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