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DIGNITY BEYOND LIFE: A CONSTITUTIONAL JUSTIFICATION OF PASSIVE EUTHANASIA

-Chidananda Udgata¹

- Sweekruti Guru²

ABSTRACT

This article is based on one of the most controversial yet necessarily important topic which comes under the ambit of Article 21 of the Indian Constitution, which the Apex Judicial body itself took over a decade to come to a conclusion. The ceaseless rigorous debate in the Apex Court over these years which tightened the nerves of every Indian Citizen which craved for justice to be served, made it realize the depth and complexity of this agenda, which finally, came to a conclusion where Passive Euthanasia was addressed and passed. This particular Euthanasia basically allows a patient to die naturally by removing the life support system attached to it, which eventually give a dignity death which follows a precedent, i.e., *Common Cause Case of 2018* which considered "Right to die with dignity" under the Ambit of Article 21 of the Fundamental Rights. ³

INTRODUCTION

Once said an American clergyman Henry Ward Beecher that *“God asks no man whether he will accept life. That is not the choice. You must take it. The only choice is how”*. In this contemporary era, India has evolved over these decades by maintaining a very strategic approach towards the ambit of Article 21⁴, where not only "Right to life" is ensured but "Right to live" and "Die with Dignity" is taken into consideration as Fundamental rights within the same scope. The primary cases which included *Common Cause v. Union of India*⁵ and *Aruna Shanbaug v. Union of India*⁶ are the cases where the Apex Court of India considered the credibility of the Passive Euthanasia

¹ 5th Year Student, University Law College, Utkal University

² 5th Year Student, University Law College, Utkal University

³ Chidananda Udgata and Sweekruti Guru of University Law College, Utkal University

⁴ Article 21 of Indian Constitution; Right of Life and Personal Liberty

⁵ (2018) 5 SCC 1

⁶ (2011)4 SCC 454

under the recent Harshit Rana case which emphasize on "will to live" and "end life" in subjected to humanitarian grounds.

MEANING AND TYPES OF EUTHANASIA

Meaning:

Euthanasia as per layman terms refers to the practice of intentionally ending or stopping the ongoing treatment by removing life-sustaining medical treatment of the patient who is suffering from immense pain due to a fatal incident, and enters into a persisting vegetative stage for the rest of his life.

Whereas, in terms of 'Personal Autonomy' of an individual, as held by Apex Court in *Anuj Garg v Hotel Assn. of India*⁷, which "includes both negative right of not to be subject to interference by others and the positive right of individuals to make decisions about their life, to express themselves and to choose which activities to take part in".

There are certain definitions by various scholars regarding the Euthanasia,

According to **Sir Francis Bacon**, coined the term "euthanasia" to describe what was commonly referred to as "mercy killing" derived from Greek words 'Eu' meaning good and 'Thanatos' meaning 'death'.

The **Oxford dictionary** defines the term 'euthanasia' as the practice of killing without pain a person or animal who is suffering from a disease that cannot be cured.

According to **The House of Lords Select Committee**, has given a proper definition of Euthanasia on Medical Ethics in England which described euthanasia as "a deliberate intervention undertaken with the express intention of ending a life to relieve intractable suffering".

CLASSIFICATIONS

Euthanasia or "Mercy Killing" can be classified into certain categories:

⁷ (2008) 3 SCC 1

ACTIVE EUTHANASIA

refers to the causing of death of the person through direct administration of a lethal drug to die with an intention to grant immediate relief to the person. It is the intentional and active termination of a person's life usually via lethal injection or medication to immediately end incurable suffering of that person.

- **Voluntary Euthanasia** refers to the death granted upon the **consent** of the patient. It is the intentional painless termination of a patient's direct, voluntary and competent request.
- **Involuntary Euthanasia** refers to the death granted at the other person's will (usually a legal guardian, legal representative or a person who is entitled to take decisions on patient's behalf) when the patient is unconscious and is incompetent enough to make a decision of its own.

PASSIVE EUTHANASIA

refers to a medical treatment aimed at relieving the person from suffering which has an unintended and foreseen side effect of shortening a patient's life. It is often considered ethical and legal under the '**doctrine of double effect**'⁸ which justifies a harmful effect if the intention was only to achieve a good effect at the end.

SCOPE OF ARTICLE 21 IN RELATION TO PASSIVE EUTHANASIA

Article 21 of the Indian Constitution provides that "no person shall be deprived of his life or personal liberty except according to procedure established by law".

The right to life does not include the right to die within its scope but it gives the right of dignified death to a person through passive euthanasia. In the landmark case of *Gian Kaur v. State of Punjab (1996)*⁹, the Hon'ble Supreme Court of India held that the right to life under Article 21 does not include the "right to die" or "the right to be killed" furthermore, the court clarified that "The right to life including the right to live with human dignity would mean the existence of such a right up to the end of natural life. This also includes the right to a dignified life up to the point of death including a dignified procedure of death."

⁸ *Re A (Conjoined Twins: Surgical Separation)* [2001] Fam 147)

⁹ 1996 SCC (2) 648

THE JUDICIAL EVOLVEMENT OF PASSIVE EUTHANASIA

When Scope of **Article 21** extends to inclusion of "Right to die with dignity" under the umbrella of "Right to Life" where the Apex Judicial body of this state legally recognizes it as a fundamental Rights of every person who suffers from a permanent vegetative state is inseparable.

For the first time, in the Landmark case of *Aruna Shanbaug (supra)*, the Apex Court discussed the issues regarding passive euthanasia for the plaintiff who was in vegetative stage after a brutal assault for over two decades.

In 2018, *Common cause (supra)*, the Apex court held that passive euthanasia should be granted to an individual who is terminally ill or someone who has been in a permanent vegetative state and has no chance of any survival. By considering such miserable situation of such person the court decided to make Passive Euthanasia legalized and also recognized the "Right to Die with dignity" under the ambit of Article 21 of the Indian constitution.

Furthermore, recently in 2026, the Hon'ble Supreme Court of India released the Landmark Judgement of *Harshit Rana v. Union of India*¹⁰, where it allowed the administration of Passive Euthanasia by looking down upon the situation of Harshit Rana, a 32 years old man who had been suffering for 13 years under permanent vegetative stage followed by a 2013 accident of the falling off the fourth floor.

HARSHIT RANA CASE: PASSIVE EUTHANASIA

Facts: This recent case in 2026, has got the whole world's attention towards the Apex Court of India's Judgement where the Hon'ble bench has legalized the passive euthanasia for a 32 years old Harsit Rana, who during his college time fell off a 4th floor building leading to diffuse axonal injury making him completely disabled and turning him into a very vulnerable and vegetative stage for last 13 years which compelled the court's attention for an urgent requirement to provide a permanent solution.

¹⁰ (2026) INSC 222

JUDICIAL RESPONSE

The Hon'ble Court as per the *common cause 2023*¹¹ guidelines prescribed under five- judge bench, conducted a two-tier medical review process, which revealed that there was a negligible chance of any recovery over these years. Furthermore, the Hon'ble bench structured their decision on basis of the withdrawal or withholding treatment, by checking on the credibility of the "best interest of the patients" idea, which not only discussed about the patient's best interest to die but whether that situation in which he was in, was best to his interest for his life to be artificially prolonged. Therefore, the AIIMS, Delhi (Hospital) was directed to into palliative care by removing all life supporting instrument ensuring a death of dignity.

DISTINCTION WITH ASSISTED SUICIDE AND REFUSAL OF TREATMENT

Assisted suicide is the act of helping a person with a terminal or incurable illness intentionally to end their life by providing necessary means so that they perform the final action themselves. Assisted suicide is illegal under the terms of the Suicide Act (1961) and is punishable by up to 14 years of imprisonment. Passive euthanasia allows a terminally ill patient to die naturally. In contrast, assisted suicide (or physician assisted suicide) involves a doctor providing the means- usually lethal medication for a patient to self-administer and end their own life.

Refusal of treatment is the legal right of a person to decline any life-saving treatment thereby exercising his right of self-determination. It is considered as a fundamental right of a competent person even if it leads to death. Passive euthanasia is initiated by medical professionals with the consent of the patient but it can also be initiated by the consent of his legal guardian.

For the first time, in 1994 the *P. Rathinam v. Union of India*¹², the Apex body had observed the section 309 of IPC (attempt to suicide) was held unconstitutional, where the idea of right to die was first taken into consideration and was included into Right to Life (i.e., Article 21).

¹¹ (2023) 14 SCC 131

¹² 3 SCC 394

COMPARISON WITH OTHER COUNTRIES

The Right to die is generally not recognized under the International Humanitarian Law but the right to live with dignity is mentioned under various international covenants. Taking this into account many countries have adopted the practice of euthanasia into their law. Currently it is legal in seven countries, the Netherlands became the first country followed by the United States, Germany, Switzerland, Belgium, Canada and Australia who became the first country to be legalized Euthanasia. In contrast to these countries, India's approach towards euthanasia is cautious and restrictive, permitting only passive euthanasia under the Supreme Court's guidelines as prescribed in the Harshit case.

ETHICAL DIMENSIONS AND SOCIETAL MORALITY

At the core of all of the debate above lies a very significant and particular question, i.e., *is preserving life at all costs is always the right thing or whether dignity of life should take precedence under Article 21? Through passive euthanasia an individual's autonomy over his own body is respected but it places an emotional burden on the family who had to take this decision amid guilt and societal pressure. On the other hand, both the cultural values, that treat life as sacred and the moral dilemma faced by doctors, make this issue even more complex. Therefore, it is not just a legal concept but a reflection of how society understands life and its dignified peaceful ending.*

CONCLUSION

Passive Euthanasia in India aims to create a balance between dignity, autonomy and societal values under Article 21 of the Indian Constitution. While law recognizes a dignified end, emotional, cultural and practical challenges persist. Ultimately, it's not about ending life but allowing a humane and peaceful conclusion especially in Harshit Rana case 2026 it represented a remarkable evolution in judicial initiative towards Passive Euthanasia with strict guidelines, prescribed by the Apex court where the Indian Judicial body ensured dignity in death for all citizens.