

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 596
TO BE ANSWERED ON 07TH FEBRUARY, 2023**

RIGHT TO EUTHANASIA FOR INCURABLE PATIENTS

596. DR. RADHA MOHAN DAS AGRAWAL:

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

- (a) whether Government will consider to give “Right to Euthanasia” to patients suffering from incurable and extremely painful diseases on basis of their own wish, as well as on the recommendation of a high level Medical Board; and
- (b) if so, by when and if not, the reasons therefor?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(DR. BHARATI PRAVIN PAWAR)**

(a) & (b): According to the directions given by the Supreme Court of India in its judgement dated 24th January, 2023 with regard to the right to euthanasia, in cases where the patient is terminally ill and undergoing prolonged treatment in respect of ailment which is incurable or where there is no hope of cure, the physician may inform the hospital, which, in turn, shall constitute a Primary Medical Board. Such Medical Board shall discuss with the family physician, if any, and the patient’s next of kin / next friend / guardian and record the minutes of the discussion in writing. During the discussion, the patient’s next of kin / next friend / guardian shall be apprised of the pros and cons of withdrawal or refusal of further medical treatment to the patient and if they give consent in writing, then such Medical Board may certify the course of action to be taken preferably within 48 hours of the case referred to it. Their decision will be regarded as a preliminary opinion. If such Medical Board certifies the option of withdrawal or refusal of further medical treatment, the hospital shall then constitute a Secondary Medical Board. The Secondary Medical Board shall visit the hospital for physical examination of the patient and, after studying the

medical papers, may concur with the opinion of the Primary Medical Board. In that event, intimation shall be given by the hospital to jurisdictional JMFC (Judicial Magistrate of First Class) and the next of kin / next friend / guardian of the patient preferably within 48 hours of the case referred to it.

Another situation is that there may be cases where the Primary Medical Board may not take a decision to the effect of withdrawing medical treatment of the patient or the Secondary Medical Board may not concur with the opinion of the Primary Medical Board. In such a situation, the nominee of the patient or the family member or the treating doctor or the hospital staff can seek permission from the High Court to withdraw life support by way of Writ petition under Article 226 of the Constitution of India. In this case, the Chief Justice of the High Court shall constitute a Division Bench which shall decide to grant approval or not. The High Court may constitute an independent committee to depute three doctors from the fields of general medicine, cardiology, neurology, nephrology, psychiatry or oncology with experience in critical care and with overall standing in the medical profession of at least twenty years after consulting the competent medical practitioners. The High Court in such cases shall render its decision.
