
Euthanasia

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Abstract

Euthanasia and its procedure involves difficult issues regarding legal and procedural compliance in countries across the world. Every adult of sound mind has a right to determine what should be done with his/her person. It is illegitimate to administer treatment on an adult who is conscious and of sound mind, without his consent. Patients with Permanent Vegetative State (PVS) and no expectation of improvement cannot make decisions about treatment to be given to them. It is ultimately for the Court to decide, as parens patriae, as to what is in the best interest of the patient.

Every human being requirements to live and enjoy the life till he dies. Sometimes a human being needs to end his life in the way he chooses. To end one's life in an unusual approach is a sign of abnormality. When a person ends his life by his own act we call it "suicide" but to end a person's life by others on the request of the deceased, is called "euthanasia" or "mercy killing".

Euthanasia is mainly related with people with incurable disorder or who have become injured

and don't want to go through the rest of their life misery. A strictly handicapped or incurably ill person supposed to have the right to choose between life and death. This right of a patient with terminal illness cannot be equated with an able bodied, sane person's right.

The term euthanasia comes from the Greece words "eu" and "thanatos" which means "good death" or "easy death". It is also known as Mercy Killing. Euthanasia is the intentional premature termination of another person's life either by direct intervention (active euthanasia) or by withholding life prolonging measures and resources (passive euthanasia). It is either at the express or implied request of that person (i.e., voluntary euthanasia), or in the absence of such approval (non-voluntary euthanasia).

Euthanasia was practiced in Ancient Greece and Rome: on the island of Kea, hemlock a poisonous plant was in use as a means for quickening death, a technique also followed in Marseilles. The Greek philosophers Socrates and Plato supported euthanasia while



Hippocrates disapproved it. He was against such practice which would lead to death of a person.

Protestantism maintained suicide and euthanasia while it was an accepted practice during the Age of Enlightenment. Every culture identifies and recognizes these terms from different approaches. Sometimes they are equated to sins, while on some instances they are recognized as acts of valor. There is this line of difference between them.

Introduction

The issue of euthanasia (including “passive”, “active”, “voluntary”, “involuntary” and “non-voluntary” euthanasia, physician-assisted suicide and the use and legitimacy of “living wills” or “advance directives”) is a topic of progressively widespread and intense debate all over the globe. Although euthanasia in various forms has been experienced for centuries, the renewal of the debate is partly the result of growing interest in human rights and the awareness that modern medical science has created a hitherto unknown situation. Contemporary growths in treatment have given rise to the so-called technological imperative, a term used to describe the phenomenon where any incident where a life is not saved at all costs is seen as suspect.

In essence, some people “outlive their own deaths” and then become trapped in a situation where they are alive, but wish they weren’t. In many such cases, they linger on until they die alone, often in clinical settings. It is not surprising that there is now widespread fear of a continued, brutalized, lonely death among strangers, and requests for active euthanasia are made to pre-empt this.

On the other hand, validating euthanasia is not a humble substance. Firstly, it forces us to reassess much of our conventional thinking and law on questions that are intimate and touch the core of our sensitivity of ourselves as human beings and of our futures, both before and after death. The questions that we are confronted with include the following: What is the value of “human life”? What is “human life”? When does death occur? What are our obligations when death does occur? What right does a human being have to end his / her own life, if any, and what right, if any, does the state have to prevent him or her from doing so? If human beings have the right to end their own lives, under which circumstances would this right come into existence and for whom? Does a human being then have the right to assistance in

ending his or her life? What is the purpose of medicine and what are the moral duties of doctors? To what extent should the moral duties of doctors also be legal duties? This paper is emphasized with reference to the decision of the Supreme Court of India in *Aruna Ramachandra Shanbaug vs. Union of India* Active euthanasia includes hitting down a patient by injecting the him with a deadly substance e.g. Sodium Pentothal which causes the patient to go in deep sleep in a few seconds and the person dies painlessly in sleep. Thus it amounts to killing a person by a positive act in order to end suffering of a person in a state of terminal illness. But it is measured to be a crime, where it is not permitted by legislation.

In India too, active euthanasia is illegal and a crime under Section 302 or 304 of the IPC. Physician assisted suicide is a crime under Section 306 Indian Penal Code.

Inactive euthanasia, otherwise known as 'negative euthanasia', however, stands on a different footing. It involves withholding of medical treatment or withholding life support system for continuance of life e.g., withholding of antibiotic where by doing so, the patient is likely to die or removing the heart lung machine from a patient in coma. Passive euthanasia is legal even without legislation provided certain conditions

and safeguards are maintained (vide para 39 of SCC in Aruna's case). The core point of distinction between active and passive euthanasia as noted by the Supreme Court is that in active euthanasia, something is done to end the patient's life while in passive euthanasia, something is not done that would have preserved the patient's life. To quote the words of learned Judge in Aruna's case, about passive euthanasia, "the doctors are not actively bringing about death of anyone; they are simply not saving him". The Court graphically said "while we usually applaud someone who saves another person's life, we do not normally condemn someone for failing to do so". The Supreme Court pointed out that according to the proponents of Euthanasia, while we can debate whether active euthanasia should be legal, there cannot be any doubt about passive euthanasia as "you cannot prosecute someone for failing to save a life".

CLASSIFICATION OF EUTHANASIA

'Euthanasia' is the termination of a living person's life in order to relieve him of the suffering. In most cases, euthanasia is carried out because the person seeks relief and asks for it, but there are cases called euthanasia where a person can't make such a request. Broadly, Euthanasia may

be classified according to whether a person gives informed consent under the following heads:

- Voluntary Euthanasia
- Non-Voluntary Euthanasia
- Involuntary Euthanasia

There is a dispute amid the medical and bioethical literature about whether or not the non-voluntary killing of patients can be regarded as euthanasia, irrespective of intent or the patient's circumstances. According to Beauchamp and Davidson consent on the part of the patient was not considered to be one of the criteria to justify euthanasia. However, others see consent as essential.

Voluntary Euthanasia

In some countries voluntary euthanasia is legalized. In the case of voluntary euthanasia, the person has requested to kill. Voluntary euthanasia, an undoubtedly knowledgeable and articulate individual makes a purposeful and enduring request to be helped to die. This type of euthanasia is the soundest form, accepted by all. It helps in preserving the independence of the individual. It enables him to die in the dignified way according to his desires. Advocates of voluntary euthanasia argue that if a person is indeed facing an incurable illness, he is possibly not going to profit from the detection

of a therapy that could be a remedy for his ailment. The person's voluntary and capable wish to die is unfeasible without help to take your own life, then legal and medical provisions should exist to enable a person to be permitted to die or aided to die. Voluntary euthanasia called for polarized reactions. Advocates of the practice consider it a human solution to intolerable misery and anguish and way to end one's life with dignity. In the opposition it is considered that only the almighty has the right to end a person's life. In the 20th century an English doctor, C. E. Goddard, made an appeal to legalize euthanasia as a means for terminally ill patients to steer clear of some suffering. Voluntary euthanasia permissible in Netherlands, Belgium, Luxembourg, Oregon and Washington in United States whereas illegal in the others.

It has been observed that this kind of euthanasia is favored mostly by the judiciary also worldwide. The analysis of different courts verdicts depicts the authorization of voluntary euthanasia.

Non-voluntary

Non voluntary euthanasia means without the will or the consent of person to kill. This kind

of euthanasia performed where a person is either lacks the ability to, or is unable to express his wish about euthanasia and there is no one authorization to make a substituted judgment. This type of euthanasia is not accepted by any state. It is considered unlawful. It is primarily because the patients consent to death is missing during its administration. The person is unaware and not made any expressed desire to end the life at that juncture and still life is ended. It is considered as murder. However, it has been observed that this type of termination has been used in various civilizations. The reasons behind it varied from one to the other. However in some states it has been approved. This form of euthanasia if legalized is bound to lead to the slippery slope.

Involuntary euthanasia

When the person who is killed has made an expressed wish to the contrary to the act done it would be called as in voluntary euthanasia. When the individual expressed view opposing the act but no heed is paid and the patient is killed any way. In this type the patients consent and knowledge about the act is missing. It is as good as murdering an individual. The patients who are in a state where they are devoid of control on themselves either physically or mentally and

in a situation which has incapacitated them to take a decision involuntary euthanasia has to be administered.

Indian Perception

Diversity is a sole characteristic of our country. The diversity in India is crossways holy groups, educational status, and cultures. It plays an essential impact on the consideration procedure of an entity. On these surroundings, euthanasia in India has been discussed from a variety of angles.

Humanistic Perception

Humanists assert that right to die is a fundamental human right, which should be exercised if, need be so. The right to live according to them contains the right to die and hence it should not be hard to have legislation on euthanasia. They highlight more on autonomy of an individual, which makes him to take end of life decisions. They criticize the reins being in the hands of supernatural power which they do not trust in. Respecting aspiration and ensuring quality of life is the prime attitude of the humanist. They strongly believe in law on the issue. This shall help the administrators in implementing euthanasia fearlessly.

Legal Perception

The perception of euthanasia is extremely disputed in India. The dispute has expanded impetus when the Supreme Court legalized passive euthanasia in “Aruna Shanbaug” case. In India, euthanasia is unlawful. But judiciary has recognized the passive euthanasia. Now the time has come when the legal fraternity also recognizes the living will of the patient. This shall help in ensuring the dignity of the person till his death.

As many of the times when a patient suffers from a vulnerable disease the end is not peaceful and dignified. If given recognition it shall reduce the number of cases of euthanasia performed clandestinely. The doctors are now a day’s respecting the wishes of the patient and do not resuscitate him/her in case they are in a critical condition.

Opinion in support leads to validation of euthanasia promoters of euthanasia and physician-assisted suicide challenged that incurably ill people are supposed to have the right to end their anguishing with a fast, dignified, and empathetic death. They argue that the right to die should be confined by the same constitutional safeguards that assure such rights as marriage, procreation, and the refusal or termination of life-saving medical

treatment. The quality of human life is far more important than the length of life, therefore euthanasia should be legalized. The feeling of pain of the individual is reduced.

In India, euthanasia is illegal. The person assisting euthanasia that is the physician is guilty of murder below enviable of Indian Penal Code, 1860. However, in the case of voluntary euthanasia, consent of the patient is present and therefore does not come under the purview of section 300. It falls in the exceptions to the section. In such circumstances doctors are prosecuted below Sec. 304 of IPC, 1860. The charged frame against them is culpable homicide not amounting to murder. Hence matters of non-voluntary or involuntary euthanasia are considered illegal.

Advantages and disadvantages

It considers both the sides of a subject in a dispute and helps to apply to a proposal. Euthanasia has developed into an important question in the defence of human dignity. Medical science has become more capable at prolonging life. But, it has been observed that it not essentially made life important. Euthanasia is an option to be well thought-out by those

who suffer, those who love the terminally ill, and those who are designated with their care.

Euthanasia on empathetic basis, for those in support of it says that euthanasia is a footstep of consideration. Importance of living has to be considered of the incurably ill patient. This can be guaranteed if they are given the liberty to decide their fate. The amount of pain they need to tolerate. They need to be discharged from the obligation of living if there is no recourse to their situation. The primary ethical morals of society, sympathy and mercy, state that no patient should be allowed to suffer insufferably and euthanasia should be allowable. Relieving a patient from agony, suffering by performing euthanasia does more good. Further, these patients can assistance others and keep many lives. They can attain “moksha” for the good conduct done by them before ending life willingly. The terminally ill patients can donate their organs. This shall eventually help in saving many individuals life that is precious. The sufferings which they are going through is believed by the religious proponents to be due to their bad karma. This donation can thus alleviate them in attaining spiritual gain.

the long term palliative care

is a waste of available medical resources. A country like ours where there is already a scarcity of medical assistance, medical decision-makers are already facing difficulties in choosing between competing demands. The low budget, less funding for hospital beds and increasing population, puts immense pressure on the prevalent infrastructure; euthanasia is thus a feasible option of cost reduction for those on the brink of death.

Euthanasia if legitimated shall absolutely reduce the desperate rates. The susceptible patients who have been sovereign and powerfully suppose in doing things themselves shall secretly try to end life to save the problem of their beloveds. Due to this some patients end their lives early at a impulsive phase even before struggling with their illness. This can cause an innocent death even before actually succumbing to the misery. Euthanasia could probably prevent such suicides as the patient is aware that in case of no cure, he is free to terminate his life.

Euthanasia has been a multifaceted and difficult query to arrive at a conclusion for all countries crossways the world. It has been observed that euthanasia and assisted. The question of evaluating the presentation of loss in the diversity of methods widespread is often

composite, thus current conversation on euthanasia being ethically valid is persistent throughout the world. It has been observed that, all over the globe that philosophies and religion plays a middle role in determining ethical standing of euthanasia. Although active euthanasia is difficult to be implemented, it is not impossible to defend passive euthanasia. It seems to be ethically acceptable. It makes exceptions for those who have achieved a progressive condition of mental power and their desires to end life are selfless. Cases; where probability of patients death is high as healing opportunity is negligent; accepting practices of controlled, deliberate, chosen death in any form of euthanasia shall possibly be measured moral.

There are lots of debates on the subject of euthanasia and so it appears approximately unfeasible to reach a consent regarding legalizing euthanasia. Earlier people shared love and affections in the family and towards the society as well. But now days terminating the vulnerable that are no longer useful are a common trend. Compassion for the sick is deteriorating. There is a alteration in the view regarding euthanasia. There is a move from the customary vision to a extra

realistic and streamlined view. According to the new thoughts terminating the vulnerable that is no longer useful is an ordinary tendency.

A number of citizens believe that euthanasia needs to be legalized while others believe that euthanasia is unacceptable. These set of people who are against legalization view it so as it infringes the sanctity of human life. They believe that it is the god who has the ultimate control over life. He restrains others to act against ourselves at the same time he also restricts individuals to act against them. Birth and death is controlled by god. If euthanasia is allowed we are forbidding the spiritual aspect determined with life. They observe that this would weaken the community's admiration for holiness and godliness towards living. Along with it they apprehend that dying people are not in the right mind frame to take decisions. They are psychologically depressed, pain, agony, peer pressure are likely to affect their decision. A wrong decision taken shall definitely not be the one which is said to be as respecting autonomy.

The countries which have legalized euthanasia, are pretty small in case its territory. The population therein is more literate and is aware about their rights and dangers of euthanasia. Additionally, the machinery in play is



sophisticated. Indian population has a larger portion of illiterates than the literates. The literate population is not much liberal about euthanasia and might not approve its legalization. We deal with such issues with sentiments and which can not override our reasoned decisions. It is better to left the issue with the judiciary, until we prepare ourselves emotionally and practically to accept it as part of our life.

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