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## EUTHANASIA: RIGHT TO DIE V/S RIGHT TO LIFE

- **INTRODUCTION:** The right to life is a fundamental right in the Indian Constitution, but the Right to Die has been rejected by the Supreme Court of India. Euthanasia, the act of ending a person's life to relieve their pain and suffering, is a highly contentious topic due to ethical, moral, and legal dilemmas. While the right to life is crucial, practising active euthanasia in the medical field may be considered unconstitutional.
  
- **WHAT IS EUTHANASIA?**
  - To understand whether it is constitutional or not let's see euthanasia in detail- The term "Euthanasia" is derived from the Greek words "EU" meaning "good" and "Thanatos" meaning "death." It refers to the act of hastening the death of a patient to prevent further suffering. Two types of euthanasia exist: Active and Passive. The term "active euthanasia" describes a doctor's intentional act of ending a terminally ill patient's life, usually by giving them lethal medication. Three forms of active euthanasia exist:
    - Voluntary: When euthanasia is carried out with the patient's express desire and consent, it is voluntary. The main issue with voluntary euthanasia is the terminally ill patient's right to decide to end their life, one that is in both their and everyone else's best interests.
    - Involuntary euthanasia: this type of death occurs when a patient is taken without their express consent. It describes situations in which the taking of a competent patient's life against their will, which would be considered murder, is done against that patient's wishes.
    - Non-voluntary death is the taking of a life—such as that of an unconscious patient—when the victim is not mentally capable of making an informed request to end their life. In cases of non-voluntary euthanasia, the patient may not have had a chance to make a living will or given advance directives because he may not have foreseen the accident

or eventuality in question. Family members frequently decide to end a life without consent.

### ➤ HOW DOES IT EFFECT RIGHT TO LIFE?

According to our Indian Constitution- Article 21: “Protection of Life and Personal Liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.”

- This Article clearly states that No one is deprived of his life and personal liberty except by a procedure established by law. The question that now has to be answered is whether or not the right to die is covered by Article 21 of that document. In the case of **the State of Maharashtra v. Maruti Sripati Dubal<sup>1</sup>**, this question was initially brought before the Bombay High Court for review. Section 309 of the Indian Penal Code, which punishes someone for attempting suicide, was declared unconstitutional by the Bombay High Court, which concluded that the freedom to die is protected by Article 21.

A Division Bench of the Supreme Court upheld the ruling of the High Court of Bombay in the Maruti Sripati Dubal case in **P Rathinam v. Union of India<sup>2</sup>**. The bench ruled that the Indian Penal Court's Section 309, which addresses "attempt to commit suicide is a penal offence," is unconstitutional under Article 21 and that the right to life extends to the right to die. In **Gian Kaur v. State of Punjab<sup>3</sup>**, the court was presented with this matter once more. In this instance, a five-judge Supreme Court Constitutional Bench overturned P. Ratinam's case. It ruled that section 309 of the IPC is not unconstitutional and that the right to life under Article 21 of the Constitution does not include the right to die or be killed. In Article 21, "life" truly refers to "life with human dignity." It can embrace everything that gives life dignity, but not everything that takes it away.

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<sup>1</sup> . 1987(1)BOMCR499, (1986)88BOMLR589

<sup>2</sup> 1987(1)BOMCR499, (1986)88BOMLR589

<sup>3</sup> AIR 1998 SUPREME COURT 2809

As death and life are intrinsically incompatible, so too is the "right to die," if any such rights exist.

- Hence, euthanasia is a form of suicide when it is not voluntary and can be counted as an offence. Many countries have accepted euthanasia as a practice like; the Netherlands, Switzerland, Luxembourg, and Belgium (however, only active involuntary practice is allowed)

#### ➤ WHY IS IT STILL IN PRACTICE IF UNCONSTITUTIONAL?

- Burdens on Caregivers- Supporters of the 'right to die' argue that people with incurable or debilitating conditions should be allowed to die with dignity. This includes those with severe mental illness. Family members and caregivers often make such requests. The burden on caregivers is huge and the state's lack of investment in healthcare is a mockery of the 'right to life'.
- Refusing to take Medical care- The legal right to decline medical care, even that which maintains or extends life, is widely acknowledged. For instance, a patient with blood cancer has the right to decline medical intervention or nasogastric tube feedings. Acceptance of the option to decline medical intervention opens the door for passive euthanasia.
- Right to die: Many people with severe illnesses or those in a prolonged vegetative condition don't want to bother their loved ones. Euthanasia can be viewed as a means of respecting the "right to die" with dignity while upholding the "right to life."

#### ➤ CONCLUSION-

- Euthanasia is a contentious and sensitive topic, but it is essential to recognize that passive euthanasia must be permissible and subject to regulatory systems to prevent the misuse of euthanasia-related laws. While the right to die with dignity and the right to life are similar, the former cannot be made absolute and should be balanced with the obligation to protect human life. The legislature must enact a unique law covering all aspects of euthanasia to prevent its misuse. We must take a positive step towards recognizing the right to die with dignity in the hope that legislators and courts will eventually acknowledge the importance of this issue. The word "euthanasia" in its Greek translation is "good death"