

# SC upholds passive euthanasia

■ Constitution Bench allows 'living wills' with safeguards

■ Holds that right to die with dignity is a part of the basic right to life

■ Says that quality of life is as important as prolonging it

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The Supreme Court has upheld passive euthanasia and the right to give advance medical directives or 'Living Wills' to smoothen the dying process as part of the fundamental right to live with dignity.

Passive euthanasia is the act of withdrawing or withholding medical support to a dying patient who has no hope for revival or cure.

## 'Unwarranted support'

A five-judge Constitution Bench, led by Chief Justice of India Dipak Misra, in four separate and concurring opinions, ruled on Friday that the fundamental right to life and dignity under Article 21 of the Constitution includes the "right to die with digni-

## Sense of an ending

While recognising passive euthanasia, the SC has allowed advance directive, or living will, by which patients can spell out whether treatment can be withdrawn if they fall terminally ill or are incompetent to express their opinion

### WHO, WHAT AND HOW OF A LIVING WILL

#### WHO CAN MAKE IT:

- An adult with a sound and healthy mind
- It should be voluntarily executed, based on informed consent
- It should be expressed in "clear and unambiguous" terms

#### CONTENTS OF WILL:

- Circumstances in which treatment should be withheld or withdrawn
- Specify that the will can be revoked any time
- Name of the "guardian

or close relative" who will give the go-ahead for starting passive euthanasia

#### HOW TO PRESERVE IT?

- The will shall be attested by two witnesses and preferably

counter-signed by a first class judicial magistrate

- The magistrate shall preserve one hard copy and one soft copy each and forward it to the district court registry
- Copy will be given to a local govt. official, who shall nominate a custodian for the will



ty." Dignity is lost if a man is allowed or forced to undergo pain and suffering because of "unwarranted medical support."

"The right of a dying man to die with dignity when life is ebbing out and in the case

of a terminally ill patient or a person in permanent vegetative state, where there is no hope of recovery, accelerating the process of death for reducing the period of suffering constitutes a right to live with dignity," Chief Jus-

tice Misra held in his opinion, shared by Justice A.M. Khanwilkar.

## 'Meaningful existence'

In his separate opinion, Justice D.Y. Chandrachud observed that "to deprive a per-

son of dignity at the end of life is to deprive him of a meaningful existence."

"Meaningful existence" includes a person's right to self-determination and autonomy to decide his medical treatment, the court held. Justice Ashok Bhushan agreed that right to a dignified life includes a "dignified procedure of death."

Justice A.K. Sikri, in his separate opinion, said though religion, morality, philosophy, law and society have conflicting opinions about whether right to life includes the right to die, they all agree that a person should die with dignity.

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