

# SC judgement on 'living will' places an enormous responsibility in doctors' hands

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## The new legal right for a gracious death must not be allowed to be abused

The concept of “passive euthanasia” is not new in most developed countries. In the United States, a ‘Living Will’ executed by a normal and healthy person guarantees that a person would not be kept alive in future through life-supportive medical interventions in case he or she goes into an irreversible coma or permanent vegetative condition.

In fact, several States in the US (for instance, Oregon and Washington) and some European countries (Netherlands and Belgium) have also legalised “physician-assisted euthanasia” or “assisted suicide”, in which a conscious patient suffering from an incurable and painful ailment like end-stage cancer or

Alzheimer's disease can trigger a rapid and painless death at a time of his/her choosing by injecting themselves with a strong sleep-inducing sedative.

Nobody deserves to die a slow, painful and agonising death, which patients with terminal illnesses face every day. Last week, the Supreme Court in India too expanded the ambit of an individual's constitutional "right to life" to include the right to end life, too, in a dignified manner.

But does this compassionate new legal right for a gracious and painless death have the unintended potential for abuse?

The historic judgement requires that all doctors maintain impeccable moral character. There is tremendous responsibility on individual doctors and on those on the "medical board" who will assess if the unconscious patient's condition is "irreversible".

Apart from the possibility of inadvertent errors by doctors, there is the very real concern of devious doctors colluding with a patient's family to terminate the life of an unconscious patient in the name of "passive euthanasia". The Supreme Court has addressed this by outlining checks and balances, including requiring multiple doctors on the "medical board" to concur on the "irreversible" status of the patient. It also provides for a final check by the judiciary before granting permission to remove life-support from an unconscious patient. That removes a possibility of bringing an untimely end to the life of an innocent patient.

But with corruption eroding the basic fabric of our society, affecting different aspects of public services in India, the regulatory system here needs to be absolutely stringent. Reports of dead patients kept on a ventilator for days solely for the purpose of making an extra financial profit appear not infrequently in the news. So do reports of private hospitals ripping off defenceless patients with inflated medical bills. Despite reports of horrific deaths of patients from alleged "medical negligence" appearing regularly in the news, very rarely are doctors found guilty by their peers. It would be naïve to believe that there is no chance for abuse of the "passive euthanasia" directive. But it is up to the members of the noble medical profession to rise to the enormous responsibility now placed in their hands.

The writer is a non-resident Indian doctor who was awarded the country's highest compensation by the Supreme Court in a medical negligence case he had filed following the death of his wife. He is also President of People for Better Treatment. Views expressed are personal.

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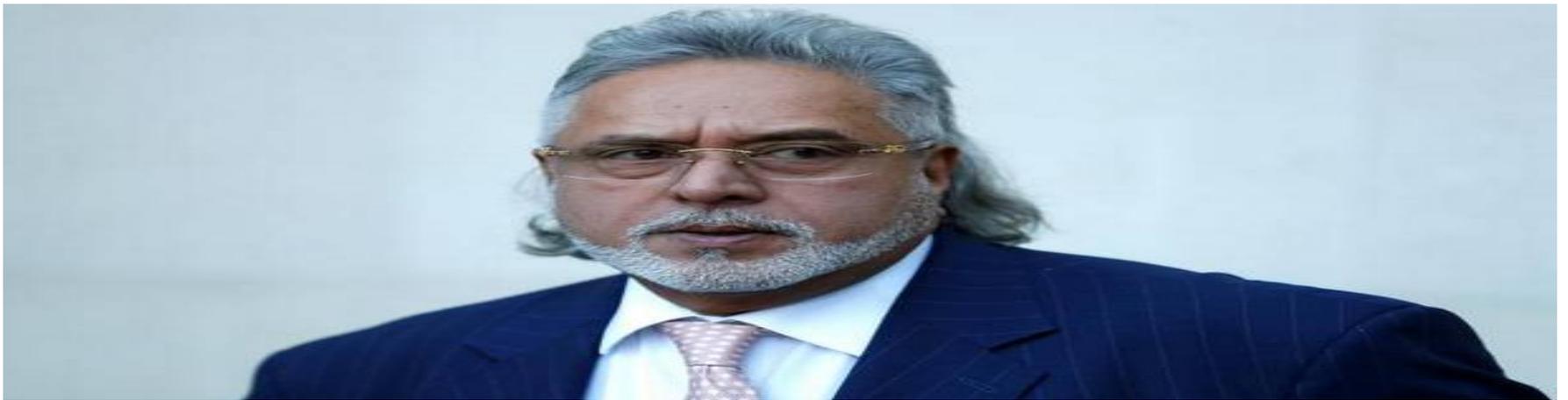
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