



France Considers Legalising Assisted Dying

[Source: DTE](#)

Why in News?

France, after recently adding [abortion as a constitutional right](#), is now considering legalising a form of assisted dying called "aid in dying".

- The proposed bill will have strict conditions, allowing assisted dying for individuals with incurable illnesses expected to cause death in the short- or middle-term.
- The country already allows [passive euthanasia](#).

What is Assisted Dying and Passive Euthanasia?

- **Assisted Dying:** Assisted dying involves individuals who are terminally ill seeking medical assistance to obtain lethal drugs, which they then **administer themselves to end their own lives**.
 - It typically occurs **when patients are facing unbearable suffering** due to a terminal illness and wish to have control over the timing and manner of their death.
 - The primary distinction of assisted dying is that **individuals actively participate in the process of ending their lives** with the aid of medical professionals.
- **Passive Euthanasia:** Passive euthanasia occurs when **life-sustaining treatments are withheld or withdrawn**, allowing the patient to die naturally.
 - This may involve decisions to **stop medical interventions** such as ventilators, feeding tubes, or medications that sustain life.
 - Passive euthanasia is often considered distinct from active euthanasia because it does not involve directly causing the patient's death but rather allows death to occur by natural means.
 - **Active euthanasia involves deliberately using lethal substances** or actions to end a person's life.
- **Countries with Legalised Assisted Dying or/and Euthanasia:**
 - **Netherland, Luxembourg, Belgium, Spain** allows both euthanasia and assisted suicide for anyone who faces "**unbearable suffering**" that has no chance of improvement.
 - **Switzerland bans euthanasia** but allows assisted dying in the presence of a doctor or physician.
 - The United States has different laws in different states. **Euthanasia is allowed in** some states like **Washington, Oregon, and Montana**.
 - [India allows for passive Euthanasia](#).
 - In [Aruna Ramachandra Shanbaug v. Union of India Case, 2011](#), Supreme Court **recognised passive euthanasia in this case** (for Aruna Shanbaug, who was in vegetative state) by which it had permitted **withdrawal of life-sustaining treatment from patients** not in a position to make an informed decision.
 - In **Common Cause V/s Union of India Case, 2018**, the Supreme Court of India **legalised passive euthanasia**, citing the importance of a '**living will**.'
 - The ruling allows mentally competent adults to refuse medical treatment or opt not to receive it, thus embracing a natural death, under specific circumstances.

- The court emphasised that **dignity in the dying process is integral to the right to life** guaranteed by **Article 21 of the Constitution**.
- In 2023, the Supreme Court revised rules for passive euthanasia to simplify and expedite the process.
 - SC eliminated the requirement for a judicial magistrate to validate a living will, stating that attestation by a notary or a gazetted officer is adequate.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q.1 Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? (2018)

- (a) Article 14 and the provisions under the 42nd Amendment to the Constitution.
- (b) Article 17 and the Directive Principles of State Policy in Part IV.
- (c) Article 21 and the freedoms guaranteed in Part III.
- (d) Article 24 and the provisions under the 44th Amendment to the Constitution.

Ans: (c)

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