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Euthanasia: The Call of the Conscienceness of Mankind

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ABSTRACT

“Mumbai’s elderly couple Narayan and Iravati Lavate said that they do not wish to be a burden on society in their old age. They feel that they are of no use to either themselves or society and believe that living against their wishes is a “waste of the country’s scarce resources as well as theirs. Why should we wait for our condition to deteriorate? Also, what will the other do when one dies? What is the point in wasting money in treating old-age ailments when one has to eventually die?””

Right to life includes the right to live with dignity. Right to life also includes the right to die with dignity. But the question is that with pain can there be dignity? Would not the denial of the right to die be a violation of the basic fundamental right bestowed upon under Article 21 of the law of the land i.e. the Constitution of India? But there is another side of the same coin. Won’t euthanasia weaken society’s respect for the sanctity of life? Won’t euthanasia give excessive powers to doctors to decide who has the right to live and the right to die?

The research paper discusses the pros and cons of Euthanasia and highlights on the point of how legalization of euthanasia can cause a highly negative effect on the mindsets of the people.

Keywords: Euthanasia, Legalization, Right to die, Society

I. INTRODUCTION

“Euthanasia is a prescription for all types of abuse of people at the most vulnerable times of their lives.”

Article 21 of the Constitution gives a person the right to life, but it can also be interpreted as giving a person the right to take away his life. Article 21 of the constitution states that, “No person shall be deprived of his life or personal liberty except according to procedure established by law.” The object of this fundamental right is to prevent encroachment upon personal liberty.²

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² Vidhan Maheshwari, *The Constitution of India provides Fundamental Rights under Chapter III*, (Mar. 28, 2021,

The right to life includes the right to live with dignity. But when a person is in pain, the dignity is lost and he is forced to rely on his kith and kin for support.

II. TYPES OF EUTHANASIA

Euthanasia is of two types:

A. Passive Euthanasia

B. Active Euthanasia

Passive euthanasia means withdrawing life support to induce death in a natural way. In contrast, active euthanasia means injecting legal drugs to induce death.

Passive euthanasia is resorted to when the patient is denied any treatment by the medical professionals which means that no efforts are taken to keep the person alive. Some of the common practices include:

- a. switch off life-support machines
- b. disconnect a feeding tube
- c. don't carry out a life-extending operation
- d. don't give life-extending drugs³

Active euthanasia is a method of physician assisted suicide wherein the medical professionals, or any other person, deliberately does something that causes the patient to die like injecting lethal drugs.

The general legal position all over the world seems to be that while active euthanasia is illegal unless there is legislation permitting it, passive euthanasia is legal even without legislation provided certain conditions and safeguards are maintained.⁴ The Supreme Court's judgement clearly stated that passive euthanasia is a recourse only for those patients who are terminally ill, that it only allows a person suffering from a terminally ill disease and having no chances of recovery to refuse an artificial support system and to "*die with dignity*".

III. THE STORY OF THE AGGRIEVED COUPLE

Mr Narayan Lavate (88) retired in 1989 from the Maharashtra State Transport Corporation and his 78-year-old wife Iravati Lavate, a former principal of a High School in Mumbai do not want

09:53 AM), <http://www.legalserviceindia.com/articles/art222.htm>

³Active and passive euthanasia, BBC (Mar. 28, 2021, 09:53 AM), http://www.bbc.co.uk/ethics/euthanasia/overview/activepassive_1.shtml

⁴Active euthanasia vs passive euthanasia, NEWS18, (Mar. 28, 2021, 09:53 AM) <https://www.news18.com/news/india/active-euthanasia-vs-passive-euthanasia-362453.html>

to live as they don't have any children (or for that matter even an extended family) and at this stage of life are willing to take the recourse of 'physician assisted suicide' i.e. 'active euthanasia'.⁵ They consider themselves as a 'criminal waste' as they are just wasting the scarce resources of the country for their survival which in turn could have been used by any other individual who is in dire need of the same.

They opine that the country has been developing over the years yet it is culturally backward as the former President of India Mr. Pranab Mukherjee denied active euthanasia to the couple citing reasons of it being illegal.

They have again written to the President Ram Nath Kovind in the year 2018 seeking permission for "active euthanasia". In the letter couple said, "we are of no use to society, can't contribute anything."⁶

They feel that there is no point in living only because a legal system demands it. According to the couple their desire to die is not spiritual but logical.

IV. LEGAL PERSPECTIVE

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 clearly lays emphasis on right to life. It is sacrosanct, fundamental and permanent right being the basic feature of the Indian Constitution.

Taking away your life, by way of euthanasia is also a curtailment of right to life and personal liberty. It may even become a criminal offence. An attempt to commit suicide is a crime under the IPC, Section 309.

"Doctors should kill the pain, not the patient."

Legalizing active euthanasia in India will lead more to its harm than good. We are not ready for such a situation. In 2008, Jeet Narayan, a resident of Uttar Pradesh, wrote to the President in search of permission to give up lives of his 4 bed-ridden, paralyzed children. The President rejected the plea. Clearly, euthanasia isn't for everybody. If the condition of the patient is such that survival is impossible, then passive euthanasia is allowed. The courts have ruled that life support can be withdrawn only when the chances of return to life are negligible. For mentally

⁵ *Mumbai Couple Want To Die, Write To President*, NDTV, (Mar. 28, 2021, 09:53 AM), <https://www.ndtv.com/india-news/mumbai-couple-want-to-die-write-to-president-1798823>

⁶ *Mumbai couple demands 'Active Euthanasia', writes to President Kovind* | Oneindia News <https://www.bing.com/videos/search?q=euthanasia+couple&view=detail&mid=0EDE06DEF39F5663FB050ED06DEF39F5663FB05&FORM=VIRE>

alert people, euthanasia is a big 'NO'.

"We don't eliminate problems by eliminating the people to whom problems happen."

V. CONCLUSION

Euthanasia in that form cannot be allowed or legalized because the probability of its misuse-whether it is demanded for property, money, or because of animosity among family members-is very high. Usually, such killings are classified as homicide, and if the perpetrators are caught, they are punished. Imagine the consequences of legalizing this. There will be no limits to its abuse in India and elsewhere. To conclude in the words of Mother Teresa,

"For me, life is the most beautiful gift of God to mankind, therefore people and nations who destroy life by abortion and euthanasia are the poorest. No human hand should be raised to kill life, since life is God's life in us."
