

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:2589
ANSWERED ON:09.12.2011
LEGISLATION ON MERCY KILLING/EUTHANASIA
Meghe Shri Datta Raghobaji

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Government has examined the subject matter of mercy killing or euthanasia;
- (b) if so, the details alongwith the outcome thereof;
- (c) whether the Government proposes to frame a legislation to regulate mercy killing or euthanasia in the country;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

Answer

THE MINISTER OF HEALTH & FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a) to (e): The subject matter regarding mercy killing was examined in this Ministry in the year 2003 and the Ministry has taken the position that mercy killing is not to be allowed for the following reasons:-

1. Hippocratic oath is against intentional/voluntary killing of the patient.
2. Progression of medical science to relieve pain, suffering, rehabilitation and treatment of so-called incurable diseases will suffer a set-back.
3. An individual may wish to die at a certain point of time. His/her wish may not be persistent and may only be a fleeting desire out of transient depression.
4. Suffering is a state of mind and perception, which varies from individual to individual and depends on various environmental and social factors.
5. Continuous advancement in medical science has made possible good pain management in patients of cancer and other terminal illnesses. Similarly, rehabilitation helps many spinal injury patients in leading near normal life and euthanasia may not be required.
6. Wish of euthanasia by a mentally ill patient/in depression may be treatable by good psychiatric care.
7. It will be difficult to quantify suffering which may always be subject to changing social pressures and norms.
8. Can doctors claim to have knowledge and experience to say that the disease is incurable and patient is permanently invalid?
9. Defining of bed-ridden and requiring regular assistance is not always medically possible.
10. There might be psychological pressure and trauma to the medical officers who would be required to conduct euthanasia.

Moreover, the Hon'ble Supreme Court of India in its judgment dated 7th March, 2011 has dismissed the plea for mercy killing of a Mumbai nurse, Aruna Ramchandra Shanbaug, who has been reduced to vegetative state in King Edward Memorial hospital for the past 37 years. However, the Hon'ble Supreme Court laid down comprehensive guidelines to process "passive euthanasia" till Parliament passes a law, while making a clear distinction between "active euthanasia", which means ending the life of a patient by injecting medication and "passive euthanasia", permitting doctors to withdraw life support to a terminally ill patient.

Thereafter, the matter of mercy killing has been examined further and it has been held that the Hon'ble Supreme Court has already laid down the guidelines in this respect through its judgment delivered in Aruna Ramchandra Shanbaug's case which are to be followed in such cases and should therefore be treated as law. There is no proposal under consideration at this stage for making a law on this subject.