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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

INTERPLAY OF LAW ON EUTHANASIA AND RELIGIOUS BELIEFS: STUDYING THEIR CONSONANCE AND BELIEFS

AUTHORED BY - TANISHA MAHESHWARI

ABSTRACT

Euthanasia is a concept that deals with voluntary withdrawal of life support, and it often takes dimensions of acceptance and rejection. The technological advancements of taking away life raise moral obligations; hence, various religions have objected. The paper will deal with euthanasia, both passive and active, along with living wills in India. The standing and views of India's major religion on mercy killing. How Hindus, Christians, and Islam, comprising the significant religious population, address the issue and cover varying views of manifold religions to overlook their perspectives on the practice of the right to die with dignity. Most religions view God as the creator of life, and he has the authority to grant and take away human life. Almost none of the religions are in support of the practice. Christians and Islam condemn the practice of euthanasia; however, Hindus have different perspectives about the same. The paper will analyse the religious texts and their interpretations covering the concept of whether euthanasia shall be recognized as a fundamental right or not. While judicial pronouncements have allowed passive euthanasia under a specific and limited set of circumstances, they continue to stifle religious sentiments. The paper will provide a solution as a suggestive legislative framework or standard code incorporating a set of guidelines for the effective implementation of euthanasia and striking a balance and consonance between euthanasia and religious beliefs to practice it without infringing any cultural sentiments and simultaneously upholding the fundamental rights of citizens.

INTRODUCTION

Arthur Hugh Clough once said, "Thou shalt not kill but needst not strive, officiously, to keep alive."¹ The term euthanasia originates from the Greek words 'EU' and 'Thanatos,' which translates to 'good death.' Essentially, it refers to a painless or happy passing or relief from physical agony caused by an incurable pain or illness. Another term used to describe euthanasia is 'Mercy Killing.' The Cambridge Dictionary defines it as "the act of ending the life of a person who is terminally ill

¹ Active and passive euthanasia. (n.d.).

and does not wish to suffer any longer." The most significant aspect of euthanasia is the presence of unbearable pain or an individual being kept on life support for an extended period where suffering is an inherent part of the process.

In the field of medical ethics, the distinction between active and passive euthanasia is considered crucial. Passive euthanasia takes place when medical professionals allow a patient to die by not providing necessary treatment or by discontinuing life-sustaining measures such as turning off a life-support machine, disconnecting a feeding tube, or declining to carry out a life-extending operation and administering life-extending drugs. Active euthanasia occurs when medical professionals or another person intentionally take action that results in the patient's death.²

Different types of euthanasia exist, each involving actions and circumstances. Active euthanasia, for instance, refers to an act that brings about the patient's death through the administration of a lethal substance. On the other hand, passive euthanasia entails withholding or withdrawing treatments, allowing the patient to pass away naturally. Voluntary euthanasia occurs when a competent individual willingly decides to end their life either by self-administering a dose or seeking assistance from a healthcare professional. In contrast, involuntary euthanasia is considered unethical and often illegal as it involves ending someone's life without their consent. Non-voluntary euthanasia takes place when a person is unable to express their wishes due to being in a state. Lastly, there is assisted suicide, which involves providing aid to an individual who wishes to end their life, while physician-assisted euthanasia specifically involves professionals in this process. The existence of these forms of euthanasia continues to fuel debates regarding the delicate balance between autonomy and ethical considerations.

A living will is a legal document that outlines your medical treatment preferences, including which treatments you would or would not want to receive to prolong your life. Additionally, it allows you to express your preferences for other medical decisions, such as pain management or organ donation. When considering your wishes, it is essential to consider your values. Having a living will in place can prevent situations where a patient is too ill to make an informed decision, and it can also help avoid potential allegations of murder in cases of Passive Euthanasia. Overall, a living will be a crucial tool for ensuring the proper implementation of euthanasia laws.³ A living will, also known as an advance directive, outlines treatment preferences. This can include artificial

² Active and passive euthanasia. (n.d.). Retrieved from

³ Batra, H. (n.d.). Euthanasia, Living Will and The Analysis In India. Retrieved from

ventilation, resuscitation (CPR), tube feeding, and other medical interventions. Additionally, a living will often contains instructions about end-of-life decisions, such as under what circumstances the individual would prefer medical treatments to be withheld or withdrawn. Some living wills even appoint a healthcare proxy or healthcare power of attorney, who is responsible for making medical decisions on the individual's behalf if they cannot do so themselves. It's important to note that legal requirements for living wills vary by jurisdiction, so it's crucial to ensure they comply with applicable laws. Living wills are also generally revocable, meaning individuals can update them as their preferences or circumstances change. It is crucial to inform healthcare providers and include a copy of the living will in an individual's medical records to ensure that healthcare professionals are aware of and capable of following their wishes.

A person shall execute a living will made by terminally ill patients who beforehand know about their chances of slipping into a permanent vegetative state. Vegetative state, Coma, and Brain damage are some grounds on which a living will can be made. This would smoothen the dying process when an individual is not able to make an informed decision because of being unconscious or in a coma. The court has drawn out guidelines on who can draw up a living will, what should the living will have, how should the living will be recorded and preserved, when and by whom it can be implemented, etc.

RELIGIOUS TEXTS

HINDU-

The Hindu religious text "Manu smriti" discusses achieving self-liberation in the face of an incurable disease, stating that "When the head of the household has reached old age, experienced all the joys of life, and is content with their accomplishments, they should relinquish everything in pursuit of eternal peace, consuming only air and water until their body finally gives up."⁴ Lakshmana, brother of Lord Ram, also achieved Jal Samadhi by submerging himself in a river. Additionally, Sat guru, a Hindu leader, practiced Prayopavesa, also known as fasting unto death. The concepts of Nirvana and Samadhi have deep roots in Indian culture.⁵ Within the Hindu community, there exist contrasting perspectives on the practice of euthanasia. One school of thought maintains that taking an individual's life is incompatible with the principle of Ahimsa, or non-violence. Conversely, others argue that ending a life alleviates or ends another's suffering and may be permissible, as it fulfills a moral duty.

⁴ Kothari, A. S. (n.d.). A Comparative Study of Euthanasia in India and Canada: A Critique.

⁵ Gupta A. (n.d.). Euthanasia — Indian View .

ISLAM-

According to the Islamic view, life is considered sacred and is a gift from Allah. Only Allah has the authority to determine the duration of a person's life. Meditation and the proper use of pain-killing drugs should enable a person to attain a state where they are not in mental pain and so no longer contemplate euthanasia or suicide.

The holy book of Quran explicitly prohibits euthanasia in Quran 4:29, which states, "Destroy not yourselves. Surely Allah is ever merciful to you." Human life is regarded as sacred as the Almighty grants it. Quran 17:33 emphasizes the importance of preserving life by forbidding the taking of a life that Allah has made holy⁶.

CATHOLIC⁷-

The Christian belief is that God grants life and that death is a natural part of that process. Different Christian groups and interpretations of scripture have differing views on euthanasia.

Many Christian traditions place great importance on the value of life. According to the teachings of the Catholic Church, euthanasia is a significant violation of both God and life.

The Catholic view on euthanasia is based on fundamental principles of Catholic ethics, which include the importance of preserving human life, maintaining human dignity, and protecting human rights. Protestant denominations hold a wide variety of opinions on euthanasia and physician-assisted death.

The Bible mentions about life and death. God condemns both taking the life of another and taking one's own life. John 3:15, Exodus 20:13: "You must not murder".

The Bible does not approve or accept taking one's life, even when an individual is terminally ill. It does not support extending the dying process.

BUDDHISM-

Buddhists are not unanimous in their views. According to Buddhist beliefs, euthanasia is not accepted, as it goes against the principle of non-violence. Intentionally ending one's life is considered incompatible with the Buddhist perspective. They are against the practice of

⁶ QURAN. (n.d.).

⁷ What Does the Bible Say About Euthanasia? (n.d.).

involuntary euthanasia. Voluntary euthanasia is considered equivalent to suicide. In Buddhism, it is believed that how one's life ends can affect the beginning of the next life.

JAINISM-

Jainism is a unique religion that has certain restrictions in place regarding suicide. It is not uncommon for Jain Munis and other elderly individuals to choose to end their lives by fasting until death. This practice is known as 'Sallekhana,' meaning 'fast unto death,' and is a religiously nominated process according to Jainism's tenets⁸. Throughout its history, Jainism has given great significance to Sallekhana, which involves ritual fasting while facing north. The deaths of Bhadra bahu and Chandragupta Maurya exemplify this.

ANALYSIS OF RELIGIOUS TEXTS

Historically, classical Greek thinkers, including Aristotle, had categorically accepted euthanasia as the main reason for minimizing pain. The advancement of science has led to the emergence of contentious debates on euthanasia, with ethical and religious issues surfacing as critical points of contention⁹.

For most of the religion, the practice of euthanasia is never ethically justified. Religious texts on euthanasia reveal a range of perspectives that are deeply rooted in the moral and ethical teachings of different faith traditions. There is a complex and nuanced perspective of other cultural and spiritual traditions. According to a comprehensive analysis of religious views on end-of-life matters in the five major world religions, euthanasia - which is defined as an intentional act aimed at relieving pain by causing death - is commonly regarded as a sinful practice. The study's sources encompassed a range of ancient scriptural texts, including the Bible, the Quran, and the Vedic texts. Although opinions on the topic are diverse and nuanced, religious beliefs often play a significant role in shaping one's stance on euthanasia.

Hinduism, as a predominant religion in India, being a diverse and ancient religion, presents a more varied stance that encompasses a spectrum of beliefs regarding end-of-life decisions. Some give importance to compassion and mercy, while others believe in non-violence.

With its substantial presence in India, Christianity often draws from biblical teachings prioritizing

⁸ Jainism - Its relevance to psychiatric practice; with special reference to the practice of Sallekhana. (n.d.).

⁹ Shuriye, A. O. (n.d.). Ethical And Religious Analysis On Euthanasia.

life's sanctity. Some Christian perspectives may view euthanasia as incompatible with the divine plan, while others might invoke the principles of love and mercy to support a more compassionate stance. The commandment "Thou shalt not kill" (Exodus 20:13) is frequently cited to argue against intentionally causing the death of a person, even in the context of terminal illness or unbearable suffering.

Similarly, Islamic perspectives on euthanasia are often influenced by the Quranic teachings emphasizing the sanctity of life and the belief that human existence is divinely ordained. While there may be variations in interpretation, many Islamic scholars argue against euthanasia, viewing it as contrary to the principles of preserving life and submitting to Allah's will.

The principles of compassion, non-violence, and the intention behind the action often guide Buddhism's stance on euthanasia. Jainism, another influential Indian religion, underscores the value of non-violence and compassion, but opinions on euthanasia may differ within the community.

The analysis of religious texts on euthanasia underscores the diversity of perspectives across different faith traditions. While many spiritual teachings emphasize the sanctity of life, the interpretation of this principle and its application to end-of-life decisions vary, reflecting the complex interplay of religious doctrine, ethical considerations, and cultural contexts within each faith.

RECOGNITION OF EUTHANASIA AS A FUNDAMENTAL RIGHT

The recognition of euthanasia as a fundamental right is a complex and contentious issue that varies across different legal and ethical frameworks while some argue that individuals have the right to die opponents say that the right to life does not imply a right to die we have right to die with dignity but it should not be mixed up with or taken as right to die the concept of the right to die is based on the opinion that individuals are entitled to end their lives or undergo voluntary euthanasia however the legal recognition of euthanasia as a fundamental right varies across different jurisdictions and is subject to ongoing debate in India the constitution recognizes the right to life as a fundamental right under article 21 still suicide is considered an unnatural termination of life and is incompatible with the concept of the right to life this legal perspective reflects the complex nature of recognizing euthanasia as a fundamental right to die is not a

fundamental right yet apart from passive euthanasia however every person has a right to dignified death and cremation since right to die is not a fundamental right yet there is no point in according or including euthanasia as a fundamental right in the first place hence it can be given as a statutory right by way of a legislative framework The perspectives of major world religions on euthanasia generally oppose euthanasia and physician-assisted suicide, emphasizing the sanctity of human life and the belief that life is sacred and comes from a higher power.

If euthanasia is accorded as a fundamental right, then it would be highly prone to misuse. Since, as a fundamental right, any and every citizen who is undergoing any pain or suffering would seek to demand euthanasia. Since fundamental rights are enforceable, any individual can approach the court for the enforceability of the same or seek remedy for violation or infringement of their right. Having a fundamental right also enables and entitles a citizen to enforce writs against different bodies for acting in case of non-fulfilment of the same.

SUGGESTIVE LEGISLATIVE FRAMEWORK

A suggestive measure for the issue of euthanasia shall pertain to the creation of a legislative framework for euthanasia in India that involves navigating complex ethical, legal, religious, and cultural considerations. The lack of a specific law addressing euthanasia has led to varying interpretations and practices across different states. In the absence of a standard code for euthanasia, some legal precedents have been established through specific cases. Passive euthanasia was legalized back in 2011 in the infamous case of Aruna Shanbaug, who conformsto strict guidelines.

Euthanasia was permitted under two grounds for brain-dead patients, and a permanent vegetative state ventilator support system can be withdrawn. The Hon'ble Supreme Court gave recognition to Passive Euthanasia and Living Will. Now Right to Die with Dignity is a Fundamental Right.

Since there is no legislation in India about euthanasia, Supreme Court guidelines are considered for the same. The decision for the discounting life can be taken either by the party or the attending doctor, providing that the doctor decides in the patient's best interest. Decisions taken by the doctors and the relatives shall be approved by the High Court of the state to which they belong.

For a comprehensive and consistent legal framework on euthanasia in India, there would need to be specific legislation that outlines the conditions under which euthanasia is permissible, the

procedures for obtaining consent, the role of medical professionals, and the legal safeguards in place to prevent abuse. However, legislation for the same is the need of the hour. India is a country with rich cultural and religious diversity. Every religion propagates a different viewpoint. Some approve, while some condemn the practice. Therefore, legislation that balances people's fundamental rights and considers different religious views.

What can be done is that the Policymakers must navigate the intersection of religious beliefs, ethical considerations, and public opinion. Striking a balance that respects individual rights while considering the values of the broader society is a complex task that would foster autonomy and personal choice since individuals should have the right to make decisions about their own lives, including the option to end their suffering through euthanasia under certain circumstances. Legalizing euthanasia could provide a compassionate option for individuals facing terminal illnesses and unbearable suffering, allowing them to die with dignity. It could establish clear guidelines and safeguards to ensure that any assisted dying procedures are conducted ethically, with proper medical supervision, and to prevent potential abuse. A carefully crafted law could respect the cultural and religious diversity in India by considering provisions that accommodate different values and beliefs while providing a legal framework for those who choose euthanasia. Legalizing euthanasia allows individuals to choose a dignified death, freeing them from unnecessary suffering at the end of their lives. This can be especially important for those facing debilitating and incurable conditions. The regulatory and legal framework allows for transparency, control, and accountability. It enables tracking and reporting of issues, ensuring that the practice operates within the confines of the law and addresses any problems that may arise. Laws can be made to respect the diversity of values in a country. This could include policies to protect the rights of health professionals who conscientiously object to euthanasia and to implement the beliefs of their proponents. Legalizing euthanasia could ease the emotional and financial burden on families facing the challenges of caring for a terminally ill loved one and provide legal alternative permission and compassion.

The legislative framework should prioritize clarity in defining terms related to euthanasia. This includes establishing specific criteria for conditions under which euthanasia may be considered, such as terminal illness, unbearable suffering, and irreversible conditions. Obtaining informed consent is crucial and must clearly state that the patient has been given explicit and free support. Medical supervision is also vital, and proper measures should be implemented to guarantee medical assessment, consultation, and approval. Legal protection is necessary to prevent misuse

and ensure that the choice to pursue euthanasia is appropriately monitored. Planning with advance directives and living wills can help guide end-of-life choices. It is crucial to acknowledge and respect religious and cultural beliefs. To increase awareness, public campaigns and educational initiatives should be implemented to inform the community. Reporting requirements for cases of euthanasia should be established to ensure transparency, and the legislation should be periodically reviewed and amended as necessary. International best practices and experiences should be considered and learned to create effective legislation.

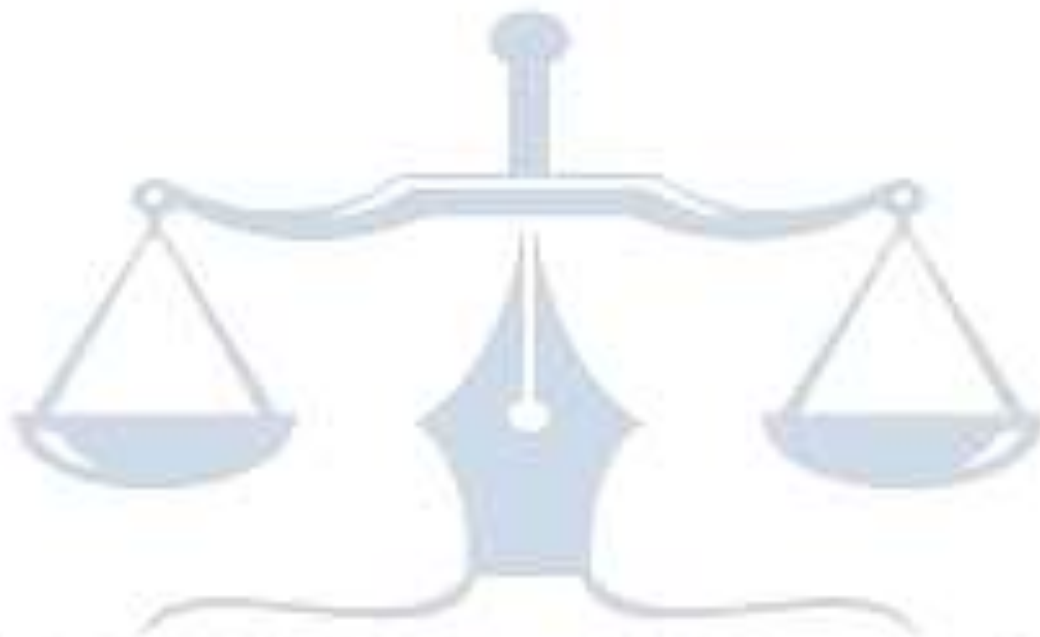
The decision to legislate euthanasia requires careful consideration of these opposing viewpoints, an entire public discourse, and a commitment to the ethics and benefits of death if they help in dealing with. Suppose a society decides to follow the laws of mercy killing in that case, it should be continuously evaluated and reviewed with him to ensure that it meets societal norms and is in the best interests of individuals facing end-of-life decisions. Ultimately, the decision to implement capital murder laws is based on societal values and priorities and often requires extensive public discussion, consultation, ethical considerations, and practical implications. The decision to legislate euthanasia requires careful consideration of these conflicting views, an entire public discourse, and a commitment to the ethics and value of death if they help in the solution.

It is the dire need of the hour for the legislature to draft a law on Euthanasia as legal backing is required which will provide a strong footing to right to die in the country. A promising solution to this problem can pertain to introducing a new common law for every religion that would deal with euthanasia. This would not only address the controversial issue of mercy killing but also help mitigate religious differences and contentions. The legislation should be formulated by taking into consideration the issues and opinions of every religion, keeping them on an equal pedestal. It is the onus of the legislature to draft a common law on practical, ethical considerations, striking out a balance between individual freedom, social norms, and moral concerns.

CONCLUSION-

The concept of euthanasia exemplifies an individual's freedom of choice and has sparked debates both for and against it. While some argue it is the best way to relieve someone from endless suffering, others believe it devalues human life. Choosing between life and death is a profoundly personal decision, and society has gradually accepted this radical change. The judiciary has paved the way for the right to die with dignity as an essential part of the right to life. This allows

terminally ill patients to avoid ongoing pain and suffering while respecting their personal choices and freedom. The apex court has authorized passive euthanasia for those in a persistent vegetative state with no chance of recovery. However, to ensure that euthanasia is administered appropriately, proper legislation and guidelines must be drafted. The opinions of doctors or relatives alone should not determine the administration of euthanasia, as this could lead to misuse of power and endanger lives. A redressal mechanism specific to mercy killing must be established to ensure this controversial issue is handled safely and fairly. However, euthanasia remains a controversial topic bringing in a lot of debates and deliberations with multiple perspectives and religious views and opinions. As citizens what we require is intelligence, maturity, and sensitisation to tackle such issues.



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