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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

DIGNITY IN DEATH: PROPOSING AN ACTIVE EUTHANASIA LAW FOR INDIA

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Abstract

Euthanasia is the practice of intentionally taking away i.e. ending the life of such a patient who is in such a state from where recovery is impossible. To relieve such patients from pain and suffering the practice of euthanasia is being performed in various countries. Although euthanasia is still not legally recognized in all countries across the globe, still some countries have legally recognized it. In India, absence of proper legislation regarding euthanasia leads to various criticalities and creates a vacuum hence people who are terminally ill and are undergoing tremendous pain has to continue such painful lives, which is an indirect way of violation of right to live with human dignity² under Indian Constitution.

Keywords: Euthanasia Law, Active Euthanasia, Human Rights, Euthanasia in India

Introduction

Living life properly and having all kinds of necessary supplies in life as well as all means to lead a life of dignity is the basic human right of all the people which is automatically vested upon human beings since birth. Throughout the history of Indian civilization the purpose of all laws, statutes and international agreements is to render every person a secured, stable and proper life. If we take an example of the Indian Constitution, so much provision for e.g. fundamental rights, directive principles of state policy, etc only for citizens so that all of the lead the life with human dignity and no one is deprived of the basic human rights which are indispensable factors for human existence.

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² Routledge [https://www.routledge.com/Health Laws in India - 1st Edition - Caesar Roy](https://www.routledge.com/Health+Laws+in+India+-+1st+Edition+-+Caesar+Roy)

If so much attention has been given to human lives by the laws by enacting those rights which are needed for living a proper life in better condition, that is to say right to live life with human dignity then why is the statute silent when the question of death comes?

It is the fundamental truth of all living bodies that death is an inevitable factor. All those who are living today must die someday so why then is the right to die not included as an integral part of our right to life or why it is not legally recognized by legislation?

The process of death is not same for everyone. Death can occur in various ways. Sometimes human beings have to go through immense bodily pain due to any accident, injury or some incident which lead to such bodily pain but due to absence of proper legislation in India regarding euthanasia the patient who is suffering such unbearable pain and had hardly any chance to recover has to continue his life in such state of suffering as euthanasia is not legally recognized in India. There lies a very complicated procedure of getting permission for passive euthanasia in India but which is much complex procedure and time consuming in nature.

The word euthanasia is originated from the Greek word 'euthanatos'. English philosopher and statesman Sir Francis Bacon founded the word euthanasia in 17th century whose literal meaning is good death and termed as mercy killing.³ One can ensure is a practise of ending life to eradicate the bodily suffering of a person and to stop the person from suffering pain and prolonged irrecoverable illness.

According to *House of Lords select committee on medical ethics*⁴1994, the term you can issue is defined as ***"a deliberate interference undertaken with the express intention of ending our life to relieve intractable pains and agonies"***.

The concept of euthanasia draws its source from the concept of right to live the life with human dignity. In India the concept of euthanasia and giving legality to it has always remained a debatable issue and no proper legislation have been enacted till date by Indian parliament till date.

The study of euthanasia comes under a branch of philosophy which deals with application of ethical principles to practical life.

³ Available at [Euthanasia And Its Desirability In India - Indian Law Institute](#)

⁴ [Euthanasia And Its Desirability In India - Indian Law Institute](#)

The right to life being an indispensable right guaranteed to all person under *Article 21* of the *Constitution of India, 1950* and *Article 3* of *Universal Declaration of Human Rights, 1948*⁵ this right to life has also been scrutinized by honorable Supreme Court in various times through various landmarks cases where we get various facets of right to life. Sometimes under this right to life a very important aspect include is right to die with dignity full stop there arises some critical situation in some person's life where death is more preferable than to stay alive. The body reaches to such a valuable wretched state that it becomes unable to perform the activities which a normal person does.

Through this article the authors seek to explore and survey of the contemporary Euthanasia debate in India and to bring out provisions under which euthanasia gets recognized in India and a proper statute gets framed regarding euthanasia.

Definition of Euthanasia

Euthanasia comes from the Greek word *Eu* (good) & *Thanatos* (death) and it means good death, gentle and easy death. This word has come to be used for "*mercy killing*". It is the act or practice of killing or permitting the death of hopelessly sick or injured individuals (such as persons or domestic animals) in a relatively painless way for reasons of mercy." It is the act of ending the life of a person either by lethal injection or suspension of medical treatment.

The word Euthanasia was first added in a medical context by *Francis Bacon* in the 17th century to refer to and easy painless happy death during which it was a physician's responsibility to alleviate the physical sufferings of the body.⁶

History of Euthanasia

The history of Euthanasia tresses out the roots in both the philosophical as well as legal Ambit with ancient Greeks and Romans while discussing the morale of legalizing Euthanasia their by alleviating death and modern debate which rose in 19th and 20th centuries which contain mix philosophies regarding Euthanasia where it can be visible that some supported the concept while other strongly opposite to the concept of Euthanasia holding it as immoral.

⁵ Institute of Technology, Nirma University

⁶ Study Group Australia

Ancient Roots

a. Ancient Greece & Rome

While philosophers like Socrates and Plato appreciated and supported the concept of Euthanasia on the other hand Hippocrates strongly opposed the concept of Euthanasia.⁷

b. Modern developments

i. 19th Century

In 1870 the proposal of Samuel Williams Causing Euthanasia by administering anesthetics and more pain resurrected the early debate about Ethics of Euthanasia in US and Britain.⁸

ii. Early 20th Century

In 1906 The Ohio Bill by Henry Hunt was initiated to legalize Euthanasia but it was ultimately turned down.

The Voluntary Euthanasia Legalization Society founded in 1935 in England and in 1938 in America marks the foundation step towards the legalization and recognition of Euthanasia.

Proponents of Euthanasia like Robert Adler supported the concept of Euthanasia by stating that patient who are terminally ill and suffering from incurable illness or disease should have the opportunity to alleviate their suffering and it should be permitted as there is no wrong in it.

- 1478-1535: Sir Thomas More is often quoted as being the first prominent Christian to recommend euthanasia in his book Utopia, where the Utopian priests encourage euthanasia when a patient was terminally ill and suffering pain
- 1828: The first law against assisted killing, known as anti-euthanasia was passed in New York.
- 1870: The use of morphine and analgesic medications for assisting quick and painless death was suggested.
- 1885: The American Medical Association strongly denied the use of analgesic for euthanasia.
- 1994: Netherlands is the first country where euthanasia has been allowed.
- 2001: The euthanasia law was adopted in Belgium this law defines conditions for doctors to avoid penal punishment.

⁷ Available at www.britannica.com

⁸ Available at [Wikipedia https://en.wikipedia.org Euthanasia](https://en.wikipedia.org/Euthanasia)

- 2008: U.S. state of Washington legalizes assisted suicide.⁹

Situation in India before Non-Recognition of Euthanasia

Before the case of *Aruna Ram Chandra Shanbaug vs Union of India & others 2011*¹⁰ all the types of euthanasia whether active or passive was strictly prohibited in the Indian legal system. The Indian Constitution guarantees life with dignity as a fundamental right¹¹ as enshrined in Article 21. It is very much needed to accept legally that death is the inevitable consequence of all living creatures and the person should be allowed to embrace death with as much dignity as possible. The law in India on euthanasia must be enacted to eliminate in order to lower the suffering of such patients and allow the persons who want to end their lives due to prolonged sufferings and pain.

India being the second largest populated country where hospitals and nursing homes sometimes run out of beds due to admission of huge patients among which consists of many terminally ill patients who do not want to continue their lives in such a poor state but had to do so because of absence of legal sanctity to "living will"¹².

The living will is a person's¹³ advance direction on the course of his treatment which also includes withdrawal of life support however the concept of living will in reality cannot be fully executed without the intervention of medical boards consent.

In India euthanasia is covered as an offence under Section 108 of Bharatiya Nyaya Sanhita, 2023 (BNS) i.e. attempt to suicide where the patient himself demands euthanasia and if it is caused by some other person he will be charged with guilty of offence of murder or culpable homicide.¹⁴ In case euthanasia gets recognized in India sixth exception will add to section 100 of Bhartiya Nyaya Sanhita stating culpable homicide will not be a crime if euthanasia is granted to a person according to the strict adherence of rules provided by the state.

It must however be kept in mind that it can more easy to get permission in emergency and

⁹ MAHSA University

¹⁰ *Aruna Ram Chandra Shanbaug vs Union of India & others 2011*

¹¹ [Legal Service India https://legalserviceindia.com](https://legalserviceindia.com) A Critical Analysis Of Mercy Killing: A Good Or Harm To Humanity

¹² [UPSC Exam Notes https://upscexamnotes.com](https://upscexamnotes.com) UPSC Exam Notes

¹³ [UPSC Exam Notes https://upscexamnotes.com](https://upscexamnotes.com) UPSC Exam Notes

¹⁴ [LexForti https://lexforti.com](https://lexforti.com) Unanimous decision of Constitutional Bench paves way for "Right to die with ...

under exceptional cases where the chance of recovery of a person is very less or where his bodily pain and sufferings are unable to cure and beyond tolerance level. It has been suggested to create a constitutional committee of experts that consists of medical experts, social workers headed by district judge to consider whether the case before them is fit to be granted for the permission of euthanasia with this structure the possibility of abuse of legal recognition of euthanasia can be eliminated.

Changes After The Case Of (Aruna Ram Chandra Shanbaug Vs Union Of India & Others 2011)¹⁵

Euthanasia is classified into two types active and passive. If the life supporting machines are withdrawn or medical treatment is stopped it is called passive euthanasia. Whereas if a patient suffering from incurable ailment is administered a lethal injection or drug as a result of which the patient expire it will be termed as active euthanasia. Hence it is witnessed that euthanasia is committed by two processes firstly by omission that is passive euthanasia and secondly by commission that is active euthanasia.

The effect of both the process is same that is to cause death and therefore both were punishable under criminal law until Supreme Court's decision in case of Aruna Ramchandra Shanbaug's petition handed down on March 7th 2011 allowing passive euthanasia valid as well as lawful but active euthanasia is still considered as an offence under Section 100 of Bharatiya Nyaya Sanhita, 2023 (BNS).

Supreme Court on this landmark case disposed the petition filed by Pinky Virani on behalf of Aruna Shanbaug, who was a nurse K.E.M hospital was in persistent vegetative state for a long time due to sexual assault by a word boy of that hospital 37 years ago and was seeking euthanasia.

Supreme Court dismissed to the plea of mercy killing of nurse Aruna but in its 14 page ruling allowed passive euthanasia for patient lying in permanently vegetative state by withdrawing life support but rejected active.¹⁶

¹⁵ <https://lawbhoomi.com/aruna-shanbaug-vs-union-of-india/>

¹⁶ [shareyouressays.com](https://www.shareyouressays.com) <https://www.shareyouressays.com> Essay on "Euthanasia" in India

Draft Law on Passive Euthanasia (Law Commission's 196th report, August 2012)¹⁷

A draft law has been prepared by the government of India on Euthanasia. Its primary aim is to protect the terminally ill patient and to ensure the end of life with dignity and to provide palliative care.

The guidelines have been issued by the union health ministry for passive euthanasia which seems to create a legal framework for doctors to make decision about withdrawing life support.

The Guidelines are:-

- Doctor should permit withdrawing life support if the treatment is no more beneficial for this to patient.
- Doctor should consider withdrawing life support in case where the patient or their family member has a documented their refusal of treatment due to the terminal and incurable illness of the patient.
- Doctor should permit withdrawing life support if the patient is in permanent vegetative state.
- The guidelines have been issued for establishing Primary medical board(PMB) & Secondary medical board(SMB).

The condition under which passive euthanasia is permitted are as follows:-

- The patient or their surrogate has given an informed refusal to life-sustaining treatments
- The patient has been declared brainstem dead
- The patient is unlikely to benefit from aggressive treatment
- The patient's condition is likely to cause suffering or loss of dignity

CURRENT STATUS OF EUTHANASIA IN INDIA

Although the Supreme Court allowed passive euthanasia after Aruna Shanbaug Case, there was no clear guideline regarding the procedure of passive euthanasia until 2018.

The Judgment of Supreme Court in 2018¹⁸ laid down the following rules:-

¹⁷ Criminology Penology by N.V. Paranjape

¹⁸ [Indian Kanoon https://indiankanoon.org](https://indiankanoon.org) Common Cause (A Regd. Society) vs Union Of India on 9 March, 2018

- Passive euthanasia was legalized in India by the Supreme Court in 2018 (right to refuse medical treatment including withdrawal from life-saving devices), right to die with dignity" as part of the fundamental "Right to Life" under Article 21 of the Constitution.
- Contingent upon the person having a 'living will' or a written document that specifies what actions should be taken if the person is unable to make their own medical decisions in the future.
- In case a person does not have a living will, members of their family can make a plea before the High Court to seek permission for passive euthanasia.¹⁹
- As per 2018 guidelines, a living will was required to be signed by an executor (the individual seeking euthanasia) in the presence of two attesting witnesses, preferably independent, and to be further countersigned by a Judicial Magistrate of First Class (JMFC).
- Also, the treating physician was required to constitute a board comprising three expert medical practitioners from specific but varied fields of medicine, with at least 20 years of experience, who would decide whether to carry out the living will or not. If the medical board granted permission, the will had to be forwarded to the District Collector for his approval.
- The Collector was to then form another medical board of three expert doctors, including the Chief District Medical Officer.
- Only if this second board agreed with the hospital board's findings would the decision be forwarded to the JMFC, who would then visit the patient and examine whether to accord approval.

The guideline issued in 2018 ²⁰was cumbersome hence to ease the process changes made by Supreme Court in the year of 2023. The 2018 guidelines seemed to be very cumbersome hence Supreme Court modified those guidelines:-

- *Simplification of living will execution*: Signed by executor in presence of 2 witness and attested by gazette officer.
- *Redefining medical boards*: Now the 2 boards will be created by hospital. Primary board includes treating physician & and 2 other medical practitioner with 5 years experience. Secondary board includes chief medical officer.

¹⁹ [Legal Service India https://www.legalserviceindia.com](https://www.legalserviceindia.com) Passive Euthanasia: Its Legality

²⁰ [Indian Kanoon https://indiankanoon.org](https://indiankanoon.org) Common Cause (A Regd. Society) vs Union Of India on 9 March, 2018

- *Time Bound Decision making*: Medical boards to render decision within 48 hours.
- *Reduction of role of judicial magistrate*: The role has been reduced from granting approval to merely being informed.
- *Digital record keeping*: The living will be stored in National Digital Health Record for the doctors and hospital to access.
- *Multiple Guardian*: Allows multiple guardians to give consent for withdrawing medical support in case the patient becomes incapable of making decisions.

Reason in Support of Legalisation of Euthanasia

The concept of euthanasia is considered equivalent to suicide. The literal meaning of euthanasia is mercy killing. The question that comes before jurists, criminologists is that whether a person who is suffering from incurable illness or disease be permitted to die prematurely that is before his natural death²¹ or even if such that is allowed how far will it be correct morally and ethically. There are instances where a person is kept alive with the help of artificial machines due to complete failure of actual bodily organs and where the brain has also stopped functioning and having almost no chances of recovery cannot withdraw the treatment facility upon the will of the nearby relatives of the patient because this would amount to murder or abatement of murder under Indian legal system. This causes a lot of harassment both mental, physical as well as financial loss of the family of the ailing patient. Not all person is financially sound and stable for those it becomes immense financial burden to continue the treatment of such a patient who have no chances of recovery and some of the unscrupulous hospital management take advantage of this situation by enhancing the bills and try to extract huge sum of money from patients family for their own monetary profit by giving absolutely false hope that the patient will recover.

Again where a patient is suffering from intolerable pain due to diseases which cannot be cured like cancer or venerable disease like AIDS that have reached to its final stage or has been suffering from absolute creeping paralysis since many years and have no chance of recovery and the patient wishes to live no longer and expresses their true desire to discontinue life, but due to absence of euthanasia laws in our country such patients are not permitted to die and has to continue their suffering and such a vulnerable state.

²¹ [Legal Service India https://legalserviceindia.com](https://legalserviceindia.com) A Critical Analysis Of Mercy Killing: A Good Or Harm To Humanity

The Bombay High Court clarifies to that mercy killing or euthanasia is not suicide and hence would not be covered under Section 309 Indian Penal Code, 1860. The reason being that suicide by very nature is an act of terminating one's own life by one's own act without the aid and assistance of any other human agency.

The Supreme Court in *P Rathinam Nagbushan Patnaik v Union of India 1994* "distinguished suicide from euthanasia and observed that the legal and other questions related to euthanasia are in many ways different from those raised in suicide".²²

Arguments supporting legalization of euthanasia are substantial as the proponents considered euthanasia as a tool of humanity toward terminally ill patients for whom living the life becomes unbearable due to prolonged sufferings. The patient and their family should not be forced to suffer in such a painful condition and just to wait for natural death. It is much ethical and justified to grant you finish here to those patient whose quality of life has been degraded to such a poor states due to prolonged suffering and where their lies no chances of recovery. Arguments in favor of legalizing euthanasia are premised on the assumption that euthanasia is a rational decision given under considering the circumstances like suffering, pain & illness of a patient. Moreover the circumstances will remain same even after providing all sorts of intensive palliative care, under this situation the decision to administer euthanasia seems rational.

Proponents of euthanasia also criticized the impractical and artificial demarcation drawn by the court and religious organization between active and passive euthanasia. Withdrawing life support that is passive euthanasia contains an active involvement to cause death of a terminally ill patient and the consent of the patient give the status of legitimacy to it.

Similarly a physician who administers lethal injections to cause death of a terminally ill patient that is active euthanasia should not be considered as an offence because in both the cases the life of the patient is taken away. It is inappropriate to Euthanasia to consider as an offence because in criminal offences the guilty intention that is the actors rears is the essential element of crime but in case of euthanasia there is no guilty intention on the part of the doctor the only intention that remains is to give relief to the patient who is suffering from unbearable pain.

²²[Indian Kanoon https://indiankanoon.org P.Rathinam vs Union Of India on 26 April, 1994](https://indiankanoon.org/P.Rathinam%20vs%20Union%20Of%20India%20on%2026%20April%201994/)

Another argument that is raised by the performance favouring the legalization of Euthanasia is that the psychological support that an ailing person and dying patients get in case Euthanasia gets legalized as they do not have to continue suffering in such a terminally ill state. In other words whenever the persons who are suffering knows that there can be an alternative instead from such suffering their stress level may gets alleviated which is associated with such constant suffering. As argued by the proponents by the proponents that there are many patients of terminal illness who desire to end their lives instead of suffering because it is better to die then to continue their life in such a vulnerable state of suffering.

In ancient India under Hinduism the process of renouncing the body for spiritual upliftment and quest of Gods or the divine, was evident by the Vedas the concept of "icchya mrityu" it was widely practiced during the epic eras and all these activities advocated that death is as valuable as life itself. Everyone have the right to end their life in a dignityful manner.

Legalizing euthanasia can have several positive consequences, including:

1. Respect for Individual Autonomy – Allows terminally ill individuals to make decisions about their own lives and deaths, preserving personal freedom.
2. Reduction of Suffering – Enables people with unbearable pain or incurable illnesses to avoid prolonged suffering.
3. Better End-of-Life Care – Encourages improvements in palliative and hospice care, as the discussion around euthanasia raises awareness of end-of-life options.
4. Relief for Families – Reduces the emotional and financial burden on families who watch their loved ones suffer with no hope of recovery.
5. Regulation and Safeguards – Ensures that the process is carried out ethically and legally, preventing covert or illegal euthanasia practices.
6. Efficient Use of Healthcare Resources – Redirects medical resources toward patients who have a chance of recovery instead of prolonging the suffering of terminally ill patients against their will.
7. Psychological Comfort – Provides peace of mind to patients who know they have control over their death, even if they choose not to use euthanasia.

Comparative Study Regarding Euthanasia Laws Around World

Among the 193 members of the United Nations Organisations (UNO), only four have legalized euthanasia (Netherlands, Belgium, Luxembourg, and Canada). *The Convention on the Rights of Persons with Disabilities, 2006* is a transnational mortal rights convention of the United Nations to cover the rights and quality of people. The UN International convention states that “countries Parties must take all necessary measures to insure that persons with disabilities have the same right as others to the effective enjoyment of the right to life”. As per the *International Covenant on Civil and Political Rights, 1966 (ICCPR)* countries, “Every mortal being has the essential right to life. No one shall be arbitrarily deprived of his life.”²³ *The Convention on the Rights of the Child (CRC)* states that “every child has the essential right to life”. Composition 7 of *ICCPR* states that mortal beings should be defended from inhuman or demeaning treatment. Euthanasia was legitimized in Netherland in 2001. The Parliament of Netherland legislated the Termination of Life on Request and supported self-murder (Review of Procedures) Act, 2001 that formalises a relaxation of the law proscribing euthanasia and supported self-murder preliminarily by judicial decision. The Act only permits euthanasia and croaker - supported self-murder under the wishes of the case and with medical supervision. In Belgium, The Belgian Act²⁴ on euthanasia was legislated on May 28, 2002. The Belgian law allowed croakers to help kill cases who during their terminal illness express the want to quicken their own death. The Belgium law assessed strict legal conditions and procedures in which euthanasia can be allowed. The case’s request must be in writing. However, the document is drawn up by a person designated by the case if the case is not able of doing this. The croaker commits no felonious offence when he ensures that the case has attained the age of maturity, fairly competent and conscious of making request and does request in condition of constant and unsupportable physical suffering performing from incorrigible mournings caused by illness or accident. It's necessary that there must be no result. If the case is n't in position to make the request he can designate such a person who must have attained the age of maturity and must n't have any material interest in the death of the case. As well as where the cases in which no bone is suitable to make a request also every suitable person can draw up the advance directives to croakers in matters of unconscious cases suffering with incorrigible complaint or accident.²⁵

In Australia, the Northern Territory had legalised euthanasia way back in 1996 but the

²³ International Convention of Civil & political rights 1966

²⁴ The Belgian Act on Euthanasia 2002

²⁵ [Euthanasia And Its Desirability In India - Indian Law Institute](#)

legislation had to be capsized after nine months latterly due to bitter opposition.²⁶

The Supreme Court of Canada capsized a ban on croaker supported self-murder on February 6, 2015 and legalised euthanasia. It said that croaker - supported self-murder would be allowed in the case of subscribing grown-ups who are suffering devilishly from a severe and incorrigible complaint. The Court unanimously reversed its earlier decision made in 1993 and observed that croaker - supported dying is now recognized as a medical service that brings an end for someone who's unbearably suffering.

In U.S.A. euthanasia is decriminalized as is apparent from the case of *Mckay v. Bergstedt*, wherein a case had filed a solicitation in the District Court of the Nevada State permitting disposition of his respirator as he was completely fed up with life and wanted to survive no longer. The District Court granted him authorization against which the State filed an appeal in the Supreme Court of Nevada. The Court affirmed the maturity decision of the District Court and held that every person has the indigenous and common right to discontinue unwanted medical treatment and thus, pullout of respirator from the case would not amount to self-murder. Therefore the Court recognized the act of mercy payoff or euthanasia in extreme cases of unwanted survival.²⁷

Religious Perspective on Euthanasia

There have been mixed faith and believe regarding Euthanasia in different religion while some religion strictly oppose the concept of Euthanasia stating it as clear violation of sanctity of life and thus is a part of homicide where is some religion view it as a process of ending the mortal body and transition of Immortal soul into new body.

Christianity: Many Christian denomination including Roman Catholics, Eastern Orthodox, Protestants are dead against the concept of Euthanasia perceiving it as volition to divine rule and crime against humanity.

Islam: Euthanasia is prohibited in Islam considering that life can be only taken at the will of God and human interference in this zone is clearly a crime.

Hinduism: their lies mixed opinion about Euthanasia in Hindu religion while some reject the

²⁶ [shareyouessays.com](https://www.shareyouessays.com) <https://www.shareyouessays.com> Essay on Euthanasia: an offence covered under Section 309 of IPC

²⁷ [shareyouessays.com](https://www.shareyouessays.com) <https://www.shareyouessays.com> Essay on Euthanasia: an offence covered under Section 309 of IPC

concept of Euthanasia considering it as affecting the law of Karma of individual as in Hindu religion Karma concept is highly prioritized and thus causing and natural death on the other hand Euthanasia is also perceived as the process of reducing human suffering.

Jainism: It allows for a final fast called Samsara to accelerate the process of transition of the soul towards a new body at the end of a life.

Shinto: The traditional religion of Japan generally permits voluntary Euthanasia.

Conclusion & Suggestions

Law is always dynamic it changes as per the Societal needs. The main purpose is to maintain the structures of society. Society consists of living beings and human beings are considered as the greatest creation of Gods. State is obliged to protect and promote a secured life to all living creatures for which all possible fair measures have been taken by the state. Human lives are unimaginable without the presence of laws which aims to provide all possible means and support to create a peaceful and stable atmosphere for the human beings. In making laws the customs place a vital role as various aspects of law surround and accepts the customs.

However with the passage of time and in this era with significant development is witnessed in legal frameworks of country there has been considerable amount of development in human lives the effect of which is newer claims have been recognized and are provided with status of statutory rights. In absence of legislation Judiciary have established those through landmark decisions for instance passive euthanasia .This decision paves the pathway for upcoming laws regarding euthanasia in India.

There have been ample amount of development in medical science too due to which various life saving drugs have been discovered which tries reduce human suffering and various incurable disease can be combat with the help of these new discoveries but beyond all these still there exists some diseases or situation due to which human suffers through incurable pain and remains terminally ill where there is no chances of recovery. Those pains unable to go through such pain genuinely desire to end up their lives as for them its better to end the life than to survive in such vulnerable state. Due to absence of legislation regarding euthanasia the patient's lives cannot be taken.

In India passive euthanasia is recognized after the landmark decision of Hon'ble Supreme

Court²⁸ in *Aruna Ramchandra Shanbaug* Case but till now no statute has been framed in India regarding euthanasia.

The Right to die with dignity should within the purview of Article 21 of the Constitution of India and should be secured. The patient should be permitted with passive euthanasia with proper care and attention. In Indian perspective the grant of active euthanasia may not easily be permissible in present scenario as the society is not so educated and the crime rate is too high in India so it will not secure the security and interests of the patient but after taking consideration of patient's suffering legislators must think of approving active euthanasia. In society, like India relatives and any other beneficiary may be interested to get property and assets of patients in inheritance, it is the responsibility of the authorities to conduct it after all possible inquiry.²⁹

The legislators have to examine and duly scrutinize the infrastructure of society in order to implement the procedure of euthanasia in Indian perspective. Although the Supreme Court has dealt with the motives of person duly responsible for opposing active euthanasia. The passive euthanasia is however gets recognition by the Hon'ble Apex court and to for that purpose guidelines have been issued too. The Apex Court clearly laid down rules in formulating supervision committee formulation for the purpose of passive euthanasia. This verdict of the honorable court marks the foundation stone towards the achieving a new legal dimension in the form of euthanasia. Apex court has duly taken into account the miseries of the patient and thus allows choosing death for such suffering. To make secure the right to die with dignity is the positive expansion of the right to life under the ambit of article 21 of the Constitution. Though the grant of passive euthanasia should be welcomed as it marks the foundation for upcoming laws regarding euthanasia to come in India. Hence it is the responsibility of the Parliament to frame the law on this issue and the guidelines to implement the same as far as possible.³⁰

²⁸ [Routledge https://www.routledge.com/Environmental Law and Policy in India - 1st Edition - Sairam Bhat - Ro](https://www.routledge.com/Environmental+Law+and+Policy+in+India/-/book/9781108781111)

²⁹ [Euthanasia And Its Desirability In India - Indian Law Institute](#)

³⁰ [Euthanasia And Its Desirability In India - Indian Law Institute](#)