

Death with dignity: on SC's verdict on euthanasia and living wills

The core philosophy underlying the [Supreme Court's verdict allowing passive euthanasia](#) and giving legal status to 'advance directives' is that the right to a dignified life extends up to the point of having a dignified death. In four concurring opinions, the five-member Constitution Bench grappled with a question that involved, in the words of Justice D.Y. Chandrachud, "finding substance and balance in the relationship between life, morality and the experience of dying". The outcome of the exercise is a progressive and humane verdict that lays down a broad legal framework for protecting the dignity of a terminally ill patient or one in a persistent vegetative state (PVS) with no hope of cure or recovery. For, in such circumstances, "accelerating the process of death for reducing the period of suffering constitutes a right to live with dignity". The core message is that all adults with the capacity to give consent "have the right of self determination and autonomy", and the right to refuse medical treatment is also encompassed in it. Passive euthanasia was recognised by a [two-judge Bench in Aruna Shanbaug in 2011](#); now the Constitution Bench has expanded the jurisprudence on the subject by adding to it the principle of a 'living will', or an advance directive, a practice whereby a person, while in a competent state of mind, leaves written instructions on the sort of medical treatment that may or may not be administered in the event of her reaching a stage of terminal illness.

Passive euthanasia essentially involves withdrawal of life support or discontinuation of life-preserving medical treatment so that a person with a terminal illness is allowed to die in the natural course. The court's reasoning is unexceptionable when it says burdening a dying patient with life-prolonging treatment and equipment merely because medical technology has advanced would be destructive of her dignity. In such a situation, "individual interest has to be given priority over the state interest". The court has invoked its inherent power under Article 142 of the Constitution to grant legal status to advance directives, and its directives will hold good until Parliament enacts legislation on the matter. The government submitted that it was in the process of introducing a law to regulate passive euthanasia, but opposed the concept of advance directive on the ground that it was liable to be misused. The stringent conditions imposed by the court regarding advance directives are intended to serve as a set of robust safeguards and allay any apprehensions about misuse. The court is justified in concluding that advance directives will strengthen the will of the treating doctors by assuring them that they are acting lawfully in respecting the patient's wishes. An advance directive, after all, only reflects the patient's autonomy and does not amount to a recognition of a wish to die.

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