I am the master of my fate; I am the captain of my soul.
William Ernest Henley

1. An Introduction

Euthanasia is a Greek word which literally means ‘an easeful death’. It describes the practice of bringing about death in a manner that causes the least amount of suffering to the patient. The concept of euthanasia has been a matter of significant controversy over the recent past both in India as well as in other parts of the globe. Let us take some hypothetical situations in order to understand some of the complex issues surrounding euthanasia. A woman, ‘X’, is suffering from brain damage and has become dependent on a feeding tube without which she can no longer survive: she no longer has any will to live. Her husband asks a court to discontinue this treatment, but his wife’s family insists the life supporting intervention continue. What would be the likely outcome from the courts in India? In another case, ‘P’ was born prematurely and suffered brain damage. Although he is not dying, he often needs ventilation. The likelihood is that he will grow up blind, deaf and unable to speak. The question arises as to what should be done if in the future ventilation is needed.

The problems for developing countries such as India where there may be widespread shortages of the bare necessities of life such as adequate nutrition, clothing and shelter, and lack of educational facilities is that individuals are often solely dependent on the mercy of others. With this in mind, the question must be asked what is to be done if a person with an incurable condition is suffering from intolerable pain, and this person does not have sufficient means to continue their treatment, whether in such
cases euthanasia should be allowed. What will be the implications if it is permissible? Perhaps most importantly, from the legal point of view, the question which arises whether the right to life includes right to die under the Constitution of India, as well as under the international human rights instruments.

2. Life… and Death

The Constitution of India provides for the right to life: no person shall be deprived of his life or personal liberty except according to procedure established by law.¹ What is the meaning of right to life and whether it includes the right to die will be discussed in the next section.

The concept of euthanasia can be interpreted in a number of different ways under the following heads:

(1) Voluntary Euthanasia: People concerned to legalize the termination of life on medical grounds have always concentrated on voluntary euthanasia, which implies that the patient specifically requests that his life be ended. It is generally agreed that the request must come from someone who is either a) in intolerable pain; or b) who is suffering from an illness which is agreed as being terminal. It may be prior to the development of the illness in question or during its course. In either case it must not result from any pressure from relatives or those who have the patients in their care.² Both active and passive euthanasia can be termed as forms of voluntary euthanasia.

(2) Non-voluntary Euthanasia: Seen by some as a sub-variety of voluntary euthanasia. This involves the death, ostensibly for his or her own good, of someone who cannot express any views on the matter and who must therefore use some sort of proxy request that his/her life be ended. As Glover points out, this form of euthanasia

¹ Article 21 of the Constitution of India.