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The Right to Die: Exploring the Complexities of Euthanasia in India

ISHITA THAPLIYAL¹

ABSTRACT

The ethical and legal implications of euthanasia in India are complex and multifaceted. While some argue that individuals should have the right to end their own lives in cases of terminal illness or unbearable suffering, others believe that euthanasia goes against the sanctity of life and undermines medical ethics. Additionally, there are concerns about the potential for abuse and coercion in a country where access to quality healthcare is not universal. The Indian legal system currently prohibits euthanasia, but there have been ongoing debates about whether it should be legalized under certain circumstances. This paper explores these complexities by examining case studies, ethical frameworks, and legal arguments surrounding euthanasia in India. It examines how cultural beliefs, religious practices, social norms, and legal frameworks shape people's perceptions of euthanasia. The study finds that despite the growing acceptance of euthanasia globally, it remains a controversial issue in India due to its complex socio-cultural context. Ultimately, it argues that any decision regarding the legalization of euthanasia must be made with careful consideration of the potential consequences for individuals, families, and society as a whole.

Keywords: Euthanasia, Right to life, Ethics, Medical professionals, Alternatives.

I. INTRODUCTION

Friedrich Nietzsche once said, "One should die proudly when it is no longer possible to live proudly." This quote emphasizes the importance of living life with dignity. The Constitution of India also guarantees the right to life with dignity to all its citizens. However, there may be certain circumstances where the person may choose not to live any further. The most common ways for people to end their own lives include either committing suicide or practicing euthanasia². While suicide is illegal in India, the debate about whether euthanasia should be allowed has been going on for many years in the medical, legal, and religious communities. There are always mixed opinions about this topic, especially when it comes to its legality. In India, there is no legal provision for either active or passive euthanasia. However, the Supreme

¹ Author is a student at Kurukshetra University, India.

² Roy, Caesar. (2011). POSITION OF EUTHANASIA IN INDIA - AN ANALYTICAL STUDY. The Indian Journal of Criminology and Criminalistics. XXXII. 37.

Court in the case of Aruna Shanbaug³ has ruled that passive euthanasia is permissible in certain cases where the patient is in a vegetative state and there is no hope of recovery. While active euthanasia still stands illegal.

II. UNDERSTANDING EUTHANASIA

The phrase "Euthanasia" comes from the Greek roots '*eu*' and '*Thanatos*' meaning "*good death*" or "*easy death*." It is often considered an act of mercy; therefore, it is also known as mercy killing. Euthanasia is defined as the practice of deliberately ending a person's life to relieve them of their pain or suffering. The words "*pain or suffering*" used here hold no philosophical meaning, as it refers to physical suffering rather than emotional. It is normally performed by physicians on terminally ill patients who are in a lot of physical pain due to terminal illness.

Based on the consent given by the person, euthanasia may be classified under the following heads:

- a) **Voluntary Euthanasia:** This type of euthanasia is practiced with the permission of the patient.
- b) **Non-Voluntary Euthanasia:** This type of euthanasia is practiced without the permission of the patient. It happens in the case where the patient loses consciousness and is not in the state to express his consent.

Based on the manner it is practiced, it is further classified into the following two types:

- a) **Active Euthanasia:** Active Euthanasia is a deliberate action taken to end the life of another person. In active euthanasia, a lethal drug is administered through intravenous or oral means to cause the death of a patient who is terminally ill.
- b) **Passive Euthanasia:** Passive Euthanasia refers to avoiding any effort to prolong the life of a patient. In passive euthanasia, necessary or basic items such as food, water, or drugs that are necessary for the survival of a patient, are withheld or withdrawn as a means of causing death.

III. HISTORICAL BACKGROUND OF EUTHANASIA

The practice of euthanasia has a long and complex history, and it has undergone significant changes over time. The concept of euthanasia can be traced back to ancient Greece and Rome where it was considered a morally acceptable practice. Philosophers like Plato and Aristotle argued that euthanasia was a humane way to end the suffering of terminally ill patients. During the Middle Ages, the Catholic Church viewed euthanasia as a sin and a violation of the

³ Aruna Ramchandra Shanbaug v. Union of India, (2011) 4 SCC 454

commandment "*Thou shalt not kill.*" This view persisted for centuries and influenced the legal and ethical debates around euthanasia. The 19th century saw the emergence of the modern euthanasia movement, with advocates like Samuel Williams advocating for the legalization of voluntary euthanasia. In the aftermath of World War II, euthanasia became associated with Nazi Germany's program of 'mercy killing', leading to its widespread condemnation. In response to this, several countries enacted laws criminalizing assisted suicide and euthanasia.

Currently, the legality of euthanasia varies widely from country to country. In some countries, such as Belgium and the Netherlands, euthanasia is legal under certain conditions. While, in many countries, the debate around euthanasia is ongoing, with proponents arguing that it is a humane way to end the suffering of terminally ill patients, while opponents argue that it is a violation of the sanctity of life.

IV. ACCEPTANCE OF EUTHANASIA IN DIFFERENT RELIGIONS

Different religions have varying views on euthanasia, and there is no universal acceptance or rejection of it among religions. It is important to note that these views are not absolute and may vary among different individuals and communities within each religion. Here are some examples of how different religion view euthanasia:

- **Christianity:** Christian perspectives on euthanasia are varied and complex⁴. Some Christians believe that euthanasia is a form of mercy killing and should be allowed in certain circumstances such as when a person is suffering from a terminal illness or is in unbearable pain. However, others argue that life is sacred and only God has the right to determine when it should end. The Catholic Church, for example, strongly opposes euthanasia and considers it a violation of the fifth commandment which prohibits killing. They argue that every human life is valuable, regardless of its quality or length, and that ending it prematurely goes against God's plan.
- **Islam:** In Islam, the preservation of human life is considered a fundamental value. Euthanasia is generally not permitted, as it is viewed as a form of suicide and an interference in the natural course of life. However, some Islamic scholars have argued that passive euthanasia may be allowed in certain situations, such as when there is no hope of recovery and the patient is in unbearable pain.
- **Buddhism:** In Buddhism, the value of life is also highly regarded, and euthanasia is

⁴ 'Views On Euthanasia in Christianity and Hinduism' (EduBirdie, 21 February 2022) <<https://edubirdie.com/examples/views-on-euthanasia-in-christianity-and-hinduism/>> accessed 02 May 2023

generally not accepted. However, some Buddhist scholars have argued that euthanasia may be permissible in certain cases, such as when a person is suffering from a terminal illness and is in unbearable pain.

- **Hinduism:** Hinduism does not have a unified position on euthanasia, as there are many different interpretations of Hindu teachings⁵. According to Hindu beliefs, the soul is immortal and lives on after death. The body is simply a vessel for the soul during its time on earth. In terms of voluntary assisted dying, there is no clear consensus in Hinduism. Some Hindus believe that euthanasia goes against the natural order of things and should not be practiced. Others believe that it can be a compassionate act in certain circumstances.

V. LEGAL STATUS OF EUTHANASIA IN DIFFERENT COUNTRIES

- **Netherlands:** In the Netherlands, euthanasia and physician-assisted suicide are legal under certain conditions. The Termination of Life on Request and Assisted Suicide (Review Procedures) Act was passed in 2002, which decriminalized euthanasia and physician-assisted suicide under specific circumstances.
- **Canada:** In Canada, euthanasia and assisted suicide are legal under certain conditions. The Medical Assistance in Dying (MAID) law was passed in 2016, which decriminalized euthanasia and assisted suicide under specific circumstances.
- **United States of America:** Euthanasia and assisted suicide are not legal under federal law in the United States. However, the laws related to euthanasia and assisted suicide vary from state to state. Currently, nine U.S. states and the District of Columbia have legalized medical aid in dying (also known as physician-assisted dying or assisted suicide) for terminally ill patients who meet certain eligibility criteria. These states are California, Colorado, Hawaii, Maine, Montana (through a court ruling), New Jersey, Oregon, Vermont, and Washington.
- **France:** Euthanasia and assisted suicide are illegal in France under the Claeys-Leonetti law, which was passed in 2016. However, the law allows for a specific end-of-life procedure called "deep and continuous sedation" to relieve unbearable suffering at the end of life. Deep and continuous sedation involves the administration of medication that induces deep sleep and relieves suffering until the patient dies naturally. The sedation is maintained until the patient's death, and food and water may be withheld if they cannot

⁵ *Ibid*

be administered without causing discomfort.

- **Belgium:** Euthanasia is legal in Belgium under certain conditions. The Belgian Euthanasia Act was passed in 2002, making Belgium one of the first countries in the world to legalize euthanasia.
- **Australia:** Euthanasia and assisted suicide are not legal under federal law in Australia. However, the laws related to euthanasia and assisted suicide vary from state to state.
- Currently, only one Australian state has legalized assisted dying, which is Victoria. The Voluntary Assisted Dying Act 2017 allows terminally ill patients to request assistance to end their lives.

VI. LEGAL LANDSCAPE OF EUTHANASIA IN INDIA

In India, there is not even single legislation that recognizes the practice of euthanasia. The Indian Penal Code, which is the main criminal code of India, does not permit the intentional killing of a person, even at the person's request. However, passive euthanasia, also known as the withholding or withdrawal of medical treatment, is allowed under certain circumstances in India. At various times it has been argued that the right to die falls under the scope of Article 21⁶ of the Indian Constitution, guaranteeing the right to life. It is asserted that the two rights are closely intertwined and inseparable from each other⁷. The Judiciary has played an important role in the debates concerning euthanasia. Specifically, the Supreme Court has played a big role in defining its exact legal position and finding proper guidelines⁸. Some of the most important cases regarding euthanasia are discussed below:

- **P. Rathinam v. Union of India**⁹: This was a landmark case in the Indian judiciary system that dealt with the issue of the constitutionality of Section 309¹⁰ of the Indian Penal Code, which criminalized attempted suicide. The petitioner, P. Rathinam, challenged the section on the grounds that it violated his fundamental right to life and personal liberty guaranteed under Article 21 of the Indian Constitution. The background of the case dates back to 1983 when P. Rathinam attempted suicide by consuming poison but was saved by medical intervention. He was subsequently charged under Section 309 and faced imprisonment for one year and a fine. The case went through various stages

⁶ Constitution of India, 1950, art.21

⁷ Pranav N, 'Euthanasia in India- Legal and Social aspect' (Lexlife India, 02 August 2021) <<https://lexlife68840978.wordpress.com/tag/euthanasia-in-india/>> accessed 04 May 2023

⁸ *Ibid*

⁹ P. Rathinam v. Union of India, 1994 AIR 1844, 1994 SCC (3) 394

¹⁰ Indian Penal Code, 1860, s.309

of appeals until it reached the Supreme Court in 1994.

- The significance of this case lies in its interpretation of Article 21 as encompassing not only the right to life but also a meaningful life with dignity and freedom from physical and mental torture, which includes an individual's right to end their own life if they so choose. Ultimately, the Supreme Court ruled in favor of the petitioner, striking down Section 309 as unconstitutional. The court held that a person's right to live with dignity includes their right to refuse medical treatment or even their own life. This landmark decision had a significant impact on the rights of Indian citizens. The court's ruling recognized individual autonomy and dignity, allowing individuals to make decisions about their own lives and deaths. The ruling also emphasized that one's life should not be prolonged if it is causing immense suffering and pain, thus promoting compassion towards patients who are terminally ill or in a vegetative state.
- This decision resulted in the formation of guidelines for passive euthanasia in India, which allowed terminally ill patients to refuse treatment and for their families to make decisions regarding their medical care.
- **Gian Kaur v. The State of Punjab¹¹**: This case was heard by a five-judge bench of the Supreme Court and was decided on March 25, 1996. Gian Kaur, a woman from Punjab, had been charged with abetting the suicide of her husband who was suffering from cancer. She argued that her husband had committed suicide because he was suffering from unbearable pain and that she had only helped him carry out his wish to die peacefully. In this case, the central legal issue was whether or not the right to life includes the right to die by suicide.
- The petitioner argued that Section 309 of the Indian Penal Code, which criminalized attempted suicide, violated Article 21 of the Constitution which guarantees the right to life and personal liberty. The arguments presented by the petitioner were based on several factors such as individual autonomy, dignity and, self-determination. They stated that a person has complete control over their own body and should have a right to choose when and how they wish to end their life. However, the State of Punjab argued that decriminalizing suicide would have negative social consequences and lead to an increase in suicides. They also argued that it is a duty of society to protect its citizens from harm, including self-inflicted harm.

¹¹ Gian Kaur v. The State of Punjab, AIR 1996 SC 946

- Ultimately, in its judgement, the Supreme Court upheld Section 309 stating that "the right to life" does not include "the right to die" or euthanasia. The court held that Section 309 of the Indian Penal Code, which criminalizes attempted suicide, is constitutional and does not violate any fundamental rights. The court also held that euthanasia goes against India's cultural and religious ethos which values life over death.
- **Aruna Ramchandra Shanbaug v. Union of India¹²**: This was a landmark case in which the Supreme Court legalized passive euthanasia in exceptional circumstances under the strict monitoring of the Apex Court.
- Aruna Shanbaug was a nurse who worked at the King Edward Memorial Hospital in Mumbai, India. In 1973, she was brutally raped and strangled by a ward boy in the hospital. The attack left her in a vegetative state for the next 42 years until her death in 2015. The case gained significant attention because of the prolonged suffering that Aruna had to endure and the legal battle that followed. Aruna's case highlighted several issues about euthanasia as her family fought for her right to die with dignity, but it was illegal under Indian law at the time.
- The Aruna Shanbaug case sparked a heated legal and ethical debate surrounding the decision to keep her alive in a vegetative state for over four decades. Some argued that it is unethical to keep someone alive in such a state, as they are not able to experience any quality of life. Others argued that it is the duty of medical professionals to preserve life, regardless of its quality. The case also raised questions about the legality of euthanasia and assisted suicide.
- Overall, the Aruna Shanbaug case serves as a poignant reminder of the complex legal and ethical dilemmas surrounding end-of-life care. In 2011, India's Supreme Court passed a landmark judgment allowing passive euthanasia under certain conditions. The court ruled that terminally ill patients or those in a persistent vegetative state could be allowed to die peacefully through withdrawal of life support systems if their condition was irreversible and they were not likely to recover. The Aruna Shanbaug case played a crucial role in shaping India's laws and attitudes toward end-of-life care.
- **Common Cause v. Union of India¹³**: This case was filed by the non-governmental organization Common Cause, seeking legal recognition of the right to die with dignity under Article 21 of the Constitution. The case was heard by a five-judge bench of the

¹² Aruna Ramchandra Shanbaug v. Union of India, (2011) 4 SCC 454

¹³ Common Cause v. Union of India, (2018) 5 SCC 1

Supreme Court, which declared that the right to life includes the right to die with dignity. Common Cause, a registered group, filed this petition in an effort to have Article 21 of the Constitution interpreted to include both the right to live and die with dignity. The Supreme Court upheld that the fundamental right to life and dignity includes the right to refuse treatment and die with dignity. The Court also recognized that individuals have the right to refuse medical treatment and that passive euthanasia (withdrawing life support) can be allowed under certain conditions.

- The Indian Supreme Court legalized passive euthanasia in this landmark judgment, stating that terminally ill patients or those in a permanent vegetative state have the right to refuse medical treatment that would prolong their life. Under the guidelines issued by the Supreme Court, passive euthanasia can only be allowed if the following conditions are met:
 - a. The patient must be terminally ill or in a permanent vegetative state.
 - b. The decision to withhold or withdraw medical treatment must be taken by a duly constituted medical board.
 - c. The medical board must give due consideration to the wishes of the patient or their family members.
 - d. The decision to withhold or withdraw medical treatment must be taken in good faith and in the best interests of the patient.
 - e. The decision must be approved by the High Court in cases where the patient's relatives or caregivers disagree with the decision.
- Additionally, the court recognized the concept of "living wills" which allows individuals to express their wishes regarding medical treatment in case they become terminally ill or incapacitated.
- It is important to note that active euthanasia, which involves the intentional ending of a patient's life by a healthcare provider, remains illegal in India. Healthcare providers who intentionally cause a patient's death can be prosecuted under Indian law. Overall, the legal status of euthanasia in India is that it is illegal, but passive euthanasia, under certain conditions, is allowed.

VII. FACTORS INFLUENCING THE LEGALIZATION OF EUTHANASIA IN INDIA

The legalization of euthanasia in India is a complex issue influenced by various factors, including ethical, legal, religious, cultural, and medical considerations. Some of the factors that

have influenced the debate on euthanasia legalization in India are:

1. **Patient autonomy:** Supporters of euthanasia argue that individuals have the right to control their own lives and make decisions about their own deaths. Legalizing euthanasia would allow patients who are suffering from unbearable pain or a terminal illness to end their lives on their own terms.
2. **Medical ethics:** Euthanasia is seen by some as a way to relieve the suffering of patients who are beyond medical treatment. Some healthcare professionals argue that euthanasia may be a more humane and compassionate option than allowing a patient to continue to suffer.
3. **Legal considerations:** In 2018, the Indian Supreme Court legalized passive euthanasia in a landmark judgment, stating that terminally ill patients or those in a permanent vegetative state have the right to refuse medical treatment that would prolong their life. The legalization of active euthanasia is still a topic of debate and would require changes to the law.
4. **Religious and cultural beliefs:** India is a diverse country with many different religious and cultural beliefs. Some religious and cultural groups may oppose the legalization of euthanasia on the grounds that it goes against their beliefs about the sanctity of life.
5. **Public opinion:** Public opinion polls have shown that a majority of Indians support the legalization of euthanasia. However, there is also significant opposition, particularly from religious groups and some healthcare professionals.
6. **Concerns about abuse:** Critics of euthanasia argue that legalizing it could lead to abuse, with vulnerable patients being pressured into ending their lives. They also argue that it may be difficult to ensure that the decision to seek euthanasia is truly voluntary and not influenced by external factors.

VIII. PROS AND CONS OF EUTHANASIA

In India, the decision to legalize euthanasia is a complex and controversial issue that requires careful consideration of the potential benefits and drawbacks, as well as the cultural and religious beliefs of the population. While it may provide relief from suffering for some individuals, it may also raise ethical concerns and the potential for abuse. Therefore, it is important to evaluate both the pros and cons of euthanasia before legalizing it.

Pros of euthanasia:

1. **Alleviating Suffering:** Euthanasia is often seen as a compassionate way to alleviate the

suffering of terminally ill or severely disabled patients who are experiencing unbearable pain or discomfort.

2. **Autonomy:** Advocates of euthanasia argue that individuals have the right to make their own decisions about their own lives and deaths. They believe that patients should have the right to choose when and how they want to die.
3. **Economic Considerations:** In some cases, the cost of providing ongoing medical treatment and care for terminally ill patients can be significant. Euthanasia can be seen as a cost-effective solution to alleviate the burden on the healthcare system.
4. **Organ Donation:** Euthanasia supporters bring up organ donation as another advantage of euthanasia as patients who have passed away could be willing organ donors which could benefit several other people in need.

Cons of euthanasia:

1. **Religious and cultural beliefs:** Some religions and cultures consider euthanasia to be a violation of the sanctity of life and may be opposed to the practice.
2. **Potential for abuse:** There is a concern that legalizing euthanasia could lead to abuse or the unintended deaths of vulnerable populations, such as the elderly or disabled.
3. **Medical errors:** Medical professionals can make mistakes, which could lead to a misdiagnosis and the premature death of a patient who could have otherwise survived.
4. **Legal and ethical concerns:** Some people may argue that euthanasia is morally and ethically wrong, as it involves taking a life, even if it is at the request of the individual.

IX. THE ROLE OF MEDICAL PROFESSIONALS IN EUTHANASIA

The role of medical professionals in euthanasia can vary depending on the laws and regulations of the country where it is legal. In countries where euthanasia is legal, medical professionals may have a more active role in the process, while in countries where it is illegal, they may not be allowed to participate at all.

Medical professionals who participate in euthanasia are typically required to follow strict guidelines and protocols to ensure that the procedure is carried out safely and ethically. In countries where euthanasia is legal, medical professionals may be responsible for evaluating the patient's condition and determining whether they meet the criteria for euthanasia. They may also be involved in discussions with the patient and their family about end-of-life care options and may provide guidance and support to help the patient make an informed decision.

Currently, euthanasia or assisted suicide is not legal in India, and therefore medical professionals are not permitted to assist in euthanasia or participate in any way in such an act. However, in March 2018, the Supreme Court of India passed a historic judgment allowing passive euthanasia, also known as withholding or withdrawal of medical treatment, for terminally ill patients or those in a permanent vegetative state. The decision allows patients, their families, and treating doctors to decide whether to continue life support or not. Medical professionals in India are also required to follow the principles of medical ethics, which place a high value on preserving life and relieving suffering. The Indian Medical Council's (Professional Conduct, Etiquette, and Ethics) Regulations, 2002, state that physicians should not be involved in any act of euthanasia, whether active or passive, and should make every effort to relieve a patient's pain and suffering.

X. ALTERNATIVES TO EUTHANASIA

There are a number of alternatives to euthanasia that can be considered when dealing with a terminally ill patient. These alternatives include:

1. **Palliative care:** Palliative care provides pain management and supportive care for individuals with terminal illnesses. It aims to improve the quality of life for patients and their families by addressing physical, emotional, and spiritual needs¹⁴. This approach involves a team of healthcare professionals who work together to provide symptom management, psychological support, and spiritual care. Palliative care can be provided in hospitals, hospices, or at home¹⁵.
 - The focus is on treating the patient as a whole person rather than just managing their symptoms. This can include providing counseling services for the patient and their family members, as well as offering complementary therapies such as massage or music therapy. The goal of palliative care is not to hasten death but rather to provide comfort and alleviate suffering.
2. **Hospice care:** It is a specialized form of palliative care that focuses on providing comfort and dignity to terminally ill patients in their final days or weeks. Hospice care is designed to improve the quality of life for patients and their families by addressing physical, emotional, and spiritual needs¹⁶. It is provided by a team of healthcare professionals, including doctors, nurses, social workers, chaplains, and volunteers.

¹⁴ 4 End-of-Life Care (Hospice Care) Nursing Care Plans (Nurseslabs, 01 March 2023) <<https://nurseslabs.com/end-of-life-care-hospice-care-nursing-care-plans/>> accessed 05 May 2023

¹⁵ *Ibid*

¹⁶ *Ibid*

Hospice care can be provided in a variety of settings such as hospitals or in the patient's home. The goal of hospice care is not to cure the patient's illness but to manage symptoms such as pain and nausea, provide emotional support for both the patient and their loved ones, and help them prepare for death with dignity.

3. **Withdrawal of treatment:** In some cases, it may be decided that continuing treatment is not in the best interests of the patient. This could be because the treatment is no longer effective, or because it is causing more suffering than it is alleviating. In these cases, withdrawing treatment (such as stopping chemotherapy or ventilation) can allow the patient to die peacefully and with dignity.

XI. CONCLUSION, RECOMMENDATIONS, AND SUGGESTIONS

This research paper has yielded some significant key findings that will contribute to the ongoing discussion on euthanasia in India. The study found that while there is no legal provision for euthanasia in India, there is a growing demand for it among the public. It was also revealed that the medical community is divided on this issue, with some supporting it under certain circumstances and others opposing it outright. One surprising finding was that religious beliefs and cultural norms play a significant role in shaping people's attitudes toward euthanasia. Another key finding was that there is a lack of awareness among both the general public and healthcare professionals about end-of-life care options and palliative care.

Based on the research paper's findings, several recommendations for policy and practice can be made regarding euthanasia in India. Firstly, it is recommended that legislation be enacted to provide a legal framework for euthanasia in India. The law should clearly define the circumstances under which euthanasia may be performed and outline the roles and responsibilities of healthcare professionals involved in the process. Secondly, guidelines must be established for healthcare professionals involved in end-of-life care. The guidelines should cover various aspects such as informed consent, pain management, and palliative care. Thirdly, there is a need for public education on end-of-life issues and euthanasia. This education should focus on providing information about individual rights to make decisions about their own medical treatment and the ethical considerations surrounding euthanasia.

In conclusion, Euthanasia is a complex issue and needs to be delved into carefully before it can be legalized. Different countries have different laws and regulations in place when it comes to euthanasia, and India is no different. There are several pros and cons that come with the introduction of this practice in India, but ultimately any decision should take into consideration both ethical as well as economic aspects while deciding whether or not Euthanasia should be

allowed here. The best course of action would be for the Indian Government to consult experts from various fields so that a balanced solution could be attained which would suit everyone's requirements.
