Chapter X

RECOMMENDATIONS, SUMMARY GAINS,
LIMITATIONS, SCOPE FOR FURTHER WORKS

10.1 Summary Gains
The paramount intention of this study was to determine the comparative importance of the subject, when viewed from varied perspectives of the common man. To achieve, that goal it became essential to understand few prerequisite goals. Understanding and determining what euthanasia means and how that term is associated with the field of education, religion, medicine, society, human rights. The impact it has on the various fields, their opinions, approach towards it. The concept whether known to the society in general or not? Is it prevalent in the society or not? Is there any legislation or not. The dissertation also was an effort to determine the possibility of legislation in the state.

The dissertation relating to that effort has enabled the researcher to reach an understanding about what the term exactly means. The global history related to the subject. The norms taboos associated with the subject. The research thus gave a clear understanding about the subject. The definitions, explanation and the history discussed have removed the confusion revolving around the word euthanasia. It has been observed that the meaning if not construed properly has often leaded to misunderstanding about the term euthanasia.

The dissertation also enabled the researcher to conduct a comparative study of countries where euthanasia is prevalent. The study also depicted that there are few states which have made attempts to legalize euthanasia. It has also been observed from the study that some states where legalization euthanasia is not prevalent they are performing euthanasia secretly.
The study also helped the researcher in conducting a comparative analysis of the countries where euthanasia is prevalent with those where it is not prevalent. The research has enabled the researcher to understand that states where euthanasia is clandestinely performed without legislation are keen to have one.

The comparative study also enabled the researcher to identify how the cultural and religious beliefs of the state influence the populace of the state in formulating their opinions towards the subject. It also helped the researcher to examine the importance of palliative care in thought of implementation of euthanasia. The research accomplished to understand the difference in opinion, of the people, between states with good palliative care and those with none or marginal.

The research also portrayed that euthanasia is considered a crime in many states. It revealed that states where considered a crime it was all the more difficult to implement a legislation or think about one. If done it also revealed that there would be necessity to amend the statutes that would be affected by the legislation and thus not an easy task for the proponents to fight for it. The study also helped in understanding the different forms of euthanasia viz. voluntary, non-voluntary, involuntary, active and passive. The research also enabled to examine the misnomer between non-voluntary and involuntary euthanasia. It explained that non-voluntary and involuntary though look alike are different. In involuntary euthanasia the patients' wishes are not considered while in non-voluntary the patient's desires are not deduced. It is difficult to figure it out.

The examination of euthanasia whether essential, really beneficial or not was also studied in this dissertation. To analyze the issue arguments in favor and against were scrutinized. This assisted in evaluating, analyzing the issue. It also assisted in illustrating the views of the populace about the concept. It enabled to highlight why there is a global controversy pertaining to the issue. The contrary opinions of the proponents and opponents were thus further clarified by the research.

The research also has enabled the researcher to understand and evaluate the Indian perspective with respect to the subject. It has been observed that in a
country of cultural religious diversity like India the outlook of the public change according to their religion and beliefs. Religions that believe that it is god only who creates the universe and is the master of each one’s life. The belief that they perceive that human’s existence is bequeathed and bestowed by the originator known to us as god. The belief that no one else has control over it, all are subjected to his wishes make them think that no one has a right of taking or terminating life. Euthanasia is not recognized by them. Religions that teach practice and believe; that religious heads can fast up to death as there life is connected with serenity. Those religions accept the termination of life than the others.

It has also been examined that those dealing with medicine are more considerate towards the issue. In spite of the obligation on them to take care and preserve life till the last breath they support termination in cases of no recourse. It has been observed that they have not generally accepted the concept, for the fear of the slippery slope due to the economic and social conditions prevalent in India.

The study reveals it is not only the aforesaid factors that influence humans but the political atmosphere in the state also affect ones attitude. The humanistic approach towards life, emphasis on personal autonomy right to have a dignified life is also another feature having an impact on the concept of euthanasia. Socialist and libertarian thus upheld this view of the humanist and accept it on compassionate and considerate grounds. They assert about the personal right of the individual to take a decision.

This radical change in the society and the growing support of the populace the courts have taken cognizance of the same. Detail study about the issue was done in “Aruna Shanbags” case which turned to be one of the land mark case in Indian history on the subject. In India, the judiciary opined of permitting passive euthanasia. This further opened the doors for debates and discussion on the subject. It was observed that “The Society for the Right to Die with Dignity, the Voluntary Health Association of India”, took active part in carrying these discussions further.

This has also paved way to have legislation on euthanasia in India. “The law commission of India,” is in accord with the Supreme Court’s decision on the
issue. A bill for the “protection of patients and medical practitioners 2006” has been formulated and awaiting a positive response from the legislature for its approval.

The research also helped the researcher to study and evaluate the possibility of legislation. To understand and analyze the trend of the people towards euthanasia a survey was carried by the researcher. Primary and secondary data was collected by the questionnaire method among the educated class. It was observed that the researcher was able to understand the penetration of euthanasia in the Indian society. It enabled the researcher to explore whether the society’s perception of euthanasia varied according to gender hypothesis. It was observed that the gender does not really matter when it comes to formulate an opinion about euthanasia. Both the genders more or less think alike on the issue.

The study also tried to understand and identify whether the concept of euthanasia was to be considered a crime in the Indian society. Examining the data it was revealed that most of the educated populace surveyed believes that it is not a crime. This thought of the majority of people shall definitely be a motivation for the proponents to take up the issue further for having legislation. It has been observed from the comparative study of the continents that where it is held to be a crime, there enacting law has always been challenging. It has faced maximum opposition due to this belief. This approach of the Indian society of considering euthanasia as not a crime is thus conducive in having legislation in India.

The study evaluated the possibility of its implementation as a law in the Indian society. It has been understood that the Indian society is in favor of legislation. When we speak about a law it has to be always, with strict rules and regulation to avoid the abuse. These rules also enable effective implementation of the provisions of law. In view of this, a study was carried to understand whether it should be carried generally or with parameters. The dissertation enabled to understand the various parameters to be observed and its possible implementation. The research also enabled the researcher to understand whether assistance from the medical field is a must or not. The
study revealed the role of the psychiatrist in euthanasia, and explained how their contribution is significant in the whole process of euthanasia.

The research also gave the researcher an opportunity to review the different articles and literature available. This helped the researcher in getting an insight about the topic and analyzes the topic from all the perspectives discussed above. It has served a foundation for carrying out advanced detail research related to the lawful consequences and need for a legislation in our country. It also assisted the researcher to draw inferences on the subject on the study material available and the data analyzed.

The research also gave an opportunity to the researcher to understand the judicial decisions delivered by the jurist globally. This helped the researcher to analyze and evaluate the judicial trend regarding matters of euthanasia. It has been observed that the jurist all over more or less have the same view regarding the topic euthanasia. It has been observed that there approach towards euthanasia is more sympathetic and compassionate. They feel that it should not generally be applied but to be made applicable in cases of terminally ill with no possibility of any improvement. Further most of them have opined that it should be implemented in case of voluntary willingness of the patient. Hence it has been observed that in cases where a requisition has been made by the patient to withdraw or withheld treatment, the jury has approved it. Voluntary and passive euthanasia is thus accepted around the world with stipulations.

It was observed that the Indian judicial trend with respect to euthanasia was not favorable. Contrast opinions for and against it was given in the matters that appeared in front of the various High Courts.” Sections 306 and 309 of the Indian Penal Code (IPC), which punish abatement to suicide”¹ and “attempt to commit suicide”¹ were the sections that caused a hindrance in allowing euthanasia. In India till then an individual never had a legal right to die. This controversy was set to rest by a landmark judgment by the Supreme Court. This verdict recommended the parliament to reconsider Section 306 and 309 of the IPC. The Court also confirmed the removal of life sustenance devices in case of a sick person in enduring minimally conscious situation. Though this was opined in the earlier “Gian Kaur’s” case there was no
clarification in the judgment about whether can be administered when a terminally ill individual was in a stable unconscious condition. The judgment further mentioned about how and when it can be administered. Hence the Indian judicial opinions examined gave the researcher a base to further draw inferences on the study material and data available.

The research is thus expected to spread awareness in the society in relation to the subject. This shall help the prospective researchers and students. It shall guide them and also encourage them in further research with respect to socio-legal field.

The researcher’s humble submissions and inferences shall assist the legislative bodies in bringing a reformation pertaining to the subject. The process of research shall enable to lay guidelines for administrative authorities for implementation of law if enacted. Further it has also enabled to understand why it should not be administered generally.

The research work shall help every citizen to understand the objectives behind the issue and hence would avoid misuse.

The process of research thus gave intensive research training to the researcher. It enhanced the knowledge, professional skill and gave a wider vision to the researcher. It developed the personality of the researcher.

10.2 Recommendations

The intensive study carried by the researcher has made her possible to comprehend, realize and understand the concept of euthanasia thoroughly. The research has enabled her to have an insight of the subject and thus arrive at certain observations from the dissertation. A thorough analysis of the material examined, data collected, the following recommendations are hereby suggested.

Euthanasia is a subject known and prevalent in all the continents. It is a norm for some or a median to remove the unwanted. It has been observed either candidly or secretly in the continents. This shows that it is a necessity of the human in most of the continents. It may be due to varied reasons prevalent, or
according to the perceptions of people living in that continent. It is the need of the hour for each one to review their existing situation prevalent in their country. It is thus an issue that has to be considered globally. Each nation should make efforts and initiate steps to discuss this subject in their respective nations. The subject is not commonly discussed worldwide. In few of the states thinking about it is a sin. This rigid thought influenced by religion tradition culture taboos for few needs to be changed. Hence it has been recommended that it is necessary for all to create awareness, organize public discussions, collect reviews and conduct research. This shall aid in formulating a opinion whether euthanasia should be accepted or not. If yes in what form active, passive, voluntary, non voluntary or involuntary. This shall enable each one to appreciate the various types of euthanasia and adopt the best suitable for them depending on the overall approach of the residents of that nation. This shall also minimize the patient’s travel who wishes to terminate life or live a dignified life.

The populace over the world should identify the significance of the origin of authority to live, as majority of the time; the whole debate on the subject revolves and ends over this issue. A majority of the states are in a fix. Those who have been able to identify the same have been able to have legislation or are in the process of having a law on euthanasia.

It is recommended that the fear of the majority, of the slippery slope is also irrational. If you are thinking of a law, it is always made to avoid or minimize the abuses. It would have been impossible for any country to make any legislation if each would think about the loopholes for escape from that law before it comes into existence.

It is therefore recommended that each state has to carefully study the bane and the boons of euthanasia before they come to a conclusion in the issue. This shall definitely help them in formulating the correct opinion and also enable them to weigh the benefits and disadvantages of having legislation on the subject.

The researcher also proposes that religious issues should be kept away while taking the decision about euthanasia. Individuals should not be empowered with the religious thinking and think about the issue with an open mind. Doing
so is definitely not offending god, as he believes in the wellbeing and happiness of human race.

The researcher suggests that there has to be improvement in the palliative care techniques in India. There should be widespread awareness for these options available to the patients. This pain relieving method should be methodically implemented amongst the terminally ill patients before euthanasia can be addressed. The physicians, nurses taking care of the patient should be trained to help the patient in being psychologically strong, make him believe in miracles, make available the best possible palliative care to their patients so that people do not think about administration of euthanasia easily. It is recommended that the doctors should take the best possible efforts keeping in mind the oath administered to them before assisting the patient in his desires. Along with them each hospital should be equipped with psychiatrist who shall support the medical fraternity to find whether the patient has willingly, voluntarily taken the decision of euthanasia. They shall assist in finding out the exact mental condition of the patient and avoid the possible misuse. This can definitely restrict the implementation of euthanasia in rare cases only.

It is been observed that there is a fundamental change in the peoples attitude towards euthanasia. This is basically because of the judicial decisions that have been in support of euthanasia. Though there are decisions that are against euthanasia they have been marginal. The other factors that have influenced are the westernization, urbanization, modernization of the individual. Human life has been more fast, practical approach towards life is been creeping in the minds of the individual due to this the concept of terminating the sick where there is no possibility of recourse is gaining impetus. In such a situation it is essential to think about legislation for euthanasia.

Further the researcher observes that the data collected and analyzed during the research, portrays human tendency in favor of euthanasia It has been examined that the concept of euthanasia is known to everyone unlike earlier. There is 100% awareness among the educated males. They believe that it should not be considered as a crime. According to them it is an act of relieving
the patient from the miseries of life that he suffers due to the incurable sickness he goes through. The stratum that believes in implementation also is specific about its execution. They have stated that it has to be executed in rarest of rare cases. The possibility of the individual to recover becomes dim. They want it to be administered within legal parameters. It has been observed that most of the population in the data analyzed is in favor of euthanasia assisted by doctors. Thus it is the legislation which has to be open to the public mandate of legislation for euthanasia.

The researcher also believes in the view of the public and therefore recommends that among the different forms of euthanasia prevalent, passive euthanasia should be allowed. The patient should be permitted to withdraw or withhold life supporting drugs or equipments. This withdrawal should be done with the assistance of the doctor’s only. Further it is recommended that it has to be done in hospitals only under medical care. If permitted otherwise there are chances of its misuse. Further monitoring it would also be a problem and law can be abused.

The researcher also reminds of the suggestions given in “Aruna Shanbags” matter by the Honorable Apex Court on right to life wherein the court suggested that a team of medical practitioners established under the instructions of the High Court shall be certifying the patient as fit for euthanasia. The close relatives and next friend decisions shall be given weightage but cannot be held conclusive for euthanasia. This is important for those who are in permanent vegetative state and cannot express their desire. These incredible solutions given to avoid abuse shall definitely make the piece of legislation quite strong. However the Law Commissions bill does not incorporate the team of physicians certifying it. They believe that if patient himself request it, should be justifiable to withdraw life support.

The researcher sincerely feels that the Law Commission should make the necessary changes in the “Protection of patients and medical practitioner’s bill, 2006” as suggested by the Honorable Supreme Court. A panel of doctors certifying administration is very important according to my opinion.
Personal autonomy of the person is now a day’s been kept on the highest platform. It is of a paramount value. Right to live conferred by the Constitution of India according to me should include a right to die. “Right to live means a right to live a dignified life.” A person does not enjoy this when it is in distress, pain and agony. This torturous existence of the human cannot be said as a decorous, noble life which the constitution intends to confer on its citizen. Hence it should be permitted to be ended. Therefore authority to terminate life has to be included in authority to live. Apart from protecting interests of susceptible patients, values like non-malfeasance, justice and beneficence are also to be considered. All these are considered while taking health care decision.

The researcher further proposes that it has to be made mandatory for the physicians who shall be assisting in euthanasia to submit a report stating the details about, how the patient was informed about his condition and the chances of his survival. The availability of the palliative care options this report should be presented to the Honorable High Court along with requisition made for euthanasia.

The researcher also again emphasizes the recommendation of the Supreme Court to make the necessary amendments in the existing criminal law. According to the prevalent IPC sections 306 &309, attempt to suicide and abetment to suicide both are crimes. In case euthanasia is to be legalized a person assisting the patient to offer his wishes may have to go with the criminal charges and then the legislation on euthanasia will be only limited to provision on paper.

It has been observed that the issue of euthanasia is complex. People have strong beliefs about the subject. They have deep moral insinuation pertaining to the issue. The subject is such that it is likely that it would affect each one. The researcher therefore recommends that the society should take initiative hold discussions debates on the topic. Further draw attention to the benefits it has to the society and persuade the legislators to seriously think about having a law on the subject.
Euthanasia if allowed shall reduce the sufferings, miseries of patients which not only affect him but also the surrounding care takers.

The careful study of dissertation on the topic makes the researcher believe in euthanasia. Death is predestined and each one wants to lead a contended satisfied life so that its memories can be cherished by those who are close and dear. Individuals are throughout their life allowed to determine their own living which is the most satisfying, gratifying and pleasing to them. When an patient in an incurable stage of sickness and desires to terminate his life to maintain quality life enjoyed by him. Euthanasia should be allowed. The researcher therefore wants to suggest that passive euthanasia with doctor’s advice and his supervision should be legalized with strict regulations as suggested above.

10.3 Limitations
The researcher has ensured best efforts to prepare the research but each work has its own limitations. The researcher due to the time constraints and norms to be observed throughout the research work has not been able to emphasis widely on the research topic. Therefore the present research has the following limitations.

The dissertation speaks about euthanasia and its history to introduce the subject. It has been felt that the researcher was compelled to restrict herself on specific definitions to elaborate the concept. Definitions prevalent all over the world could not be incorporated Further it has been observed that the concept of euthanasia a very old and has ancient history. The researcher had to restrict his research about it century wise and not continent wise further. To get the in depth knowledge about the subject the researcher collected data continent wise. Further she aimed to understand the views of the populace living in different continents pertaining to euthanasia. With the aid of a comparative analysis, the researcher was able to find some similarities, and contrasts or differences. But since there are so many states in each continent it has not been possible to analyze the perception of all states from the various continents. The researcher had to stick to few of them to understand and draw a conclusion on the study material gathered.
The researcher to further swot the subject in euthanasia researched on various facets of euthanasia and how they differ from other. The researcher here had to restrict herself and avoid the discussion in detail about its prevalence in various states in detail. The study of the benefits assisted in understanding the proponents and opponents perception towards the subject. This analysis definitely was not foolproof and just created the data base to infer a conclusion.

The researcher states that the dissertation also tried to learn the Indian view prevalent amongst the various groups of people. This was done to find whether the opinion, thinking really differs towards the subject from the other set of populace to which you do not come from. It was observed that the traditional view is different from the fundamental one. It was observed that in the fundamentalist approach education played an important role. But his could not be confirmed from the existing data. The researcher was just able to formulate the opinion and had to further study and analyze the issue for an opinion.

The research has been doctrinal and non doctrinal. The researcher wanted to analyze the hypothesis drawn by her. The researcher collected data from the Indian masses to confirm her hypothesis. The researcher states that from the data analyzed she was able to deduce a conclusion successfully. But the data that was gathered for the research was restricted to the educated class only. Further the research was also confined to the survey that was conducted in the metropolis only to draw a conclusion.

The researcher states that euthanasia is a topic related to each human life. The one who has come in this world has to depart is the fact of life. People hope that this departure should always be peaceful without protracted agony or misery. But this wish, expectation is not always met. Here comes the necessity for all to think about euthanasia, leaving aside the existing taboos and prejudice prevalent. Hence it is a issue that is very near and dear to each individual irrespective of the continent you stay in. It is thus important for all the states to discuss study and analyze euthanasia. The literature available on this topic, hence is very vast. The researcher though has reviewed literature on all the issues considered in the dissertation. There is always a more that is
endless and therefore the review could be said to be restrictive. As discussed in the dissertation the judicial decisions on the topic are immense. It has been observed that euthanasia is a subject which has been neglected over the years in most of the continents. It is only in the nineteenth century that it has gained impetus. It was during this century that people were ready to discuss it openly or thought about legislation for it. As already stated prior to that it was performed stealthily or requisitions were made to the courts. It is therefore observed that there are many judgments delivered by the various apex courts in the world. Reviewing each of the judgment of all the states has not been possible for the researcher but has definitely covered the landmark judgments from majority of the states of the continent to understand the judicial view worldwide.

The researcher has made sure her finest endeavors to prepare the research but still there is always something that is left undone. As each one works within limitations. The data analyzed from the large sample and believed to have a favorable approach is believed to be the result of all masses. The research only provided information from the doctor's, psychologists, sociologist humanist, libertarian view. The perspective of teachers, professionals economist etc could have been discussed. It has been possible that the sample examined could have been people who are more sympathetic to grief than others who are less prone to the feeling of grief. The researcher states that all these factors were not within the scope of study but could have been examined in the study.

The researcher states that the data analyzed was based on the researchers experience, knowledge and skill of recording data, hence it could have some human errors. The analysis is drawn on the basis of local data and the material that has been available on the subject.

The researcher therefore opines that there is still further scope of research on the topic from different standpoint.
10.4 Scope of further research work

Research frequently depicts additional, supplementary issues and originates further queries regarding the subject. As a researcher, there is always limitation period to submit your research work. Due to this it is always so that the work done solves all the questions and deals with the subject matter thoroughly. Hence it is anticipated that propositions submissions are made about how the work can be further executed.

In view of the aforesaid the researcher submits few suggestions about how the exertions can be improved. It also recommends regions where further investigation is required.

The future researchers considering this work as a base can exert on finding what euthanasia means in each of the states in the world.

The researcher proposes to have a detail study with respect to the subject in each of the continents. This shall further help the researcher to have a profound study about the comparison and similarities existing between them. The study assisted in understanding the promoters view for advocating the issue. But if it needs to be conclusive more research can be done in this area. Opinions of all the populace from different sectors, field of the society need to be further analyzed.

A survey for data collection to find the feasibility of legislation needs to be done further thoroughly.

Data can be collected from all the strata’s of the society irrespective of it whether they are literate or not.

Further, this sampling can be done from all the regions of the state.

Further there is also a scope to further investigate by collection of data to medical fraternity, advocates, professionals, businessman etc.

There lies a further scope to view the opinions of people with terminally ill patients against none. Data can be collected by surveying the affected patients suffering from incurable diseases.

Literature review and review of the judicial decisions can be done further in detail for refined conclusions on the subject.
The researcher also finds scope in understanding and analyzing the feasibility of deletion of the provisions of the IPC as recommended by the researcher. The research can be based on the detail study of the provision and its applicability and utility in criminal law.

There is a further scope to view the constitutional validity of the article 21 of the Indian constitution.

The further research shall be useful to regulate external human behavior and the social outlook towards euthanasia that shall be designed to suit the changing scenario. The main aim of the work was to find a solution, make laws more humanistic that is to make them consistent with human rights. The determination of the research is expected to help the future course of action of policy makers and decision makers.

End Notes

