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Euthanasia- The Burning Issue

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Abstract-

Euthanasia is a controversial subject, not only because there are many moral dilemmas associated with it, but also in what constitutes its definition. At the extreme ends of disagreement, some school of thoughts is of the opinion that euthanasia, also known as physician assisted suicide or physician aid in dying, is a merciful act of dying. At the other end, there are opponents of euthanasia who believe that this method is a form of murder.

Key word: Euthanasia, letting die, physician assisted suicide.

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Introduction-

The term euthanasia was derived from the Greek words: Eu(good) and thanatos(death) and it means “ Good Death”, “Gentle and Easy Death”. This word has come to be used for “mercy killing”.

The word Euthanasia was first used in a medical context by Francis Bacon in the 17th century, to refer to an easy, painless, happy death, during which it was a physician’s responsibility to alleviate the ‘physical sufferings’ of the body.

Types of Euthanasia

- 1) **Active or direct euthanasia** involves specific actions used to bring about death (e.g. lethal drugs or injections). It is an act of commission.
- 2) **Passive euthanasia** is the practice of withdrawing treatment and/or nourishment and allowing a patient to die. This practice is widely carried out and generally judged to be legal. It is an act of omission. Indirect euthanasia is the practice of providing treatment,

such as pain relief, which has the side-effect of hastening death. This is also widely practiced and generally considered legal if killing was not the intention. This is sometimes referred to as the principle of 'double effect'.

- 3) **Voluntary euthanasia** is used in cases where the sufferer has made it clear that he or she wishes to die and has requested help to bring this about.
- 4) **Non-voluntary euthanasia** occurs when a person cannot express a wish to die but it is believed to be what they would have wanted (patients in comas, or other those who cannot communicate for other reasons).
- 5) **Involuntary euthanasia** is when a patient is capable of expressing a wish to die but does not, where an individual may distinguish between life and death (this equates to murder).

Doctor- Assisted Suicide

This usually refers to cases where the persons who are going to die need help to kill themselves and ask for it. It may be something as simple as getting drugs for the person, and putting those drugs within their reach.

Proponents of euthanasia base their position on two fundamental principles 'mercy' and 'self-determination.' Patients have the right to dictate the course of their own lives and it is an "unjustifiable encroachment" upon individual liberty to prevent a competent terminally ill patient and a co-operative doctor from acting upon the patient's desire to end life.

Human Rights

Those rights which are conferred upon the human beings just because of the fact that they are 'human beings'. These rights are also known as inherent rights bestowed upon mankind by the nature.

In simple term, means rights of human.

Article 21 Indian Constitution

"No person shall be deprived of his life or personal liberty except according to a procedure established by law."

This article secures two rights:

- 1) Right to life
- 2) Right to personal liberty

From the moment of his birth, a person is clothed with basic human rights. Right to life is one of the basic as well as fundamental right without which all rights cannot be enjoyed. Right to life means a human being has an essential right to live, particularly that such human being has the right not to be killed by another human being.

In 1948, the Universal Declaration of Human Rights proclaimed that 'the foundation of freedom, justice and peace in the world' is the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family.

Every human being has the inherent right to life. This right shall be protected by law.

But

Some people claim another right which is simply the opposite, the RIGHT TO DIE. This may include the right of a dying man to die with dignity.

What exactly does this mean?

'Right to Die' really means is a demand for a right to choose the time and method of death. It is in direct conflict with the right to life.

But the question arises that if a person has a right to live, whether he has a right not to live i.e whether he has a right to die?

Whiling giving this answer, the Indian courts expressed different opinions. The Bombay High Court said that right to life under article 21 of the Indian constitution includes right to die. On the other hand, in State of Punjab, a five member bench said that right to life under article 21 of the Indian constitution does not include Right to die.

The right to life is so central to all other rights that it is both inviolable and inalienable. This means that no one can take it from you, besides you also cannot give it away. So, a person who chooses to die is essentially violating his own right to life.

The right to a dignified death has been recognized under Universal Declaration of Human Rights. Any terminally ill patient cannot be forced to undergo inhumane treatment and degradation which he never wished for.

Medical oaths

I will never do harm to anyone... to please no one will I prescribe a deadly drug nor give advice which may cause his death.

Hippocrates (460 – 370 BCE)

I will listen to patients and respond to their concerns and preferences... [and] respect patients' rights to reach decisions with [me] about their treatment and care.

General Medical Council (2013)

Quotes

If I cannot give consent to my own death, whose body is this? Who owns my Life?

- Sue Rodriguez

To Save A Man's Life Against His Will Is The Same As Killing Him -Horace

Laws

Laws around the world vary greatly with regard to euthanasia, and are constantly subject to change as cultural values shift and better palliative care, or treatments become available. It is legal in some nations, while in others it may be criminalized. In India only passive euthanasia is permitted under strict guidelines. The Supreme Court ruled that individuals had a right to die with dignity, allowing passive euthanasia with guidelines. The need to change euthanasia laws was triggered by the famous Aruna Shanbaug case. The top court in 2011 had recognized passive euthanasia in Aruna Shanbaug case by which it had permitted withdrawal of life-sustaining treatment from patients not in a position to make an informed decision.

Religions

Most religions disapprove euthanasia for a number of reasons:

- God has forbidden it (that says 'you must not kill').
- Human life is sacred.
- Human beings are made in God's image.
- God gives people life, so only God has the right to take it away.

Arguments

Against Euthanasia

- The human life is gift of God and taking life is wrong and immoral

human beings cannot be given the right to play the part of God. The one who suffers pain is only due to one's karma. Thus euthanasia devalues human life.

- It is totally against the medical ethics, morals and public policy. Medical ethics call for nursing, care giving and healing and not ending the life of the patient.
- Medical science is advancing at a great pace. Even the most incurable diseases are becoming curable today. Thus instead of encouraging a patient to end his life, the medical practitioners should encourage the patients to lead their painful life with strength.
- Acceptance of euthanasia as an option could exercise a detrimental effect on the doctor patient relationship. The doctor patient relationship is based on mutual trust, it is feared this trust may be lost if euthanasia is legalised.
- When suicide is not allowed then euthanasia should also not be allowed. A person commits suicide when he goes into a state of depression and has no hope from the life. Similar is the situation when a person asks for euthanasia.
- Miracles do happen in our society especially when it is a matter of life and death, there are examples of patients coming out of coma after years and we should not forget human life is all about hope.

For Euthanasia

- Freedom of choice
- Dignity
- Painless death
- Saves family's money
- Organs can be put to good use
- Shorten the grief and suffering of the patient's loved ones.

Conclusion

Euthanasia is controversial since it involves the deliberate termination of human life. Patient suffering from terminal diseases are often faced with great deal of pain as the diseases gradually worsens until it kills them and this may be so frightening for them that they would rather end their life than suffering it.

The right to one's life is declared to be the fundamental natural right, on which every other right depends for its existence and validity. When an effort is made to support euthanasia by offering the cause of human rights, it becomes problematic when the focus is only on a single right i.e. right to life.

Euthanasia is practiced so that a person can live as well as die with dignity. Thus the basic intention behind euthanasia is to ensure a less painful death to a person who is in any case going to die after a long period of suffering.

Right to autonomy and self-determination are supporting the notion that there exists a right to die with dignity. If someone appeals for the right to die with dignity that would be itself be a sufficient ground for legalizing euthanasia

Ethically, though not legally, there exists a right to die, in the sense that when the natural process of death has already commenced, a

right to be allowed to die and it is in one's interest to die by withholding or withdrawing unwanted medical treatment and by providing all required comfort and care.

Thus, Euthanasia could be legalized, but the laws would have to be very stringent. Every case will have to be carefully monitored taking into consideration the point of views of patient, relatives and doctors.

BUT.... Whether Indian society is mature enough to face this, as it is a matter of life and death, is yet to be seen....

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