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**EUTHANASIA- DYING WITH DIGNITY: THE LAST RIGHT?****Anuradha K. Girme****Assistant Professor , Bharathi Vidyapeth New Law College, Pune.****Anuradha K. Girme****ABSTRACT**

Euthanasia which is known as mercy killing or assisted suicide, is usually practised on a terminally ill-person. But in India euthanasia is not legalised like other countries for example: Belgium, Luxembourg, Switzerland and Netherlands. The question which arises for the first time in India for consideration is

whether right to die is included in right to life and whether attempt to commit suicide should be criminalised or not.

KEYWORDS :Euthanasia, Right to life and Right to Die .

INTRODUCTION

The word Euthanasia was first originated by an English philosopher Sir Francis Bacon in 17th century which literally means "good death". It is the practice of ending life of a person in a painless way. The term euthanasia comes from the greek words 'eu' means god, and 'thanatos' means death, also known as mercy killing or assisted suicide, it is usually practiced on a terminally ill person. As India has no law about euthanasia, the Supreme Courts guidelines are law until and unless parliament passes legislation. This



practise of mercy killing may be legal or illegal depending upon a countries jurisdiction. For example, it is legal in countries like Belgium, Norway, Swedan, and Albania under the condition that the patient is suffering from chronic pain along with an incurable disease. In United States, euthanasia is illegal; whatever may be the condition of the patient . Euthanasia is against nature, humanism, religion, and compassion, constitutional, legal as well as Hippocrates Oath. It is based on self-determination of an individual's freedom of choice whether to live or die with dignity. In India Euthanasia should be legalized under certain set of parameters only after studying all aspects of individual's condition mental, physical, family, medical as well as legal and social aspect of euthanasia. Thus euthanasia is one

of the biggest issues faced by the world which lacks clarity.

HISTORY OF EUTHANASIA

“I will give no deadly medicine to any one if asked, nor suggest any such counsel”
Hippocrates, Father of Modern Medicine (400 BC) .

Indian history : - In Indian ancient civilization, voluntary death was accepted. The Mahabharata refers to the Pandavas and Draupadi giving up their kingdom and embarking on mahaprasthan (the great departure) to meet death. The notion of Kashi yatra and mahaprasthan must be understood in this sense and the concepts of Samadhi and nirvana too form part of the heritage of Indian thinking.

Manusmriti says: - “When a householder sees he’s wrinkled and grey, and when he sees the children of his children, he should take himself to the wilderness. The householder should set out in a north-easterly direction and walk straight ahead, diligently engaged in consuming nothing but water and air, until the body collapses”.

In modern times, the most well-known example is of freedom fighter and spiritual teacher Acharya Vinoba Bhave who, when he fell ill in 1982, decided to end his life and refused to accept any food or medicine during his last days. He starved himself and died on November 15, 1982. Among Shwetambara Jains voluntary death by giving up food and drink and then allowing themselves to die peacefully is considered highly meritorious. There have been several instances of Jains resorting to this practice known as santhara or sallekhana.

Gandhi and Euthanasia

(Article When Bapu backed mercy killing)

A calf in Gandhi’s Sabarmati ashram was maimed and in agony, surgeons had said it was beyond help. It was killed to be put out of misery. This triggered a controversy with the Mahatma received many angry letters. He expressed his views on the matter in the Gujarati weekly Navjivan in October 1928.

“In the circumstances, I felt that humanity demanded that the agony should be ended by ending life itself. The matter was placed before the whole ashram. Finally, in all humility but with the cleanest of convictions I got in my presence a doctor to administer the calf a quietus by means of a poison injection, and the whole thing was over in less than two minutes. “Would I apply to human beings the principle I’ve enunciated in connection with the calf? Would I like it to be applied in my own case? My reply is yes. Just as a surgeon doesn’t commit himsa when he wields his knife on his patient’s body for the latter’s benefit, similarly one may find it necessary under certain imperative circumstances to go a step further and sever life from the body in the interest of the sufferer”.

World History on Euthanasia:-The ancient Greeks and Roman civilization accepted the practice of euthanasia, around 5th century B.C. They did this by abortions and everynow and then preformed mercy killing; as they say that there is no need to preserve the life of a person who had no interest in living or who think life as a burden even though doctors were suppose to follow the Hippocratic Oath.

During the middle Ages, euthanasia was pretty much out of the question. If one committed suicide, the law in Europe was for the body to be “dragged through the streets or nailed to a barrel and left to drift downriver”.

The first law against assisted killing known as anti-euthanasia was passed in New York, in 1828 where according to the English jurisdiction suicide or helping people to kill themselves were considered as a criminal act and mercy killing was not supported by ascendancy of Christianity from 12th to 15th

century.

In 1890 Sir Samuel Williams proposed to use anaesthetic and morphine to intentionally put an end to a patient's life. This gave rise to a debate on mercy killing in USA in 1890's. The most significant event occurred in 1906 with the introduction of Ohio Bill in US to legalize euthanasia, which was ultimately defeated.

The German physicians for the first time in 1940 practiced non-voluntary euthanasia to eliminate the diseased and disabled Germans in closed gas chambers, their main purpose was to get rid of handicapped children and people with psychiatric problems. Three hundred Germans were estimated to be killed by Nazis in 1945.

The first group for legalization of euthanasia was called (VELS) i.e. Voluntary euthanasia legislation society, founded in 1935 by a group of doctors in London. A similar organization, known as National Society for the legalization of euthanasia (NSLE) came into existence in 1938. Another milestone in euthanasia history occurred in 1980, this year represents the coming of world federation of right to die societies, an international federation for supporting voluntary mercy killing. In the same year Hemlock society led by Derek Humphrey was founded in Los Angeles, US. It is estimated that more than 60,000 members are registered under this society.

PRESENT STATUS

In last 20 years many petitions were filed on the subject of innumerable references from Indian scriptures, which indicated that the practice of voluntarily opting for death at a particular stage in life was integral to Indian traditions and a well-accepted one, unlike in the West. But Indian laws are based on the Anglo-Saxon judicial system and Western jurisprudence. They don't take into account the influence of Indian customs and cultural practices on society and people's thinking.

The euthanasia issue has been a recurring decimal with periodic reappearances, with the increase in acceptance of patient autonomy; the euthanasia debate has once again become a matter of public concern. Advanced medical treatments which prolong life while leaving a patient suffering without hope of recovery too have forced reconsideration of the whole issue.

The Supreme Court on Wednesday 16th July 2014 decided to adjudicate the legality of active and passive euthanasia and the emerging concept of 'living will' after shying away for decades from examining this highly emotive and legally complicated issue. The court wanted a country-wide debate. A constitution bench of Chief Justice R M Lodha and Justice J S Khehar, J Chelameswar, A K Sikri and R F Nariman sought views of all states and Union territories on the PIL in eight weeks. It requested senior advocate T R Andharyujina to assist the court as amicus curiae.

DEFINITION ON EUTHANASIA

Like other terms borrowed from history, the "euthanasia" has had different meanings depending on usage. The first apparent use of the term euthanasia belongs to the historian Suetorius who described how the emperor Augustus, "dying quickly and without suffering in the arms of his wife, Livia, experienced the euthanasia he had wished for".

Euthanasia in Greek meaning "well-death". It also means ending of life; by medical means, when there is no hope of recovery.

Wikipedia refers Euthanasia to "the practice of ending a life in a manner which relieves pain and suffering."

According to the House of Lords Select Committee on Medical Ethics; the practice definition of euthanasia is a deliberate intervention undertaken with the express intention of ending a life; to relieve

intractable suffering.

EUTHANASIA IS BEEN CLASSIFIED INTO THREE TYPES

Voluntary Euthanasia: - The euthanasia conducted with the consent of the patient is called voluntary euthanasia. Voluntary euthanasia is legal in Belgium, Luxembourg, Netherlands, Switzerland and the U.S. state of Oregon and Washington. This type of euthanasia is also called Assisted Suicide.

Non-Voluntary Euthanasia: - This type is done where the patient is unavailable for example child euthanasia. Non voluntary euthanasia is illegal all over the world. Under certain specific circumstance in the Netherlands under the Groningen Protocol this one is decriminalized.

Involuntary Euthanasia: - Euthanasia conducted against the will of the patient or there is no consent of the patient but for it there can be many reasons such as if he is not mentally competent to give his consent and other such reasons.

PROCEDURE OF EUTHANASIA INCLUDES TWO TYPES:-

Passive euthanasia: - Involves pulling out life support, causing death of a person in a permanent vegetative state with no chance of recovery by withdrawing artificial life support.

Active euthanasia: - Doctors injects medicine to trigger cardiac arrest or administering patient a lethal drug to cause his or her death.

There are various ways for euthanasia, the most popular method include-

1.Lethal injection: - Injection of a lethal dose of a drug, such as known poison, KCl etc.

2.Asphyxiation: - The most popular gas used is carbon monoxide CO. Nerve gases like Sarin and tabun etc are also added in small amounts to fully ensure death.

3.One of the methods is also Dr. Jack Kevorkian's death machine (Mercitron, thanatron). He is also known as Dr. Death. It's a unique method in which a person can end his life himself. With the use of this machine a person can end his life himself painlessly at the time chosen by the patient.

EUTHANASIA AND RELIGION

Many religions think that euthanasia is immoral. Some religions regard it as a type of murder.

*There are many views among Buddhists on the issue of euthanasia, but many are critical of the procedure. An important value of Buddhism teaching is compassion. Compassion is used by some Buddhists as a justification for euthanasia because the person suffering is relieved of pain. However, it is still immoral "to embark on any course of action whose aim is to destroy human life, irrespective of the quality of the individual's motive."

*The official Roman Catholic Church is against euthanasia and says it is a crime. Protestants, on the other side, take more liberal views. Life is understood as gift in euthanasia, you don't have rights. A suffering is considered as valuable. Suffering voluntarily accepted is considered to be spiritually transforming.

*Hindus think that, even though helping a person end a painful life may be good, but it interferes with the cycle of death and rebirth. No guidelines are set in Hinduism for euthanasia. The reason was our land was prosperous and bountiful. It does not teach us to escape from our miseries. Hinduism says you will have to bear the suffering to your destined for, fight your difficulties and emerge victorious .

EUTHANASIA- DYING WITH DIGNITY: THE LAST RIGHT?

*In Islam all forms of euthanasia are forbidden. They believe that all human life is sacred because it is given by Allah, and that Allah chooses how long each person will live. Human beings should not interfere in this. Islam's interpretation is very logical and scientific interpretation. Everything that lives dies. Islam says no killing human beings. It means that when god has given you the gift of life you do not take law into your own hand to destroy their own life, yes there are diseases and illness but you have to fight and overcome; that is Islam's stand on it.

Hinduism and Jainism allow one to fast unto death to attain liberation. Hindus called it Samadhi while jains have a concept of Santhara.

*In Japan more than half of all Shintoists think that you should be allowed to help die if they ask for it.

*Sikh derived their teaching from Guru Granth Sahib, they rejected suicide (euthanasia) as an interference in God's plan. According to them, it is part of Karma.

*In Jewish law, any form of active euthanasia is strictly prohibited and condemned as plain murder.

STATISTICS OF COUNTRIES THAT SANCTION FOR EUTHANASIA

Only four Countries which have enacted legislation on assisted dying.

1. Belgium: - The Belgium Act on Euthanasia was passed in May 2002. The law allows adults who are in a "futile medical condition of constant and unbearable physical or mental suffering that cannot be alleviated" to request voluntary euthanasia.

2. Luxembourg: - In February 2008, the Luxembourg parliament approved a law on the right to die with dignity. This allows a person who is suffering unbearably from an illness, and is mentally competent, to request medical assistance to die.

3. Switzerland: - Voluntary euthanasia is forbidden in Switzerland. However, Art 115 of the Swiss penal code exempts people who assist someone to commit suicide; if they act with entirely honourable motives. Source- Dignity in Dying 2011.

4. Netherlands: - The Netherlands introduced assisted dying legislation in 2002. Patients who have an incurable condition, face unbearable suffering and are mentally competent may be eligible for voluntary euthanasia or assisted dying.

5. Oregon (USA): - The Oregon Death with Dignity Act enacted in late 1997, allows terminally ill adult Oregonians to obtain and use prescriptions from their physicians for self-administered, lethal doses of medications. Since the law was passed in 1997, a total of 1,173 people have had DWDA prescriptions written and 752 patients have died from ingesting medications prescribed under the DWDA. In 2013 alone 122 prescriptions were written and as of January 22, 2014, 71 of them had died ingesting the medications prescribed.

In 2006, the US Supreme Court upheld the law despite President Bush's opposition. A similar act was passed in the neighbouring state of Washington in 2008.

Countries which earlier sanctioned euthanasia later made illegal

Australia: - The Northern Territory of Australia became the first country to legalize euthanasia by passing the Rights of the Terminally ill Act 1996. It was held to be legal in the case Wake v. Northern Territory of Australia by the Supreme Court of Northern Territory of Australia. But later a subsequent legislation that was the euthanasia law Act 1997 made it again illegal.

United States:- Here, active euthanasia is prohibited but physicians are not held liable if they withdraw the life sustaining treatment of the patient either on his request or at the request of patients authorised

representative. Euthanasia has been made totally illegal by the United States Supreme court in the cases Washington v. Glucksberg and Vacco v. Quill. In these cases, the ban on assisted suicide by the physicians has been held to be in consonance with provisions of the constitution.

Canada: - Patients in Canada have right to refuse life sustaining treatments but they can't ask for assisted suicide or active euthanasia. Supreme Court in various cases has held that in the case of assisted suicide the interest of the state will prevail over individual's interest.

Right to Life & Right to Die under Indian Constitution

The Preamble of the Constitution declares India to be a "Sovereign, Socialist, Secular Democratic Republic". The word 'Sovereign' emphasises that India is no more dependent upon any outside authority. The term democratic indicates that the constitution has established a form of government which gets its authority from the will of the people and that's why it is also called as representative democracy.

The Society is changing from time to time along with that the law should be changed to meet the needs and to promote the common good of the people.

Pt. Jawaharlal Nehru, said "While we want this Constitution be as solid and permanent as we can make it, there is nothing permanent in the Constitution. There should be certain flexibility. If you can make anything rigid and permanent, you stop the nation's growth, of a living vital organic people. In any event we could not make this constitution so rigid that it cannot be adapted to changing condition. When the world is in period of transition what we may do today may not be wholly applicable tomorrow."

Part III of the Indian Constitution has incorporated list of six fundamental rights which are available to the citizens against the violative state action. These rights are enforceable in court of law. Amongst these 6 fundamental rights Art 21 i.e. Right to Life and Personal Liberty is said to be one of the most important fundamental right.

Art 21 reads as follows: - "No person shall be deprived of his life or personal liberty except according to procedure established by law".

In A.K.Gopalan v. Union of India the meaning of the word Personal liberty, procedural due process and principle of natural justice came up for the first time before supreme court for consideration, which was not accepted by supreme court and they solely concentrated upon the existence of enacted law. The scope of Art 21 was narrow down.

But in Maneka Gandhi v. Union of India Gopalan's case was over-ruled by bench of seven judges Supreme Court.

Hence Supreme Court accepted Art 14, 19 and 21 are in connection they have nexus between them. Secondly the procedure prescribed by law has to be fair, just, and reasonable. It must not be fanciful, oppressive or arbitrary. Third Law in Art 21 incorporate principle of Natural justice.

Thus from 1978 Supreme Court judges were highly influenced with American legal Realism and Judicial Activism took place. Later the Supreme Court from time to time has widened the scope of Art-21 of the Indian constitution.

RIGHT TO DIE UNDER INDIAN CONTEXT

Right to die – Not a fundamental Right under Art 21: -

The question whether the right to die is included in right to life and whether attempt to commit

suicide should be criminalized or not was arisen for the first time in India for consideration.

Whereas Sec 309 of IPC 1860 says, any attempt to commit suicide is a punishable offence with simple imprisonment for a term of one year as well as liable to fine.

In State of Maharashtra v. Maruty Sripati Dubal , Sawant Bench: - B.K. Patil and P. Sawant Judgement, The petitioner was a police constable attached to Bombay City Police Force. He was in service for 19 yr as constable. In 1981, he met with a road accident and suffered head injuries, he recovered from injuries but he became mentally ill. He was given psychiatric treatment and it was said that, he was suffering from Giddiness Chabrat (fright), reduced sleep and appetite, nervousness, confusion etc. This police constable was refused to setup a shop and earn a living. Out of the frustration he tried to set himself a fire in the corporation's office room.

In this case the Bombay high court held that the right to life guaranteed by Art – 21 of the Indian constitution includes the right to die and consequently the court struck down sec – 309 of the Indian penal code as unconstitutional. The judge felt that the desire to die is not unnatural, but merely abnormal and uncommon. They listed several circumstances in which people may wish to end their life, including diseases, cruel or unbearable condition of life, a sense of shame or disenchantment with life. They held that everyone should have the freedom to end his life as and when he desires.

On the other hand the Bombay high court held that the said section is violative of article – 14 and 21 of the Indian constitution. In the same case the court declared the section unconstitutional on the following grounds: “Firstly, Article 21 also included the negative right not to live, secondly, suicide is generally committed for reasons, inter alia, mental disease, decrepit physical ailments, affliction by social performing normal functions , the lost of all senses or the desire for the pleasure of any of the senses or a need to defend ones honour, and lastly the Bombay high court also took into cognizance the existing customs in India of johary, sati, Samadhi, prayapaveshan, atmarpana.”

Finally the court held that fundamental right have both positive as well as negative aspect and therefore, stated logically it must follow that right to live will include right not to live i.e., the right to die or to terminate one's own life.

Again the dispute came into consideration in the Andhra Pradesh high court .the division bench of the Andhra Pradesh high court in Chenna Jagadeeswar v. State of Andhra Pradesh , In this case, the accused a doctor attempted to commit suicide alongwith his wife after killing his 4 children. He was convicted for murder (under S.302) and attempt to suicide under S.309. The court came to a different conclusion and held that right to die is not a fundamental right within the meaning of Art 21 and hence, section 309 of the Indian penal code 1860 is not unconstitutional.

Justice Amraeswari opened that there could be any number of reasons for attempting to commit suicide, and poverty was not the only reason. Under the law, sati is an offence and any woman who attempts to commit sati should be punishable under section 309 of the Indian penal code. The court further held that right to live cannot include right to die because by exercising the right to die one would be extinguished the very Fundamental right to live to oneself .

In P. Rathinam v. Union of India , a two Judge Bench of the Supreme Court Justice M. Sahai and Justice Hansaria took cognizance of the relationship between S.309 IPC and Art 21. The court ruled that the right to life embodied in Art 21 also embodied in it a “right not to live” a forced life, to his detriment, disadvantage or disliking. This view constituted an authority for the proposition that an individual has the right to do as he pleases with his life and to end it if he so pleases. “A person cannot be forced to enjoy right to life to his detriment, disadvantage or disliking.” The court argued that the word life in Art 21 means right to live with human dignity and the same does not merely connote continued drudgery.

The Supreme Court concluded that sec 309, of the Indian penal code deserves to be effaced from the statute book to humanise our penal laws. It is a crucial and irrational provision, and it may result in punishing a person again who has suffered agony and would be undergoing ignominy because of his failure to commit suicide.

In this case the court tried to make the distinction between the euthanasia and suicide. The court rejected the plea that euthanasia should be permitted by law. The Judges said that they would not decide this point as firstly it is beyond the scope of the present petition and secondly also because in euthanasia a third person is either actively or passively involved about whom it may be said that he aids or abets the killing of another person. There is a distinction between an attempt of a person to take his life and action of some others to bring to an end the life of a third person such a distinction can be made on principle and is conceptually permissible. The court who rejected the contention that Section 309 was violative of Art 14 on the ground that attempt to commit suicide is undefined and unguided.

Attempt to commit suicide has ceased to be legal offence in most countries. The court approved the decision of the Bombay High Court in *Maruti Shripati Dubal v. State of Maharashtra*.

But later a 5 Judge Bench (Constitution Bench) of the Supreme Court in *Gian Kaur vs. State of Punjab* upheld the constitutional validity of Section 309 of IPC and overruled the ratio of *P. Rathinam's* case.

Mr. Justice J.S. Verma delivering the unanimous judgment held that, 'Right to life' is a natural right embodied in Article 21 but suicide is an unnatural termination of life and incompatible and inconsistent with the concept of 'Right to life'. In 1971, the 210th Report on Humanisation & Decriminalisation of Attempt to Suicide Law Commission of India recommended to remove Section 309 from the Indian Penal Code. The Bill was introduced in Parliament for removal of Section 309 from IPC. However the Bill was not passed keeping the peculiar circumstances of India in view. The Supreme Court came to the conclusion as under:

"When a man commits suicide he has to undertake certain positive over act and the genesis of those acts cannot be traced to, or be included within the protection of the right to life under article 21. The significant aspect of sanctity of life is also not to be overlooked. Art 21 is a provision guaranteeing protection of life is read to be included in the "Protection to Life" .

In *Naresh Marotrao Sakhre v. Union of India*, Justice Lodha distinguished Euthanasia from Suicide it was observed that, "Suicide by its very nature is an act of self-killing or self-destruction, an act of terminating one's own act and without the aid or assistance of any other human agency. Euthanasia or mercy killing, on the other hand, means and implies the intervention of other human agency to end the life. Mercy killing thus is not suicide and an attempt at mercy killing is not covered by the provisions of Section 309. The two concepts are both factually and legally distinct. Euthanasia or mercy killing is nothing but homicide whatever the circumstances in which it is effected".

Moreover, it is argued that when a healthy person is not allowed to commit suicide then why a diseased person should be allowed to do so. It is pointed out that suicide in a person who is diagnosed with terminal illness is no different than suicide for someone who is not considered terminally ill.

RECENT POSITION IN INDIA

The 17th Law Commission of India then headed by Justice M. Jagannadha Rao in its 196th Report submitted in April, 2006 titled 'Medical Treatment to Terminally Ill-patients (Protection of patients and Medical Practitioners)' had supported and made recommendations for drafting legislation on the passive euthanasia.

Accordingly On 24 January 2011, in *Aruna Shanbaug v. Union of India* the Supreme Court of

India responded to the plea for euthanasia filed by Aruna's friend journalist Pinki Virani, by setting up a medical panel to examine her. The three-member medical committee subsequently set up under the Supreme Court's directive, checked upon Aruna and concluded that she met "most of the criteria of being in a permanent vegetative state". However, it turned down the mercy killing petition on 7 March 2011. The court, in its landmark judgement, however allowed passive euthanasia in India. While rejecting Pinki Virani's plea for Aruna Shanbaug's euthanasia, the court laid out guidelines for passive euthanasia. According to these guidelines, i. passive euthanasia involves the withdrawing of treatment or food that would allow the patient to live. ii. The decision taken to discontinue life support has to be either made by the parents or the spouse or other close relatives or next friend of the incompetent patient, iii due weight has to be given to the opinion of the attending doctors, and that ,iv. The approval of the high court is mandatory in this connection. The judgement states Active euthanasia entails the use of lethal injection given to a person with terminal cancer who is in terrible agony. Passive euthanasia entails withholding of medical treatment for continuances of life. Thus the death of Aruna Shanbaug in Mumbai KEM hospital on 18th May 2015 is probably the best thing that had happened to her in 42 years.

It is also interesting to know that group of doctors campaigned for right to die, the Society for Right to Die with Dignity was started by late social activist Minu Masani and now headed by Dr Nagraj of Nanavati Hospital. They filed a petition before Supreme Court urging that the right to die be made legal in the country. Recently, the Law Commission of India and the law reforms panel in Kerala had suggested that euthanasia, or mercy killing, be made legal. Another PIL was filed by common cause NGO supported by Adv. Manoj Lal Salim in relation to adult competent patients should be given a right to refusing artificial medical support. "Every individual has a fundamental freedom to choose not to live and particularly so under distressing conditions of ill-health which lead to an irremediable state," this is the new issue raised by the petitioners which was headed by the Bench headed by Justice B N Agrawal and Justices G S Singhvi and Aftab Alam.

CONCLUSION:

There is lack of legislation in India on euthanasia the whole concept of life and meaning of life in itself is defined under Art 21. So life would not mean a mere vegetative state of being, so life would have to be a state of well being as has been stated by Art 21; which cannot include any person in his vegetative state and that is where the need and necessary for euthanasia to be inculcated and included in a form of law. Right to life include Right to live with Dignity. But a person in a vegetative state cannot live his life with dignity, whether that person is capable of taking a rational decision. The answer is no, because dignified life means to live happy life, having rational thinking and so on. If a person had already made a will, declaration, or statement stating that in future if he suffers from any diseases and enters into vegetative state, he should be given euthanasia. Then euthanasia can be practised on such person. The court grants physician assisting suicide with a standing consent from the patient showing his willingness to die and there is no undue influence while deciding so. The willingness should be out of the ground fact that there is no hope in improvement in quality of life. But if there is no statement, declaration or will (advanced instructions) then doctors, relatives should be given a right to pull the plug on their own. Euthanasia is basically more necessary in terminally ill chronic pain patient if a good doctor is a real compassionate doctor than he is one to one with the patient, he is empathized with the patient he does realise the extent of pain that his patient is experiencing. The relieve of pain is nothing short but death and that is the only way doctor can put a patient in comfort and that is not a barbaric act but an act of real compassion. The Hippocrates Oath has to change from time to time in today scenario

the world is changing, the definition of compassion is changing so that has to be rescheduled and remodel to help the patient. The question in India is still pending. The judiciary needs to step into law making body. The law making function is that of parliament in India but unfortunately parliament has done nothing to take into account this problem that we are facing in a large phase. Some parameters should be—the law making process in itself is a well defined process. A collegiums can be established of doctors and eminent jurists, a law commission need to be set up, guideline have to be laid down on what case an euthanasia can be granted, there is no thumb rule on this, it is a very potent question as to whether euthanasia can be misused. I say yes. There are pro and cons to every law each and every aspect of law that is invoked in the country. The legislation thus far hasn't had gumption to lay down a defined law on this subject.

The judiciary is reluctant to champion the cause hasn't helped either. We cannot allow a person to die under the countries law. Law needs to take a stand on the subject it can't prolong the miseries of those whose existence lack dignity and is beyond human endurance.

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