

PUBLIC INTEREST LITIGATION NO. 3 OF 2024

Prof. Dr. Nikhil D. Datar & Ors. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

Mr. Ganesh Gole for respondent no.8-NMC.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: 17th APRIL, 2025

P.C.i:

- 1.** The petitioner no.1 is a qualified obstetrician and gynecologist and is honorary professor at Maharashtra National Law University (Mumbai). Petitioner nos.2 and 3 are Assistant Professors at MNLU, Mumbai.
- 2.** In this petition filed as *pro bono publico*, the petitioners seek direction to ensure the compliance of the order dated

24th January, 2023 passed by the Supreme Court in Miscellaneous Application No. 1699 of 2019 in Writ Petition (Civi) No. 215 of 2005 with regard to creation of mechanism to give effect to the right to die with dignity.

3. Learned Government Pleader, on instructions, submits that the respondent nos.1 to 3 have taken steps to implement the aforesaid directions issued by the Supreme Court and Competent Officials have been appointed as custodians in local self Government Bodies with regard to Advance Medical Directives. In support of the aforesaid submission, reference has been made to Exhibit "A" at page 177, which contains the names of the custodians appointed by respondent nos.1 to 3. It is further stated that the mechanism for quick retrieval of documents shall be put in place within a period of three months from today. Learned Government Pleader also produced a copy of the Government Resolution dated 12th December, 2024 by which the Primary and Secondary Medical Boards/Committees have been constituted in compliance of the order passed by the Supreme Court in Miscellaneous Application No. 1699 of 2019 in Writ Petition (Civi) No. 215 of 2005.

4. Needless to state that in case any of the directions issued by the Supreme Court are not complied with by the respondents, including National Medical Commission, they are under obligation to comply with the same within a reasonable time.

5. In view of the aforesaid submissions, we deem it appropriate to dispose of the PIL with the following directions:-

(i) The respondent nos.1 to 3 shall put a mechanism in place for quick retrieval of documents within an outer limit of three months.

(ii) In case the petitioners are aggrieved by Government Resolution dated 12th December, 2024, the petitioners shall be at liberty to challenge the same.

(iii) In case any of the directions issued by the Supreme Court in Miscellaneous Application No. 1699 of 2019 in Writ Petition (Civil) No. 215 of 2005 have not been complied with, the same shall be complied with expeditiously, preferably within a period of four months.

(iv) In addition, the petitioners shall be at liberty to submit a representation with regard to their grievances, if any, with regard to non-implementation of the directions issued by the Supreme Court in Miscellaneous Application No. 1699 of 2019 in Writ Petition (Civi) No. 215 of 2005. In case such a representation is made, the respondent nos.1 to 3 shall look into the same.

6. Accordingly, PIL is disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)