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Tracing Triangular Correlation between Life with Dignity and Death with Dignity in the Backdrop of Leading Case Laws in India

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ABSTRACT

“Death is Peaceful; Life is Harder.” This quote by Stephenie Meyer compels one to imagine the misery and pain of a person who wishes to leave for the heavenly abode due to certain compulsive circumstances. The sanctity of human life does not entail the continuance of one’s existence in agony and suffering as a result of one’s actions. Given that everyone has the right to live a dignified life. Here few questions arise ‘What is a dignified Life?’ Whether a person who is not able to live a dignified life has a right to die in a dignified manner? Whether right to die with dignity is recognised as a fundamental right in India? Can a person be forced to live in a way that is detrimental to his or her well-being?

This paper explores the concept of death with dignity through a jurisprudential and legal angle. Leading Judgments centred on the issue of life and death such as the Gian Kaur case, Aruna Shanbaug case, and Common Cause (A Registered Society) case are converse to have a better glance of concern associated with death with dignity.

Keywords: *Death with Dignity, Right to die, Common Cause Judgement, Right to Life.*

I. INTRODUCTION

“The fear of death follows from the fear of life.

A man who lives fully is prepared to die anytime.”

- Mark Twain

“Ayushman Bhav!” May You have a long life.

When a child is born into a family, all relatives, friends and acquaintances bless the child with a long and happy life. The child is nourished and raised to become a healthy adult capable enough to have a fruitful life. Human life is the ultimate value; people cheer around for life and

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health, whereas pain and ultimately death is an ultimate threatening force. Scientific development and medical advancement are helping humans and other species to have a better life span, but the most certain thing about life is that it is most uncertain.

What is Dignity?

The term “dignity” comes from the Latin word *dignitas*, which means “worthiness” or “honour”, which might be caused by a variety of factors. Starting with people and things, one may talk about the dignity of a dancer, a soldier in his golden years, a swan, or even an artwork. The dignity of certain persons appears to extend to every aspect of their being. The phrases “undignified” and “indignity” appear to serve as opposites to “dignity.” One essential feature of these two terms, although neither appears to be true antonyms, is the sensation of offence or outrage that they might convey.³ The concepts of “death with dignity” and “death with honour” varies with bodily departure, being as in the point at which one goes from being to not being is referred to as a transition; not-being as the mysterious State following death and the time leading up to death. People often use these words to describe a time period in which they are aware of the events that will bring an end to their lives and when that event will take place.

As a matter of principle, the right to life covers the provision of the most basic essentials of life like food, clothing, and shelter, as well as the freedom to read, write, and express oneself in a number of ways, as well as the capacity to travel freely and connect with other humans. Regardless of the country’s level of economic development, this right must encompass the right to fundamental requirements of existence, as well as the right to engage in activities and functions that represent the very minimum expression of the human self. Human dignity is violated when a person’s life, bodily health, or mental well-being are threatened. Torture, humiliation, forced labour, and the like all violate the dignity of the human being in this way.

Death with dignity is described as the procedure by which a terminally ill adult voluntarily seeks a prescription medicine to bring their life to a close with as little pain as possible, which is sometimes also known as physician-assisted suicide.

As a universal fact, death is an unavoidable part of life for each and every human being. For a person, the word “dignity” is not immediately associated with this situation. The phrase may be used to characterise death as a humiliating experience that renders existence meaningless. However, it is unclear what this entails, and it is clearly not the context in which the phrase is used in health care. As a result, it appears that the term “dying or death with dignity” is more

³ Donald R. Steinberg, *Limits to Death with Dignity*, (Jan. 11, 2022, 07:40 PM), <https://jolt.law.harvard.edu/assets/articlePDFs/v01/01HarvJLTech129.pdf>.

commonly associated with the mysterious agony or circumstances and time of death.

(A) Methodology

This is a conceptual paper divided into six parts. The paper reviews the extant literature and case laws that address issues related to death with dignity as a fundamental right under the Constitution of India. The first part of this paper explains the concept of dignity, which this paper aims to address. The second part outlines the methodology. The third part is dedicated to the integrative literature review, questioning the discourse surrounding dignity from the jurisprudential viewpoint. The fourth part deliberates upon the various case laws propounded by Indian Courts that deal with issues related to giving the right to live with dignity and propagating for the Right to Die with Dignity. The fifth part of this paper presents a detailed analysis of Common Cause Judgement, and the sixth and last part concludes the entire research paper.

(B) Literature review

First and foremost, the decision in Common Cause has been criticised by religious organisations who are of the view that the right to life is in God's hands and that permitting a person with a terminal disease to withdraw from treatment might jeopardise that right. As a result of this perspective, it is difficult to fully accept the verdict. Also unresolved by the court are concerns about minors' ability to make health care decisions, as well as their access to palliative treatment. There was also criticism of the government's prior draft on the Medical Treatment of Terminally-ill Patients Bill, 2016.⁴ Now, the Supreme Court's judgement offers a chance to the Legislators to write comprehensive legislation that properly recognises the right to a dignified death.

As a physician, how should one handle the issue of an incompetent patient, such as a patient who is in a permanent vegetative state (PVS) or may be suffering from an irreversible coma? Do you think he should be permitted to die via passive euthanasia in this case? Is it possible that the discontinuation of life-prolonging therapy by artificial means may result in a breach of Article 21 of the Constitution? In this case, the **241st Report**⁵ states that it cannot take an abstract or fragmented view of Article 21 and get to the conclusion that the removal of life-sustaining systems would inevitably constitute a breach of Article 21. The dignity of life and respect for life should not be taken to the point where they have become practically devoid of

⁴ Devina Srivastava, *The Right to Die with Dignity: The Indian Supreme Court Allows Passive Euthanasia and Living Wills*, (Jan. 10, 2022, 04:10 PM), <https://ohrh.law.ox.ac.uk/right-to-die-with-dignity-a-fundamental-right-indian-supreme-court-allows-passive-euthanasia-and-living-wills/>

⁵ *Passive Euthanasia – A Relook*, Report No.241, August 2012, Law Commission of India.

any genuine meaning and when they entail the loss of other fundamental values like human dignity and freedom of choice, as also stated by L.J. Hoffman in the Airdale⁶ case.

According to **Pawar**,⁷ Euthanasia diminishes the dignity of the human being and the sanctity of life. No one or no illness has the power to take away a person's dignity. No matter where you are in your life, you are still a person with the dignity that comes with being a human being. Allowing euthanasia will be a violation of the concept of the sanctity of life, according to some. When one takes into account both the reasons in favour of and the arguments against euthanasia, one might come to the conclusion that the arguments against euthanasia exceed the arguments in favour of legalising euthanasia. The courts of other countries, as well as the courts of India, have reached differing conclusions on the legality of euthanasia and assisted suicide in their decisions. Most of the discussion has centred around one central question: Is euthanasia truly required for death with dignity? Is it possible that we are denying individuals their dignity if we murder them rather than care for them affectionately? There is a great deal of social, ethical, and religious significance in the questions of whether terminally ill people or others should be free to seek assistance in taking their own lives, and if so, under what circumstances and subject to what safeguards. These are questions on which widely differing beliefs and views are held, often strongly. The "right to die" appears to be derived from the rights to privacy, autonomy, and self-determination according to contemporary terminology.

Sebastian⁸ concludes that the sanctity of human life does not mean the continuance of a life spent in agony and suffering against one's will. Given that everyone has the right to live a dignified life, no one may be forced to live in a way that is detrimental to his or her well-being. If someone is suffering from an incurable sickness, it would be cruel to force him to endure a wretched existence. As a result, a terminally ill person should be given the option to end his or her agony and suffering by making the decision to do so. In reality, they are not instances of life being extinguished but rather instances of the natural death process being accelerated after it has already begun. The notion is simply that if a terminally ill patient wishes it and meets all of the requirements, the law must offer the possibility of substituting a fast and painless death for his or her protracted and agonising death. Moreover, the courts should re-examine the meaning of the word "right to life" as it appears in Article 21 of the Constitution and assesses if it should be interpreted to encompass the 'right to die peacefully with medical aid for the

⁶ Airedale NHS Trust v Bland (1993) AC 789.

⁷ Sujata Pawar, *Euthanasia: Indian Socio-Legal Perspectives*, 15 J.L. Pol'y & Globalization 11 (2013).

⁸ Tania Sebastian, *Legalization of Euthanasia in India with Specific Reference to the Terminally Ill: Problems and Perspectives*, 2 J. Indian L. & Soc'y 341 (2011).

terminally ill.’

II. DEATH WITH DIGNITY AND INDIAN JUDICIARY

Though in *Gian Kaur v. the State of Punjab*,⁹ it was determined that the right to life does not include the right to die or the right to be killed. It was also determined that while the right to life was a natural right enshrined in Article 21,¹⁰ suicide was an unnatural termination or extinction of life and, as a result, was “incompatible and inconsistent” with the idea of the right to life as put by the United Nations. It is possible that the right to life encompasses the right to live with human dignity, which would indicate that such a right would remain until the end of natural life. While without explicitly approving passive euthanasia, the court appears to be in favour of it by stating that one may have the right to die with dignity as a component of the right to live with dignity. In the wake of the *Aruna Shanbaug* case and *NGO Common Cause* case, the legality of unnatural termination of life was re-examined where the five-judge bench of the Supreme Court recognised and sanctioned passive euthanasia as well as living wills/advance directives, among other things. The effect of this is that the Right to Die with Dignity will now be recognised as a Fundamental Human Right.

According to the Law Commission of India, the 241st Report¹¹, which expressed apprehension about the misuse of advance directives or living wills, Court rules on the implementation of medical directives and passive euthanasia have been established by the Supreme Court. Until Parliament passes a new law, the current regulations will apply. As a result of the decision, there would be no longer be any ambiguity regarding passive euthanasia in India. Under *Aruna Ramchandra Shanbaug v Union of India*,¹² the Apex Court of India has earlier ruled in favour of passive euthanasia, which might be allowed in extraordinary circumstances.

Regarding the validity of suicide prior to *Aruna Shanbaug*’s case, through *Gian Kaur v. the State of Punjab*,¹³ the Apex Court stated that the right to life enshrined in the Indian Constitution did not contain the negative right. In such instance, UK landmark judgement *Airedale NHS Trust v. Bland*¹⁴ has referred in which the House of Lords came to the conclusion that the removal of life support might be permissible in certain situations. In *Aruna Shanbaug*, the court found that *Gian Kaur* was reliant on *Airedale* for her defence. *Airedale* had been

⁹ *Gian Kaur v The State of Punjab* 1996 AIR 946.

¹⁰ Article 21 of Constitution of India: *Protection of Life and Personal Liberty*

Article 21 states that “No person shall be deprived of his life or personal liberty except according to a procedure established by law.”

¹¹ *supra* note 3.

¹² *Aruna Ramachandra Shanbaug v Union of India* (2011) 4 SCC 454.

¹³ *supra* note 7.

¹⁴ *supra* note 4.

mentioned in Gian Kaur, but the Supreme Court did not express a view on it, merely alluded to it. Although the ruling is noteworthy, it still has a number of flaws that need to be fixed. The Supreme Court has put out a method that is maybe even more time-consuming than the one now in use. Every time passive euthanasia was to be put into practice after the Aruna Shanbaug decision, authorisation from the High Court was necessary. There was one situation in which passive euthanasia had to be used. To carry out passive euthanasia as specified by the new judgement requires two witnesses and a Judicial Magistrate, as well as the permission of two Medical Boards and a jurisdictional collector to ensure that the directive is carried out in accordance with the notion of death with dignity.

International recognition for human rights began in 1948 when the Universal Declaration of Human Rights (UDHR) was passed by the United Nations Assembly. This essential document's Preamble¹⁵ and Article 1¹⁶ both speak to the dignity of the human being. Conventions such as the Universal Declaration of Human Rights (UDHR) are widely recognised as the gold standard for interpreting human rights laws all around the globe. Human dignity is the cornerstone of all other rights, and the State carries the primary responsibility for protecting this foundation.

Accordingly, the Apex Court has widened the scope of Article 21 in light of the *KS. Puttaswamy v Union of India*,¹⁷ the latest nine-judge Bench judgement, affirms that dignity is a component of a basic right. It is impossible to define human dignity as it is hard to put into words. It may appear abstract to some, and some may even view it as a sign of egotism or

¹⁵ *Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*
Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,
Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,
Whereas it is essential to promote the development of friendly relations between nations,
Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,
Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,
Now, therefore, The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

¹⁶ Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

¹⁷ *Justice K. S. Puttaswamy and Anr. v Union Of India And Ors* (2017) 10 SCC 1.

heightened eccentricity. Cynicism may be to blame for this emotion. For all that, a life devoid of dignity is like an unheard sound. A person's dignity has a voice; it is both natural and human. A blend of thinking and sensation, it merits respect even if the individual is deceased and referred to as a corpse.¹⁸ For this reason, in *M. Nagaraj*,¹⁹ the Constitution Bench ruled that in addition to safeguarding human dignity, the State also has a responsibility to make it easier to achieve it. The concept of human dignity is not defined in a precise manner. In this context, it alludes to the inherent worth of each individual. It cannot be taken away from one. It does not have the ability to give away as it is what it is. The very fact of one's existence confers dignity to one's fellow human beings and thereby confirming the existence of life backed by dignity.²⁰

It was also decided by a two-judge bench in *Mehmood Nayyar Azam v State of Chhattisgarh*²¹ that respect for life is inseparable from a human being's inherent dignity, not servitude. It is only when one's dignity is upheld that the full potential of one's personality may come to fruition. Every sensitive soul should be concerned about the preservation of such a high standard of morality.

Thus, life has a fundamental significance which is reflected in the notion of life itself. Dignity rejects any association with one's social standing. The one and only premise to which it succumbs is the inalienable human right of each individual. The law recognises that one's dignity is its most prized asset. And the sanctity of the item in question does not diminish or disappear with the passing of the owner. To further highlight in *Vikas Yadav v State of UP*²² with regard to Section 302 IPC penalty, Apex Court's two-judge panel noted that the High Court had taken note of both the accused's rage and the lengths to which they had gone in order to destroy the deceased's corpse. It was declared by this Court in accordance with the conclusions of the Delhi High Court that the accused's criminal predisposition is clear from the evidence presented and the analysis performed by the High Court, as they showed no regard for human life or dignity of a deceased person. For them, the idea that a person is deserving of respect even after death had been purposefully suppressed. That is an essential human right. In light of the ferocity demonstrated by the accused, it is apparent that they are wicked.

It is clear from the preceding text that the Supreme Court has elevated the dignity of the individual to a pedestal as *Francis Coralie Mullin v The Administrator, Union Territory of*

¹⁸ *supra* note 1.

¹⁹ *M. Nagaraj v Union of India*, (2006) 8 SCC 212.

²⁰ Jyl Gentzler, *What is a Death With Dignity?*, *Journal of Medicine and Philosophy* 2003, Vol. 28, No. 4, pp. 461-487, (Jan. 22, 2022, 02:00AM), <https://philarchive.org/archive/GENWIA>.

¹³ *Mehmood Nayyar Azam v State of Chhattisgarh* AIR 2012 SC 2573.

²² *Vikas Yadav v State of UP* 2016 SCC OnLine SC 1088.

Delhi²³ was also highlighted in terms of the holdings that the right to life is a fundamental right that incorporates the right to dignity.

To be considered a violation of this right to life, any act that violates or diminishes human dignity must be done in line with legal procedures that are reasonable, fair, and just in light of other fundamental rights. If the procedure prescribed by law is followed, Article 21 clearly prohibits torture and other cruel, inhumane, or degrading treatment. No law or procedure that permits such treatment, on the other hand, can ever meet the standards of reasonableness and non-arbitrariness; otherwise, it would be a clear violation of Article 21, which prohibits infringing upon the right to life. To put it another way, torture, cruel, inhuman, or degrading treatment are both explicitly and implicitly protected by the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). A nation's progress is measured not by its GDP, but by its human rights, according to the Supreme Court of India in *National Legal Services Authority v Union of India*.²⁴ Further, it was held in *Shabnam v Union of India*²⁵ that there are several components to the human Dignity right. Human dignity begins and ends with the dignity of each human being as a person.

According to *Gian Kaur*,²⁶ the Constitution Bench shows that the process of dying is being accelerated, and this means that there is a possibility for growth. In the aforementioned instance, the Court's investigation focused primarily on Indian Penal Code Sections 306²⁷ and 309²⁸. There was no way the euthanasia issue was relevant to the situation at hand. The Court's view in *Common Cause* towards death with dignity is that Article 3²⁹ of the Universal Declaration of Human Rights states that one has the right to die with dignity within the right to life with dignity. For a human being, the right to dignity extends to their right to a dignified death at the conclusion of their natural life span. In circumstances when the natural death process has not yet begun, and death is near and definite, a dying individual in a terminal or chronic vegetative condition may be permitted to terminate his life prematurely as part of his right to die with dignity, the Supreme Court stated. According to Article 21, a person with a terminal illness or in a long-term vegetative condition can choose to end their life before it is

²³ *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi* (1981) 2 SCR 516.

²⁴ *National Legal Services Authority v. Union of India* (2014) 5 SCC 438.

²⁵ *Shabnam v. Union of India* [(2015) 6 SCC. 702]

²⁶ *supra* note 7.

²⁷ Section 306: *Abetment of suicide-If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

²⁸ Section 309: *Attempt to commit suicide-Whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year (or with fine, or with both).*

²⁹ Article 3: *Everyone has the right to life, liberty and security of person.*

too late. That choice is already guaranteed under Article 21; thus, there is no need for legislation to implement it. Although this right is not unconditional, it must nevertheless be subject to reasonable restraints and the needs of the public at large, which must be established by appropriate law before it can become an absolute right. We must make it clear that Article 21 does not include active euthanasia, which is defined as euthanasia in which the treating physician or another person takes positive steps to end the life of a terminally ill or vegetative patient. Article 21 guarantees everyone the right to a dignified death. Conceptualisation and realisation of the notion that has been touched are necessary. Legality, societal and ethical norms, and medical values all need to be considered.

III. ANALYSIS OF COMMON CAUSE JUDGEMENT

The Writ Petition was preferred according to Article 32 of the Constitution of India, the Petitioner, Common Cause, a registered society, seeks to declare that the “right to die with dignity” falls under the umbrella of “right to live with dignity,” which is guaranteed under Article 21 of the Constitution; to issue directions to respondents to adopt appropriate procedures in consultation with state governments, where necessary; and to ensure that persons in deteriorated health or terminally ill patients are able to exercise their right to die with dignity in accordance with their medical condition and able to execute advance medical directives as Living Will. In the event that the executor is admitted to the hospital with a serious illness that may threaten the executor’s life, the living will be presented to the hospital for appropriate action. It is also proposed to establish a committee of experts, including doctors, social scientists, and lawyers, to investigate the possibility of issuing guidelines on Living Wills; and to issue any additional appropriate directions and guidelines that may be required.

The Supreme Court of India on 9th March 2018 delivered a landmark ruling through Common Cause (A Regd. Society) v. Union of India & Anr.³⁰ that Passive euthanasia is an option for persons who are in a prolonged vegetative state or who have created a living will refuse medical care owing to a terminal disease and wish to die peacefully. Moreover, the Supreme Court held that Article 21 of the Indian Constitution guarantees the right to die with Dignity under the Indian Constitution. Individuals must be able to decide whether or not to accept medical help if they are terminally ill, and Article 21 recognises this right. The right to die in peace and without suffering is part of the right to live a dignified life. In accordance with Article 1 of the

³⁰ Common Cause v Union of India (2018) 5 SCC 1.

United Nations Declaration of Human Rights and Articles 6,³¹ 7,³² 17,³³ and 18³⁴ of the International Covenant on Civil and Political Rights, this view is consistent with this negative right to a decent existence. Under Article 32³⁵ of India's Constitution, the Common Cause Writ Petition³⁶ was filed in order to obtain recognition of the right to die with dignity flowing from and within the right to life with dignity as enshrined in Article 21; the issuance of appropriate procedures in consultation with state governments, where necessary; and the protection of

³¹ Article 6:

1. *Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*
2. *In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.*
3. *When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.*
4. *Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.*
5. *Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.*
6. *Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.*

³² Article 7: *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*

³³ Article 17:

1. *No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*
2. *Everyone has the right to the protection of the law against such interference or attacks.*

³⁴ Article 18:

1. *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
2. *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
3. *Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*
4. *The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*

³⁵ Article 32: Remedies for enforcement of rights conferred by this Part

1. *The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.*
2. *The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.*
3. *Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).*
4. *The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.*

³⁶ *supra* note 28.

people who are in deteriorating health from being institutionalised. Every person is entitled to determine whether or not they want to continue living after the process of dying has already begun, and they have reached an irreversible, permanent progressing stage when death is not far away. Article 21 of the Constitution states that individuals have a basic right to die with dignity, and this right is a key aspect of that right.

To maintain one's sense of self-determination, it is said, the right to privacy is an essential component of liberalism. Modern medical science and breathing developments have produced a scenario where the dying process of the patient is unduly delayed, bringing pain and suffering to the patient and their loved ones. The patient has been declared to be in a permanent vegetative state (PVS), allowing unimpeded entrance into the facility. Further, the petitioner-society argues that the right to die does not represent a component of the right to life but that the right to die with dignity is an integral component of the right to live with dignity rather than the other way around. It becomes vital for both patients and physicians to have a living will or an advance directive when a patient's treatment is maintained despite an irreversible prognosis and owing to penal legislation in the region. This is done to avoid a legal struggle in the event that the treatment is not terminated. People's rights and state interests have been pitted against one another in a dispute about how to strike a balance between the two. Emphasis has been put on patients' rights to die with dignity and without pain or suffering, which may otherwise be compromised by artificial prolonging of life by medical interventions that are not actually beneficial in the treatment of disease or the improvement of living conditions.

Towards this in Common Cause, issues were raised as dignity is an integral part of the right to life; if the patient has no idea whether or not they will live until death comes calling, should they be permitted to suffer in silence? Is she/he doomed to die as her/his existence slowly fades away? Should he/she stay on the support system because of advances in medical technology or because others around him/her feel that science's ongoing development may result in a fresh cure? In other words, should he/she be used as a test subject? The answer must be a resounding "yes!" It is a no-go because it ruins the pristine notion of life, eroding the core of dignity and undermines the fundamental right to privacy which is to make a decision in the future. To be alive is a priceless gift.

However, the court further is of the view that the freedoms that allow each individual to live life as it should be are what make it worth living. Individuals are in charge of making the greatest choices about their own lives and the way they should be lived. In the context of a given society, they are constantly influenced by their surroundings. The responsibility of the State is to protect the individual's capacity to make their own judgments and not to dictate

those decisions. Article 21 defines life as including more than just one's physical body. The right sees one's self in all of its complexity. Those things that aid in the fulfilment of life are just as protected by the lifetime guarantee. To live is to live honourably. Liberty and dignity were among the liberties highlighted by the drafters of the Constitution when describing their ideal society. As basic as dignity is, it is woven into the very fabric of the individual's rights protected in Part III. In order to attain the dignity of existence for each human, the fundamental rights are linked together. Personal privacy and its accompanying ideals ensure dignity for the individual, and only when this is possible is liberty truly meaningful. The preservation of one's privacy is essential to one's sense of self-worth and is one of the primary goals of laws designed to safeguard individual rights to life and liberty.

In addition, it is critical to recognise that the right to life does not imply the right to die in the same manner. What is more, while Article 21 of the Constitution guarantees the right to live in dignity, it does not ensure the right to die in dignity. In order to save lives on a broad scale, it is claimed that the government must force health-care coverage on all citizens. It is also brought to light that Article 21 does not specifically include the right to die with dignity in this basic constitutional right, and it is stated that this may have the potential to weaken this fundamental right.

It was discovered during the process of determining the scope of Article 21 in order to determine whether the right to life provided by that provision includes the right to die that the Court determined that there is no justification for protagonism of euthanasia because it is unrelated to either the principle of sanctity of human life or the right to live with dignity. As long as natural life exists, there should be a right to life as well as a right to be treated with dignity and respect. The right to a dignified death, which includes the right to a respectable means of dying, or, in other words, the right to die with dignity even while one's life is waning, has been clarified by the constitutional court. A person's right to die naturally rather than in an unnatural manner, according to some, is equivalent to the right to die with dignity. A person's right to die with dignity, which is a component of their right to live with dignity, may be invoked in specific situations when the person's life is reaching its conclusion. These are not instances in which life has been extinguished but rather instances in which the natural process of death has been expedited. There appears to be no end in sight to the controversy over whether physicians should be permitted to aid in the death of a patient. Therefore, it is difficult to interpret Article 21 in such a manner that it incorporates the liberty of individuals to restrict how long they live naturally without infringing their basic human rights.

After hearing the Gian Kaurs case and ruling that the right to life, including the right to live

with human dignity, exists up to the end of natural life, the Constitution Bench held that this right also includes the right to a dignified life up until the point of death, including a dignified procedure of death. According to the court, the aforementioned right is a component of the basic right entrenched in Article 21 of the Constitution. The right of a patient who is unable to articulate himself cannot be considered beyond the scope of Article 21 of the Indian Constitution.

In light of the findings, this writ petition was granted in the following manner that the right to die with dignity has already been established as a basic right by this Court's Constitution Bench decision in the *Gian Kaur* case, which the Court reiterates again. A human person who is an adult and has the mental ability to make an educated decision has the right to refuse medical care, including the removal of life-sustaining equipment. A person with adequate mental faculties has the authority to implement an advance medical directive in compliance with the precautions described above.

IV. CONCLUSION

"Death" has been used to describe the act of dying with respect, while "dignity," on the other hand, has come to mean someone who has a good quality of life. Thus, dignity is a function of one's own traits, and dying with dignity is a personal accomplishment; The ability to bestow this is not something that others, such as health-care providers, can provide. Consequently, However, insults to one's self-respect are called indignities. A person's ability to live with dignity is impeded by these things because they prohibit him from engaging in his own life rationally and actively. It is the obligation of health care practitioners to avoid inflicting shame and to minimise it as much as possible. In cases where there is no hope of recovery *Gian Kaur* also argued that hastening death for the sake of reducing the amount of time spent in pain represents an essential right to live with dignity in the end.

As when it does not contain consideration for each person's Dignity, Article 21's right to life and liberty loses all of its meaning. To include a more comprehensive definition of what we mean by life and liberty, this Court has expanded the scope of Article 21 throughout time. People who are terminally sick or in a chronic vegetative condition have the right to die with dignity, and this includes making the process of death more comfortable for those who are dying or in a permanent vegetative state (PVS). If advanced medical instructions are not recognised by the legal system, a person's right to a peaceful death and the right to die with dignity may be compromised. Advance directives have been legalised in a number of nations, including the United States, by legislation and, in certain cases, through court rulings. It may

be preferable to make decisions on termination of one's life while one is still physically capable of doing so, rather than risk contracting a disease that would make it difficult to live and die with dignity later on. Although most individuals oppose euthanasia, there are others who support it. No matter how admirable a person's character is, bad luck may nevertheless strip one's self-respect. If this happens, suicide or euthanasia is unlikely to rescue it. It is also possible that euthanasia is an affront to human dignity when it is not supported by sufficient evidence. Through this landmark judgement, terminally ill patients and the person registering their advanced medical directives can opt for this newly interpreted right, i.e., the right to die with dignity, but concerns still remain with minors and persons with mental illness and those who are differently-abled having detrimental life.

To conclude, India is a developing country, wherein the majority of people have limited resources. Most of the people, even if they wish to, are not able to take care of their sick ones in the backdrop of terminally ill people and people in a vegetative state. The national health resources are not sufficient to carry the burden of people who have no hope to revive a healthy life. If someone is suffering from an incurable sickness, it would be cruel to force him to endure a wretched existence. Therefore, A terminally sick individual should be given the option to end his or her agony and suffering by making the decision to do so. It is high time in India that the law must offer the possibility of substituting a fast and painless death for his or her protracted and agonising death. There is no such thing as treating the essence of dignity as though it were a single spark of light, a solitary candle, or a hollow bubble. A life well-lived is a great gift from the creative mind, but only if it is treated with decency and respect.
