BLOGS

Euthanasia and Legality of Right to Die in India

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Introduction

Euthanasia, the deliberate act of ending a person's life to relieve suffering, remains a contentious issue in India. The term is derived from Greek, where "eu" means good and "thanatos" means death, signifying a "good death." The practice involves various ethical, legal, and moral considerations, touching upon the right to life, autonomy, and compassion for individuals experiencing terminal illness or unbearable suffering.

Types of Euthanasia

1. Passive Euthanasia: In case of passive euthanasia, there is withholding or withdrawing of medical treatment resulting in the patient's death.

2. Active Euthanasia: Active euthanasia means intentionally causing a person's death, often through lethal injection or medication.
3. Voluntary Euthanasia: Voluntary euthanasia is a type of euthanasia is carried out at the patient's request.
4. Non-voluntary Euthanasia: Non-voluntary Euthanasia is conducted when the patient is unable to consent, often in cases involving individuals in a vegetative state.

Legal Status of Euthanasia in India

The legality of euthanasia in India has been a subject of significant debate and judicial intervention. Historically, India had no specific laws addressing euthanasia.

1. In the 196th Law Commission Report, a law was suggested to be enacted to safeguard terminally ill individuals who refuse medical care, artificial feeding etc. from being prosecuted under Section 309 of the Indian Penal Code, 1860. Along with that, clinicians who obey such a patient's decision, or who make such a decision for patients who are not competent to make such decisions, shall be shielded from prosecution under Section 306 or Section 299 of the Code. According to the report, the 'patient' must be suffering from a terminal illness that causes extreme pain and suffering and, in the opinion of a reasonable medical expert, will inevitably result in the patient's untimely death.
2. Constitutional Perspective: The Indian Constitution, under Article 21, guarantees the right to life and personal liberty. The Supreme Court has expanded the interpretation of this provision to encompass the right to die with dignity, recognizing an individual's autonomy over their end-of-life choices.
3. The Indian Penal Code (IPC): Sections 306 and 309 of the IPC previously criminalized abetment of suicide and attempted suicide, respectively. There have been ongoing debates regarding the decriminalization of attempted suicide, acknowledging the mental health aspects and ethical considerations.
4. The Mental Healthcare Act, 2017: While primarily focused on mental health care, this Act includes provisions for advance directives. The implications concerning euthanasia and end-of-life care decisions are subject to interpretations and ongoing discussions.

Cases on Euthanasia in India

1. Gian Kaur vs The State Of Punjab: The case revolves around a woman named Gian Kaur who was accused of abetting the suicide of her husband, Harbans Singh. Harbans Singh had been suffering from a terminal illness and wanted to end his life. He consumed poison, and both he and Gian Kaur were charged under Section 306 of the Indian Penal Code (IPC) for abetting suicide. The judgment essentially upheld the criminalization of suicide and assisted suicide, emphasizing that the right to life does not include the right to end life.
2. Aruna Shanbaug Case: The Supreme Court's ruling in the Aruna Shanbaug case marked a pivotal moment in addressing passive euthanasia. It permitted the withdrawal of life support under exceptional circumstances, acknowledging the right to die with dignity.
3. Common Cause v. Union of India: This landmark case reaffirmed the right to die with dignity as a fundamental right under Article 21 of the Indian Constitution. The Court recognized the validity of living wills or advance directives, allowing individuals to outline their preferences for end-of-life care, especially when they are incapacitated.

Difference between Suicide and Euthanasia

Edit SUICIDEEUTHANASIA Suicide refers to the act of intentionally ending one's own life. It involves a person taking their life by their own volition due to various reasons, which could include mental health issues, despair, hopelessness, or other personal factors.Euthanasia refers to the deliberate ending of someone's life by another person, usually a medical professional, to relieve unbearable suffering. It's conducted at the request of the individual (voluntary euthanasia) or in cases where the person is unable to make the decision (non-voluntary euthanasia). In suicide, the decision to end one's life is typically a personal choice influenced by an individual's mental, emotional, or psychological state.Euthanasia is carried out with the intent to alleviate suffering, particularly in cases of terminal illness or individuals experiencing intolerable pain. It involves an external party taking an active role in the person's death, often through the administration of medication or other means. Historically, suicide has been deemed a criminal act in several legal systems. However, contemporary understanding increasingly recognizes suicide as a complex issue influenced by mental health and societal factors, and many jurisdictions have moved away from criminalizing attempted suicide.The legal status of euthanasia varies globally. In some places, it is considered a criminal act, while in others, specific regulations govern its practice. In India, the Supreme Court has

recognized passive euthanasia under exceptional circumstances and allowed living wills or advance directives.

Legal and Ethical Considerations

1. Autonomy and Right to Die: Euthanasia debates often revolve around an individual's right to autonomy, allowing them to make end-of-life choices and have control over their own death.
2. Quality of Life: The ethical discourse surrounding euthanasia delves into the quality of life, emphasizing the relief of unbearable suffering and preserving human dignity, particularly in cases of terminal illness or severe pain.
3. Role of Medical Professionals: Medical practitioners face moral and legal dilemmas concerning their involvement in intentionally ending a life, as their primary role is to heal and alleviate suffering.
4. Legal Framework: Euthanasia laws vary globally. Some countries have specific regulations allowing or prohibiting euthanasia, while others do not have explicit laws, leading to judicial interventions and case-by-case decisions.

Challenges and Future Implications

1. Defining Eligibility and Safeguards: Establishing clear criteria for qualifying cases and implementing safeguards against abuse or misuse is a challenge. Ensuring informed consent and the competence of individuals making end-of-life decisions is critical.
2. Role of Medical and Legal Practitioners: Collaborative efforts between medical practitioners and legal experts are crucial in formulating guidelines and protocols for the responsible and ethical implementation of euthanasia laws.
3. Public Awareness and Acceptance: Educating the public and fostering acceptance through debates and discussions are essential to shape public opinion and policies regarding euthanasia.

Conclusion

The legal status of euthanasia in India remains shaped by judicial precedents and constitutional interpretations rather than specific legislative provisions. The evolution of laws and public discourse continues to grapple with the intricate balance between individual autonomy,

compassion for the suffering, and the need for stringent safeguards against potential abuse or misuse.