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## EUTHANASIA WRT INDIA

### INTRODUCTION

Life has value. It can't be replaced or reimbursed. Every human being on the world has the deepest desire to live a healthy life. However, life is not a rose garden. Every day, we overcome several "thorns" in the shape of "hurdles." Furthermore, it is a well-known fact that all life on Earth is mortal, meaning death is an unavoidable reality. Humans experience a great deal of hardship in their lifetime. It is possible for someone to want to take their own life by unethical ways. The idea of assisted suicide is not new; rather, it predates human civilization. Euthanasia essentially refers to the intentional taking of a person's life in order to relieve them of the agony and suffering that they have experienced due to a terminal and incurable condition. Usually, the individual with a terminal condition request that their life be taken. There may be circumstances, nevertheless, in which the patient is too ill to ask for a painless passing. In some situations, close family members, medical professionals, or even the courts make the choice.

### MEANING OF EUTHANASIA AND ITS DIFFERENT TYPES

The term "euthanasia" was first used in the 17th century by English philosopher Sir Francis Bacon to describe a quick, painless, and pleasant death. The Greek words "thanatos," which means "death," and "eu," which means "good," are the sources of the word "euthanasia." Altogether, it just implies "happy death." a type of honourable demise that manifests itself mostly when life turns into a punishment and death into a release.

One can categorise euthanasia as follows:

1. Active Euthanasia - This refers to the deliberate and direct taking of a patient's life by an individual. This kind of euthanasia involves an act that causes death. For instance, when a patient dies from receiving an overdose of painkillers or when a doctor gives a patient a fatal dose of drugs to end their life.

2. **Passive Euthanasia** - In this method, a failure to act results in death. Here, the patient's life is not taken directly; rather, it is simply let to pass away; in other words, the doctors are not deliberately ending the patient's life in this instance; rather, they are just failing to save it. Intentionally stopping or denying life-sustaining treatment is one way to do this.
3. **Voluntary Euthanasia** - Euthanasia that is performed with the patient's permission or at their desire is referred to as voluntary euthanasia. It is crucial to remember that the individual in question must provide their complete consent.
4. **Non-Voluntary Euthanasia** — This type of euthanasia is performed when a person is too weak or unconscious to make a meaningful decision about their own life or death, therefore a suitable third party makes the decision instead of them.

## **STATUS OF EUTHANASIA IN INDIA**

The right to life is one of the fundamental rights of humanity. Article 21<sup>1</sup> of the Indian Constitution provides this fundamental freedom. If a person's right to life, which is essential to their existence, is restricted, then life has no purpose. This right includes the protection against being killed by anybody or anything, even the government. Only as long as the right to life endures can the other rights be fulfilled. This right is in effect from the moment of birth and continues until the person passes away. The petitioner in *Maruti Shripati Dubal v. State of Maharashtra*<sup>2</sup> suffered from multiple brain injuries following an accident that eventually resulted in mental imbalance. Later, it was discovered that the petitioner was suffering from schizophrenia. In this decision, the Court ultimately concluded that the right to die was not unconstitutional, but rather unusual and uncommon, after identifying multiple scenarios in which a person might wish to end their life. Nonetheless, it was decided in *Chenna Jagadeeshwar & Anr. v. State of Andhra Pradesh*<sup>3</sup> that the right to die is not included by Article 21 of the Constitution. In *P. Rathinam v. Union of India*<sup>4</sup>, the Supreme Court adopted a stance akin to that in the *Maruti Shripati Dubal* case, raising the same question. The Supreme Court ruled that the right to die is a part of the right to life. Furthermore, it was claimed that Section 309 of the IPC was an unreasonable and harsh provision that should be removed from the legislation in order to humanise the penal laws. As a result, it was ruled that Section 309 of the

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<sup>1</sup> INDIA CONST. art. 21

<sup>2</sup> *Maruti Shripati Dubal v. State of Maharashtra*, 1987 (1) BOM 499, (1986) 88 BOMLR 589

<sup>3</sup> *Chenna Jagadeeshwar & Anr. v. State of Andhra Pradesh*, 16 April, 1987

<sup>4</sup> *P. Rathinam v. Union of India*, 1994 AIR 1844, 1994 SCC (3) 394

IPC was unconstitutional since it did not comply with Article 21 of the Constitution. Another notable case challenging the constitutionality of Section 309 of the IPC was *Gian Kaur v. State of Punjab*<sup>5</sup>. The right to die is unconstitutional, as the Supreme Court unequivocally declared in upholding the constitutionality of Section 309 of the IPC. The case of *Aruna Ramachandra Shanbaug v. Union of India*<sup>6</sup> brought the topic of euthanasia back into the public eye. Ms. Pinki Virani filed a writ suit according to Article 32 of the Constitution on behalf of the petitioner, Aruna Shanbaug. The Supreme Court established the following guidelines: • The decision to end life support must be made in the patient's best interest and cannot be made dishonestly; it must be made by the patient's parents, spouse, or close relatives. In their absence, the decision must be made by the patient's next closest friend.

## **CONCLUSION**

The topic of euthanasia is exceedingly sensitive and has been the subject of endless discussion for millennia. The medical profession seems to have come to the opinion that euthanasia should be allowed under specific situations since it becomes necessary in some cases. Based on an analysis of the legal situation of euthanasia in many nations, it can be concluded that although many nations allow passive euthanasia, the majority of them do not support active euthanasia. India is moving towards euthanasia legalisation.

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<sup>5</sup> *Gian Kaur v. State of Punjab*, 1996 AIR 946 SCC (2) 648

<sup>6</sup> *Aruna Ramachandra Shanbaug v. Union of India*, AIR 2011 SC 1290, 2011 (4) SCC 454