

SC upholds passive euthanasia

The court described the exact stage at which suffering robs a dying person of his dignity.

“A state where the treating physicians and the family members know fully well that the treatment is administered only to procrastinate the continuum of breath and the patient is not even aware that he is breathing,” Chief Justice Misra wrote.

Justice Chandrachud said modern medical science should balance its quest to prolong life with the task of ensuring “quality of life.” One is meaningless without the other, he added.

The court distinguished passive euthanasia from suicide and active euthanasia. It called passive euthanasia as a “mere acceleration of the inevitable conclusion.” Active euthanasia, the court concluded, is unlawful. Suicide involves “overt acts” which culminates in an unnatural death. A valid ‘Living Will’ facilitates passive euthanasia. A failure to legally recognise an advance medical directive inconveniences the “right to smoothen the dying process”, the court reasoned. In cases of terminally ill or permanently vegetative state patients, where there is no hope for revival, priority should be given to the Living Wills and the right of self-determination.

Societal pressure

The court referred to how societal pressure and fear of criminal liability by relatives and medical doctors had led to suffering and undignified deaths.

Chief Justice Misra said this judgment “clears the maze.” By removing the social stigma against passive euthanasia and legalising it, the court has put humaneness on a high pedestal, he observed.

END

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