



Passive Euthanasia and Living Will are permissible: Supreme Court

Relevancy:

- ✓ GS Prelims, GS Mains paper II, IV
- ✓ Ethics, governance, Passive Euthanasia, Living Will, ethical issues associated with euthanasia.
- ✓ "Right to dignity includes right to refuse treatment and die with dignity".

Recently:

- ❖ The Supreme Court declared passive euthanasia and the right of persons, including the terminally-ill, to give advance directives (Living Will) to refuse medical treatment permissible.
- ❖ A Constitution Bench led by Chief Justice of India Dipak Misra, upheld that the fundamental right to life and dignity includes "right to refuse treatment" and "die with dignity".

What is Passive euthanasia?

- A condition where there is the withdrawal of medical treatment with the deliberate intention to hasten the death of a terminally-ill patient is termed as passive euthanasia.
- However, active euthanasia is an intentional act of causing the death of a patient in great suffering. As per the judgment, Active euthanasia is unlawful.

What is a Living will?

- A living will is a written document that allows a person to give explicit instructions in advance about the medical treatment to be administered when he or she is terminally ill or no longer able to express informed consent.

About the Right to Die:

- Right to die peacefully is part of Fundamental Right to Life guaranteed under Article 21 of the Constitution.
- Article 21 provides that "no person shall be deprived of his life or personal liberty except according to procedure established by law".

Details of the Judgment:

- The court upheld that fundamental right to a "meaningful existence" includes a person's choice to die without suffering.
- The Court indicated how societal pressure and fear of criminal liability by relatives and medical doctors ultimately led to the suffering and the undignified death of the patient.
- The court said it was time to dispense with such shared suffering and sense of guilt and face reality.
- Doctors who attend the terminally-ill are under pressure and dither in letting the patient go, apprehending criminal liability and fear of being drawn into the "vortex" of a possible family struggle for inheritance.
- The apex court issued guideline and directives: The apex court added that its guidelines and directives shall remain in force till a legislation is brought to deal with the issue.
- The Chief Justice's judgment includes specific guidelines to test the validity of a living will, by whom it should be certified, when and how it should come into effect, etc.
- The guidelines also cover a situation where there is no living will and how to approach a plea for passive euthanasia.
- About religion, morality, philosophy and law: Justice A.K. Sikri, in his separate opinion, said though religion, morality, philosophy, law and society share equally strong and conflicting opinions about whether right to life includes right to death, they all agree that a person should die with dignity.
- Justice Chandrachud said the issue of death and when to die transcends the boundaries of law, but the court has intervened because it also concerns the liberty and autonomy of the individual.



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Rustom 2 Drone

Relevancy:

- ✓ GS Prelims
- ✓ Sci-tech, Indian defence, Rustom 2 Drone

Recently:

- ❖ India's Defence Research and Development Organisation successfully completed the test flight of its Rustom 2 drone at the Aeronautical Test Range.
- ❖ Rustom 2 is part of the Rustom line of Unmanned Aerial Vehicles (UAVs) that includes Rustom-I, Rustom-H and Rustom-C.

Specifications of Rustom 2 Drone:

- To be used by all three services of Indian armed forces (Army, Navy, Air Force)
- Purpose: Intelligence, surveillance and reconnaissance (ISR) operations.
- Flight: MALE (Medium altitude long-endurance). It can fly at 22,000 ft for a flight time of 20 hrs.
- Engine: It has two 3-blade NPO Saturn engines.
- Speed: 280 km/h
- Payload: carry a variety of payloads like Medium Range Electro Optic (MREO), Long Range Electro Optic (LREO), Synthetic Aperture Radar (SAR), Electronic Intelligence (ELINT), Communication Intelligence (COMINT) and Situational Awareness Payloads (SAP) that help in performing missions even during the night.
- Sensors: MREO and LREO sensors are placed inside a modular payload under the nose for capturing imagery and video.



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Special Category Status states

Relevancy:

- ✓ GS prelims, GS Mains paper II
- ✓ Polity and governance, Special category status (SCS) states, Andhra's demand for SCS

Recently:

- ❖ Telugu Desam Party (TDP) has withdrawn its support from BJP in the Parliament because the latter has refused to grant Special Category Status to Andhra Pradesh.
- ❖ Andhra Pradesh has been demanding SCS since its bifurcation from Telangana in 2014 since the state is short of resources.

What is Special Category status?

- There is no provision of a Special Category State in the Constitution.
- But there are states that have historical disadvantages as compared to other states of India.
- Therefore, the Centre had been assisting the states with funds in the past allocated by the former Planning Commission body called the National Development Council (NDC).
- Apart from Andhra Pradesh, Odisha and Bihar had demanded SCS status. However, they have not been granted the status as they did not fulfill the criteria to be qualified as an SCS State.
- The NDC first accorded SCS in 1969 to Jammu and Kashmir, Assam and Nagaland. Over the years, eight more states were added to the list — Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura and, finally, in 2010, Uttarakhand. Until 2014-15, SCS meant these 11 states received a variety of benefits and sops.

What are benefits that Special Category states get?

- The Centre pays 90 per cent of the funds required in a centrally-sponsored scheme to special category status category states as against 60 per cent in case of normal category states, while the remaining funds are provided by the state governments.

But the 14th Finance Commission has changed the rules of the game:

- Earlier, for declaring a Special Category State, NDC considered factors such as difficult and hilly terrain, low population density and/or a sizeable share of tribal population, strategic location along borders, economic and infrastructural backwardness, and non-viable nature of state finances.
- The Fourteenth Finance Commission had removed the concept of Special Category States after its recommendations were accepted in 2015.
- The Centre is willing to provide the “monetary equivalent” of a special category state to Andhra Pradesh but would not be able to grant the “special status” that was restricted only to the north-eastern and three hilly states by the 14th Finance Commission.
- The NITI Aayog, which has replaced the Planning Commission, has no power to allocate funds.





The Arbitration And Conciliation (Amendment) Bill, 2018

Relevancy

- ✓ G.S. Paper 2
- ✓ About the Arbitration and Conciliation (Amendment) Bill, 2018
- ✓ Benefits and salient features of the bill

Recently

- ❖ The Union Cabinet chaired by Prime Minister Shri Narendra Modi has approved the Arbitration and Conciliation (Amendment) Bill, 2018 for introduction in the Parliament.
- ❖ It is a part of the efforts of the Government to encourage institutional arbitration for settlement of disputes and make India a centre of robust Alternative Dispute Resolution (ADR) mechanism.

Benefits:

- The Amendments in the Act of 1996 will facilitate achieving the goal of improving institutional arbitration by establishing an independent body to lay down standards, make arbitration process more party friendly, cost effective and ensure timely disposal of arbitration cases.

Salient features:

- To facilitate speedy appointment of arbitrators through designated arbitral institutions by the Supreme Court or the High Court, without having any requirement to approach the court in this regard. It is envisaged that parties may directly approach arbitral institutions designated by the Supreme Court for International Commercial arbitration and in other cases the concerned High Courts.
- The amendment provides for creation of an independent body namely the Arbitration Council of India (ACI) which will grade arbitral institution and accredit arbitrators by laying down norms and take all such steps as may be necessary to promote and encourage arbitration, conciliation, mediation and other ADR Mechanism and for that purpose evolve policy and guidelines for the establishment, operation and maintenance of uniform professional standards in respect of all matters relating to arbitration and ADR mechanism. The Council shall also maintain an electronic depository of all arbitral awards,
- The ACI shall be a body corporate. The Chairperson of ACI shall be a person who has been a Judge of the Supreme Court or Chief Justice or Judge of any High Court or any eminent person. Further, the other Members would include an eminent academician etc. besides other Government nominees,
- It is proposed to amend sub section (1) of section 29A by excluding International Arbitration from the bounds of timeline and further to provide that the time limit for arbitral award in other arbitrations shall be within 12 months from the completion of the pleadings of the parties.
- A new section 42A is proposed to be inserted to provide that the arbitrator and the arbitral institutions shall keep confidentiality of all arbitral proceedings except award. Further, a new section 42B protects an Arbitrator from suit or other legal proceedings for any action or omission done in good faith in the course of arbitration proceedings.
- A new section 87 is proposed to be inserted to clarify that unless parties agree otherwise the Amendment Act 2015 shall not apply to (a) Arbitral proceedings .which have commenced before the commencement of the Amendment Act of 2015 (b) Court proceedings arising out of or in relation to such arbitral proceedings irrespective of whether such court proceedings are commenced prior to or after the commencement of the Amendment Act of 2015 and shall apply only to Arbitral proceedings commenced on or after the commencement of the Amendment Act of 2015 and to court proceedings arising out of or in relation to such Arbitral proceedings.
- **Background:**
- The Arbitration and Conciliation Act, 1996, was amended by the Arbitration and Conciliation (Amendment) Act, 2015 in order to make arbitration process user friendly, cost effective and ensure speedy disposal and neutrality of arbitrators. However, to give a boost to institutional, arbitration vis-a-vis *ad hoc* arbitration and to remove some practical difficulties in applicability of the Arbitration and Conciliation (Amendment) Act, 2015, a High Level Committee (HLC) under the Chairmanship of Justice B. H. Srikrishna, Retired Judge, Supreme Court of India, was constituted by the Central Government, The HLC was given the mandate



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- To examine the effectiveness of existing arbitration mechanism by studying the functioning and performance of Arbitral Institutions in India;
- To devise a road map to promote institutionalized arbitration mechanisms in India;
- To evolve an effective and efficient arbitration eco-system for commercial dispute resolution and submit a Report on suggested reforms in the statute.



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