

ITEM NO.303

COURT NO.9

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 NO. 1364/2026

IN

C.A. NO. 8402/2016

[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.

APPELLANT(S)

VERSUS

DR. RITA SINHA MBBS MS (OBST. GYNAE) & ORS.

RESPONDENT(S)

(BY COURTS MOTION)

IA No. 242353/2026 - CONDONATION OF DELAY IN FILING REPLY AFFIDAVIT
IA No. 180620/2024 - EXEMPTION FROM FILING O.T.
IA No. 238685/2026 - EXEMPTION FROM FILING O.T.
IA No. 154328/2026 - 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. 244150/2026 - EXEMPTION FROM FILING O.T.
IA No. 193928/2024 - EXEMPTION FROM PERSONAL APPEARANCE
IA No. 186421/2024 - EXEMPTION FROM PERSONAL APPEARANCE
IA No. 245165/2026 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

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

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

Date : 21-09-2026 These matters were called for hearing today.

CORAM :

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

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O R D E R

Heard Ms. Aishwarya Bhati, learned Additional Solicitor General, Mr. Karan Bharihoke, learned *Amicus Curiae* and learned counsel for various respondents.

2. In terms of our order dated 13.08.2026, the Committee has placed before us a proposal relating to the - "Guidelines for Organization and Delivery of Intensive Care Services-Time Frames

for Compliance". The same are reproduced hereunder:

GUIDELINES FOR ORGANIZATION AND DELIVERY OF INTENSIVE CARE
SERVICES¹
TIME FRAMES FOR COMPLIANCE
ICU LEVEL I
INFRASTRUCTURE

S.No.	Guideline Clause	Remark
1.	3.1.1 – Location	Changing location and size of existing ICU's, to align with the
2.	3.1.1 – ICU Size and Infrastructure	Guidelines, requires thorough reassessment of location, need, design and construction. The possibility of such redesign / relocation affecting immediate functionality of existing ICUs cannot be ruled out.
		It is suggested that States be allowed <u>up to 12 months</u> for complying with Guideline 3.1.1.
3.	3.1.2 – Beside Utilities	The facilities mentioned under this Guideline require only procurement. Guideline 3.1.2 ought to be complied with, without delay, in a <u>maximum period of 3 months</u> .
4.	3.1.2 – Emergency Equipment	– The facilities mentioned under this Guideline require procurement of sophisticated machinery, some of which may require imports. However, considering the nature of the equipment, Guideline 3.1.2 qua Emergency Equipment requires expeditious compliance.
		It is suggested that the procurement process including issuance of Purchase / Delivery Orders be completed within a <u>period of 3 months</u> .
		Further time may be given for the installation of the equipment on a case to case basis and depending on delivery schedules for the same. This should however be subject to a <u>maximum period of 3 further months</u> .
5.	3.1.3 – Nursing Station	Setting up of nursing stations requires setting up of monitors and setting up infrastructure that may require time. This is also an infrastructure and design issue.
		It is suggested that States be allowed <u>up to 12 months</u> for complying with Guideline 3.1.3 as this is actually a subset of Guideline 3.1.1.

¹ As approved by the Hon'ble Court vide orders dated May 18, 2026 and May 20, 2026 in M.A. No. 1364/2026 in C.A. No. 8402/2016 titled as Asit Baran Mondal & Anr. v. Dr. Rita Sinha & Ors.

6. 3.1.4 – Imaging Services The Guidelines require access to Imaging Services that may require procurement of sophisticated machinery, some of which may require imports.
- It is suggested that the procurement process including issuance of Purchase / Delivery Orders be completed within a **period of 3 months**.
- Further time may be given for the installation of the equipment on a case to case basis and depending on delivery schedules for the same. This should however be subject to a **maximum period of 3 further months**.
7. 3.1.5 – Non-Emergency Equipment **Maximum period of 3 months**.
8. 3.1.6 – Laboratory Services **Maximum period of 3 months**.
9. 3.1.7 - Infection Control Immediate.
10. 3.1.8 - Additional Services **Maximum period of 1 month**.
11. 3.1.9 – Safety Immediate.
12. 3.3 – Desirable Equipment & Services By its very nature the Guidelines define these as additional services which are desirable. No specific time frame is required for this category.

HEALTHCARE PERSONNEL

- | S.No. | Guideline Clause | Remark |
|-------|-----------------------|---|
| 1. | 3.2.1-3.2.3 | This Guideline and its sub-clauses, inter alia, requires recruitment of ICU Specialists, trained MBBS Doctors, Nurses and other Allied Healthcare Personnel. |
| | | The deficits in the numbers of the aforesaid three categories of professionals are systemic and depends on availability of such personnel for recruitment. |
| | | Most States have requested a <u>period of 12 to 24 months</u> for this process to be completed. However, the Committee felt that the said time frame is excessive. |
| 2. | 3.2.4 – Documentation | Immediate. |
| 3. | 3.2.5 - Audit | Immediate. |

Note 1 : The aforesaid timelines may require special modification for certain states and areas

where the facilities are in hilly, remote and / or other areas that require special consideration. The Hon'ble Court may accordingly make appropriate relaxation for such facilities.

Note 2 : Whereas ICU Level 1 Guidelines are mandatory for a facility to be called ICU, it is not mandatory for any Hospital to have a Level II or Level III ICU. Given the same, it would be appropriate that the Guidelines qua Level II and Level III ICUs be strictly enforced and a facility be termed as Level II / Level III only on full compliance. In such cases, the facility should be categorised as per the level of compliance and renamed accordingly. “

3. Broadly, we are in agreement with the time frames suggested therein. However, wherever a period of up to 12 months has been prescribed, the same shall stand substituted by a period of 9 months for the purpose of compliance.

4. Accordingly, a mandamus is issued to ensure compliance with the aforesaid Guidelines, including completion of the works within the time frames stipulated therein, as modified in the preceding paragraph, in respect of Level I Intensive Care Units (ICUs).

4.1. However, where the hospital/institution claims to be a hospital/institution of excellence or a speciality hospital/institution, and is therefore required to have Level III ICU facilities, such hospital/institution shall simultaneously proceed with completion of the requirements prescribed under the Guidelines issued by the Directorate General of Health Services, Ministry of

Health and Family Welfare, Government of India, 2026, notified pursuant to the orders of this Court dated 18.05.2026 and 20.05.2026. Such compliance shall be in addition to the mandatory compliance with the aforesaid Guidelines in respect of Level I ICUs.

5. The Union of India, the States and the Union Territories shall furnish their respective status reports to this Court, latest by 05.11.2026, with a copy to the Committee. The Committee shall, upon receipt thereof, examine the status reports and place its comments thereon before this Court.

6. List on 16.11.2026 at 2.30 p.m.

7. Before parting, we may observe that the aforesaid Guidelines indicate that in respect of certain States and areas which are hilly or remote, some modification in the prescribed time frames may be required. If any State considers that in respect of any such area, an extension of the prescribed time frame is necessary, it shall specifically indicate the same in its status report, along with the work already undertaken and the additional time required for completion.

7.1. Such request shall be supported by the relevant particulars, and the States are expected to be realistic in indicating the additional time actually required. It is made clear that the Court shall not grant unlimited time or any extension beyond what is reasonably necessary having regard to the circumstances placed before it.

8. With regard to manpower resources, a further mandamus is issued to the Union of India, the concerned States and Union Territories, as also to the stakeholders/parties/hospitals not under Government control, to ensure that the process for recruitment of sufficient personnel required for the functioning of the ICUs is commenced forthwith and completed, in any event, within a period of six months.

8.1. The aforesaid time frames shall be strictly complied with by the Governments concerned, particularly the Chief Secretaries and the concerned Secretaries of the Union of India, the States and the Union Territories, as well as by institutions not under Government control.

9. Any laxity or default noticed by this Court in adherence to the aforesaid Guidelines and the time frames

stipulated herein may result in the Court taking a strict view against the defaulting parties.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR