Euthanasia and Living Will

What is the issue?

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

What is the case?

- **Passive euthanasia** - It refers to the withdrawal of medical treatment with the deliberate intention to hasten a terminally ill-patient's death.
- The centre has informed that the ‘Management of Patients With Terminal Illness — Withdrawal of Medical Life Support Bill’ was ready.
- It has provisions allowing passive euthanasia as recommended by the law commission which specifies certain categories of people.
- These include those in persistent vegetative state (PVS), in irreversible coma, or of unsound mind, who lack the mental faculties to take decisions.
- **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.
- The court has indicated that it may lay down comprehensive guidelines on operationalising the idea of living wills.
- However, the government has opposed the concept of an advance directive and opposes permitting people to make a ‘living will’.

What are the complications with 'living will'?  

- Deciding on the question of living will comes with all the legal, moral and philosophical implications.
- **Legal** - An earlier verdict from the judiciary has noted that right to life under Article 21 does not include the right to die.
- Allowing making a living will would contravene this legal stand.
- **Rights** - Allowing it would also acknowledge the patient’s autonomy and self-determination to the point of legalising a wish to die.
- **Social** - There are chances of misusing the provision and leading to the abuse and neglect of the elderly.
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.

A living will would also rule out the possibility of doubting the life terminating decision as a murder.

**What could be done?**

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

**Source: Indian Express**