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Ensouth

The E-magazine brought to you by

N South

Advocates

C 62B Super Mart – I,
DLF Phase 4, Gurgaon, Haryana 122009

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Managing Partner's message

It is with pleasure that we report the grand success of "Legal Confidential". There were reasons to be apprehensive. We lawyers can be remarkably self-congratulatory, even as the justice machine struggles to deliver on its promise. Does anybody want to naval gaze the dark underbelly of a holy cow?

Two groups have been especially appreciative. First, the business community has spoken as one, congratulating me for telling the naked truth about legal service in India. All agree that the system as now exists needs urgent intervention to save it from itself. The journalists have of course uniformly given good reviews. Curiously, a large number of young lawyers have simultaneously written to me thanking me for showing them how to succeed as lawyers! My India never fails to dish up delicious ironies!

We share with you a few extracts of reviews published thus far in the section immediately following.

As to our usual business, in this Ensouth, we bring you both the topical and the philosophical. Of the topical, in **"The trouble with privatized justice"** we revisit the issues around the tragedy that is ad hoc arbitration in India today.

The other three pieces we carry are all philosophical. First, in **"Transforming the Judicial Club"** we question the untested ideological assumption that all judges are angels and all politicians crooks. Next, in **"Persecuting Victims",** we explore how our justice machine actually functions and try and understand what has really happened to the doting parents of Aarushi Talwar. Finally, in **"Why deny an Individual's Right to Die"**, we delve into the greatest of ideological debates - the meaning of life - in order to understand if the law should interfere with an individual's right to live and die as he or she chooses.

Happy Reading

Ranjeev C Dubey
(Managing Partner)

Extracts of selected reviews of "Legal Confidential"

"What sets it apart from the plethora of books on the legal profession is that it tells us how the legal profession actually functions — does it actually? — and not how it should. In doing so, it also exposes, with humor all that is wrong with the system. It is a John Grisham legal thriller in an Indian setting. It should be mandatory reading for students of law, especially wannabe lawyers, judges and policymakers."

– Maneesh Chhibber in Indian Express.

"The book is outrageously funny, and part of the fun of reading it, is the wildly twisted turn of phrase that you know is waiting for you round the corner of the next paragraph. The author has a unique worldview, and a crazy tangential way of looking at the world. This makes the book very easy to read. Dubey has written a rare and insightful book about a profession about which honest literature is lacking. The book should be in the library of every law college in India. The reader may be outraged, even upset, but in reading it, he will never be bored."

- **Jaibans Singh for ANI News**

"In the final analysis Legal Confidential is a socially beneficial memoir inasmuch as it ruthlessly exposes the slimy underbelly of the country's collapsing legal system."

- **Dilip Thakore for Education Online**

"He has portrayed a beautiful story of law and its practices, and its practitioners. The way he bares his soul, on the personal as well as the professional front, is truly remarkable. I finished off the book in as close as I could get to a single sitting… This book wins my Lawyer's Booker hands down."

- **Amish Aggarwala on Amazon.**

"It is a superb book written with tonnes of honesty. I can say with confidence that this book will polish the dusty mirrors of your perception and make you look at the legal world and beyond with a clearer perspective."

- **Nitin Sharma on Amazon**

"A pithy insight into the dirty underbelly of the Indian legal system. The writer's style is humorous, in a self-deprecating way. Short punchlines and haunting incidents of self-doubt, pepper the narrative"

- **Ajay Uppal on Amazon.**

"Superb language. Enriching experience. Must read for every lawyer and the connected. It made my beliefs strong."

– **Vasant on Amazon.**

Print Media

Comment-1

Fine Print: The trouble with privatised justice

Like the mainstream legal system, arbitration too has succumbed to inordinate delays. A time limit here is welcome.

Ranjeev C. Dubey

Consider the irony: many lawyers agree that India's justice machine has all but collapsed but Indians generally believe deeply in Indian courts. Similarly, many lawyers agree that privatized justice (also known as arbitration) has all but collapsed in India but clients generally believe they provide an exciting opportunity to transcend the logjam that is Indian courts. Perhaps this is why the Cabinet recently approved an amendment to the Arbitration Act imposing a cap on arbitrator's fees.

That should tell you something. More significantly, the same amendment also prescribes that no arbitration can run for longer than 18 months without a special court-approved extension. That amendment should tell you a great deal more about what is going on in the world of arbitration.

Given my widely publicized view that Indian arbitrations run an extraordinary risk of turning into a farce, any initiative that clears the logjam is music to my ears. Clearly, not everyone sees it the same way because these changes have come in for a fair bit of criticism.

Fees and flexibility

First, there is the problem of arbitrator fees. Critics argue that it will be hard to provide competent arbitrators if we don't pay them well. I can't quite seem to cut through the arithmetic of this objection. . If it takes 30 hearings to decide a case, every presiding arbitrator scoops up at least â‚¹10-15 lakh for the service rendered in any arbitration. I ask myself if it would be very hard to persuade a retired judge to pick up this kind of money on a salary of â‚¹1 lakh for a month's work.

More significantly, experts are unhappy that an inflexible 18-month deadline has been set for all cases, regardless of complexity. But if we schedule just one hearing a week in even the most complex of cases, we can run more than 75 hearings in 18 months. Just as easily, we can set aside four days for arbitration every month and achieve the same result. If you can't resolve a problem in 18 months, you will very likely not resolve it at all. I have seen complex infrastructure construction cases decided with the help of a few witnesses and no more than 20 days of hearings. I have also seen simple cases of breach of contract run for a decade over 150 plus hearings. In my

35 years of experience, it is almost never about the case. It is almost always about the incentives of those running the case, and that means client, bench and bar.

Dovetailed into this objection is alarm over the availability of legal skills in a time-limited environment. In popular perception, too much work is chasing too few skilled lawyers. Critics argue that if you push the pace of arbitration and don't 'accommodate' the best lawyers, you will force them to choose between arbitration and court work, and they will pick the latter. As a result, you will run your arbitrations on the back of second best skills. I couldn't agree less.

Of skill and delays

For one, bear in mind that 90 per cent of High Court lawyers these days know zilch about trial work. Intensive knowledge of our evidence law (and especially cross-examination skills) started to go extinct in the upper echelons of our lawyer community's pecking order in the late 1980s and early 1990. As our courts got clogged and time-to-decision for cases went from a few years to a few decades, the final decision in cases became academic. During this same period in our economic history, commercial life speeded up and business time horizons shortened.

Lawyers have been compelled to transform into 'interim order' artists, a kind of Two Minute Noodle Vakaalat, by which we tried to extract 'stay orders' from courts knowing that these interim measures would last the best years of the rest of our lives. Skill sets shifted, heralding the rise of the movie star magician court counsel commanding seriously silly appearance fees. Be that as it may, the fact is that today, nine times out of ten, my colleagues have to make lists of cross-examination questions for my lead court counsel because I can't trust him to make up his own questions. Of course there are brilliant exceptions. It doesn't bother me that frequent hearings will lead court counsel to cease attending arbitrations.

These court counsels are very busy with their interim order artistry anyway: what I need is a new generation of lawyers to bring back the golden age of trial court practice. This would be a huge improvement over the current situation, where the law encourages parties to double cross the other; he who comes up ahead has a huge advantage, because the courts will take a lifetime to help the guy who got ripped off.
Bear in mind that this amendment is not the final word on the subject. The law provides that this period of 18 months can be extended by the Supreme Court.

Without a time limit

That said, consider the consequence of not having a time limit. We like to appoint retired judges as arbitrators because we don't trust anyone else. Most don't retire till they are in their sixties and they are considerably older before they have a track record of running efficient arbitrations.

We can then recommend them to clients. Bear in mind that you can change your lawyer anytime you want, but you can't change your arbitrators. If you are going to allow an arbitration to run for a decade, the arbitrator you have at the end of the decade is not the same arbitrator you hired. The law has never been successfully used to stop the ravages of time, and advancing years.

The real problem is not the reality of aging: it lies in the psychology of objection-*baazi*. Culturally, we Indians are masters of obfuscation: suppressing facts and pushing agendas under convoluted spin. By such means, we carve out exceptions to rules and before you know it, the exception has become the rule.

Our best salvation as a society lies in having rules with no built-in exceptions whatsoever. So let us have a time limit to arbitration and if someone gets it in the neck because he needed more time, too bad, because right now, everyone is getting it in the neck.

Comment-2

Fine Print: Transforming the Judicial Club

In rejecting NJAC, the bathwater has been thrown out, but then, so has the baby.

Ranjeev C. Dubey

It is with a great sense of privilege, not exasperation, that I find myself witness to the great ideological battles being waged in India today. In an attempt to radically re-engineer a society that changes slowly, progressive forces are fighting to transform our patriarchal carpet bagging 'sometimes democracy' into a modern, liberal state guided by transparency, justice and accountability. This has many facets, of which the fight for religious tolerance and plurality of opinion is only one. None will have deeper impact than the fight to reform our famously indolent justice machine. As frontline corporate warriors are battling daily on the streets, the reader will be well aware of the impact that a smoothly functioning legal system will have on the way we do business in India.

At the core of this tussle is the endeavor to convert our judiciary from an opaque club run using an undisclosed rulebook to a modern institution informed by equity and fair play. This is impossible if we do not even have a half equitable way to appoint our judges. As it stands today, in the context of the Supreme Court, we have a 'collegium system' without constitutional sanction. The constitution clearly prescribes that the Prime Minster and the Chief Justice would decide which judges to appoint, and the President would then promptly rubber stamp! How this simple scheme has transformed into the 'collegium system' where the judiciary alone appoints judges is a fascinating tale of judicial usurpation of executive function. Underlying this contrived scheme is the

untested ideological assumption that politicians are invariably corrupt who can't be trusted while judges are incorruptible and can always be trusted.

This is not how the collegium system is perceived in lawyer circles. Lawyer's lunch rooms are intermittently abuzz with stories of back room deals by which the appointment of a nephew is exchanged for the appointment of a brother-in-law and so forth. It doesn't matter if it is true or not. When you go about establishing an opaque club of members co-opting other members and no one knows the criterion -if there is a criterion - perceptions become reality and the institution stands undermined.

Here then is the core issue. Over the past few decades, the Supreme Court has been more than verbally explicit time and again on the obligation of all our public institutions to operate transparently, fairly and justly. Alarmingly, in the several decades that the collegium system has been in operation, its deliberations have not been informed with the very features that the Supreme Court considers sacred to democracy. This cannot be acceptable in a country which truly believes that the judiciary is the last great holy cow. Indeed, the judiciary believes that too.

The judiciary won't pause a minute before legislating measures to protect women in the workplace, draft administrative guidelines on how to treat mother-in-laws in cases of domestic violence, demand that municipal corporations provide lanes for cyclists, lecture the government on how to allot coal mines or spectrum or otherwise hold forth on what constitutes probity in public life. It is unacceptable that its inflexible, and admirable, position on probity and transparency doesn't extend to itself. It is also indefensible for the judiciary to rule that these same laudable principles do not extend to judges being obliged to declare their assets or subjecting themselves to the RTI Act. If you look at the root of the National Judicial Appointments Commission Act 1914, it comes down on the legislature asking the justice machine to practice what it preached. This is exactly how the new NJAC Act positioned itself. The Statement of Objects and Reasons projected it as an attempt:

> "to broad base the method of appointment of Judges in the Supreme Court and High Courts, enables participation of judiciary, executive and eminent persons and ensures greater transparency, accountability and objectivity in the appointment of the Judges in the Supreme Court and High Courts" (see paragraph 5).

Tragically, what the legislature said it set out to do, and what it actually did, were two very different things.

In the main, the Judicial Appointments Commission was to consist of six members, only half of them judges. The other half consisted of one minister and two "eminent persons". Of course, the artfully dodgy 'eminent person' construct didn't fool anyone. Notwithstanding the contrived gravitas, there was no reason to think that someone like Laloo Yadav, or even G. Raghava Reddy of the VHP, would not qualify as

an eminent person. At best, this was a power game of hat flipping between rival appointing authorities. It was totally unclear how introducing three politicians in the mix would do any more than inject three political traders in the Judicial Horse Trading marketplace.

That apart, the NJAC was designed for paralysis, not action. Basically, the commission was structured for stand-off. Any appointment vetoed by two persons was freeze dried. When it came down to dust, experts locked horns on whether the selection committee needed to be equally represented by judges and politicians or whether judges must have majority in the appointing body. No one seriously argued against the fatal flaws of the collegium system.

While the debate raged, I read the NJAC Act and looked for the triggers out of mouth of which this transparency and accountability would flow. It was in vain. Merely having the government stick a foot in the judicial appointment door couldn't by itself give us either accountability or transparency. That's true even if judges alone appoint other judges. Lost totally in the heat and dust of the appointing authority debate was the laudable but quickly jettisoned ambition to implement a system promoting transparency and accountability. That burning need still cries for mercy in the wilderness.

It is thus with grave mixed feelings that I read the NJAC judgement. A flawed piece of legislation has been shredded but the resulting situation deeply distressing. The bathwater has been thrown out, but then so has the baby. Not even the judges of the Supreme Court deny that the collegium system doesn't work. Indeed, quite the contrary. Justice Kurien Joseph has been forthright in criticising the collegium system for "denying deserving candidates" for "subjective reasons" and for denying opportunities to the "less patronized ones", leading to "unworthy appointments". Justice Chelameswar is disturbed that the record of those appointed is beyond the reach of everyone, even a Supreme Court judge. He feels "such a state of affairs doesn't either enhance the credibility of the institution or the good of the people of this country".

The good news, though, is that the NJAC Act has forced the Supreme Court to accept that it must practice what it preaches. At the hearing on November 5th, 2016, it has asked the Attorney General to invite, collate and present suggestions from lawyers, bar members, the public, the intelligentsia and other stake holders. It's a bit early to break out the Champaign bottle though. It's not as if the Supreme Court has ruled that it is bound to implement a transparent, equitable system that is also fair. Will the Supreme Court see it fit to incubate and reincarnate our justice machine into a just, transparent and equitable instrument worthy of the future we have imagined for India? I don't know. We Indians famously don't like to implement our rhetoric. Let us all now join our hands and like Rabindra Nath Tagore pray that the Supreme Court sees the light and "into that heaven of freedom, my father, let my country awake".

Comment-3

Fine Print: Persecuting victims: Justice for the emotionally overblown

India stands imprisoned by its emotional realities, which now dictates its public life, its social institutions and the fate of people like the parents of Aarushi Talwar.

Ranjeev C. Dubey

Long before Tarun Tejpal's legendary libido unfairly dented her credibility; Tehelka's Shoma Chaudhury devastatingly demolished CBI's case against Arushi Talwar's parents back in June 2013. Avirook Sen's recent book on the subject expands substantially on her critique without necessarily unearthing a great deal of new data. What neither Chaudhury nor Sen attempted to do is satisfactorily explain why any criminal court would base a conviction on this incredibly inventive story of cross-class puppy love and honor killing.

After 35 years of law practice, though, I must admit I am not particularly surprised at the fate of the Talwars. I am not surprised because what we have here is a heady cocktail of a botched initial investigation by local cops untrained for the task at hand, mixed with lurid coverage by a hysterical press determined to pre-judge the issue without basis or facts, topped with a judicial system in deep trouble unable to resist the pressures at hand. These three forces combined to hurtle the Talwars down a road from which it was difficult to turn back.

At the heart of this tragedy lies one simple fact: generally speaking, we Indians are a deeply emotional people, frequently at our own cost. At the simplest, nothing else can explain the ideological foundations, narratives or syntax of popular Indian cinema. This makes us extraordinarily vulnerable to manipulation. The Romans believed that there was nothing innately rational about human beings. At the base of our mental faculties lie instincts we barely control: fright, flight, fight and so forth. Reason, they believed, had to be cultivated through long years of (very expensive!) education. To wit, anyone who wasn't educated thus was a barbarian.

The Roman belief compels us to ask if we Indians continue to be a barbarian people. We have made little investment in education, and the investment we have made is not focused on teaching rationality. Some of it is rote memorizing, some of it is ideological bias and propaganda, and practically none of it is grounded in questioning belief till the student learns to use reason to overcome prejudice and unsubstantiated belief curves. We are quick to condemn and relapse into hysterics, rather than sit back and ask; "Okay, what is the root of this particular problem and what do I need to do to fix it?" Allow me to illustrate through excess.

The problem of rape in India is grounded in culture, patriarchy, class conflict, widespread deprivation and pressure-cooked frustration, amongst others. It's a complex problem, yet any number of highly 'educated' Twitterati terrorists demand that rapists be hanged while happily leaving the underlying issues unaddressed. This is an emotional response and, for that reason, a barbaric one. This kind of convoluted logic can just as easily take us to arguing that the best way to deal with widespread hunger is to hang the hungry. Don't laugh: it's called Social Darwinism, and it has gained considerably in popularity in the past 10 years. Survival of the socially fittest, it is argued. In such a world, there is little room for justice, reason or fair play.

Our barbarism can be seen in many spheres of our public life. What is happening in visual media day-on-day is a very good example. Images of millions venting frustration and discontent by destroying public property assault us as hysterical commentators whip up emotion through highly manipulative demagoguery. Highly skilled TV celebrities take up substantive issues of national importance with half a dozen seemingly reasonable 'family men' and reduce them to venom spewing abuse spitting caricatures of mad dogs in minutes. Worse, in the minds of the viewers, this sorry spectacle elevates these same lunatics to the status of celebrities, as opposed to contemptuous boors as you would rationally expect. Mercifully, the print media is still substantially behind in this sordid game, though we can ask ourselves for how long.

The main impact of this unrelenting hysteria is borne by those who administer public functions. In this brave new world, men serving the justice machine - like cops - face huge pressure to respond to the emotional needs of the public they serve rather than this elusive spirit called justice. This is as charitable an explanation as any I can think of to explain what the CBI did to Aarushi Talwar's parents. Presumably, the judiciary experiences the same sort of pressure. Justice then, as we see it in action, has to do with 'what the public wants', not what 'the ideological construct of justice' dictates. The conclusion is inevitable; circumstances compel justice to play to the gallery, rather than its own rules.

This is not to say that substantial justice is always done in India in matters where the public has little interest. Regrettably, our emotional culture of excess still dictates the frame in which we function. As a lawyer, I have completely internalized this construct. For instance, when I wish to file a case, the Code of Civil procedure asks us to state facts, and identify the means we have to prove these facts. In turn, these facts are to be proved by evidence oral or written, meaning that we have to specify documents and witnesses who will prove our case. It's a simple bland exercise of putting down the basics. That is not how it plays out at all. Look at your average 'case' today and the statement of case runs to hundreds of pages. The pleadings read like a propaganda pamphlet. The best drafted cases tell a heart rending tale of ruthless injustice and victimization, with polemics that would do a Nazi pamphleteer proud. The lesser drafted cases are blabber mouthed chop sueys of half-digested facts and overflowing emotion. Lawyers don't do this because they are too dumb to know better:

they do it because it works.

This takes me to another central feature of our justice machine. Many Indian judges believe it is their sacred duty to do substantive justice between the contending parties in every case...as they subjectively define "substantive justice". This has two consequences. For one, parties are often delicately poised this or that side of the line the law draws. If a judge is prepared to push the line this way or that to "help" the party he sympathizes with, the law immediately becomes uncertain, dependent more on the judge's feelings than the letter of the law. Our courts are notorious for unsettling settled principles of law. Second, because a judge will move the goal posts in a generous moment no matter how certain the law is, everyone tries his luck in court even if the law is firmly against them. I need say nothing about the burden of backlog in our courts and the decades it will take us to clear them, if at all. The main point here is that only a totally rational person will say "Look, I know this judgement is unfair to this poor guy before me but that doesn't matter." We need certainty of law a lot more than we need to deliver compassionate results to individual litigants.

The conclusion then is inescapable. India stands imprisoned by its emotional realities, which is now dictating both its public life and its social institutions. Unless we can retrain ourselves to be coldly rational in the way we confront all matters of wide public import, justice included, miscarriages of justice will continue to haunt us. Till that day arrives, the tragedies of the Talwars will continue to play out.

Comment-4

Fine Print: Why deny an individual's right to die?

Finding a dignified way to end life must be part of everyone's right and the law should facilitate this choice

Ranjeev C. Dubey

India is currently witnessing a great battle seeking to redefine the idea of 'being Indian'. How we regard life itself is a very good example. Thus, suicide, euthanasia and Santhara — the very heart of any society's ideological construct — are being debated as never before.

Trying to find a pragmatic balance between these conflicting self-identities is the Supreme Court of India, an institution conceptually designed to uphold the rule of law, not evolve new national ideologies. Confusion clouds our thoughts as the battle unfolds. As the law stands today, trying to commit suicide is still a crime, but for how long? At the top of the pending legislative business list is the Mental Health Care Bill 2013, which seeks to convert an attempted suicide into a mental health issue triggered by "a presumption of severe stress".

Meanwhile, the Minister of State for Health has stated that the government plans to delete Section 309, which criminalizes suicide attempts. At one stroke it seems, the Judeo-Christian idea that our life is not ours to lose, is being jettisoned out the window.

Many moralities

To be fair, the Judeo-Christian ideological construct was never coercively enforced on people whose religious beliefs clearly differed. The Jains, for instance, have fasted unto death for several thousand years without interference.

This changed on August 10, 2015, when the Rajasthan High Court decided in Nikhil Soni v. Union of India that the Jain practice of Santhara was illegal. In effect, the court held that you are free to believe what you will, just so long as it is consistent with the Judeo-Christian moral framework.

If you stop to think about it, at the heart of the controversy lies the issue: what is this 'morality' to which my right to practice religion is subject? Is it Hindu morality, Jain morality, Judeo-Christian morality, or some other?

This is the question the Supreme Court has taken upon itself to decide when it stayed the orders of the Rajasthan High Court on August 31, 2015.

The issues raised in the appeal dramatically personify the ideological disconnect. The Akhil Bharat Varshiya Digambar Jain Parishad has claimed a distinction between suicide and a vow intended to purify the soul.

It has pleaded that "this vow is not taken either in passion or in anger, deceit, etc. It is a conscious process of spiritual purification where one does not desire death but seeks to live his life, whatever is left of it, in a manner so as to reduce the influx of karmas".

It argues that "Suicide is undertaken by a person in severe bouts of passion in anger, depression or hatred — antithetical to the concept of peaceful and joyous renunciation which is the basis of Sallekhana or Santhara". The Jains claim as sacred what others consider criminally profane.

Matters of belief

No doubt, it will be many years before the Supreme Court decides these issues. Nevertheless, the Court appears to have been motivated by a simple reluctance to engage in adjudicating on countervailing religious beliefs.

Thus it is that the very next month, on September 28, 2015, the Supreme Court declined to interfere with religious practices once again, stating that it would not ban

the centuries old tradition of animal sacrifice by various communities. It observed: "We cannot shut our eyes to centuries-old traditions. We cannot start examining the relevance of animal sacrifice in each religion…".

Personally, I would not read too much into the court's observation. I suspect Raja Ram Mohan Roy would have had as much success in persuading the Supreme Court to ban sati as he did with Bengal's Governor William Bentinck. Indian courts appear increasingly unwilling to allow religious practices that offend its fairly modern outlook.

That still leaves open the question whether we should treat our lives as belonging not to us, but mainly to God, and then to the local police station. Crudely put, aren't there circumstances in which some people are better off dead, even by the most humanitarian standards? Nothing brings this central dilemma into focus as does the problem of euthanasia.

We have struggled long and hard over the fate of Aruna Shanbag who, as we know, was strangled while being raped and remained in coma for 36 years. Eventually, in Aruna Shanbaug v Union of India , the Supreme Court refused to accept 'active euthanasia' as legal but tried to mould a solution suitable to 'Indian conditions' (whatever that meant) by which some people would be 'permitted to die'.

It laid down tight conditions in which 'passive euthanasia' may be implemented so long as it was bona fide and in the best interest of the patient.

To get there, it prescribed that the subject, or its next of kin, must approach a High Court, have a team of doctors appointed (comprising a neurologist, a psychiatrist and a physician) to report to the court, issue notices to government as well as close relatives of the patients and hear them all before allowing the euthanasia plea to be implemented.

I was severely under-whelmed by this decision. When death goes from being a natural process to a 'legal procedure' requiring the services of a lawyer to facilitate, it does seem odd.

A question of life

There is something unreal about adding additional burdens on courts already buried under the weight of cases that have no hope of being decided within one's lifetime.

When most people do not survive without water for longer than five days, the distinction between active and passive euthanasia becomes hard to understand.

We are already at a point where medical sciences can prolong life indefinitely without offering an acceptable quality of life.

Life then means a person who may not function very much beyond the digestive system, end to end. What this person's family suffers as a result requires no comment. At the end of the day, however delicately you may want to put it, to insist that we must all live for as long as technology makes it possible for us to do so, is to argue that we must live for as long as we have money to pay bills generated by the intensive care units of hospitals.

How did the value we place upon human life so seamlessly transform into shareholders' value?

Even more disturbing is the idea that while others may in circumstances take these decisions for us after we have become incoherent and dysfunctional, we cannot be permitted to opt for a dignified end to our lives at a time of our choosing.

Whose life is it anyway?

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