

India's Supreme Court allows euthanasia

By GAUTAMAN BHASKARAN

CHENNAI, India — India's Supreme Court ruled March 14 that an Indian citizen has the right to die with dignity. There are understandable riders to this landmark judgment that said thousands of people leading a vegetative life could have their artificial support systems withdrawn and thus end their lives of misery.

The legal ruling came after years of debate over the vast number of men and women bedridden like mere vegetables, draining their families of finances. The emotional turmoil of those around such patients is immense, and worse, nobody can tell with any definitive conclusion the kind of agony that the victim feels.

Take the case of Aruna Shanbaug, a nurse at a leading Mumbai hospital, who has not been able talk, move or eat on her own for the past 37 years, a condition she developed after a sweeper raped her and throttled her with a dog chain.

In 1973, the 25-year-old woman, who was to go on her marriage leave the next day, was caught alone in the basement of the hospital. The rape and strangulation damaged her brain stem, and made her deaf, blind and paralyzed. Tragically, the trauma left her with the ability to feel pain, and she can often be heard screaming from a dark room in the hospital where she lies, fed and looked after by the nurses and doctors. They push mashed food down her throat, and have been her angelic friends.

In 1990, journalist Pinki Virani wrote a moving article about Aruna's tragedy, and later published it as a book. Pinki never knew Aruna when she was a bubbly, full-of-life nurse.

Pinki petitioned the Supreme Court of India to let Arun die a dignified a death. The court examined her petition.

Euthanasia is now allowed, but under very strict supervision.

The court said "the right to permit a terminally ill patient to refuse medical treatment would be given under guarded conditions to prevent its misuse."

Active euthanasia remains forbidden. The court said that injecting a lethal drug to end the life of a patient beyond hope of recovery could not be allowed under any circumstances, because it went against the very essence of the "right to life" principle in India's Constitution.

The court agreed to passive euthanasia. The guidelines for this include a declaration from the High Court after getting an OK from a medical board and the government of the state concerned. "If a person consciously and voluntarily refuses to take lifesaving medical treatment, it's not a crime," the legal bench said.

The Supreme Court verdict will serve as law until India's parliament legislates. Today there is no law on euthanasia. This is because the federal government has held firm on the view that in a country like India, where poverty, illiteracy, social backwardness and emotional immaturity rule, euthanasia could be easily misused.

One can draw a parallel between euthanasia and *sati* — in which widows, both young and old, are egged on to burn themselves on the funeral pyres of their husbands. It is widely believed that one significant cause of *sati* is money. The dead man's relatives, in an attempt to stop his property from passing on to his widow, push her to immolate herself.

The court nonetheless felt that given the various international judgments on the subject, passive euthanasia should be permitted — if the patient wishes it. If the patient is too ill or is comatose, a relative or a friend could ask the state to end that life.

In the case of Aruna, the court averred that since Pinki was not a close friend or relative, she had no right to ask for the victim's euthanasia. So while the court examined Pinki's petition, it did not accept her plea for Arun's euthanasia.

At one level, these developments convey that India is progressing into a modern society. Yet, Sohanlal Walmiki, the sweeper who destroyed Aruna, walked out of jail in just six years, is now married with a family. The poor nurse has been lying incarcerated in the most degrading condition a human

being can possibly experience for 37 years.

Shouldn't Section 309 of the Indian Penal Code, which punishes one who tries to take his or her own life, be reviewed as the Supreme Court has recommended?

Admittedly, there are no easy solutions in a nation as complex and diverse as India with its multitude of languages, religions and castes.

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The Japan Times: Friday, March 25, 2011
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