Chapter I

Introduction

1. Preamble

“Euthanasia refers to deliberate termination of human existence to reduce agony, misery, anguish and distress of the individual.” It has been derived from, “the Greek word “euthanatos” means ‘good death’.” It also refers to the trouble-free death of a victim facing a non curable and painful affliction or in an unalterable coma. It is a manner of inducing or sanctioning death devoid of pain as a kind of respite. Euthanasia is the deliberate taking of life by an action or exclusion of a dependent human being for his or her own supposed benefit.

1.1 Euthanasia defined by ‘The British House of Lords Select Committee’

There are various laws on Euthanasia in each nation-state. The British House of Lords Select Committee on Medical Ethics defines mercy killing as intentional interference done to extinct individuals living. This is done with the person’s consensus with an object to release him from the torments of life. Honor killing was defined in Netherlands as ending of life of a being, with the assistance of physicians, on the requisition of the applicant.

Euthanasia can hence be categorized, each of which transports a diverse set of right and wrong perception.

1.2 Historical perspective

Euthanasia was prevalent right from the ancient times even before man could be civilized. It has been observed that it was a Tribal Custom. There are various numbers of tribes, primeval and modern, who deserted their aged. In the rest situations they implemented it because the human being had reached a definite age or phase of weakening of healthiness. Euthanasia was just not limited to the elders but even the unwanted infants infirm, was throttled, kept
hungry, malnutrition, or else clomped or beaten to death. At times these acts were completed at the individual's desire.

This practice was practiced amongst the Eskimos. They deserted the in firms as they were of no use, worthless to the cluster of settlement they lived in and therefore thought it appropriate to eliminate them. Similar practice was adopted by the tribes of various islands. Each one had their own individual reason for this eradication. Some believed it that wicked spirits cling on to the elderly, ripened people. If kept alive these spirits shall prevail in the area they lived and cause trouble to the whole civilization. Some relieved the old on the grounds of compassion. These tribes administered poison to them and got rid of them as their goal was to spare the person from the wretchedness they were going through. There were tribes who believed nature to be divine and submitted to the rule of nature in order of life.

In the period around 348-428 BC the concept of this self killing was condemned, criticized and considered this act shameful, scandalous. It was then acceptable on social moral values and if done for a justifiable cause. It was in this period that the concept towards annihilation changed in the real sense. The seeds to look it only from the compassionate point of view were thus unknowingly sown in the populace.

1.2.1 Greeks and Roman era

Before the advent of Christianity, in primordial Greece and Rome the, approach in the direction of, active euthanasia, and purposefully taking of one's own life had been inclined to be liberal. Many primeval Greeks and Romans had no convincingly identified faith in the innate value of person's human life, and physicians from the society believing in polytheistic religion that is a belief in many gods, executed voluntary and involuntary mercy killings. Amongst the prudent men of Greece finishing solitary's life for an array of causes, like ache, sickness, poor health, was measured as a lucid and civilized act to be done. However it should be kept in mind, that this was not a common opinion of all the people. Euthanasia, currently, is not overtly admitted.
In Rome the concept of suicide differed it was penalized only if it was illogical. But there were a number of reasons for suicide that were considered logical by them. Intolerance due to sickness, hurt, agony, tiredness of life, insanity, apprehension of disgrace was few of the reasons to justify death.

In the middle Ages that is from the 1st century AD to the 15th century there was a downfall towards the concept of suicide or euthanasia which was justified on moral grounds. The advent of the Christian religion during that period was another major cause for the down fall. The priest emphasized that birth and death are in the hands or the almighty. It is he who creates us and therefore has the absolute power to decide our fate. In case anyone tried to disobey him it was imbibed on the populace that they were committing a sin for which they will have to go through expiation. To strengthen this view of euthanasia being a crime, efforts were made to deter people further and to be away from such acts. Penal punishments were done to the corpse of euthanized person or the suicides This was done for the strong belief they had in god and that preservation of life till he took it away was the duty of a human.

In spite of atmosphere waging against euthanasia the 15-17th century witnessed support to euthanasia. The utopian accepted termination incase if a person was suffering from pain, distress. This could be done, if the patient desired and gave his consent Eradication was the only solution to relieve him from such agony. An English philosopher further promoted the concept and firmly asserted the doctors responsibility to take charge of this easy death.

1.2.2 Euthanasia in the 18th and 19th century

In 18th century, French statutes in opposition to suicide turn out to be more temperate. They deemed when living turned out to be a burden, both audacity and good sense should employ us to relieve ourselves immediately of our being. This century turned to be radical many writers and academicians enlightened the people about euthanasia but this was momentary. Towards the close of the 18th century era the Evangelicals were rampant and armored the criticism for euthanasia. Later in 1870, the euthanasia debate got momentum and people started speaking about it in public which was believed
to keep in secrecy. This was supported by writer who believed the utilitarian theory. This wave was further carried and accepted by the Germans and the French. USA was also not behind the physicians took initiative for a gentle and easy death. There were now efforts been made by the proponents to have legislation on euthanasia? Ohio and Lowa were the ones who made such an attempt but failed. This did not deter the proponents. An American physician Dr. Haiselden propagated that euthanasia should not be restricted to the terminally ill in firms, but also those who were born deformed. Nor did this deter the Germans or the French. They were successful in influencing the masses. They proliferated the termination of all those who were susceptible. 19th Century: German philosopher, Arthur Schopenhauer, (1788-1860) emphasized on the individual and his autonomy by slating that man has "unassailable title to his own life and person. It will be generally found that, as soon as the terrors of life reach the point at which they outweigh the terrors of death, a man will put an end to his life."4

The same was followed by the Americans and Russians. The Russians abridged their legislation. The American doctors went ahead in forming a society for euthanasia.

1.2.3 Euthanasia during Nazi Era

Nazi “euthanasia” was quite different in conception and practice from the dictionary definition, old or new. For it was derived, not from humanitarian or compassionate reasoning, but from pseudo-scientific theory and ruthless economic policy. The Nazis destroyed life that was unworthy of life” (lebensunwertes Leben) as they termed it, not as an act of mercy, but as part of a strategy to murder that part of the population which was least able to defend itself.5 This was called as Aktion T4. There was no mercy in programme and it was generally applied. Patients who were physically or mentally challenged, terminally sick or may be from the same gene pool. There was mass killing without consent of the individual. People were killed indiscriminately. The physicians were forced to only abide with the state rules keeping their Hippocratic Oath aside.
This influenced the Americans again; they established a committee to legalize euthanasia. They proposed honour killing on sound principles. Consensus of the appellant and physicians approval was essential. Efforts were made by them to even bring about a change in the concept of human rights. Requisitions were made to incorporate right to terminate in the right to freedom. The Swiss, British and the Americans petitioned the UN Commission to alter the human rights to that effect. Requisition was made All this was changing the society’s perception towards euthanasia. They were introduced with various prepositions related to the issue. Various societies were established. These societies arranged conferences on the subject. Many states participated in the assembly. The result was so that even congregations took part and the topic gained impetus. Courts also could not remain away from the wave prevalent in favour of euthanasia. As a result landmark judgements permitting passive euthanasia were passed. This paved way for initiating legislation on the subject. Subsequently in 1994, Death with Dignity act was passed. The northern territory act was passed. In the year 2000 Netherland followed by the Dutch, the Mexicans and many more. The third millennium proved to be a revolution and a favourable era for the euthanasia movement.

1.3 Comparative study of euthanasia.

Euthanasia is not practiced uniformly all over the world. The legal status of euthanasia varies from state to state. This may be due to the differences in religious beliefs, culture or ethics prevalent on the region. It has been observed that legal status of euthanasia present in most of the countries around the world is similar. It is illegal. There are many people who sensibly take a sane decision to end their painful life, which is not worth living. It is therefore essential for all countries to review their legislation on euthanasia. This makes it necessary to take an over view about the concept of euthanasia in different continents. To analyze this disparity the chapter elucidates the comparative study.
1.3.1 Euthanasia in the Australian Continent

The Australian continent does not recognize euthanasia. It is considered a crime. In spite of this it has been observed in various judicial decisions, that physicians were not prosecuted for the crime in case they implemented it on the request of the patient. It has been observed that there exists an indirect support of the judicial system for the concept. The Australian institute records also have shown that a bulk of the populace supports euthanasia. They feel that the desired distressed patients should be allowed to end their life. Assistance of the physicians is however considered to be prime factor in administration of euthanasia. It has been observed that many medical care takers are also in favor of legislation as they are aware of the limitations of medical sciences. When science does not have a remedy euthanasia becomes essential to relieve the patient from the torturous life he/she may have to undergo. autos cannot be a solution to This situation is prevalent in both the continents of Australia the southern and northern. Though this is a fact there has been no legislation on euthanasia.

Christianity is the dominant religion that is prevalent in this continent. It is therefore that legalization of euthanasia has been difficult. They constantly harp on the commandment and authority of the almighty. But the Libertarian has always been struggling to prove their concepts in the continent. The medical fraternity also has been supportive to them. But still the continent awaits legislation. The Australians thus believe that they are still backward, with the concept related to Euthanasia as it is legal in many other countries.

1.3.2 Euthanasia in the American Continent

The ancient history of the American continent reveals that euthanasia was in practice in their continent. It was a traditional norm and hence did not have a strong opposition in legalization of euthanasia. It was the citizens who took imitative in proposing law on the issue. It was not an easy task but after several attempts they were successful in having legislation. This continent is the first amongst the other continents to have a law on euthanasia. The honor was taken by the Washington and Oregon state. The judicial decision in south and Central America has also supported the issue. The ‘Evangelical Lutheran
Church in America’ also has a progressive attitude. But at the same time it cannot be overlooked that few of the Americans do believe in the advanced medication available, miracles happening, and the sophisticated palliative care facilities available. According to them euthanasia is no more a necessity and therefore serious thought is required before its enactment. However, the contemporary American traditionalists opine that assisted suicide should be a matter of authorized, sanctioned individual option that they should be allowed to exercise. At the same time some anti euthanasia agitators who are not ready to defy the supremacy of god in taking one’s life fear the society with development of anti self preservation attitude amongst themselves.

1.3.3 Euthanasia in the European continent

The European continent has shown a positive attitude towards the subject. The states in these continents were more progressive towards the concept. The Dutch accepted the concept in 1973 and administered it to the terminally ill under doctor’s guidance and supervision much before euthanasia could be officially legalized. It was implemented on the grounds of compassion. The courts verdicts also played an important role in formulating the masses opinion in favor of euthanasia. Subsequently in 2001 the Dutch parliament introduced the act to legalize these acts. This helped the doctors as clear rules were laid for its administration.

The French considered it as a crime. But however they allowed physicians to give drugs to the patients that would relive his pain and ultimately reduce his living. The debate for euthanasia has been reignited and the French are proposing to have legislation on euthanasia.

Belgium was the 2nd country to have a law on euthanasia after Netherland. Euthanasia was administered to all the vulnerable individuals old or infants on physicians consensus. Belgium is noted to be progressive state as the permit organ harvesting along with euthanasia.

Luxembourg followed their footsteps and was successful in introducing legislation for euthanasia after heated debates for and against the issue.
Italy however is still fighting with the controversial battle on the subject with staunch religious citizens and bishops opposing the issue. The decisions of the court in favor of withdrawal of life sustenance devices in certain cases has flickered the controversy always.

Swiss laws are liberal on the issue. Switzerland is known for suicide tourism in the world. An institute called “Dignitas” is been set up to assist patients who wish to end their lives. It is also known for suicidal tourism.

Swedish laws also support passive euthanasia. Spain however has not been able to implement legislation due to the dissonant views prevalent there.

However the patient’s right of autonomy is recognized in Spain. The Germans witnessed mass killing during the Nazi era in the past. However there was no concrete legislation on the issue. It was observed that vulnerable who believed it to be appropriate was forced to travel where permissible. The number was comparatively high from the state as compared to the other nations. The result was Germany accepts suicide with doctor’s assistance. They recognize personal autonomy of the patient.

The human rights emphasized have brought a change in people’s perception all over the continent. Not allowing a person to die according to his/ her wishes is considered infringement of the rights guaranteed. The growing support of the judiciary in each state for passive euthanasia has brought a transformation in the populace outlook.

Hence it can be observed that European continent there is a change in the people approach towards euthanasia. In Europe it has been observed that there is a growth in the permissive views towards right to die. There is an augmented prominence on self-determination. The advances in medication are not essentially making the life healthier and wealthier and therefore the necessity of the right has remained forever. Most of the states are awaiting legislation which is likely to be introduced in this continent.
1.3.4 Euthanasia in the Asian Continent

Euthanasia in this continent mainly is influenced by the religious approach. There are various religions prevalent in different states and therefore no uniformity is found in the continent towards the perception of euthanasia. It has been observed that some countries like Japan and China prohibit discussion on such concepts. The conservative social beliefs of the people are the major cause of this kind of approach. But the judicial decisions are definitely bringing some kind of change in their views.

The countries following Buddhism also do not accept euthanasia. The moral ethics do not allow them to do so. The Muslim countries are also staunch opponents of euthanasia. Their religion does not permit them to take one’s life in any circumstances. If done so it is assumed that they are disobeying the rule of their almighty that is Allah.

The Asian continent seems to be more progressive in its approach. Legislation in this continent has been marginal. But judicial fraternity has allowed passive euthanasia in most of the countries. The masses now speak openly about having a legislation in many of the states which was highly condemned initially. The exposure of these communities to the human rights, education and practical approach has witnessed the change.

1.3.5 African continent

The African continent believes in religious humanism and therefore does not accept the concept of self-destruction. There is no law prevalent on the issue continent. African countries under the guidance of their president tried to raise this issue for discussion and proposed a bill. It did not sustain. People fear for the slimy slope of abuse. The religious belief of the people that soul passes to evil spirits in case euthanized is also major cause of hindrance.

Attitudes regarding euthanasia are thus divergent in all continents. It is observed that euthanasia is illegal in most of the countries. The reasons may be varied but it is long way for most of the countries to have legislation on euthanasia. It has been observed that the judicial decision shall definitely bring about a change in the human thinking. It is due to these decisions that
many countries have accepted passive euthanasia or are on the path of its acceptance. The educational debates over the issue shall also reflect a change in the outlook.

1.4 Euthanasia a bane or a boon- a critical analysis
To understand any subject it is essential to discuss and understand the concept of euthanasia. This helps us in having a great insight on the topic. The debates, discussions assist us in formulating the opinion about a certain issue. The analysis of its benefits and disadvantages shall further help in formulating an opinion on the subject. This has become essential as the issue is faced by all the states increasingly. The change in the perspective towards life amongst the populace has made it necessary for us to think, speak and many a times implement euthanasia. It is a fact that medical science has been proficient in introducing more and more drugs to cure patients from all possible ailments. However it has not been able to give 100% relief to the patient. It has always helped the patient in alleviating the pain and prolonging life. This relief many a times turns to be futile in irretrievable cases. In such circumstances it has been observed that patients want an ultimate solution. Euthanasia offers the same to them. They are unhesitant to go for it. They feel it to be the ultimate measure to rescue them from their miseries physically, mentally, emotionally or practically. Euthanasia is therefore to be interpreted and discussed

There are different forms of euthanasia.

1.4.1 Forms of Euthanasia
1.4.1.1 Active euthanasia.
In active euthanasia, an individual straight forwardly and intentionally causes the patient's death. In this form of euthanasia demise is caused by a deliberate act. Example when a patient is killed by administering an overdose of painkillers. In other words, it is deliberate methodical procedure undertaken on a person to be a reason for his death. The various methods to cause death are administering venom to the individual with an injection. In practice, this is
usually an overdose of painkillers or sleeping pills. Active euthanasia is a hostile form as straight and premeditated actions are taken to end the person. It can be considered as something which is alike to murder.

It is not generally accepted by all. It is considered as immoral and unethical. But it is not so as each case shall determine whether it is ethical or not the intention behind the act can state about its morality. However it is the Northern territory of Australia which has adopted this type of euthanasia for the first time and many more that follow their way.

1.4.1.2 Passive euthanasia.

Passive euthanasia is quite different from active. Here, in this form the life of the sick is not terminated by an act. The sick is permitted to die by his/her sickness. In other words demise of the subject is because of omission of acts that are to be performed. In this method of termination of life, the life givers remain as silent spectators of death. This is non-performance of acts like not treating the patient with medication when required, in order to cause death. It can be also done by removing the life supporters of the patient with a deliberate intention of death. example removal of the life saving mechanism or apparatus to cause death of the patient..

Not performing the operations, which are essential to prolong life of the patients? Further not make any efforts to revive the patient and allow him to die. It means retreating therapeutic action intentionally so that the ultimate result would lead to a person’s death. No attempts or endeavor done to retrieve the sick is passive euthanasia. This is a morally unsatisfactory. Even though a person does not deliberately kill someone as done in active euthanasia, the physician has knowledge about the consequences of his acts. He is aware that it shall definitely result in the individual’s death. The patient is left by all to die naturally as his end is inevitable.

It is the most recognized form of euthanasia all over the world. Countries which do not have legislation are performing this kind of euthanasia clandestinely. It has been observed that judiciary also permits this form of
euthanasia. It is a slow death of an individual. It is assumed to be ethical and moral to do so.

In other words, the difference between "active" and "passive" is that in active euthanasia, something is done to end the patient's life; in passive euthanasia, something is not done that would have preserved the patient's life. Many believe it to be moral and ethical to administer passive euthanasia. But the opponents consider it to be a misnomer. They believe both to be the same as the intent is the same with difference in its application.

1.4.1.3 Voluntary euthanasia

Voluntary euthanasia is legal in some countries. In the case of voluntary euthanasia, the individual who is killed has requested it. In Voluntary euthanasia, a clearly competent and lucid individual makes a deliberate and permanent request to be helped to die. This type of euthanasia is the soundest form, accepted by all. It helps in preserving the autonomy of the individual. It enables him to die in the dignified manner according to his wishes.

Advocates of voluntary euthanasia argue that if a person is indeed facing a terminal illness, he is probably not going to profit from the detection of a therapy that could be a remedy for his ailment. The person’s voluntary and able wish to die is impossible without assistance 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. He included idiots, imbeciles and monstrosities. Voluntary euthanasia permissible in Netherlands, Belgium, Luxembourg, Oregon and Washington in United States whereas illegal in the others.
Voluntary euthanasia still invoked polarized reactions; advocates of the practice consider it a humane solution to finally deal with suffering and way to die with dignity. While the others still consider it as homicide done with the consent.

It has been observed that this type of euthanasia is favored mostly by the judiciary also worldwide. The analysis of various courts verdicts depicts the approval of voluntary euthanasia.

1.4.1.4 Non-voluntary

Non-voluntary means when the individual who was killed expressed no consent for it. Non-voluntary euthanasia is performed where a person is either lacks the ability to, or is unable to express his desire about euthanasia and there is no one authorization to make a substituted judgment.

This form of euthanasia is not accepted by any states. It is considered illegal. This is mainly because the patients consent to death is missing during its administration. He/she is unaware and not made any expressed wish to terminate 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. In the Netherlands, physicians can keep away from suit by following well described and austere conditions when non-voluntary euthanasia is performed on infants. Involuntary euthanasia is, usually considered homicide. This form of euthanasia if legalized is bound to lead to the slippery slope.

1.4.1.5 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.

1.4.2 Discussions proposing and defending euthanasia.

There are various reasons why people feel that euthanasia should be observed. It recognizes the sovereignty of the individual. Each one is able to take its own decision for life. The decision taken is never harmful to any one and therefore there should not be any reason for its objection. It is one of the ideals of human rights. Further permission for termination; also ensure quality life for the patient. He is rescued from the long torturous life that he undergoes if death is prolonged. The act can be further justified on the act of compassion. It is a moral principle that no person should be made to suffer. Euthanasia thus falls in good deeds if looked from this point of view of the society. It also relieves the beloved of the terminally ill to see their dear ones suffer. Their resources are also saved and can be used for other beneficial deeds. They are also saved from the agony if they are unable to meet the medical expenses which have been a luxury for the poor.

At the same time there are people who condemn these acts saying that it is the abusive to the rule of the almighty. Along with it euthanasia if administered violates the human rights conferred on us. The right to live which is guaranteed does not include authority to die. Hence it has to be considered a crime. Further in the country like ours palliative care system is insufficient and improper therefore relying on them is nothing but to put the patient on greater hardship. At the same time it can be argued that heavy medication cost shall indulge a patient to go for euthanasia and thus lead to the slippery slope. There are chances that doctors may also forget their duty of saving lives till their last breath and opt for this easy option. Sometimes wrong diagnosis of the doctors will also lose a chance of survival. Genocide shall thus prevail. Slippery slope shall be developed which shall be dangerous to mankind.

It elucidates that the question of euthanasia should be dealt with by each state considering the atmosphere prevalent for the issue.
1.5 Indian Perspective

Diversity is a unique feature of our country. The diversity in India is across religious groups, educational status, and cultures. This plays a vital impact on the thought process of an individual. On this background, euthanasia in India has been discussed from various angles.

1.5.1 Traditional View

The sanctity of life has been placed on the highest platform by almost all the major religions in India. None of the religions accepts euthanasia. Almost all religions believe in the disturbance that would be caused in the karmic balance if administered. While some believe that life is god given and therefore not to be interfered. In case if it done so the opportunity that life gives to reprimand for the sins done is lost. They believe that life should be preserved. Though this is their reasoning for preservation, it has been observed that system of “prayopavesa, mahaparasthana or sati” were eulogized and practiced. This belief is not restricted to the Hindus but more or less the same for other religions also. In case it taken under any religious order it is permissible otherwise not. Euthanasia is also criticized on the ground of Ahimsa.

The Christians denounce euthanasia as it violates the principles of their beliefs. According to them humans are images of god created by him to fulfill the assigned task of the almighty. When he creates life he also decides its death and fate. If anyone tries to disturb the scheduled plan of life, proponing it by euthanasia they commit a sin. However all the Christians do not think alike. The Protestants are more liberal in their thinking and approve euthanasia. They state that it is the almighty only who teaches them to be compassionate towards others. They believe that the act of euthanasia when administered for terminally ill is not a wrong. The individual just abides with the rule of lord of being compassionate and is therefore not a sin.

The Islamic culture supports the views of the Catholics. The Sikhs and the Zoroastrians also criticize it on same lines. Life is an award of God that has to
be respected by all is the basic principle of all these faiths and hence should not be impeded.

The Janis has a different opinion and accept self killing of their Acharyas.

1.5.2 Medical perspective

Medical fraternity and nurses both do not whole-heartedly support euthanasia. It remains a debatable subject. They favor euthanasia it only in extraordinary circumstances where there is no recourse for the patient from his/ her ailment. They sincerely feel that it is contrary to the oath given to them and therefore should be administered in necessity only that is when there is no recourse. Among the different forms prevalent the physicians have always shown their willingness for voluntary passive euthanasia. They believe that it does not really obstruct them in observing the Hippocratic Oath. Respecting the patients choice of refusal of treatment in case it is in his best interest cannot be against their medical ethics.

It has been observed that physicians who propose it also are unable to perform euthanasia without fear for want of legislation. If they genuinely feel that wish of the patient has to be respected they are inept to do so.

Further it is said that if palliative care is offered the patient would not request for euthanasia. It is the depression and misery that he suffers probes him for such a decision. But it is not always so as these palliative cares are not the ultimate solution for the problem. As the constrained palliative care does not allow the patient to have a good death always. It has been observed that death can achieve the desired cause but medicines may not.

1.5.3 Psychological Perspective

The Psychiatrists role is thus inevitable in administration of euthanasia. In order to eliminate the possibility of an error of decision and to protect the interests of the individual and the society it is very much essential to get them involved while administering euthanasia. Patients many of the times are suffering from dejection syndrome, in this state of mind they often express
desire to terminate life. Most of the time, it is transitory. To evaluate whether
the thoughts of the patient are genuine or not psychiatrist are a must. The
psychiatrists play a dual role. Apart from the aforesaid they also assist the
patient to support them in their difficult times, help them to remain stable
throughout the sickness. They also believe in deterring the patient from his
decisions because of the psychological care offered by them. However they
do not seem to be against euthanasia but believe in restricting its usage
generally.

1.5.4 Humanistic Perspective
Humanists claim that right to die is a fundamental human right, which should
be exercised if, need be so. The right to live according to them includes the
right to die and hence it should not be difficult to have legislation on
euthanasia. They emphasize more on autonomy of an individual, which
enables 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.

1.5.5 Socialistic Perspective
The sociologist reverberate the societies approach towards living and dying.
They feel that when appropriate care is not available people go in for this
option that is euthanasia. They suggest that the controversy prevalent on the
subject is more or less based on the interpretation of the word. Thoughts are
based on words used this definitely influences decision. They state that in a
thoughtful, considerate, compassionate society, there must be exceptions, to
a rule. They opine that when suicide is legal, why all forms of euthanasia
should be outlawed. Further at the same time they believe that the humans
are of such nature that they try to accommodate themselves in the situations
they are warranted to. They therefore believe that there would be only few
who may prefer death.
The organizations working for euthanasia in the society are now promoting the concept of living will which has been adapted from the west. A person can make a will of his wishes in case he undergoes irretrievable sicknesses like Alzheimer, cancer etc. He can express his desire to refuse treatment or an order of not resuscitating. However such document made does not have legal validity in our country. However it has been observed that few hospitals do respect the patient’s wish of not resuscitating.

**1.5.6 Libertarians Approach**

There approach is always noninterventionist. They believe that right to euthanasia is a right of non-interference, to wit, and that all others should be morally barred from interfering with it. This laissez-faire approach supports euthanasia as it does not harm anyone else. According to them freedom ought to be given to the individual to exercise his wants.

**1.5.7 Legal Perspective**

In India the concept of Euthanasia is highly contested. The argument has gained impetus when the Supreme Court legalized passive euthanasia in “Aruna Shanbaugs” case.

In India, euthanasia is illegal. But passive euthanasia is recognized by the judiciary. 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.

**1.5.8 Modern perspective**

Law commission of India’s response to the subject is also positive. They believe that legislation shall protect all. The person to be euthanized, the person assisting and the relatives of the patient. Various organizations have also been formed that work for upholding the issue in India.
1.6 Evaluation of euthanasia in India

It has been observed from the analysis of the research that a majority of the community favors euthanasia in India. To actually authenticate the perception of the populace towards the subject analysis is required. Once this is evaluated, to identify whether it is in the interest of the public to have a law on the issue also needs to be verified.

To achieve the objects of the research and verify the hypothesis, it is essential to collect and analyze data. The researcher has done the same. Data was collected through a structured survey interviewing the respondents to assess their views on euthanasia. A large sample of respondents was interviewed for this purpose. The researcher proposed to identify the Indian view about euthanasia. It examined the population and arrived at results from the data analysis. It has been observed that majority Indians favor euthanasia.

1.7 Literature Review

To obtain a greater insight of the subject literature of various authors is reviewed. It has been observed that most of the articles depict the acceptance of passive euthanasia with strict parameters. It emphasizes the importance of the role played by doctors, nurses, psychologist and sociologist. It also examines the importance of autonomy. It has expressed the importance of palliative care for patients who urge implementation of euthanasia. They have also enabled to understand its drawbacks in the current situation all over the world. It has focused the religious attitudes and their impact on the issue which enables to understand whether it can be implemented in India being a secular country permitting each person to follow his own faith. Further the articles have also assisted in analyzing the benefits and drawbacks related to the issue. This helps in examining the need of the issue. The different interpretations of euthanasia have given a clear view of what euthanasia exactly means. These interpretations many a time influence the conclusions of the individual towards the issue. The review has also helped in understanding euthanasia from humanist, anthropological, libertarian’s percept. The economic and family support also play a special role in decision making of the vulnerable is portrayed from these articles reviewed. The resentment for P A
S in general by all nations can be identified from the various articles reviewed. The notion of the opponents to resist it is most of the times based on the opinion that it is similar to homicide.

1.8 Statement of the problem
Discussion of euthanasia has become increasingly difficult since this term became associated with murder. The passage from life to death should be serene and dignified, not an agonizing ordeal, is a general perception. From this different perceptive for and against have emerged. Some believe that mercy killing is in opposition to the wishes of the almighty. Religious people believe that we cannot terminate or murder ourselves at the same time cannot permit others to do so. It is wrong to do so, as it is believed that free will given by god would be misused. These people deem that all creatures are created by the almighty. Hence it is he who controls are living .and has a right to levy restrictions on us. We cannot take end of life decisions our self as they solely do not belong to us. It is believed that if suicide is committed or any type of euthanasia is performed we are refuting with the almighty’s verdict. They suppose that it is him who has the absolute right to decide our fate. It is he who decides the duration of our living and the manner in which it should be terminated. There is no spiritual benefit for an average patient to ask to die by euthanasia. Hastening death does not equate to the ability to do spiritual practice in the subtle regions of the Universe or for that matter, enduring less pain.

To check whether the belief discussed above are really so all over or restricted to a particular region of the world. A comparative study is essential. This shall help in drawing conclusions as to how the religious views of the individual influences the decisions regarding euthanasia. The researcher also has to consider the various forms of euthanasia and its feasibility of implementation. The differences that lie in the different forms as narrated. Does this distinction create a difference of opinion in administration of euthanasia in the society? The beliefs of morality and ethics which are associated with the concept of euthanasia how far are to be considered true. In all the forms if the intention is good death of the patient, no particular form
can be criticized to be unethical. Further the ethical, moral values do really differ according to the form of euthanasia. It has been often stated by the proponents of passive euthanasia that it is ethical to do so as there is no implementation of any substance that would lead to death of a person as it is in active euthanasia. These statements are nothing but an incongruity. The intention behind both these acts is the same, then how can one be ethical and the other not. In all the forms if the intention is good death of the patient, no particular form can be criticized to be unethical.

In India we have cultural diversity, this makes it difficult for all to come on a common platform and think alike about the issue. There are different views prevalent in the society, therefore it is essential to study the populace perspective differently from each one's view point. In case we are thinking of a legislation on euthanasia we also need to understand the banes and boons of the topic. An analysis of legislatures who have accepted and adopted it. The practical difficulties that may arise in its implementation and its utility can be analyzed.

Along with the common man approach a study from doctors and nurses perspective also needs to be done, as it is they who play a key role in the whole process of euthanasia. Right from diagnosing the illness to stating hopes of recourse from that ailment. It is only at this point that an individual thinks of euthanasia. Further for its administration the physician are at the centre point. There comfort their opinions therefore are of prime importance.

Now with the advancement of science and technology the life span of the individual has increased. The physicians are able to prolong life but are they able to ensure a good life needs to be checked. On this the necessity of euthanasia shall depend? It has been observed that there are doctors who are aware that treatment is just a formality in few of the ailments but still believe in care of the patient then to withdraw his treatment. For them care is the only solution to problem. This care initially was to be taken by the patients dear and near ones but now palliative care organizations are available. These physicians emphasize on this institutions more as they are professionalized in it. They take care of the patient’s physical psychological, mental and spiritual
needs that help the patient in having a peaceful death. However, though it is true that it relieves the patient from agony and gives him the strength to face the ailment. Is this care sufficient in our state? Economical situation of the patient also matters the most. How many people in our state are self sufficient? Meeting the ends of life is the major problem of our populace. In such a situation can we expect patients to avail the palliative care facility?

Further is the state in a position to provide or guarantee finance to the poor.

1.8.1 Objections against euthanasia

The terminally ill are a class of persons who need protection from family, social, and economic pressures, and who are often particularly vulnerable to such pressures because of chronic pain, depression, and the effects of medication. However, it cannot be forgotten that it is not necessary nowadays for each one to suffer from unbearable, irresistible pain. Most of the states are in a position to provide effective palliative care. Hospice care is more widely available. Given these considerations, some have urged that voluntary euthanasia is unnecessary.

There cannot be sufficient evidence to justify that a dying person's request to help him to die is always controlled. There is always a possibility of it being incompetent, temporary and forced. If an individual is troubled by ache, is psychologically puzzled he/she are not able to reflect their real intentions rationally. This can lead to about the wrong decisions in favor of euthanasia. The prime aim of a human is to live a healthy life. It is the rule of nature. The act of euthanasia is exactly divergent from this rule.

Death whether self determined or natural is final. There is no chance of revival. Therefore erroneous diagnose shall cost a lot life that is valuable shall be lost for no reason. It is therefore very risky. Further there are chances that modern experiments can work and bring in miracles. Impulsive diminutions often occur among such patients. The knowledge of ending life easily can prejudice an individual suffering from irretrievable sickness and can be inclined to give away life easily.

This may also deter the physicians and nurses from their pledge of saving lives. Debate on morality and legality of euthanasia is phenomenon. The
moral permissibility is been criticized, Opponents argue that we are getting better at providing effective palliative care, hospice care and therefore voluntary euthanasia is unnecessary. Care is the only cure for them and if given by professional palliative care organizations euthanasia is not required. They satisfy all the requirements of the patient by supporting them with medicinal, spiritual and moral care. Experts consider that efficient palliative care definitely eliminate the thought of euthanasia. They state that it is the pain and loss of confidence amongst them to fight out the ailment, increases the demand for euthanasia. If this is taken care of there is no necessity of euthanasia. It definitely improves the quality life of the patient who suffers from terminal illnesses.

1.8.2 Arguments in favor of euthanasia

Euthanasia is mostly all over supported on compassionate grounds. For the proponents it is an act of mercy. They deem that individual should decide how much agony he has to go through incase the ailment is enduring. Each one has a right to lead a quality of life. It has to be considered whether painful living shall ensure that. In case, misery and waiting for death to come is the only remedy, then such vulnerable people should be released from the obligation of life. These patients should have the liberty to select their life tenure. The relatives that face the trauma equally also should be able to decide their fate in the second instance if they are incapable to decide the same for themselves. The choice made to end life should always be premeditated with physicians. This significant preference should be opted for when the patient is able to take competent decisions. The physicians should be permitted to assist the patients in their decisions and should be considered as a part of their service rendered towards the patient.

It is believed that this right executed by the patient is included in the human rights that our conferred on us. We really do not require a separate right to be conferred on us.. Death is considered to be a personal issue and if there is no harm to others and the state, other people should have no right to interfere. Most of the populace believes in this thinking that they are the exclusive controllers of their body and life. This also gives them the authority to
determine the time of their death and how and who can handle it. The object behind this is to suggest that humans are born to be free and pointless control is not appropriate.

The proponents of euthanasia vary widely over the world. The differences in religiosity and educational attainment greatly influence the diversity regardless of whether people are religious themselves. The people living in religious countries are more likely to oppose euthanasia than in secular countries.

The highly educated individuals are less likely to oppose euthanasia.

Further the fear of voluntary euthanasia being lead to involuntary i.e. the potential abuse is also a cause of these divergent attitudes. The proponents argue the palliative care and hospice care misleading. It sometimes may involve experiments that would lead to mistakes and then consequentially resulting in agony and misery for the patient. The palliative care also attracts side effects and the care available is only in small proportions. For palliative care to be the only medicine it is essential that we need professional experts for handling all the patients. Our country lacks the same. There are no sufficient physicians who are aware about palliative care. It has been observed that physicians in our state are educated to give medical treatment but hardly any attention is given to impart knowledge about palliative care. It is not only the physicians that need to be trained but also if training is imparted to the family members it can make a difference. But it is important to see whether all these things are practically possible in our country having such a huge population. Where availability of medical care to each one is a problem in the country palliative care is a far thing that can be expected. In such a situation euthanasia seems to be right solution.

Further we cannot ignore the fact that there are masses in the nation who are not able to afford the costly treatments; in such a case can palliative care be availed. Financial crisis is the major worry of all the patients. Institutions providing financial support are marginal Government also does not have sufficient funds to support its citizens in such a situation euthanasia is the right choice.

Thus, the moral case of legalizing euthanasia does needs to be judged
1.8.3 Legalizing euthanasia

Arguments in favor leads to legalization of euthanasia. Proponents of euthanasia and physician-assisted suicide (PAS) contend that terminally ill people should have the right to end their suffering with a quick, dignified, and compassionate death. They argue that the right to die should be protected by the same constitutional safeguards that guarantee 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.

Right to live includes a right to die. This incorporation of the right to die should be restricted to only cases where euthanasia is to be administered and should not be generally extended to avoid the misuse. Euthanasia is essential in vulnerable situations or where the body starts depleting due to the sickness.

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.

In India we do not have a precise legislation on the issue. It is definitely enviable to have one in our state. The necessity of the same is always felt when there is an enduring suffering patient whose cure is impossible. Legalization of euthanasia does not simply mean that encourage people to die but aims to minimize the suffering of the people. Legalizing of euthanasia allows dying patients to choose between life and death. It guarantees them a dignified, respectful death.
The judiciary has now recognized passive euthanasia that is withdrawal of support system required for living. But the same is not sufficient. We are still awaiting a law on the subject.

Along with legislation on euthanasia our legal fraternity the advocates and the judiciary also should recommend the concept of living will of the person. If a living will is given validity majority of the populace that apprehends misuse of law shall be satisfied. Euthanasia can be controlled or regulated. If recognized it shall be the first stepping stone towards legalization of euthanasia.

1.9 Objectives of the study

In view of the aforesaid following are the objects of researcher’s study.

1. To have a clear understanding of concept of Euthanasia.
2. To analyze the prevalence, patterns and trend of the people where Euthanasia prevails.
3. To conduct a comparative study of countries where Euthanasia is prevalent and legalized, to those where it is considered as a crime.
4. To analyze the arguments for and against euthanasia.
5. With the help of primary and secondary data to understand and analyze whether Euthanasia should be legalized or not.
6. To serve as a base for conducting further detailed studies pertaining to the legal effectiveness and the need for legislation in our country.
7. To study and evaluate the possibility of its implementation as a law in Indian society.
8. To analyze and evaluate the judicial trend regarding matters of euthanasia.
9. To draw inferences on the subject based on the study material available and data analyzed.
10. To suggest recommendations on this subject.

Death plays a central role in the philosophies and religions all over the world. Euthanasia, the intentional killing by act or omission of a dependent human
being for his or her alleged benefit is one of the forms of death. Euthanasia exists in various forms. The issues involved in gauging such a death in its different forms are quite complicated. Hence the modern debate about the ethical standing of euthanasia continues, this can be learned from an examination the histories of the various eras.

The researcher observes that a larger section of individuals involved in palliative care and doctors oppose to the belief, that legally allowing euthanasia is unnecessary and potentially dangerous. Further the highly educated people those who have a stronger than average attachment to autonomy show a favorable attitude towards euthanasia. It has also been argued by the proponents that it cannot be said that one has a truly happy life, if one’s death is preceded by unbearable pain or suffering. Death is also a part of life and therefore should not be left to nature to decide the path of dying. At the same time, it is apprehended that legislation on euthanasia will provoke intolerable abuse. Thus the psychologist with other professionals, should decide whether the request for assisted death is rational and autonomous one. It can thus be administer, if it is implemented with sufficient guarantee and it is not violating personal autonomy nor leading to undesirable consequences. It depicts care in the case of those who are terminally ill and whose pain could not be reduced by any other means and would otherwise be subjected to long and inhuman suffering.

The ethical debate on Euthanasia thus creates interest in the researcher to study about the topic in detail.

The research work will be based on the data collected from libraries, journals, magazines, newspaper, law report, seminars, and conferences. Opinion obtained from experts will form the part of thesis. Interviews of some people those are affected will be a part of research study.

The researcher has made a study of various books, encyclopedia, websites, from rational materials available in the libraries, periodicals. The researcher is also scanning Articles, magazines, journals and daily newspaper published in English, Hindi and Marathi. The researcher has also reviewed few articles in which it has been observed that the authors have analyzed the differences of arguments in and against euthanasia to portray its progressiveness. It has
been examined that the educated are more inclined towards the legalization of euthanasia. The authors also consider the religious and ethical views. They have observed that though religion condemns euthanasia but at the same time, literature has also the passive assistance being permissible. The literature examined has also assisted the researcher in viewing the doctors and nurses role in administering euthanasia. The review of legalization of euthanasia in India shall also assist the researcher in his research in accomplishment of one of his objectives about legalization of euthanasia. Hence, euthanasia is a confounding issue globally. In India, euthanasia is illegal. The researcher therefore intends to research and explore the possibility of its legalization in India. Thus, the researcher has chosen to swot empirical, non-empirical, analytical and doctrinal legal research. The research is based on primary data gathered from various sources such as books, journals, magazines, Newspapers, Law Reports, Reports of commissions for women, seminars, Conferences and Internet access through different websites Apart from this data shall be collected from interviewing method and analyzed to help the researcher in drawing conclusion. This will help in spreading awareness in the society pertaining to the issue concerned. It will also add information and material to medical jurisprudence.

Further, it is difficult that everybody would willingly believe with what you are dealing in your whole research paper. The researcher therefore examines the literature and reviews the articles, papers to support the research work. Thus, this can be achieved with other works which have mentioned about the same topic that I have researched. This adds to the credibility as it supports your work. This also shall strengthen the paper researched as the various citing that other reliable authors have said on the topic, shall prove that it is not just writing about any random subject. The other authors that have poured their thoughts on the topic shall build a stronger foundation for the research. The reviews also help in locating lacunas lying in the existing theories and to think about the way to find the solution for them. This has created a stronger foundation for the research. It has given a good idea about the work already done in the field and the significance of the problem has become clearer.
1.10 Hypothesis and the methodology

1.10.1 Hypothesis

In view of the aforesaid the Researcher has set up the following hypothesis.

1. Exposure to good palliative care results in opposition to legalized Euthanasia.
2. Does religion has an impact on the Government’s decision towards legalizing Euthanasia.
3. The concept of Euthanasia is generally known in all society.
4. The concept of Euthanasia is not considered a crime.
5. The Government should resort to measures for legalizing Euthanasia.
6. A std. or parameters of incurable sickness should be decided for administering Euthanasia.
7. Euthanasia has to be voluntary and aided by Dr’s only.
8. Euthanasia should be allowed in rarest of rare cases.

1.10.2 Research methodology

This research is a combination of fieldwork and empirical research focused on Euthanasia. The study has been accomplished by following the historical and analytical method of research. A critical study has been made with regard to Euthanasia in India with special reference to human rights.

The study is designated to be empirical, non-empirical, analytical and doctrinal legal research based on primary data gathered from various sources such as books, journals, magazines, Newspapers, Law Reports, and Reports of commissions for women, seminars, Conferences and Internet access through different websites.

The researcher has used the doctrinal method of legal research for this report. Thus, it will require an extensive study of the provisions along with the relevant sections of the Evidence Act, 1872 and the Criminal Procedure
References have been cited by going through case laws in relation to this provision. The researcher proposes to collect data on the subject with interview technique, which will enable the researcher to collect detailed information on the subject. The researcher proposes to note down the fact immediately, so that the element of bias while conducting the interview, collection of data and recording the statement and responses will be eliminated.

The researcher proposes to analyze the data collected above with the help of deductive method of reasoning and make the report.

The researcher proposes to complete the research work according to the prescribed rules by the university and within the stipulated time.

1.11 Important, results and discussion

Euthanasia refers to the procedure observed to terminate life deliberately with a motive to rescue the sufferer from agony he goes through. Euthanasia can be categorized in two different types. Each type has its own advantages and disadvantages.

Voluntary euthanasia: When the person who is killed has requested to be killed.

Non-voluntary: When the person who is killed made no request and gave no consent. Euthanasia comes in several different forms, which shall be dealt in detail in the research.

Euthanasia was prevalent right from the ancient times even before man could be civilized. It is therefore essential to understand the historical perspective of euthanasia prevalent during the different eras.

Attitudes regarding euthanasia are divergent and therefore a Comparative study of Euthanasia is essential. It shall enable the researcher to analyze the subject of research globally.

The arguments for and against euthanasia considers both the sides of an issue in a debate and helps to apply to a proposal. It throws interesting light on aspects of the topic and helps one to learn if it can be beneficial to society.
It assists in finding out the moral implications of euthanasia. The study also examines whether you opposed to it because of certain beliefs. And if made applicable could it lead to undesirable consequences that an individual may not foresee?

The researcher also wants to view the Indian outlook from different perspectives. This is to understand and verify whether the views of society differ according to their beliefs.

The researcher cannot be satisfied with analysis of the perspective to decide whether euthanasia is essential or not. To comprehend the issue further the collection of data and its examination and scrutiny is essential. The researcher collected a large sample data from the respondents to verify facts pertaining to the issue. It has been observed that the educated mass is in support of the concept only if it is been executed with specific guidelines that shall not allow the legislation to be blemished with acts of abuse.

To incorporate any legislation a overview has to be done about its utility, this is possible only if review of the articles published is taken into consideration. It widens your horizon about the concept and also benefits in understanding the global perspective about the subject. Its implications, consequences where already adopted. It also has assisted in understanding the religious perspective worldwide. The attitude and views of the nurses and physicians towards the issue globally. The availability of palliative care and its utility and the impact it has on the patients all over the world. It has also helped in drawing attention to the concept of autonomy which has not been emphasized much in our country. Attention needs to be given to the concept of self independence, autonomy has to be recognized this shall help us in approving the concept of living will. It has assisted the researcher in understanding that euthanasia is not a new concept and has been prevalent since ages. It also assisted the researcher in gauging the concept of euthanasia in its different form. It also enabled to understand that passive euthanasia is the most common form that is accepted all over. Rest of the forms are considered as crime and rejected by most of the nations. But however it has been understood that the issue is of importance for all the nations.
In case we need to have legislation a detail study is essential. In view of the same the researcher proposes to study whether right to life guaranteed in article 21 of the Indian constitution, includes the right of human dignity and exist until the end of natural life, also exist in case of termination of life before its natural death. There are various judgments in support and in against of this right. But the verdict; given by the five judge bench in Gian Kaur v. State of Punjab states “right to life does not include the “right to die". The Supreme Court evidently mentioned in the said judgment that Article 21 only guarantees right to live. The, right to die is not incorporated in it. It is irreconcilable and incoherent with the concept of right to life.

The international human rights law also does not unambiguously or clearly define whether the right conferred in Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) includes right to end life. As the right states that right to live is an inherent right and no individual shall be arbitrarily deprived of his life."The word 'arbitrary' deprivation of life has not been defined.

Euthanasia is confounding subject, for all the legislatures and courts. No country is away from it.

Diversity is a unique feature of our country. The diversity in India is across religious groups, educational status, and culture plays a vital impact on the thought process of an individual.

Euthanasia has remained a grey area for many people within medical and political practices. In spite of the support for changes to the legislation, euthanasia remains illegal. The Government has always turned its back on due to the traditional religious beliefs or on the belief that the terminally ill may be externally pressurized for assisted suicide by friends or relatives who no longer have the patience or capacity to take care of them.

Proponents say that parliaments attitude towards euthanasia is illogical it holds euthanasia as a crime. They submit that when suicide has been legalized since 1961, then those who are not able to perform it due to the terminal illness are denied the same choice and freedom that normal individual is entitled to.
“Aruna Shanbaug” case: SC allows passive euthanasia. The SC has rejected “Pinki Virani’s” plea for administering active euthanasia. She had made this requisition for a nurse “Aruna Shanbaug”, who lies in the KEM hospital of Mumbai for 37 years in vegetative state.

In the landmark judgment delivered the Apex Court permitted "passive euthanasia". Patients in a permanent vegetative state were allowed to implement it. They were permitted to withold life saving medication and also withdraw apparatus used to save life. They however straight away rejected her plea for active euthanasia. That is terminating life with lethal drugs.

Thus, the Supreme Court judgment has gone beyond Pinky Virani’s euthanasia plea and laid down guidelines for future cases.

The exceptional advances in medical science and technology have a noteworthy impact on civilization. They have brought into front issues that are changing the outline of societal values and human living. These changes have brought the expansion of assertion of human rights, autonomy, and freedom of choice. These issues have induced to re-examine our view on medical ethics and its impact on society and value systems.

In India the concept of euthanasia even today is connected with human dilemmas of old age and terminal sickness. In many of cases, the patients prefer death to dependency, and loss of dignity. They believe that each one has the right to command his life and simultaneously his body. Further, they state that, if a person is capable of doing spiritual practice life should be prolonged. Otherwise, it is better to let the person commit euthanasia. They also believe that doing so will enable us to preserve resources which can be used to help others doing spiritual practice and help the society in general rather than looking after just one person’s needs.

The researcher has also discussed about the concept of living will which helps in understanding the desire of the individual. It can be executed by the person any time when he becomes a major and is competent to understand the consequences of his act. The living will of the person can reduce the complications of understanding the patients consent for the act, which is
always a problem and matter of dispute when the patient is in a later stage of his/her illness.

In India, there is no law for euthanasia and the land punishes who even try to commit suicide. However it is now essential to find the possibility to have ‘legislation for euthanasia, which would reduce the burden of the Indian courts. In view of the above, a survey shall be conducted among the graduates to assess, evaluate the possibility of euthanasia in our country. The number of researchers has surveyed attitudes of public which demonstrate high rates of public support for legalization.

The researcher also aims at finding the possibility of legalization in India. The researcher shall collect primary data through a structured questionnaire to test the researcher’s hypothesis. The above study shall helps to understand that the population is aware about the concept of euthanasia and whether most of the population is in favor of legalizing euthanasia.

1.12 Conclusion

The process of research will give intensive research training, enhance knowledge, professional skill and give a wider vision. It will develop the personality of the researcher.

The research is expected to spread awareness in the society in relation to the subject concern. It will add information and material to medical jurisprudence. This will help the prospective researchers and students. It will also guide them and encourage them in further research with respect to this socio legal field.

The researcher also proposes that concept of euthanasia should be applied to reduce the sufferings of patients which cannot lead a dignified life because of the incurable ailment. The process of research will enable to lay guidelines for administration of euthanasia. The research will also enable us to understand why it should not be generally applied.

The researcher humble submission and inferences will help the legislative bodies in bringing reformation in laws.
This research work will help every citizen to avoid the misuse. It will be more useful to regulate external human behavior and social transactions conditions and values. It shall be designed to suit the changing scenario.

The main aim of this work is to find out the solutions, for making laws more humanistic and bring in it human rights approach.

The determination of the research is also expected to help the future course of action of policy makers and decision makers.

There is a narrow or perhaps almost negligible study done by law enforcement agencies about the deterrent effects of legal sanctions. It is important to undertake these studies to correct the general misconception about the concept of euthanasia.

Thus the researcher feels it is absolutely essential to find whether euthanasia is really essential to bless the in vain who wish to get rid of their lives or will legalizing it be a boon to individuals who want to get rid of such in vain.

End Notes: