

Supreme Court of India legalizes passive euthanasia

Recently, India joined a select group of countries worldwide such as Belgium, Luxembourg, Netherlands, Switzerland and the states of Oregon and Washington in the United States in legalizing the administration of passive euthanasia.^[1]

The Supreme Court of India arrived at this landmark decision after hearing the euthanasia plea of a 60-year former hospital nurse, Aruna Shaunbag who was attacked and sexually assaulted by a co-worker four decades ago. The brutal attack left her comatose with severe brain damage putting her into a permanent vegetative state.^[2] Since then she has been taken care of by the hospital staff after being abandoned by her family. After hearing the euthanasia plea advanced by Pinki Virani, an author and right to die activist, on behalf of Aruna Shaunbag, the Supreme Court decided that passive euthanasia in the form of withdrawal of life support-systems in patients who are brain dead or in persistent vegetative state and in whom the doctors have lost all hope of a revival even with the most advanced medical aid can be allowed. This decision on withdrawal of life support systems can only be made after review by medical experts and the high court. However the court was quick to clarify that giving life ending drugs or other such interventions constitutes to active euthanasia and it was strictly not allowed.^[3]

India has never had any guidelines regarding the application of euthanasia in any form till date. The above landmark verdict has initiated a step towards more clarity on this field. The Supreme Court verdict is legally binding till the time the Indian parliament prepares draft legislation.

The court was in agreement with the 1993 Airedale case of UK that due weight should be given to the wishes and opinions of relatives and expert doctors in making an informed decision. However, the court was cautious in its preparation of this draft, taking cognizance of the fact that corrupt relatives of terminally ill patients could possibly misuse this

legislation to procure wealth. Additionally, to protect the interests of the terminally ill, the court mentioned that permission of the high court would be required in addition to relatives and doctor's permission before euthanasia was applied.

The brave decision taken by the Supreme Court has laid the groundwork for healthy debate in the future as we strive towards building the most humane yet ethically sound euthanasia policy.

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References

1. India's Supreme Court lays out euthanasia guidelines. *Los Angeles Times*. March 8th, 2011
<<http://www.latimes.com/news/nationworld/world/la-fg-india-euthanasia-20110308,0,1497102.story>>
2. Aruna Shanbaug's brain shrivelled after 1973 sexual assault. February 24th, 2011.
<http://articles.timesofindia.indiatimes.com/2011-02-28/india/28641570_1_aruna-ramachandra-shanbaug-human-brain-pinki-virani>
3. Aruna lives, but others can die with dignity. *The Times of India*. March 8th, 2011.
<<http://timesofindia.indiatimes.com/india/Aruna-lives-but-others-can-die-with-dignity/articleshow/7651216.cms>>

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