Euthanasia And Living Will - II

Click here for Part-I

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What is the issue?

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- The Supreme Court, which earlier legalised passive euthanasia, has now come out strongly in favour of legalising living wills.
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- The government, on the other hand, is hesitant to allow making living will, on the ground of possibility of misuse.
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What are the provisions of the proposed bill?

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- **Direction** - The medical practitioner is supposed to inform the patient of all treatment options and continue to provide care.
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- It is to be noted that the bill allows a patient (aged 16 or more) with terminal illness to decide whether to continue life support treatment or not.
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- And the direction issued in this regard is binding on the medical practitioner attending, provided he/she is convinced that the patient is competent and the decision is an informed one.
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- **Living Will** - Notably, the bill does not allow a legally competent person to take the same decision well in advance i.e. making a living will.
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- The Bill declares advance medical directives and medical power-of-attorney as void and not binding on the attending medical practitioners.
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- Hence, complications arise when a patient cannot make a competent decision in case of being in a coma or mentally challenged.

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- In such cases, a doctor, hospital or relative should have to approach a court to withhold treatment.
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- The court will appoint a panel that would dispose of the matter in a month.
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- Significantly, this delay in procedure is a cause of concern, as there are situations where survival would not be possible.
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- It could be painful for the family and the patient to wait until a decision comes.
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How can legislation help in this regard?

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- In the Aruna Shanbaug case, the Supreme Court permitted passive euthanasia and laid down comprehensive guidelines.
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- However, there are no proper legislations on this, prescribing legal provisions.
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- So in the absence of legislation, doctors find it difficult to counsel the family members and fear the possible medico-legal consequences.
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- Therefore, with a proper Living Will law in place, doctors can handle such cases easier.
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- Also, hospitals can be expected to have a uniform policy with regard to such cases.
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Quick Fact

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Aruna Shanbaug case

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- Aruna Shanbaug is an Indian nurse who spent around 40 years in a

vegetative state as a result of a sexual assault.
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- The Supreme Court responded to the plea for euthanasia filed by a journalist, by setting up a medical panel to examine her.
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- In 2011, the Supreme Court, in a landmark judgement, issued a set of broad guidelines legalizing passive euthanasia in India.
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- However, given the social, legal, medical and constitutional complexities involved, it becomes essential to have a clear enunciation of law.
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Source: Indian Express

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