

SOCIETY FOR THE RIGHT TO DIE WITH DIGNITY

NEWLETTER NO. 15

FEBRUARY 1992

(FOR PRIVATE CIRCULATION TO MEMBERS ONLY)

- 1) **Demise of Members :** It is regrettable to begin this Newsletter on the sorrowful note of recording the demise of three active members of the Society, namely Dr. Fareedoon Antia, Mr. Ramu Pandit and Mr. G. M. Sohoni, all whom were members of the Executive Committee. The Society records their services and conveys deep condolences to members of the respective families.
- 2) **Bequests and Donations :** The Society has been the beneficiary of a munificent bequest of Rs. 1,00,000/- as per the Will of the Late Dr. Fareedoon Antia. The Late Dr. Antia was an ardent adherent to the aims of the Society and his concern has been translated into commitment by his generous act. We salute his memory. The Society has also received a generous donation of Rs. 5,000/- from Mr. John L. Bissell, New Delhi. We acknowledge this with gratitude. In his letter Mr. Bissell expresses some sentiments which are worth recording — "I VERY MUCH BELIEVE IN WHAT THE SOCIETY IS TRYING TO DO — AND AS ONE GETS OLDER ONE THINKS ABOUT IT MORE AND MORE".
- 3) **Response to appeal by Honorary Treasurer :** for ordinary members to become Life Members. 47 members responded and the Society is grateful to them. We once again appeal to those ordinary members who have not responded to do so.
- 4) **Response to Members' queries :** It is believed by many members that the Society does not offer guidance and help when they face critical situations of terminal or irremediable illness and associated problems, be it for themselves, members of the family or even close friends. It has to be understood that the Society's activities in this area is hampered by constraints of the law and by deficiency in organisation. **However request for such help and guidance will be entertained by the Society in individual and specific cases and responded to, within the constraints of the law.**
- 5) **Declaration (Living Will) and Durable Power of Attorney :** There seems to be some misgiving about the purpose and usefulness of the above two documents, facsimile of which are herewith enclosed.

Herewith some clarifications :

- (i) This document of "Declaration" is based upon the principle of the legal right of any individual in competent state of mind to refuse any form of treatment offered to him/her by a medical practitioner or an Institution, with the full realisation that the onus of the consequences of such refusal rests entirely on the individual.
- (ii) The Declaration merely outlines the conditions under which you would have made such a decision were you in a fit state of mind.

- (iii) The Declaration is made so that if you are not in a state to convey such a decision, the latter is made by the person to whom you have given the Durable Power of Attorney, based upon your declared wishes.
- (iv) It is not necessary that Power of Attorney be given to any member of the legal profession. It can rest with any two individuals in whom you have sufficient faith and trust.
- (v) It is always advisable and preferable that your intention to make the "Declaration and Durable Power of Attorney" be discussed in details with close family members.
- (vi) The original documents should be placed in custody of the person with the Power of Attorney and the xeroxed copies with members of the family.
- (vii) Finally you may question the legal validity of the documents. Whilst in many countries abroad it has legal validity, it is not so in India. **But that does not detract its value as an expression of your right to refuse treatment** and gives a moral force to the decision that may be arrived at appropriate time both by the family and attending medical practitioner. The absence of such documents certainly weakens the hands of the family and medical practitioner.

Members are therefore strongly advised to execute these documents.

6) Activities planned :

- (i) Discussion on T.V. and AIR on issues connected with euthanasia. Approach to authorities has already been made.
- (ii) Production of a Booklet. The introductory part will be outlining of aims, objectives and activities of the Society. In the second part of the booklet it is intended to offer in simple terms the concepts of euthanasia and its application. Any Member who has any suggestions for the project may kindly convey their views to the Society.
- (iii) Feasibility of organising an All India Seminar/Workshop on issues of euthanasia are under consideration.

7) Snippets :

- (i) Mr. Derek Humphreys book entitled "FINAL EXIT" has become a best seller in U.S.A. Though it has been criticized by some, these criticisms do not seem to be valid to the reviewer. It is written by one who has long personal and social experiences in this field and contains invaluable reading material (Published by Hemlock Society, P.O. Box 11830, Eugene, Oregon 97440, U.S.A.). There are two articles in this context in "Newsweek" of August 26, 1991.
- (ii) Ms. Savita Bankeshwar has written a very interesting article entitled "Whose Life is it Anyway ?" in the journal called Kanara Saraswat of October 1991. Quote from the end of the article is worth reproducing.

"... no person is obliged to continue his or her existence when one realises that life has lost its true meaning, and from which all personality has irreversably fled".

(Ms. Bankeshwar's address is : B/46, Aaram Co-op. Housing Society, Vakola, Santa Cruz (East), Bambay-400 055).

(iii) Our former Honorary Secretary, Mr. Pesi Davar has sent us the following poem :
How Not To Be.... Is The Question

(With apologies to William Shakespeare)
To be or not to be.... that's not the question !
But, rather, how not to be.... and who shall help ?
Whether 'tis nobler if the helper suffer
The courts and prisons of outrageous Judgements.
Or see the sufferers in a sea of troubles
And, by ignoring, leave them ? Let them die to sleep :

No more; and by a sleep to say we end
The heartache and the thousand natural hurts
That they are heir to 'tis a conservation
Devoutly to be wished. To let them die,
To sleep ! Perchance to wake ! Aye, there's the rub;

For, in that waking, what loss may be caused
Not to have shuffled off this moral soil
Must give us pause. There's the respect
That makes calamity of too long life;
For who would bear excessive whips of pain.
The humbling stench of enuretic bed.
The lingering torments and the loss of powers.
If they themselves their quietus could make
With gentle help ? who would these fardels bear

But for the fear and dread of failed attempt
And threats of cruel and inhuman laws ?
Thus slow reform makes cowards of us all;
And thus the native hue of resolution
Is sicklied o'er with the pale cast of thought;
And enterprises of great love and mercy
With this regard their currents turn away,
And lose the name of action.

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DECLARATION

This Declaration is made by me
of
at a time when I am of sound mind and after careful consideration :

(1) If the time comes when I can no longer take part in decision for my own future, let this Declaration stand as the testament to my wishes.

(2) If there is no reasonable prospect of my recovery from physical illness or impairment expected to cause me severe physical or mental distress or to render me incapable of rational existence, or my vital bodily functions are incapable of independent operation. I should be deemed to decline to receive artificial medical treatment including artificial ventilation, intravenous infusions, or naso-gastric tube feeding, and also to be administered only those medications which keep me free from pain and distress.

(3) If I suffer from heart arrest, it is my request that efforts at resuscitation be abandoned at the end of three minutes.

In the absence of my ability to give directions regarding the use of such life sustaining procedures, it is my intention that this Declaration shall be honoured by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and accept the consequence from such refusal.

This Declaration is signed and dated by me in the presence of the two undermentioned witnesses present at the same time who at my request in my presence and in the presence of each other have here unto subscribed their names as witnesses.

Dated Signed

This declarant has been personally known to me and I believe him/her to be of sound mind.

Witness : 1

Name :

Address :

Signed

Witness : 2

Name :

Address :

Signed

Note :— Witness should not be members of the family.

SPECIAL POWER OF ATTORNEY

A POWER OF ATTORNEY given this 19 by me,
..... of
(full name)

WHEREAS (1) I have executed a declaration dated 19
stating that in circumstances there set out I should be deemed to decline to receive artificial
medical treatment and to ask to be kept free from pain and distress.

(2). I seek to ensure that the wishes expressed in my declaration will be fully respected.

NOW THIS DEED WITNESSES that I appoint

of and

of

who have expressed their acceptance to act as such, jointly or severally to be my attorneys for
the purpose of securing compliance with the terms of my said declaration and I vest in my
attorneys jointly or severally power to interpret, make decisions and take action on my behalf
with regard to my declaration notwithstanding any contrary views held by any other person.

I declare that this Power of Attorney shall remain in force during my lifetime until notice
of its revocation is received by my attorneys AS WITNESS my hand this day

SIGNED, SEALED AND DELIVERED

by me

in the presence of (full name)

of (full address)

Red Wafer
Seal

Before the Notary,

