



Euthanasia & End-of-Life Issues in INDIA.

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"Dying is not a crime" - Dr. Jack Kevorkian

The term 'euthanasia' brings to mind Dr. Jack Kevorkian, the U.S. Pathologist who was labeled "Dr. Death", who gained infamy for his role in several physician-assisted suicides and his push to make euthanasia legal. Dr. Kevorkian served 8 years in prison for this, and died in 2011 while on parole. Another case, the Terri Schiavo incident, was a benchmark case in medical ethics in the United States. It involved a Florida woman who collapsed with a suspected cardiac arrest and consequently lost brain tissue due to the lack of oxygen. She was declared to be in a persistent vegetative state, i.e., a state, following a coma, of partial arousal rather than true awareness, in which a patient is unable to communicate purposefully and there is an absence of voluntary action. For years, she was fed through a feeding tube in a hospital and doctors had deemed that there was no hope of recovery. Several court battles followed when her husband, who was appointed her legal guardian, moved the courts to let Terri die by removing her feeding tube and was opposed by her parents, who wanted to keep her alive. After years of litigation, all petitions were exhausted and the court ordered the medical facility to remove her feeding tube. Terri died on March 31st, 2005, fifteen years after she had collapsed and gone into a coma. The conclusion drawn by the courts was that in the absence of a living will, the judiciary may consider if the patient would want to continue to be in a vegetative state or desire their life to be passively terminated, based on friends' and families' accounts of the patient's opinions before the illness, testimony of the medical staff treating the patient, and testimony from medical experts that a recovery was highly improbable.

Closer to home, the Aruna Shanbaug case made headlines recently when the court ruled that Shanbaug will not be taken off life support. Aruna Shanbaug was a nurse at KEM hospital in Mumbai in 1973 when she was attacked and strangled. Although she survived, the incident left her in a vegetative state because of brain tissue death due to the lack of oxygen. Shanbaug has been at KEM hospital since, kept alive by a feeding tube. Social activists petitioned to have her taken off life support and allowed to die, stating that her state prevented her from her right to living with dignity. In 2011, the Supreme Court ruled against taking her off life support, due mainly to objections against it by the hospital staff that is treating her, but set guidelines legalizing passive euthanasia in India.

Passive euthanasia is when a patient is taken off life support or treatment that solely keeps them alive. Active euthanasia involves administering lethal compounds or directly causing death in some way. It is legal in countries such as Belgium, the Netherlands, and Switzerland, as well two states in the U.S. Active euthanasia is illegal in most other nations, including India.

India has no law supporting passive euthanasia, but the Supreme Court guidelines are to be followed until laws are passed. The guidelines state that:1



1. A decision has to be taken to discontinue life support either by the parents or the spouse or other close relatives, or in the absence of any of them, such a decision can be taken even by a person or a body of persons acting as a next friend. It can also be taken by the doctors attending the patient. However, the decision should be taken bona fide in the best interest of the patient.
2. Even if a decision is taken by the near relatives or doctors or next friend to withdraw life support, such a decision requires approval from the High Court concerned.
3. When such an application is filed the Chief Justice of the High Court should forthwith constitute a Bench of at least two Judges who should decide to grant approval or not. A committee of three reputed doctors to be nominated by the Bench, who will give report regarding the condition of the patient. Before giving the verdict a notice regarding the report should be given to the close relatives and the State. After hearing the parties, the High Court can give its verdict.

Making a decision about terminating one's life is never an easy one. However, one has to consider several issues, including if keeping a patient alive in a vegetative state is in the interest of the patient, if the condition of the patient still affords them a life of dignity, whether or not there is a chance of recovery, and whether or not the patient is suffering. A living will is a proactive approach that ensures that your treatment or final wishes are carried out as per your instructions and not as decided by a third party. It contains instructions on what actions are to be taken if you are incapacitated or disabled in a way that making an autonomous decision is no longer possible, and enlists another person to be in charge of all such decisions in your place. It ensures that the burden of making tough choices does not fall on your next-of-kin. Advance directives such as wills are the best way to ensure that another person does not face the same predicaments as Terri Schiavo or Aruna Shanbaug. It is indeed true that "dying is not a crime."