DECLARATION

This is to certify that the material embodied in the present work entitled “EUTHANASIA: A SOCIO - LEGAL STUDY” is based on my original research work. It has not been submitted in part or in full for the award of any other award of Diploma or Degree of any University.

My indebtedness to other work has been duly acknowledged at the relevant places.

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Place: Rohtak (Rekha Rani)
Date:
PREFACE

“We are all afraid for our confidence, for the future, for the world. That is the nature of the human imagination, yet every man, every civilization, has gone forward because of its engagement with what it has set out to do. The personal commitment of a man to his skill, the intellectual commitment and the emotional commitment working together as one, has made Ascent of Man”

- J. Bronowski

Life is a prestigious gift of nature. Right to life mean not mere animal existence but live with dignity up to death. But in our routine life we often come across chronically ill patient near to death and who have no hope of life and total depends on others. Then how can we say they live their life with dignity. In this century and especially in the past decade we have witnessed amazing changes in men’s power our both birth and death.

In the present era there is tremendous changes have taken place in belief and practices pertaining to the beginning of life. Family planning and birth control instead of being condemned are now accepted as a duty and responsibility. Now abortion is legal in certain circumstances, if abortion could be legal in certain circumstances, then why is there no euthanasia law for the people who have no hope of their life? Many people pray that they will not outlive their usefulness and became a burden to their next kin, forcing them to spend large sum of money only to postpone inevitable.

Euthanasia is a controversial topic after the decision of Aruna’s Case the people of India have become increasingly aware of and concerned with the problem pertaining to death and dying. Evidence of this is the question and argument being orchestrated in a rising volume of publication seminars conferences, court decisions and legislative proposal. On the other hand
individual who have acted to end hopeless suffering support euthanasia, it raises a number of ethical and legal issues which generate euthanasia as a crime.

My research work is in the hope that it will stimulate discussion and appropriate action in dealing with this present problem. This research work is chapter wise treatise with the complete research on the subject. The work contains many aspects about the euthanasia law in the light of various renounced judgment of Supreme Court and High Court and many other courts of various countries. This thesis contains seven chapters in all.

The first chapter is the introductory chapter which discusses the general aspect of euthanasia. Why we need study of euthanasia law is necessary in present time. This chapter is also helps to know about objectives, research methodology and how many books, articles, generals, reports, magazines, newspapers and websites to complete my thesis.

The second chapter summarizes the historical background of euthanasia in various countries. This chapter also contains position of euthanasia in Nazi’s era. For the complete study on the topic we have to knowledge about the history of the topic so I try my best to written about historical background of euthanasia.

The third chapter of this thesis attempt to describe about the meaning, concept and some other related terms of euthanasia. Euthanasia is mainly of two types: Active or Positive Euthanasia and Passive or Negative Euthanasia. Some other classification is also present in my work like, Voluntary, Involuntary and Non-voluntary. I also try to differentiate these terms and try to tell about related terms like Physician Assisted Suicide (PAS), Brain Death, Suicide, Murder, Doctrine of Double Effect and Human Right & Euthanasia. An attempt has been made to role of various euthanasia devices for terminally ill patient.
Fourth chapter states about the religious view on euthanasia. Euthanasia is a controversial topic. It related to death of a person. Many religions oppose euthanasia law and the role of God in death and dying. So it becomes important to know about the position of euthanasia in various religions. Some religion consider euthanasia as a sinful act where as others view is that it is a modern way to relieve the pain of a hopeless person. Chapter four is also states about the position of euthanasia in medical ethics. Although Hippocratic Oath forbid doctors to end the patient life but on the other hand in some case they abort a child then we can think that how they break their oath in case of abortion. In this chapter, I also attempt to describe the role of physiologist in euthanasia law.

Chapter fifth describes the position of euthanasia in Indian and International perspective. I also described the position of euthanasia in various countries in tabulation form. I also described various judgments of Indian courts and courts of various countries. Many landmark judgments also described by me in this research work. Judgments like ‘Maruti Shriputti Dubal, P. Ranthinam, Gyan Kaur and Aruna Shanbaug’ are explained well. In some other countries courts judgment is also described in this research work like Terri Schiavo Case, Doctor Death case etc. In few country euthanasia is legalized which is also described here.

Chapter sixth deals with the reasons against euthanasia and justification of euthanasia law.

Chapter seventh deals with the field study to know how the people react about the topic euthanasia by using questionnaire method.

Chapter Eighth of the thesis, as usual is based on conclusions and suggestions. I have concluded the present research work in this chapter and have given some meaningful suggestions which would go a long way to help the terminally ill patients in ending their suffering to a greater extent. Many opponent of euthanasia say that it may be abused. Perhaps no law has ever
been written that cannot be or has not been abused. The supporters of euthanasia law states that the time will come when euthanasia in certain circumstances will be accepted and practiced. It is pertinent to mention here that it is a duty of every human being on this earth to share the sufferings of other human beings and serve the humanity because service of humanity is service of God. In view of the above, we must think positively to reduce the sufferings of any person including the person suffering from the problem of euthanasia all over the world including India.

This research work discussed the many aspect of euthanasia and the necessary safeguard of good legislation should help to make euthanasia one of men’s basic right and grant him the freedom to die as he choose in certain circumstances. If a country that can send man to the moon and bring them back safely, then we can say that country is capable of writing a good euthanasia law if it so desire.

Place: Rohtak

(Rekha Rani)
ABBREVIATIONS

- AIR - All India Report
- AIDS-Acquired Immune Deficiency Syndrome
- AIIM-All India Institute of Medical Science
- ASG – Additional Solicitor General
- Asst. / Prof. – Assistant / Professor
- Art. / Sec. - Article / Section
- CA – Court of Appeal
- Cr.L.J - Criminal Law Journal
- Cr.P.C - Criminal Procedure Code
- DNR - Do Not Resuscitate
- DGHS - Directorate General of Health Service
- ES – European States
- FL – Florida
- Govt. / NGO - Government / Non Government Organization
- H.C / S.C - High Court / Supreme Court
- ICU – Intensive Care Unit
- ILI – Indian Law Institute
- ILR – Indian Law Reports
- Ind.L.J – Indian Law Journal
- Ir. Reports – Irish Reports
- Jr./Sr. – Junior / Senior
- KEM – King Edward Memorial Hospital
- LJ – Law Journal Reports (Cited as LJ Ch., QB. PC, KB, MC etc)
- LT – Law Time Reports
• MLJ – Madras Law Journal
• NDPS-Narcotics Drugs and Psychotropic Substances
• N.J / N.Y – New Jersey / New York
• PAS - Physician Assisted Suicide
• PNDT - Prenatal Diagnosis Techniques
• PC – Privy Council
• PIL - Public Interest Litigation
• PRNH- Patient Refusal of Nutrition and Hydration
• PVS - Persistent Vegetative State
• QBD – Queen Bench Division
• SCC – Supreme Court Cases
• UDHR- Universal Declaration of Human Rights
• U.O.I – Union of India
• US – United States
• UK – United Kingdom
• VRFF-Voluntary Refusal of Food and Fluids
• WLR – Weekly Law Reporter
• WPCA - Worldwide palliative Care alliance.
• WMA- World Medical Association
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6.2.5 The Danger Of Abuse

6.2.5.1 Legalization would lead to abuse of the law and foul play.

6.2.5.2 Legalization of voluntary euthanasia would be the opening wedge to state imposed, compulsory euthanasia and Nazi-like elimination of all unwanted persons.

6.3 Ground for justification AND specification of euthanasia

6.3.1 Compassion and plain common sense for today’s world must be the basis of any consideration of euthanasia.

6.3.2 The right to die with dignity should be recognized as a basic human right.

6.3.3 What is morally right should be made legally permissible.

6.3.4 To respect sufferers ‘autonomy’.

6.3.5 To allow individuals to value ‘quality of life’ over sanctity of life.

6.3.6 To end suffering.

6.3.7 To reduce reliance on life support systems and/or
advanced medical knowledge.

6.3.8 To reduce risk of premature suicides.

6.3.9 To reduce the legal jeopardy of those who implement euthanasia.

6.3.10 To allow regulation of procedures regarding euthanasia.

6.3.11 Changes in professional and public attitudes to euthanasia.

6.3.12 Choice

6.3.13 Quality of life.

6.3.14 Economic Costs and Human Resources.

6.4 Conclusion

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7.1 Method of Field Study

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8.1 Introduction

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