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EUTHANASIA AND RIGHT TO DIE

-Maria Mohammadi

INTRODUCTION:

Euthanasia means a practice of intentional killing of person to save them from pain. The word euthanasia is derived from 2 Greek words eu means good and thanatos means death. Which means a good death or a mercy killing. There are two types of euthanasia .They are:

1. Active Euthanasia- purposively a doctor giving lethal dose of medication to kill a doctor.
2. Passive Euthanasia – Here in the patient who is suffering from severe medical problems may stop to give medication which causes his death.

- Euthanasia occurs because people may face a physical or mental problems or disorders which leads them to death. According to section 306 and 309 of IPC death due to suicide and abetment to suicide both is punishable to imprisonment of 1 year or fine or both.
- In mental condition like schizophrenia, obsessive compulsive disorder, depression and anxiety issues etc. People may attempt to suicide because of lack of medical facilities provided to them. In this medical treatment or health care should focus on CARE rather than on CURE.

Because in this mental issues people may feel as burden on their family and would choose a good path according to them that would be death. So medical sector should encourage these patients by providing care to them.

- Now the physical diseases such as cancer, AIDS, TB(tuberculosis),disabilities may lead an individual towards euthanasia. Which can be cured by giving care and encouragement to these patients.
- Now the question is that right to die is legalised in India that is euthanasia? According to the Constitution of India, article 21 which states right to life and personal liberty.

Section 309 and 306 about punishment to suicide and abetment to suicide.

Some argues that right to life includes right to die with dignity. As people may suffer lot because of which they took this step of mercy killing . As it may give 2 things ,

- Right to die with dignity
- Transplantation of organs that is donor for people who are in need of organs .

MAIN POINTS TO BE INCLUDED FOR RIGHT TO DIE THAT IS EUTHANASIA.

- **Right to die with dignity**
- **Transplantation of organs that is donor for people who are in need of organs .**
- **?**
- **Right to die with dignity**

In India there is no laws on euthanasia and in fact suicide and abatement or attempt to suicide is punishable. On March 9th 2018, a five-Judge Bench held that the right to die with dignity is a fundamental right. An individual’s right to execute advance medical directives is an assertion of the right to bodily integrity and self-determination and does not depend on any recognition or legislation by a State.

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CONCLUSION-

The Judgment laid down by supreme court in above cases is To preserve harmony within a society, when Faced with a complex medical, social and legal dilemma. There is a need to enact a legislation to protect terminally ill patients and Also medical practitioners caring for them as Per the recommendation of Law Commission Report-196. There is also an Urgent need to invest

in our health care .so that poor people suffering from ill Health can access free health care. As the death may even cause by doctors for the sake of bed and to give the bed to the one who can afford and neglecting poor. Investment in health care is important as 'Right to Health' is bestowed under 'Right To Life' of our constitution. My opinion would be there can be a legalization of euthanasia but only in some cases because in name of euthanasia there will be happening of murder like in case of property, old age people or disabled may be died. And the accessed may take defence of euthanasia by doing murder. Court must give essentials and a clear understanding and may impose health care not cure facilities to stop even passive euthanasia my assisting people with problems to reduce mercy killing. A person may have a right to die as provided by law it is only in cases of passive euthanasia .

END NOTES-(citations)

For my blog on euthanasia and right to die I have referred following Websites, Books, and cases .

Websites referred-

- www.ncbi.nlm.nih.gov/pmc
- <https://blog.ipleaders.in>
- www.scconline.com

Referred material-

1. Books referred-

- Constitution of India
- Indian penal code
- 2. Cases referred:
 - Gian Kaur v state of punjab
 - Aruna shanbaug v union of India
 - KS puttaswamy vs union of India.
 - SSection21 of the Constitution
 - Section 306 of IPC
 - Section 309 of IPC

