

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
STARRED QUESTION NO. 571
TO BE ANSWERED ON THE 6TH APRIL, 2018
PASSIVE EUTHANASIA**

***571. SHRIMATI ANJU BALA:**

DR. C. GOPALAKRISHNAN:

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

- (a) whether the Supreme Court has given legal sanction to passive euthanasia;
- (b) if so, the details thereof along with the reaction of the Government thereto;
- (c) whether the Government has finalised a legislation to permit passive euthanasia and if so, the details and the current status thereof;
- (d) whether an Expert Committee constituted for examining euthanasia has given its report and if so, the major recommendations of the Committee; and
- (e) the other steps being taken by the Government in this regard?

**ANSWER
THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)**

(a) to (e) : A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 571* FOR 6TH APRIL, 2018**

(a) and (b) A five-judge Constitution bench of the Supreme Court, headed by Chief Justice of India Sh. Dipak Misra, in its final judgment on 9th March, 2018 in the matter of Common Cause Vs Union of India & Others, has “*laid down the principles relating to the procedure for execution of Advance Directive and provided the guidelines to give effect to passive euthanasia in both circumstances, namely, where there are advance directives and where there are none, in exercise of the power under Article 142 of the Constitution*”. The Hon’ble Supreme Court has further directed that “*the directive and guidelines shall remain in force till the Parliament brings a legislation in the field*”.

(c) No. The matter regarding formulation of legislation on Passive Euthanasia is under consideration in this Ministry.

(d) and (e) Law Commission, vide its 241st Report titled ‘Passive Euthanasia-A Relook’, proposed for making a legislation on ‘Passive Euthanasia’ and also prepared a draft Bill, *The medical treatment of terminally ill patients (protection of patients and medical practitioners) Bill*. This bill has been examined by the Committee of Experts under the Directorate General of Health Services in this Ministry. Major recommendations of the Expert Committee are as below:

- It has proposed only **Passive Euthanasia**.
- No provision for **Active Euthanasia**.
- Provision for a written medical directive given by a competent person called as **Advance Medical Directive**.
- Applicable for patients with **terminal illness**, as defined in the Bill.
- Separate provisions for process of withholding of treatment for **competent** and **incompetent** terminally ill patients.

The matter regarding formulation of legislation on Passive Euthanasia is under consideration in this Ministry.
