominate touba guardiangi consent lougadabani.	Mahak wari shanaba yaribra amasung medical treatment withdraw toubagi consequences adu khangb ngamladi, <u>Secondary Boardna</u> mangjounana executorgi wishes khandokkadabani. Karigumba, executor adu decision louba ngamdrabadi natraga decision loubagi capacity impair oiradi, Advance Directiveda piba clear instruction adugi manungda amasung chanana executorgi medical treatment refuasal natraga withdrawal matangda Advance Directiveda executorna nominate touba <u>mi natraga mishinggi</u> consent lougadabani.
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Para 198.4.7	Executorda administer touriba medical treatment withdraw toubagi decision adu thabak onthokpa mamangda, Collectorna semba Medical Boardgi Chairman, haibadi, Chief District Medical Officerna Boardgi decision adu jurisdictional JMFCda khanghangani. JMFCna patient adu yarimakhei thuna visit tougani amasung aspect khudingmak examine touraba matungda Boardgi decision adu thabak oina pangthokpagi authorize tougani.	Executorda administer touriba medical treatment withdraw toubagi decision adu thabak oina onthokpagi mamangda, <u>patient admit touriba hospitalna Primary amasung Secondary Board gi decision amasung Advance Directiveda</u> palliba mi natraga mishinggi consent jurisdictional JMFCda khanghangani.
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Para 198.4.8	Document adu thabak oina pangkhoktringei mamangda karigumba matang amada executorna kakthatba yai.	Hongde(No change).
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Para 198.5.1	Medical treatment withdraw toubagi permission Medical Boardna refuse touradi, Advance Directivegi executor natraga magi family membersing natraga treating doctor faobanasu natraga hospitalgi staffna Constitution gi	Medical treatment withdraw toubagi permission <u>Secondary Medical Boardna refuse touradi, Advance Directiveda palliba mi natraga mishing</u> natraga treating doctor faobanasu natraga hospitalgi staffna Constitution gi
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Article 226gi makhada High Courtd approach touduna writ petition thaba yai. High Courtda asigumba application ama tharaklabadi, hairiba High Court adugi Chief Justicena approval grant nattraga refuse tougadra haiba decision lounaba Division Bench ama semgani. High Courtna critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry nattraga oncologygi fieldgi expert ahum yaoba independent oiba Committee ama semba yai.

Article 226gi makhada High Courtd approach touduna writ petition thaba yai. High Courtda asigumba application ama tharaklabadi, hairiba High Court adugi Chief Justicena approval grant nattraga refuse tougadra haiba decision lounaba Division Bench ama semgani. High Courtna critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry nattraga oncologygi fieldgi expert ahum yaoba independent oiba Committee ama semba yai.

Para 198.5.2 State counsel da opportunity piraga High Courtna application adu yamna thuna hearing tougani. Patient examine tounaba amasung Advance Directiveda yaoriba instructionsing thabak onthokpagi feasibility matangda report pinabagi mshana taba ordergi matung inna High Courtna Medical Board semba ngammi.

Hongde(No Change).

Para 198.5.3 Asigumba wafamsi thengthaba yadaba maramna High Courtna yaribamakhei thuna decision pigadabani haibasi pandrasu yai amasung “Patient gi best interest”principle du wakhalda thamlaga High Courtna maramsing mayek sengna takpigani.

Hongde(No Change).

Para 198.6.1 Mi amana Advance Directive withdraw nattraga alter toubagi capacity leiba matamda, mahakna madu apamba matamda withdraw nattraga alter toubaga yai amasung masi toubada Advance Directive record toubada sijinnaba manaba procedure ingani. Advance Directive withdrawal nattraga revocation in writing oigani.

Hongde(No Change.)

Para 198.6.2 Advance Directive gi matamda directive semliba miduna circumstances leibadu anticipate touhoudaba amsung mahakna anticipate touramlagadi magi decision adu affect touramgani haiba thajanabagi reasonable ground leirabadi Advannce Directive khannariba treatmentda applicable oiroi. **Hongde(No Change).**

Para 198.6.3 Advance Directive adu mayek sengdraba amsung chayetnarabadi, mari leinaba Medical Boardna madu thabak oina pangthokloi amsung asigumba matangda Advance Directive leitaba patientsda chatnagadaba guidelines chatnagani. **Hongde(No Change).**

Para 198.6.4 Hospital Medical Board na mi ama layengbada Adavance Directive follow touroi haina decision louradi, Collector na semba Medical Boardna Advance Directivegi matangda consideration tounaba amasung appropriate direction pibinaba application ama thagani. **Primary Medical Board** na mi ama layengbada **Adavance Directive follow touroi haina decision louradi, Advance Directiveda panba mi natraga mishingna hospitalda request touduna case adu Secondary Medical Boarda** Advance Directivegi matangda consideration tounaba amasung appropriate directiongidamak **refer toubu yai.**

Para 199 Advance Directive leitaba cases leigani haibasi mayek sengna takpa tangaifade. Adugumba mi kanglup adubu miraiba yade. Advance Directive leiba casesingda chatnaba procedure amasung safeguards adu Advance Directive leitaba casesingda chap mannana chatnagani amasung madugi mathakta, makhada piriba procedure chatnagani. **Hongde(No Change.)**

Advance Directive leitaba Cases

Para
199.1

Patient adu terminally ill oiba amasung Incurable oiraba ailment amagi prolonged oina layengliba nattraga cure tougani haibagi asha leitaba cases da, physianna hospitalda khanghangani, mathangda hospitalna hanna pankhiba mannergi matung inna Hospital Medical Board semgani. Hospital Medical Board na family physician amasung family membersinga khannagani(discuss), amasung khannariba warolsingi(minute) iduna thamgani. Khannaba(Discussion) matamda, family membersingbu patientgi medical treatment withdraw toubu nattraga refusalgi afa fatta khanghangani amasung makhoina consent iduna pirabadi, Hospital Medical Boardna makha tana paikhatkadaba course of action certify toubu yai. Makhoigi decision adu preliminary opinion oina lougani.

Patient adu terminally ill oiba amasung Incurable oiraba ailment amagi prolonged oina layengliba nattraga cure tougani haibagi asha leitaba cases da, physianna hospitalda khanghangani, mathangda hospitalna hanna pankhiba mannergi matung inna **Primary Medical Board** semgani. **Primary** Medical Board na family physician, **if any,** amasung **patientgi next kin/next friend/guardian** ga khannagani(discuss), amasung khannariba warolsingi(minute) iduna thamgani. Khannaba(Discussion) matamda, **patientgi next kin/next friend/guardianbu** medical treatment withdraw toubu nattraga refusalgi afa fatta khanghangani amasung makhoina consent iduna pirabadi, **Primary** Medical Boardna **makhoida case asi refer tourakpa, henna pambadi, pung 48 gi manungda** makha tana paykhatkadaba course of action certify toubu yai. Makhoigi decision adu preliminary opinion oina lougani.

Para
199.2

Makha taba medical treatment withdrawal nattraga refusal gi option Hospital Medical Boardna certify toubu matamda, hospitalna khudakta jurisdictional Collectorda khanghangani. Jurisdictional Collectorna Chief District Medical Officer na Chairman oiba amasung critical care da experience leiraba amasung medical professionda

Makha taba medical treatment withdrawal nattraga refusal gi option **Primary** Medical Boardna certify toubu matamda, hospitalna **Secondary** Medical Board ama mathakta takliba asi yaona mannerda semgani. The **Secondary** Medical Boardna patientgi **physical examination** tounaba hospital visit tougani amasung medical papers

yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi expert ahum yaoba Medical Board ama semgani. Collectorna semba Medical Boardna patientgi physical examination tounaba hospital visit tougani amasung medical papers study touraba matungda Hospital Medical Boardna piba opinion adu concur touba yai. Adumna oirabadi, Collectorna semba Medical Boardgi Chairmanna JMFC amasung patientgi family members singda khanghangani.

study touraba matungda **Primary** Medical Boardna piba opinion adu concur touba yai. Adumna oirabadi, hospitalna JMFC amasung patientgi **next of kin/next friend/guardianbu makhoida case asi refer tourakpa, henna pambadi, pung 48 gi manungda** khanghangani.

**Para
199.3**

JMFCna yarimakhei thuna patient adu visit tougani, amasung medical reports verify tougani, patientgi condition examine tougani, patientgi family membersingga discuss tougani, karigumba hiram khudingmakta satisfy oirabadi Collectorna happa Medical Boardna terminally ill oiraba patientdugi medical treatment withdraw touba natraga refuse toubagi decision adu endorse touba yai.

Louthokle(Deleted.)

**Para
199.4**

Patientgi medical treatment withdraw toubagi matangda Boardna decision loudaba case mayam leiba yai natraga Collectorna khanba Medical Boardna Hospital Medical Boardgi opinion adu concur toudaba yai. Asigumba matangda, patientgi nominee natraga family member natraga treating doctor natraga hospitalgi staffna Constitution gi Article 226gi makhada life support withdraw toubagi permission pinaba writ petition thaba yai, adu oiradi approval grant tougadra natraga touroidra haiba decide tounaba High Courtdugi Chief Justicena Division Bench ama

Patientgi medical treatment withdraw toubagi matangda **Primary Medical** Boardna decision loudaba case mayam leiba yai natraga **Secondary** Medical Boardna **Primary** Medical Boardgi opinion adu concur toudaba yai. Asigumba matangda, patientgi nominee natraga family member natraga treating doctor natraga hospitalgi staffna Constitution gi Article 226gi makhada life support withdraw toubagi permission pinaba writ petition thaba yai, adu oiradi approval grant tougadra natraga touroidra haiba decide tounaba High Courtdugi Chief Justicena Division Bench ama

semgani. Competent medical practitionersingga khannaraba matungda critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi doctor ahumgi independent committee ama High Courtna depute tounaba semgani.

semgani. Competent medical practitionersingga khannaraba matungda critical care da experience leiraba amasung medical professionda yamdrabada chahi kungi maming leiraba general medicine, cardiology, neurology, nephrology, psychiatry natraga oncologygi fieldgi doctor ahumgi independent committee ama High Courtna depute tounaba semgani.

**Para
200**

Asi hairaba matungda, life support withdraw toubagi vital aspect to effect cover touba appropriate oi haina eikhoina khanli, masigi matungda Magistratena High Courtda khanghalgani. Patientna shiba chahi ahumgi matungda destroy tougadaba hard copy thambagi mathakta High Court Registryna digital formatda masi thamgani

Ahongba Leite(No change.)

(7) Order asigi copy ama High Court pumnamakki Registrar Generalsingda Registry communicate tougani.

Order asigi copy am High Courtsinggi Registrar Generalsingna States/Union Territories gi respective Health Secretariessingda thagani, madu makha tana makhoina States/Union Territories gi Chief Medical Officers da communicate tougani.

Miscellaneous applications mathakta piriba asigi matung inna disposed toure.

Costs gi matungda order tadre.

Ankit Gyan
(Assisted by: Mahendra Yadav, LCRA)

Miscellaneous application disposed toure.