Euthanasia and Living Will

What is the issue?

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- The Supreme Court, in a landmark verdict in 2011, ruled out active euthanasia, but laid down a legal framework for passive euthanasia.
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- A Constitution Bench is now hearing a petition filed by NGO Common Cause on the issue of living will in relation with passive euthanasia.
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- The centre has told the Supreme Court that it was evaluating a draft law on passive euthanasia, and takes stance against living will.
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What is the case?

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- **Passive euthanasia** - It refers to the withdrawal of medical treatment with the deliberate intention to hasten a terminally ill-patient's death.
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- The centre has informed that the ‘Management of Patients With Terminal Illness — Withdrawal of Medical Life Support Bill’ was ready.
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- It has provisions allowing passive euthanasia as recommended by the law commission which specifies certain categories of people.
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- These include those in persistent vegetative state (PVS), in irreversible coma, or of unsound mind, who lack the mental faculties to take decisions.
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- **Living Will** - It refers to an advance written directive of the concerned person to physicians for end-of-life medical care i.e. not to provide life support.
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- The court has indicated that it may lay down comprehensive guidelines on operationalising the idea of living wills.
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- However, the government has opposed the concept of an advance directive and opposes permitting people to make a ‘living will’.
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What are the complications with 'living will'?

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- Deciding on the question of living will comes with all the legal, moral and philosophical implications.
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- **Legal** - An earlier verdict from the judiciary has noted that right to life under Article 21 does not include the right to die.
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- Allowing making a living will would contravene this legal stand.
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- **Rights** - Allowing it would also acknowledge the patient’s autonomy and self-determination to the point of legalising a wish to die.
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- **Social** -There are chances of misusing the provision and leading to the abuse and neglect of the elderly.
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- On the other hand, allowing it would relieve the close family members, of a terminally ill patient, of the moral burden of making a life-ending decision.
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- A living will would also rule out the possibility of doubting the life terminating decision as a murder.
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What could be done?

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- Given the mixed benefits, living will could be provided for with the necessary safeguards.
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- The guidelines should ensure that it was really the will of the concerned person.
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- Also, an independent medical board can examine the health of the person to establish the validity of the decision.
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Source: Indian Express

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