

ITEM NO.22

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1141/2023

RAHIL CHAUDHARY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.208509/2023-EX-PARTE STAY)

Date : 13-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Meenakshi Kalra, AOR
Ms. Trisha Chandran, Adv.
Mr. Amratansh Aggarwal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 While invoking the jurisdiction in public interest under Article 32 of the Constitution, the petitioners have highlighted the legal and ethical issues arising from Live Surgical Broadcasts (LSBs), particularly by the All India Ophthalmological Society.

- 2 Mr. Gopal Sankarnarayanan, senior counsel appearing on behalf of the petitioner submits that :
- (i) LBSs raise serious ethical concern relating to informed consent since patients are seldom informed of the fact that the surgeon's attention may be divided by interaction with an audience outside the operation theater to whom the live broadcast has been beamed, potentially putting the patient at risk;
 - (ii) In some cases patients from a lower economic strata are offered surgical fee waivers inducing them to participate without adequate understanding or autonomy in decision making;
 - (iii) In a specific instance in 2015, an LBS was conducted by one of the leading teaching hospitals in the National Capital in the course of which the patient died in the surgery; and
 - (iv) Advertising and sponsorship are the main motivations for conducting such procedures which are then broadcast to audiences at conferences.
- 3 The petitioners seek, *inter alia*, a direction to the National Medical Commission to appoint a Committee to regularly monitor live surgeries and ensure that incidents of abuse do not happen and for the framing of guidelines and a regulatory framework to regulate the conducting of live surgeries.
- 4 Issue notice returnable in three weeks.

- 5 Dasti service is permitted in addition.
- 6 Liberty to serve the Central Agency for the first and third respondents and the Standing Counsel for the National Medical Commission, in addition.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR