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PASSIVE EUTHANASIA IN INDIA: BALANCING THE RIGHT TO LIFE WITH THE RIGHT TO DIE WITH DIGNITY.

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ABSTRACT

Passive Euthanasia in India has developed has emerged as a significant issue involving legal, ethical, and human considerations. The interpretation of the right to life under Article21 [1]has gradually expanded to include the idea of living with dignity, raising questions about whether such dignity should also extend to the end of life in cases of extreme suffering and terminal illness. The concept and forms of euthanasia highlight the difference between merely prolonging life and ensuring a meaningful and dignified existence. At the same time, ethical concerns such as the conflict between mercy and killing, along with the risk of misuse, remain important challenges. Therefore, the recognition of passive euthanasia requires strict safeguards, clear medical guidelines, and responsible decision – making. A balanced and cautious approach is necessary to protect life while also respecting dignity, ensuring that compassion is supported by accountability and justice.

KEYWORDS

Passive Euthanasia ,Article21 , Right to Life, Right to die with dignity, Living Will, Persistent Vegetative State, Terminal illness, Supreme Court of India.

INTRODUCTION

Every individual has the fundamental right to live with dignity under the constitution and the broader framework of human rights. However, the question of whether a person also possesses the right to die remains complex and controversial. In India, this issue reflects a clear legal

[1] INDIA CONST.art.21.

paradox. On one hand, suicide is discouraged and treated as a punishable act, emphasizing the duty of the state to preserve life. On the other hand, the judiciary has recognized passive euthanasia under specific conditions, thereby acknowledging that dignity must also be protected at the end of life.

The concept of euthanasia itself has long been debated, it is an act of mercy or a form of unlawful killing. This moral and legal uncertainty makes the issue highly sensitive. However, in certain exceptional cases, particularly where a person is in a persistent vegetative state or suffering from a terminal illness with no hope of recovery, passive euthanasia may be seen as a compassionate response to prolonged suffering. Recently, in the case of **Harish Rana v. Union of India**[2], the Supreme Court allowed the withdrawal of life-sustaining treatment for a patient who had been in a vegetative state for more than a decade, thereby reinforcing the practical application of the right to die with dignity.

From a humanistic perspective, forcing an individual to continue living in such conditions may not align with the true meaning of dignity. In such situations, allowing a natural death by withdrawing life- sustaining treatment is not merely about ending life, but about respecting the individual's autonomy and preserving their dignity.

Therefore, the issue of passive euthanasia requires a careful balance between the sanctity of life and the right of an individual to die with dignity, within the limits of law and ethical considerations.

MEANING AND FORMS OF EUTHANASIA

Euthanasia can be understood as a process of ending a person's life, but with the intention of providing them relief from unbearable pain and suffering. The objective is not merely to end life, but to ensure that a person who is suffering from a terminal illness or is in a persistent vegetative state is allowed to die in a peaceful and dignified manner.

Euthanasia, commonly referred to as 'mercy killing', is the act of intentionally ending a person's life to relieve them from prolonged suffering caused by an incurable medical conditions. The term is derived from the Greek words 'eu' meaning good and 'thanatos' meaning death , which together signify a 'good death'. Euthanasia is not merely about ending

[2] Harish Rana v. Union of India,2026

life, but about ensuring that an individual is freed from unbearable pain and allowed to die with dignity. Its moral and legal acceptability varies across different societies and legal systems.

Euthanasia can be classified into different forms based on the nature of the act and the consent of the individual –

- **Active Euthanasia –**

Active euthanasia refers to the direct and intentional act of causing the death of a patient, usually by administering a lethal injection or any other substance. In this form, death is actively brought about through a deliberate medical intervention, which raises serious ethical and legal concerns. In India, active euthanasia is not legally permitted, as it is considered equivalent to intentionally causing death and is punishable under criminal law.

- **Passive Euthanasia –**

Passive euthanasia refers to the withdrawal or withholding of life – sustaining treatment that is necessary for the survival of a patient. This may include removing a ventilator, stopping artificial feeding, or discontinuing other medical support systems that are keeping the patient alive. In such cases, death occurs naturally due to the underlying medical condition rather than any direct act. 'Passive euthanasia has been recognized as legal in India under specific conditions, as it allows a person to die with dignity. Passive Euthanasia has two components:

- **Voluntary Euthanasia –**

  Voluntary euthanasia occurs when a patient consciously and willingly requests for their life to be ended due to unbearable suffering. It is based on the principle of personal autonomy and the right of an individual to make decisions about their own life, though it is not legally permitted in India.

- **Non – Voluntary Euthanasia –**

  Non – Voluntary euthanasia takes place when the patient is unable to express their consent, such as in cases of coma or a persistent vegetative state. In such situations, decisions are made by family members or legal authorities, often under strict judicial supervision.

  Thus , the different form of euthanasia reflect the complex and ethical issues involved in end –of – life decisions, requiring a careful balance between compassion ,,dignity, and legal safeguards.

LEGAL FRAMEWORK OF PASSIVE EUTHANASIA IN INDIA

The legal framework governing in India is primarily rooted in **Article 21 of the Constitution,** which guarantees the right to life and personal liberty. Over time, the judiciary has interpreted this provision to include the right to live with dignity. However, the question of whether the right also includes the right to die has been a subject of continuous judicial debate.

In **Gian Kaur v. State of Punjab,** the Supreme Court held that "right to life" under Article 21 does not include the "right to die". At the same time, the Court made an important observation that the right to die with dignity could be recognized in cases of terminal illness or a dying person. This judgment laid the foundational distinction between an unnatural termination of life and a dignified end to suffering.[3]

A major shift occurred in **Aruna Shanbaug v**. **Union of India**, where the Supreme Court, for the first, permitted passive euthanasia under strict judicial [4]supervision. Although the court recognized the concept, the implementation remained limited, as the patient ultimately continued in a vegetative state and passed away naturally.

The legal position was further clarified in **Common Cause v. Union of India**, ,where the court formally recognized the validity of a "living will" and laid down detailed guidelines for withdrawing life – sustaining [5]treatment. The judgment strengthened the idea that dignity must be preserved even at the end of life, making the exercise of this right more structured and accessible.

In 2024, the **Ministry of Health and Family Welfare** issued updated guidelines simplifying the procedure for passive euthanasia and living wills. These guidelines aimed to reduce procedural delays and make the process more practical for patients and families, ensuring that individuals do not suffer unnecessarily due to legal complexities[6]. This step reflects a more compassionate and responsive approach by the State towards end-of-life care.

More recently, in **Harish Rana v. Union of India,** the Supreme Court reaffirmed this position by allowing the withdrawal of life support in a case involving a patient in a prolonged vegetative state with negligible chances of [7]recovery. The Court recognized that

[3] Gian Kaur v. State of Punjab, (1996) 2 S.C.C. 648 (India).
[4] Aruna Ramchandra Shanbaug v.Union of India, (2011) 4 S.C.C. 454 (India).
[5] Common Cause v. Union of India, (2018) 5 S.C.C. 1 (India).
[6] Ministry of Health & Family welfare, Government of India, Guidelines on Passive Euthanasia and Living Will (2024).
[7] Harish Rana v.Union of India, Supreme Court of India (2026).

forcing a person to continue in such a condition may violate the essence of dignity guaranteed under Article21.

Passive euthanasia is not about choosing death over life, but about respecting the quality and dignity of life. It ensures that individuals are not compelled to endure prolonged suffering or become a burden on their loved ones in situations where recovery is unlikely. At the same time, the law insists on strict safeguards to prevent misuse, maintaining a careful balance between compassion and caution. Thus, the legal framework of passive euthanasia in India reflects a gradual evolution – from strict prohibition to conditional acceptance – guided by the principles of dignity, autonomy, and humanitarian concern.

ETHICAL DILEMMAS AND SAFEGUARDS IN PASSIVE EUTHANASIA

From one perspective, passive euthanasia plays an important role in relieving patients from extreme pain and suffering. It ensures that a person who is in a terminal condition or a persistent vegetative state is not forced to continue life in helpless circumstances or become a burden on others, thereby preserving dignity.

However, it raises a serious moral question- whether anyone has the right to end life, even for compassionate reasons. The line between mercy and killing often becomes blurred, creating doubt about whether such decisions are truly in the patients best interest or influenced by the emotional and practical difficulties of caregivers.

To address these concerns, strict safeguards are essential. Proper medical evaluation, informed consent, and judicial oversight must be ensured to prevent misuse. The safeguards recognized in Common Cause v.Union of India and the guidelines issued by the Ministry of Health and Family Welfare in 2024 aim to create a balanced framework where compassion is supported by accountability.

As rightly said, “The value of life lies not merely in its duration, but in its dignity.”

Thus, passive euthanasia requires a careful balance between compassion and caution, ensuring dignity while preventing misuse.

CONCLUSION

Passive euthanasia can be seen as an important and humane way to reduce the suffering of people who are in serious medical conditions, or unable to live a normal life. Over time, it has been understood that the right to life is not just about staying alive, but also living with dignity and peace.

This idea show that sometimes forcing a person to continue life in extreme pain may be truly fair or humane. Life should have value and respect, not just duration.

As rightly said, “The value of life lies not merely in its duration, but in its dignity.”

At the same time, it is very important to make sure that right is not misused. People should be aware, proper medical rules should be followed, and strict monitoring should be there. This will help in protecting patients and making sure that decisions are taken honestly and carefully.

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