MERCY KILLING (EUTHANASIA): A BURNING ISSUE IN INDIAN PERSPECTIVE

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ABSTRACT
Mercy killing or euthanasia or assisted suicide is defined as painless killing of a person who is suffering from incurable disease, senility or a permanent damage to brain, which can’t be repaired or cured. Depending on act of induction and willingness of the patient, it is mainly classified as 1) Voluntary and Involuntary or 2) Active and Passive euthanasia. Euthanasia is always a divisive issue while the ethics and religion call against it, medical profession is looking for its solution. Accordingly as per the ethical and religious myths God has created life and God is supreme one should take care of it. However the medical view is that in untreatable disease conditions one shall not try to kill but need not keep alive also. Though mercy killing is established legally in certain parts of United-states, Uruguay, Poland, Australia, Switzerland it is not yet acceptable legally in our country. At present a lot of debate is focused on the pros and cons of validating euthanasia legally.

KEYWORDS: Euthanasia, Mercy killing, Voluntary & involuntary euthanasia, Active & passive euthanasia.

INTRODUCTION
Euthanasia means infliction of a painless death of a person who is suffering from severe, incurable pain or disease like terminal stage of cancers with widespread metastasis, permanent vegetative stage after severe head injuries etc. The advances in medical science and technology have undoubtedly brought relief in several health issues to a great extent.
This certainly has impact on quality of human life and its value along with the upsurge of affirmation of human rights, autonomy and freedom of choice. Amongst these issues, one which has assumed global dimensions is the Right to a dignified death and the related matter of voluntary euthanasia.[1]

The word euthanasia (derived from the Greek word, eu meaning ‘good’ and thanatos meaning ‘death’) raises strong emotions and has become controversial as it involves termination of human life, which has been unjustifiably equated with killing.[2] Advocates of euthanasia consider it as producing release from useless, poor quality life, economic drain on hospital, family and family finances, emotional drain and caring for handicapped newborn or sick and aging parents.[3]

**Definition:** Euthanasia or mercy killing or assisted suicide are synonymous terminologies, defined as painless killing of a person who is suffering from incurable disease, senility, or a permanent damage to brain, which can’t be repaired or cured.[4]

**Types of Euthanasia:** Depending upon act of induction and willingness of the patient, euthanasia is classified into following types.[5]

1- Voluntary: In this type the dying person voluntarily gives consent for the act and request for mercy killing.
2- Involuntary: When the dying person is unable or incapable to give consent because of unconsciousness or due to coma.
3- Compulsory: Here the society / state take decision to terminate the life of person.
4- Active: In this type of euthanasia, doctor performs painless death of a person by an active act i.e. by an act of commission e.g. Administration of lethal dose of sedative drugs or narcotic analgesics to a person so as to cause death.
5- Passive: Here doctor induces death of a person by doing nothing to save the life i.e. by an act of omission e.g. withdrawal of life support/ ventilation support measures.
6- Pediatric: Here euthanasia is administered to children.
7- Geriatric: Here euthanasia is administered to old individuals.

**Requirements of Euthanasia:** No binding guidelines / rules are suggested till now, as each individual case must be dealt with on its own merits and demerits. However the requirements
as laid out in a judgment of the Nagoya High Court in Japan may be of some aid. Accordingly, what might be accepted ethically are.\[6\]

- The patient must be suffering from unbearable pain.
- The patient’s condition must be terminal with no hope of recovery.
- Euthanasia must be undertaken to relieve suffering.
- It can only be undertaken at the expressed request by the patient.
- A qualified physician must carry out the procedure.
- The method adopted must be ethically acceptable.
- High cost of medical treatment.\[7\]

**Views in favour of Euthanasia:** Campaigners for euthanasia put forth the following reasons in favour of euthanasi

- Patients who are suffering from an agonizing incurable disease or suffering from severe pain, euthanasia will help these patients to die with dignity.\[8\]

- If a person is suffering from intractable pain or suffering or debility then he has the right to terminate the life. A conscious dying person can take his own decision and can deny the terminal care provided by the doctor. Acting against the patient’s wishes or without consent may attract legal liabilities and technically speaking it is an assault. The right to refuse treatment is recognized concept in some countries such as Britain and United states. Adults are presumed to be competent to make decisions unless there are reasons to suppose otherwise and therefore can make their decision.\[9\]

- Many social activists thought that there is no moral obligation on the part of doctor to preserve the life at the expense of suffering. Now in some countries, the advanced medical directives referred as living wills have been recognized which entitles the patient to refuse treatment any time in future.\[10\]

- Palliative drugs may help in relief from unbearable pain but only to limited degree. Moreover, most of the drugs used for the purpose are not safe and may produce unintended harm to the patient in addition to his suffering.\[11\]

- Many families are emotionally unable to handle the prolonged suffering of their loved ones. Patients and their families are clear that it is not death that they are afraid of it is the process of dying that terrifies them.\[12\]
Doctors have been using aggressive measures in an attempt to prolong life. In an unconscious patient, how it is wise to continue the body functions by artificial means over a period of months or years. Physicians equate beneficence with saving life at any cost, even when patient’s material resources have been exhausted. This commitment can lead to patient being kept alive with little regard to the quality of living as well as dying. Promoters of concept of death with dignity have questioned this ‘medicalised dying’. Therefore prolonging the life with intensive medical care and life support system for indefinite period makes dying difficult and cruel.\textsuperscript{[13]}

**Views against Euthanasia**

- It is considered that no person has right to take away the life of another person. Traditional medical ethical codes never sanctioned euthanasia, even on request. The Hippocratic Oath states “I will give no deadly medicine to anyone if asked, nor suggests such counsel…..” the international code of medical ethics declares, “A doctor must always bear in mind the obligation of preserving the human life from the time of conception until death.” World medical association confirmed that assisted suicide, like euthanasia, is unethical and must be condemned by medical profession.\textsuperscript{[14]}

- Many people are sick of experiencing uncontrollable pain in their final days. However, with adequate palliative care, the pain can be controlled. New researches into pain control methods are leading to possibility of total pain control.\textsuperscript{[15]} Voluntary euthanasia legislation makes doctor less accountable and gives them more power that can be easily abused. Patients generally decide in favour of euthanasia on the basis of information given to them by doctor about their diagnosis, prognosis, treatment available and anticipated degree of future suffering. At times, diagnosis or prognosis may be mistaken or misjudged.\textsuperscript{[16]}

**Indian law on Euthanasia**

- Euthanasia is not legalized in India. On request of a patient, any act done by a doctor to assist the patient to end his life can be considered as an offence. Supreme Court of India on 21-03-1996 expressed that euthanasia (mercy-killing) is “a matter of policy which is within the domain of the legislature”. On the other hand, as the law stands, the practice of euthanasia is a clear act of offence, either a suicide, assistance to commit suicide or a murder. It is a case of suicide with or without assistance when a person terminates his life with or without the assistance of another, usually a doctor; it is a case of murder when it is practiced without the
available consent from the person so killed. When a doctor kills such a patient according the
desire of the patient, a double legal position arises. From the point of view of the patient
concerned, it is a case of suicide but the legal position of doctor concerned is like that of a
murderer, helping the practice of euthanasia.\textsuperscript{[17]}

\begin{itemize}
\item In article 21 of constitution of India, there is a provision guaranteeing protection of life
and personal liberty and can’t imply extinction of life. It is difficult to construe article 21 to
include within the right to die as a part of fundamental right guaranteed therein. ‘Right to
Life’ is a natural right embodied in article 21 and therefore unnatural termination or
extermination of life is incompatible and inconsistent with the concept of right to life.\textsuperscript{[18]}
\item As per Indian medical council regulations, practicing voluntary euthanasia shall constitute
unethical conduct.\textsuperscript{[19]}
\end{itemize}

**CONCLUSION**

Euthanasia or mercy killing is the practice of killing a person for giving relief from incurable
suffering or allowing painless death when life has become meaningless and displeasing.
Weather euthanasia should be administered to a person or not is still notorious topic and
usually the general public is divided over this burning issue. Some favours euthanasia
whereas others oppose the concept of mercy killing. Unbearable pain at the terminal stage of
illness, high cost of medical treatment and right to commit suicide are some of the reason for
euthanasia. The issues of right to a dignified death and voluntary euthanasia are not the
concern of the medical profession alone. All sections of society must be significantly
involved as the issues go beyond the philosophical, moral, legal or theological considerations.
It is an issue of humanism and compassion. Society has to play their role to change its value
systems in the context of the changing medical scenario, socioeconomic condition, increasing
cost of medical services and their cost effectiveness.

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