Euthanasia & Landmark cases

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Why in News?

The SC re-examines the Harish Rana case, recalling India's law on euthanasia and landmark cases.

- **Euthanasia –** Euthanasia, from Greek for "good death," is the practice of ***intentionally ending a person's life to relieve suffering from an incurable condition***, often called "mercy killing".
- **Types**
  1. **Active euthanasia** means directly causing death (e.g., giving a lethal injection).
  2. **Passive euthanasia** means allowing death by withholding or withdrawing life-sustaining treatment (e.g., stopping ventilator support).
- **Legal Status** – Passive euthanasia is legally recognised and regulated by the Supreme Court for terminally ill patients, whereas active euthanasia remains illegal, as it requires legislative action.

Aspect	Assisted Dying	Withholding treatment
Nature	Active act (commission)	Passive omission
Intention	To cause death	No intention to cause death
Liability	Murder / culpable homicide/abetment	No criminal Liability
Constitutional Basis	Not Protected	Protected under Art. 21 (dignity in death)
Cause of Death	Direct act of killing	Underlying disease/injury
Safeguards	None	Medical boards, family consent, SC guidelines

- **Harish Rana Case Context –** Harish Rana, 32, has been in a vegetative state for over a decade after a severe accident. His parents approached the SC seeking passive euthanasia.
- The Court described his condition as "pathetic" and ordered medical boards to assess whether life-sustaining treatment could be withdrawn.
- **SC's Position –** The Court reaffirmed that ***Article 21 (Right to Life)*** does not include a general "right to die."
- However, it does protect the right to live with dignity, which extends to the process of dying when life is "ebbing out."

Judicial Journey of Euthanasia in India

- **Gian Kaur v. State of Punjab (1996)** – The Supreme Court has said Article 21 does not include a general "right to die." Suicide and assisted suicide remain outside constitutional protection.
- **Aruna Shanbaug case, 2011 –** It reaffirmed the Gian Kaur case, that no right to die, but right to live with dignity may include dignified death in limited cases.
- The SC allowed passive euthanasia under strict safeguards.
- **Court's interim guidelines –** Any decision to withdraw life support had to be taken by family/next friend/doctors in the patient's best interest, but implementation required approval from the High Court.
- **Common Cause case, 2018 –** The Constitution Bench recognised passive euthanasia and ***legalised living wills***, that competent adults can record a refusal/withdrawal of treatment in advance.
- **SC Modification (2023) –** The SC relaxed procedural requirements to make living wills more workable.

Reference

Indian Express | SC re-examines Harish Rana case