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EUTHANASIA: LEGAL, ETHICAL AND CONSTITUTIONAL PERSPECTIVE WITH RECENT CASE LAWS

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Abstract

Euthanasia, commonly known as “mercy killing,” refers to intentionally ending the life of a person suffering from an incurable and painful condition in order to relieve suffering. The issue of euthanasia has generated intense legal, ethical, medical, religious, and constitutional debates worldwide. In India, active euthanasia remains illegal, while passive euthanasia has been recognized under strict judicial safeguards. The Supreme Court of India has played a major role in shaping the law relating to the right to die with dignity under Article 21 of the Constitution. This paper examines the concept, types, constitutional validity, ethical concerns, and recent judicial developments relating to euthanasia, including landmark and recent case laws.

keywords: Euthanasia, Safeguards, Concerns, Ethical, Remains, Validity.

Introduction

The advancement of medical technology has enabled doctors to prolong human life even in cases where recovery is impossible. This development has raised difficult questions regarding human dignity, patient autonomy, and the right to die. Euthanasia emerges in such situations where a patient suffers unbearable pain or remains in a permanent vegetative state with no hope of recovery.

The term “Euthanasia” is derived from the Greek words “eu” meaning good and “thanatos” meaning death, collectively meaning “good death.” It generally implies intentionally ending a person’s life to relieve suffering.

The debate surrounding euthanasia balances two competing principles:

- Sanctity of life
- Right to die with dignity

in India, the judiciary has progressively recognized the importance of dignity in end-of-life decisions while maintaining safeguards against misuse.

Meaning and Definition of Euthanasia

Euthanasia refers to the deliberate termination of life to relieve pain and suffering. It may involve withdrawing medical treatment, withholding life support, or administering substances intended to cause death.

According to Black’s Law Dictionary:

“Euthanasia means the act or practice of painlessly putting to death persons suffering from incurable diseases.”

Types of Euthanasia

1. Active Euthanasia

Active euthanasia involves intentionally causing the death of a patient through direct action such as administering a lethal injection.

Example:

Giving a deadly drug to end suffering.

Status in India:

Illegal.

2. Passive Euthanasia

Passive euthanasia involves withdrawing or withholding life-sustaining treatment such as ventilators, feeding tubes, or artificial life support.

Example:

Removal of ventilator support from a patient in a permanent vegetative state.

Status in India:

Legal under strict safeguards.

3. Voluntary Euthanasia

When the patient voluntarily consents to end life.

4. Non-Voluntary Euthanasia

When the patient is unable to provide consent due to coma or incapacity, and others decide on their behalf.

Constitutional Perspective in India

The constitutional debate mainly revolves around Article 21 of the Constitution of India, which guarantees:

“Right to Life and Personal Liberty.”

The courts have interpreted Article 21 broadly to include:

- Right to live with dignity
- Right to privacy
- Right to refuse medical treatment

However, whether the “right to life” includes the “right to die” has been controversial.

Landmark Case Laws on Euthanasia

1. P. Rathinam v. Union of India (1994) 3 SCC 394

In this case, the Supreme Court held that the “right to life” under Article 21 includes the “right not to live.”

The Court declared Section 309 IPC (attempt to suicide) unconstitutional.

Significance:

- Recognized autonomy over one’s life.
- Supported the concept of right to die.

2. Gian Kaur v. State of Punjab (1996) 2 SCC 648

A Constitution Bench overruled P. Rathinam and held that:

Right to life does not include right to die. However, the Court recognized the concept of “death with dignity.”

Significance:

Became the foundational judgment for future euthanasia jurisprudence.

3. Aruna Ramachandra Shanbaug v. Union of India (2011) 4 SCC 454

This is the most significant case on passive euthanasia in India.

Facts:

Aruna Shanbaug, a nurse in Mumbai, remained in a vegetative state for 42 years after a brutal assault in 1973. A plea was filed seeking permission for euthanasia.

Judgment:

The Supreme Court:

Rejected euthanasia for Aruna Shanbaug, But legalized passive euthanasia under strict conditions. The Court allowed withdrawal of life support subject to approval by the High Court and medical boards.

Significance:

First recognition of passive euthanasia in India. Introduced judicial safeguards.

4. Common Cause v. Union of India (2018) 5 SCC 1

This landmark judgment recognized:

Right to die with dignity as a fundamental right under Article 21.

Validity of passive euthanasia.

Legality of “Living Will” or Advance Medical Directive.

Important Guidelines:

- Terminally ill patients may refuse treatment.

- Medical boards must certify the condition.
- Judicial oversight required.

Significance:

- Constitutional recognition of dignified death.
- Strengthened patient autonomy.

Recent Case Laws on Euthanasia

5. Harish Rana v. Union of India (2026) SCC OnLine SC 358

The Supreme Court permitted withdrawal of life-sustaining treatment for Harish Rana, a man who remained in a permanent vegetative state for over 13 years following a severe brain injury. This became the first practical judicial implementation of the passive euthanasia framework established in Common Cause case.

Facts:

Harish Rana suffered a severe head injury in 2013. Multiple medical boards concluded that recovery was impossible. His parents approached the Supreme Court seeking permission for passive euthanasia.

Judgment:

The Supreme Court allowed:

- Withdrawal of clinically assisted nutrition and medical treatment.
- Exercise of medical judgment by expert boards.

The Court emphasized:

- Right to die with dignity,
- Compassion,
- Human dignity under Article 21.

Significance:

- First actual enforcement of passive euthanasia in India.
- Expanded practical application of Common Cause guidelines.
- Renewed demand for comprehensive legislation on end-of-life care.

Ethical Issues Relating to Euthanasia

Arguments in Favor

1. Right to Die with Dignity

Patients should have autonomy over their bodies and medical choices.

2. Relief from Suffering

Terminally ill patients may suffer unbearable pain with no possibility of recovery.

3. Economic Burden

Long-term artificial life support may create severe financial hardship for families.

4. Medical Futility

Continuing treatment in hopeless cases may serve no medical purpose.

Arguments Against

1. Sanctity of Life

Human life is sacred and should not be intentionally terminated.

2. Possibility of Misuse

Euthanasia may be abused for inheritance or personal interests.

3. Religious Objections

Most religions oppose intentional ending of life.

4. Medical Ethics

Doctors are ethically bound to preserve life.

Position of Euthanasia in Other Countries

Legal Countries

Netherlands

Belgium

Luxembourg

Canada

Spain

Some countries permit both active and passive euthanasia under strict conditions.

Recent debates in Spain and the Netherlands regarding psychiatric euthanasia and assisted dying continue to shape global discussions.

Conclusion

Euthanasia remains one of the most sensitive issues in constitutional and medical jurisprudence. Indian law currently permits only passive euthanasia under judicially evolved safeguards. Through decisions such as Aruna Shanbaug, Common Cause, and the recent Harish Rana case, the Supreme Court has recognized that the right to life under Article 21 also includes the right to die with dignity in certain exceptional situations.

However, India still lacks a comprehensive statutory framework governing euthanasia and end-of-life care. Clear legislation is necessary to:

- prevent misuse,
- protect patient autonomy,
- provide medical clarity,
- and ensure ethical safeguards.

The challenge before society and lawmakers is to balance compassion with caution while preserving human dignity.

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