



SC Eases Norms for Passive Euthanasia

For Prelims: Passive euthanasia, National Health Digital Record, Article 21, Living Will.

For Mains: Major Changes in Guidelines of Passive Euthanasia, Euthanasia in India.

Why in News?

The [Supreme Court in India](#) has made changes to the rules for [passive euthanasia](#) with the primary objective to make the process **less difficult and less time-consuming**.

What are the Major Changes in Guidelines?

- The Supreme Court tweaked the previous judgement to do away with the **necessity of a [judicial magistrate](#)** to attest or countersign a living will.
 - SC held that an **attestation by a notary or a gazetted officer** would be **sufficient for a person to make a valid living will**.
- Instead of the living being in the custody of the district court concerned, SC said that the document will be a part of the National Health Digital Record which can be accessed by hospitals and doctors from any part of the country.
- If the **hospital's medical board denies permission** to withdraw medical treatment, the **family members of the patient can approach the relevant high court**, which forms a fresh board of medical experts to enable the court to take a final call.

THE CHANGES BROUGHT

NOW

EARLIER

Living will

An attestation by a notary or a Gazetted officer to be sufficient for a living will

It was necessary that a judicial magistrate attest or countersign a living will

Access to the living will

Living will a part of national health record which can be accessed by Indian hospitals

Living will was kept in the custody of the district court concerned

Primary board to examine patient's condition

Three doctors, including treating physician and two other doctors with five years of experience in the specialty, will comprise the primary board of doctors

Primary board of doctors needs at least four experts from general medicine, cardiology, neurology, nephrology, psychiatry or oncology with overall standing of at least 20 years

Time taken to decide

Primary/secondary board to decide within 48 hours on withdrawal of further treatment

The 2018 judgment did not specify any outer limit on withdrawal of treatment

Secondary board

Hospital must immediately constitute a secondary board of medical experts

The district collector had to constitute the second board of medical experts

What is Passive Euthanasia?

▪ About:

- **Passive euthanasia** is the act of **withholding or withdrawing medical treatment**, such as withholding or withdrawing life support, with the **intention of allowing a person to die**.
 - This is in contrast to **active euthanasia**, which involves an active intervention to **end a person's life with substances or external force**, such as administering a lethal injection.

▪ Euthanasia in India:

- In a landmark judgement, the **Supreme Court of India** legalised passive euthanasia in 2018, stating that it was a **matter of 'living will'**.
- According to the judgement, **an adult in his conscious mind** is permitted to **refuse medical treatment or voluntarily decide not to take medical treatment** to embrace death in a natural way, under certain conditions.
 - It also laid down **guidelines for 'living will' made by terminally ill patients** who beforehand know about their chances of slipping into a permanent vegetative state.
- The court specifically stated that **"Dignity in the process of dying is as much a part of the right to life under Article 21**. To deprive an individual of dignity towards the end of life is to deprive the individual of a meaningful existence."

▪ Different Countries with Euthanasia:

- **Netherland, Luxembourg, Belgium** allows both euthanasia and assisted suicide for

- anyone who faces “unbearable suffering” that has no chance of improvement.
- **Switzerland** bans euthanasia but allows assisted dying in the presence of a doctor or physician.
 - **Canada** had announced that euthanasia and assisted dying would be allowed for mentally ill patients by March 2023; however, the decision has been widely criticised, and the move may be delayed.
 - **United States** has different laws in different states. Euthanasia is allowed in some states like Washington, Oregon, and Montana.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? **(2018)**

- (a)** Article 14 and the provisions under the 42nd Amendment to the Constitution.
- (b)** Article 17 and the Directive Principles of State Policy in Part IV.
- (c)** Article 21 and the freedoms guaranteed in Part III.
- (d)** Article 24 and the provisions under the 44th Amendment to the Constitution.

Ans: (c)

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