

INDIA

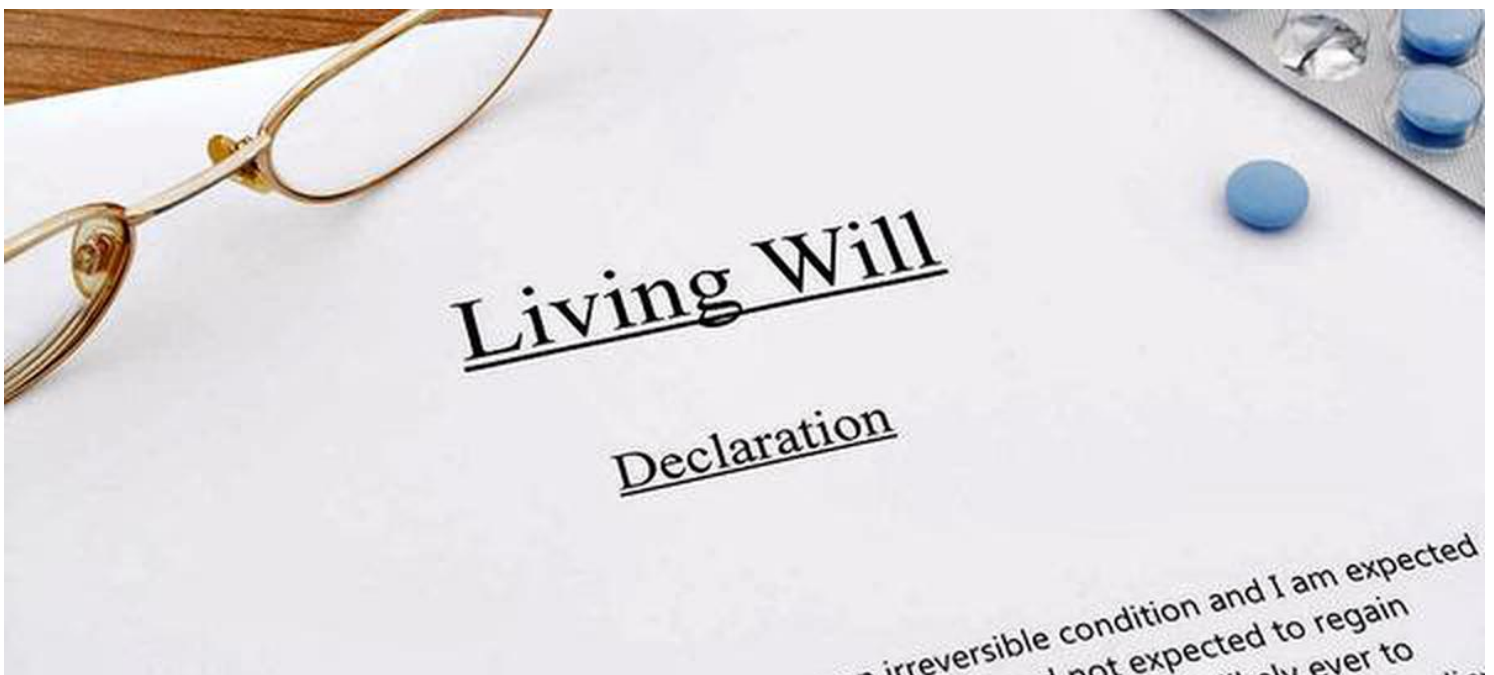
# Petition on process to activate 'living will' to be heard on November 23

**The Hindu Bureau**

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**The Bench is considering a plea to modify a March 2018 judgment which had upheld passive euthanasia and 'Living Will' but gave the job of ascertaining the genuineness of the document to multiple committees**



The Constitution Bench on Thursday asked if a lone committee of doctors, judicial officers, and government officers along with the next of kin of a terminally-ill person can sit together and decide the “genuineness and authenticity” of a Living Will.

The Bench led by Justice K.M. Joseph is considering a plea to modify a March 2018 judgment which had upheld passive euthanasia and 'Living Will', but gave the job of ascertaining the genuineness of the document to multiple committees of doctors, Magistrates and the District Collector, virtually making the judgment itself redundant and unworkable.

“One committee can be formed to take a decision. Suppose the patient is not able to take a decision at the time, his or her next of kin can do so. The government can keep a check too,”

Justice Ajay Rastogi said. Justice Aniruddha Bose said care should be taken to avoid any “forced departures” of persons. **The court agreed to hear the case on November 23.**

Solicitor General Tushar Mehta, for the Centre, was sceptical about trusting the next of kin of a dying person with the latter’s life. He said there were cases in which relatives refuse to put a patient on the ventilator but the person survives after having been done so.

**Senior advocate Arvind Datar, for the petitioner, said the 2018 judgment had laid down a cumbersome procedure to check the veracity of a Living Will. The court had placed a huge onus on the treating hospital and physicians to take the initiative to form a committee and activate the Living Will or advance directive.**

The 2018 judgment had agreed that failure to legally recognise an advance medical directive inconveniences the “right to smoothen the dying process”. 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.

## THE HINDU

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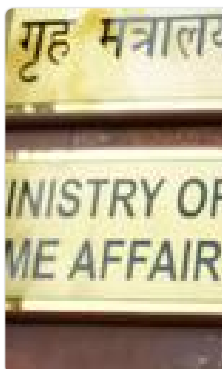
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