



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Right to Die with Dignity: Passive Euthanasia in India

Thummar Krinal NareshBhai

Life-ending choices stir debate across India, tangled in beliefs, faith, health rules, and legal lines. A direct move to intentionally end life remains unlawful in India. However, withdrawal of life-sustaining treatment under judicial safeguards has been recognized by courts.^{^1} From a series of constitutional rulings emerged an evolving principle: dignity at the end of life may form part of constitutional protection.^{^2}

Understanding Passive Euthanasia

Stopping life-sustaining treatment when recovery is no longer possible constitutes passive euthanasia. Withdrawal of ventilators, artificial nutrition, or medication intended merely to prolong biological existence falls within this category.^{^3} Passive euthanasia differs from active euthanasia because death results from withdrawal of intervention rather than administration of a life-ending act.^{^4}

Courts have viewed passive euthanasia less as intentional destruction of life and more as a medical and ethical question involving dignity and autonomy.^{^5}

Right to Die Under Constitutional Law

Questions surrounding end-of-life decisions are linked to **Article 21 of the Constitution of India**, which guarantees the right to life and personal liberty.^{^6}

In **P. Rathinam v. Union of India**, the Supreme Court initially interpreted Article 21 broadly and suggested that the right to life could include the right not to live under certain circumstances.^{^7}

This position changed in **Gian Kaur v. State of Punjab**, where the Court overruled *P. Rathinam* and held that Article 21 does not include a right to die.^{^8} However, the Court

recognized that the **right to die with dignity at the end of natural life** could fall within constitutional protection.⁹

The Aruna Shanbaug Case

The issue reached national attention in **Aruna Ramachandra Shanbaug v. Union of India**, where a petition sought withdrawal of treatment for a nurse who had remained in a permanent vegetative state following a brutal assault.¹⁰

The Supreme Court declined the request in that particular case but recognized passive euthanasia in India subject to judicial approval and medical review.¹¹ The Court required approval from the relevant High Court and assessment by a panel of doctors.¹²

Recognition of Living Wills

The legal framework evolved further in **Common Cause v. Union of India**, where the Supreme Court held that the **right to die with dignity is part of Article 21** and recognized the validity of advance directives or living wills.¹³

The Court held that individuals may decide in advance whether life-support measures should continue if they later become incapable of expressing consent.¹⁴ Safeguards involving medical boards and judicial oversight were prescribed to prevent misuse.¹⁵

Subsequent clarification simplified procedural requirements after concerns emerged regarding implementation difficulties.¹⁶

Sources:

1. *Aruna Ramachandra Shanbaug v. Union of India*, (2011) 4 S.C.C. 454 (India).
2. *Common Cause (A Regd. Soc'y) v. Union of India*, (2018) 5 S.C.C. 1 (India).
3. *Id.*
4. Law Commission of India, *241st Report on Passive Euthanasia: A Relook* (2012).
5. *Aruna Ramachandra Shanbaug*, (2011) 4 S.C.C. 454.
6. INDIA CONST. art. 21.
7. *P. Rathinam v. Union of India*, (1994) 3 S.C.C. 394 (India).
8. *Gian Kaur v. State of Punjab*, (1996) 2 S.C.C. 648 (India).

9. Id.

10. *Aruna Ramachandra Shanbaug*, (2011) 4 S.C.C. 454.

11. Id.

12. Id.

13. *Common Cause (A Regd. Soc'y) v. Union of India*, (2018) 5 S.C.C. 1 (India).

14. Id.

15. Id.

16. *Common Cause v. Union of India*, Misc. Application No. 1699 of 2019, decided Jan. 24, 2023 (India).

