

## A CRITICAL EVALUATION OF RIGHT TO PASSIVE EUTHANASIA IN INDIA - CONSTITUTIONAL LAW PERSPECTIVE

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### Abstract

*At the crossroads of criminal law, medical ethics, human rights, and constitutional principles, the euthanasia debate has cast doubt on the meaning of Article 21, which protects the freedom to choose whether or not to live. Justices in India's courts have gradually interpreted this clause to encompass the idea of dying with respect. The withdrawal or withholding of life-sustaining therapy, often known as passive euthanasia, has mostly developed through judicial rulings due to the lack of comprehensive law. In order to trace the constitutional development of passive euthanasia in India, this study critically examines landmark judgments such as (State of Maharashtra v. Maruti Sripati Dubal), (Chenna Jagadeeswar v. State of Andhra Pradesh), (Gian Kaur v. State of Punjab), (Aruna Ramchandra Shanbaug v. Union of India), (the Harish Rana case (2026)), and (Common Cause v. Union of India). It also assesses how modern legal frameworks like the Bharatiya Nyaya Sanhita have altered the ongoing criminalization under Section 309 of the Indian Penal Code. The study also compares and contrasts different viewpoints on euthanasia around the world and delves into the legal and ethical implications of acknowledging the right to die with dignity. We urgently need comprehensive legislation to protect patient autonomy and prevent its misuse. Judicial interpretations have greatly advanced passive euthanasia's acceptance, but there is still ambiguity due to the lack of a clear legislative framework.*

**Keywords:** *Passive Euthanasia, Right to Die with Dignity, Article 21, Constitutional Law, Section 309 IPC, BNS.*

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### 1. INTRODUCTION

The right to die in peace is one of the most contentious ethical and legal issues in modern constitutional law. Even in cases where a full recovery is considered medically unattainable, modern medicine has made it feasible to artificially prolong a person's life. Concerns over patient autonomy, quality of life, and medical professionals' ethical obligations have been heightened by this advancement.

Intentionally ending a life to alleviate excruciating pain caused by terminal illness or irreversible medical problems is known as euthanasia, sometimes called mercy killing. Legal discussions differentiate between two types of euthanasia: active euthanasia, in which the goal is to intentionally bring about death, and passive euthanasia, in which the goal is to withdraw or withhold medical

assistance that might otherwise prolong the patient's life. While courts are gradually recognising passive euthanasia in India, active euthanasia remains unlawful.



**Figure 1: Passive Euthanasia**

Article 21, which guarantees the preservation of life and personal liberty, is strongly related to the subject of euthanasia's constitutional validity under the Indian Constitution. Supreme Court of India has always taken a broad view of this clause, stating that everyone has the right to live in dignity and not only to survive. Judicial interpretations of this right to autonomy over one's own body have been the subject of heated controversy. An attempt to commit suicide was formerly considered a crime in India under Section 309 of the Indian Penal Code. Conflict between criminal law with the expanding constitutional understanding of personal freedom and dignity arose from this provision. Several judicial decisions have addressed whether punishment for an attempt to commit suicide is compatible with the fundamental right to life and liberty.

Judicial interpretations, rather than specific legislation, have shaped India's legal concept of euthanasia. Landmark decisions such as *P. Rathinam v. Union of India*, *Aruna Ramchandra Shanbaug v. Union of India*, *Common Cause v. Union of India*, and the recent *Harish Rana v. Union of India* 2026 have significantly contributed to the evolution of the right to die with dignity. In the landmark case of *Common Cause v. Union of India* (2018), the Supreme Court officially recognised passive euthanasia and upheld the legitimacy of living wills or advance directives, marking a significant constitutional achievement.

This paper examines the development of passive euthanasia law in India through the lens of the country's constitution. Examining landmark court judgments, legislative mandates, and global trends, the study seeks to ascertain whether the existing legal framework adequately protects patient autonomy and human dignity in the final stages of life.

## 2. LITERATURE REVIEW

**Anusree and Prakash (2025)** carried out a thorough comparison of euthanasia in the context of international legal norms and Indian constitutional law. Their research looked at how Indian euthanasia law has developed in comparison to other countries where assisted suicide and euthanasia have been legalized. The writers noted that because of ethical considerations and the traditional emphasis on the sanctity of life, the Indian legal system has always taken a cautious approach to euthanasia. They made the observation that the right to life has been increasingly expanded by court interpretations of Article 21 to include end-of-life decisions that respect individual autonomy and dignity. This research emphasises the significant significance that landmark decisions like *Aruna Ramchandra Shanbaug v. Union of India* and *Common Cause v. Union of India* had in establishing constitutional recognition and regulation of passive euthanasia. Additionally, the study compares and contrasts the more cautious and developing approach taken in India with legal regimes in nations like the Netherlands and Belgium, where euthanasia is allowed under particular situations.

**Pandey (2022)** analysed the Indian legal status of euthanasia. The research looked at how the narrower judicial reading of Article 21, which stresses individual freedom and dignity, seems to clash with Section 309 of the Indian Penal Code, which makes suicide attempts a crime. According to Pandey, previous rulings by the judiciary showed conflicting opinions on whether or not the right to die was an integral component of the right to live. The article also discussed landmark decisions, such as *Gian Kaur v. State of Punjab* and *P. Rathinam v. Union of India*, which were pivotal in changing how the Indian constitution regarded euthanasia and assisted suicide.

**Boruah (2021)** examined the relationship between judicial interpretation and ethical considerations in order to provide an analytical analysis of the constitutional legitimacy of euthanasia in India. The study concentrated on how Indian courts construed Article 21 in relation to end-of-life rulings and the judiciary's influence on euthanasia jurisprudence in the lack of clear legislative legislation. According to Boruah, the growth of the concept of dignity within constitutional jurisprudence has led to a substantial evolution in the euthanasia issue. The author stressed that the Supreme Court's acceptance of passive euthanasia was a dramatic departure from previous legal stances that rigorously valued life protection.

**Kalita (2024)** had out a thorough analysis of euthanasia from an Indian legal standpoint, emphasizing the moral, legal, and constitutional aspects of end-of-life choices. The study examined how euthanasia discussions have evolved historically in India and examined how advances in medicine have raised legal issues about extended mechanical life support. Kalita contended that complicated circumstances brought forth by contemporary medical technology allowed patients to live for long stretches of time without a realistic chance of recovery. Questions about autonomy, dignity, and quality of life become

more important in these situations. The paper looked at how court rulings addressed these issues and stressed that the acceptance of advance directives and living wills was a significant advancement in Indian constitutional law.

**Sebastian (2023)** concentrated on the legality of passive euthanasia in India and how it affects medical ethics and constitutional law. The study looked at the Supreme Court's rulings in the Aruna Shanbaug and Common Cause cases and assessed how they affected the legal system that governs end-of-life choices. Sebastian pointed out that the acceptance of passive euthanasia was a critical turning point in the defense of patient autonomy and dignity. The study highlighted how the development of advance directives gave people the ability to manage their medical care even when they were unable to express their desires.

### 3. CONCEPT AND LEGAL DIMENSIONS OF EUTHANASIA

The complex idea of euthanasia touches on many areas, including medical practice, legislation, and ethics. Derived from the Greek for "a good death," it describes the intentional termination of a person's life in order to alleviate excruciating and protracted pain. Depending on the specifics of the act and the level of intervention by medical personnel, euthanasia is defined differently in legal discussions.

Understanding the ethical and legal implications of euthanasia requires distinguishing between its several forms. There are two main schools of thought in legal study about euthanasia, and they are based on the nature of the medical intervention and the role of healthcare providers. The Indian legal system treats these two types differently, particularly when it comes to questions of legitimacy and ethics, therefore it's vital to make that distinction.

**Table 1: Active vs. Passive Euthanasia and Its Legal Recognition in India**

Aspect	Active Euthanasia	Passive Euthanasia
Definition	Direct act to intentionally cause death	Withdrawal or withholding of life-supporting treatment
Method	Lethal injection or medication	Removal of ventilator, stopping artificial feeding
Intention	Immediate termination of life	Allowing natural death
Legal Status in India	Illegal	Conditionally permitted by Supreme Court
Ethical Debate	Considered deliberate killing	Focus on dignity and relief from suffering

The ethical precept of patient autonomy and dignity is at the center of the discussion around passive euthanasia. Advocates contend that it is a violation of people's dignity and personal freedom to force them to survive through artificial medical support in the face of irreparable misery. On the other hand,

opponents voice worries about possible abuse and the potential for vulnerable people to be coerced into taking their own lives.

Through judicial interpretation and procedural safeguards, the Indian legal system has made an effort to strike a balance between these conflicting concerns.

#### **4. CONSTITUTIONAL FRAMEWORK**

According to Article 21 of the Indian Constitution, no one can be taken away from their life or personal freedom until the legal process is followed. In its evolving interpretation of this provision, the Supreme Court of India has expanded its scope to encompass a wide range of fundamental human rights throughout time. According to judicial rulings, the right to life encompasses more than just the ability to survive; it also covers the following: privacy, health, a decent level of living, and total human dignity. The courts have also considered, within this broader framework, whether the right to life encompasses the right to die with dignity, especially in situations of terminal illness.

Determining whether the state must prevent all types of death in order to safeguard life, especially in circumstances where continuing life entails severe suffering and loss of dignity, is the main constitutional conundrum. This topic has been addressed by the Indian judiciary in a number of significant rulings.

#### **5. JUDICIAL DEVELOPMENT OF PASSIVE EUTHANASIA IN INDIA**

Passive euthanasia law in India has evolved largely as a result of judicial interpretation. The constitutionality of suicide, the definition of dignity under Article 21, and the acceptability of stopping life-sustaining care in extraordinary situations have all been the subject of several significant rulings. Together, these instances show how judicial perspectives have gradually shifted from strictly preserving life to acknowledging the right to pass away with dignity.

##### **5.1. State of Maharashtra v. Maruti Sripati Dubal (1987)**

Section 309 of the Indian Penal Code, which punished attempts at suicide, was initially challenged in this case by the judiciary. The Bombay High Court reasoned that forcing someone to live against their will could violate their personal liberty and dignity, hence it regarded the right to die as part of the right to life under Article 21. The provision was deemed invalid due to this reason. The constitutional discussion surrounding the connection between personal autonomy, dignity, and the idea of suicide was sparked by this decision, even if it was subsequently reversed.

##### **5.2. Chenna Jagadeeswar v. State of Andhra Pradesh**

The Andhra Pradesh High Court reversed its earlier decision in the Dubal case and affirmed the constitutionality of Section 309 of the Indian Penal Code. The court noted that the right to life cannot be read to encompass the right to die, since the primary purpose of the Constitution is to safeguard and

maintain human life. A schism in court opinion and a ratcheting up of the argument over the constitutionality of criminalizing attempted suicide resulted from this decision.

### **5.3. P. Rathinam v. Union of India (1994)**

After reviewing the case, the Supreme Court of India ruled that Indian Penal Code Section 309 was unlawful. The Court found that criminal punishment would be unfair because those who try suicide are typically going through a lot of emotional and psychological pain. The Court's reasoning took a wide view of Article 21, highlighting the importance of individual freedom and the right to be free from excessive force.

### **5.4. Gian Kaur v. State of Punjab (1996)**

The argument that had been accepted in P. Rathinam was reconsidered and ultimately reversed in this landmark decision. Upholding Section 309 of the Indian Penal Code, the Supreme Court made it clear that the right to life cannot be construed as a right to die under Art 21 of the Indian Constitution.

### **5.5. Aruna Ramchandra Shanbaug v. Union of India (2011)**

Aruna Shanbaug's case was a watershed moment in India's legal framework on euthanasia. After enduring a terrible attack, Aruna Shanbaug stayed in a chronic vegetative state for decades. Under very specific conditions, the Supreme Court upheld passive euthanasia and established comprehensive procedural rules, including the need for the High Court's permission. The decision did not authorize euthanasia for her, but it did recognise the legitimacy of passive euthanasia under certain situations.

### **5.6. Harish Rana v. Union of India (2026)**

The decision in Harish Rana v. Union of India (2026) marks a significant advancement in the jurisprudence of passive euthanasia in India. In this case, the Supreme Court of India dealt with the issue of withdrawal of life-sustaining treatment in cases involving terminally ill patients with no reasonable prospect of recovery.

The Court reaffirmed that the right to die with dignity is an intrinsic part of Article 21 of the Constitution. It clarified and strengthened the procedural safeguards laid down in Common Cause v. Union of India (2018), particularly concerning living wills and advance directives.

Importantly, the Court simplified the process for executing advance directives by reducing procedural complexities and emphasised the role of medical boards in ensuring ethical decision-making. It also recognised the importance of patient autonomy and consent, holding that unnecessary prolongation of life through artificial means may violate human dignity.

This judgment is considered a latest and progressive decision on passive euthanasia, reinforcing constitutional morality, medical ethics, and individual autonomy.

### 5.7. Common Cause V. Union of India (2018)

The constitutional legalisation of passive euthanasia in India was expedited by this historic decision. The right to die with respect is a fundamental component of Article 21, according to the Supreme Court. Passive euthanasia was upheld, and living wills, or advance directives, were acknowledged as legally enforceable documents that allowed individuals to communicate their medical desires ahead of time. In order to control the practice of passive euthanasia and prevent its abuse, the Court also released detailed rules. In a number of landmark decisions, the Indian judiciary has brought constitutional principles and criminal law into harmony, and this has had a profound impact on the country's legal system regarding passive euthanasia. Future interpretations and advancements in euthanasia law can be traced back to each of these rulings, which created a ratio decidendi. Here is a table that outlines the important ideas of law that have been shaped by significant decisions in India's euthanasia jurisprudence.

### 6. SECTION 309 IPC AND ITS TRANSFORMATION IN MODERN LAW

In the past, attempts at suicide were illegal under Section 309 of the IPC. Punishing people who attempt suicide, according to critics, is cruel and at odds with contemporary theories of mental health.

In India, the laws governing suicide and euthanasia have changed as a result of both statutory reform and judicial interpretation. A punitive approach to self-harm was reflected in Section 309 of the Indian Penal Code, which historically made suicide attempts illegal. Nonetheless, contemporary law changes have progressively moved in the direction of acknowledging mental health issues and providing compassionate care. The shift to the Bharatiya Nyaya Sanhita is part of a larger initiative to update criminal law and implement a more compassionate legal system.

**Table 2: Evolution of Legal Provisions on Suicide and Euthanasia**

Legal Provision	Key Features	Relevance to Euthanasia
Section 309 IPC	Criminalized attempt to suicide	Created legal conflict with dignity under Article 21
Mental Healthcare Act 2017	Presumes severe stress in suicide attempts	Moves toward decriminalization
Supreme Court Guidelines (Common Cause)	Recognised living wills	Enabled passive euthanasia
Bharatiya Nyaya Sanhita	Updated criminal law framework	Emphasises mental health support rather than punishment

A major change was brought about by the Mental Healthcare Act of 2017, which assumed that those who attempt suicide are under a lot of stress and shouldn't be punished.

The legal approach has continued to prioritize treatment and support above punishment since the Bharatiya Nyaya Sanhita was introduced, reflecting a more compassionate approach to suicide and end-of-life situations.

### 7. INTERNATIONAL PERSPECTIVE ON EUTHANASIA

The legal status of euthanasia varies greatly around the globe. Certain types of euthanasia have been permitted under stringent regulations in nations including the Netherlands, Belgium, and Canada.

A key component of comprehending how various legal regimes govern euthanasia is comparative legal study. Depending on their legal systems, medical policies, and ethical traditions, different nations have taken different stances. The Indian legal system can be placed in a larger global context by looking at these overseas events.

**Table 3: International Legal Position on Euthanasia**

Country	Legal Status	Key Features
Netherlands	Legal	Both euthanasia and assisted suicide allowed
Belgium	Legal	Permitted under strict medical regulation
Canada	Legal	Medical assistance in dying permitted
United Kingdom	Illegal	Assisted suicide remains a criminal offense
India	Passive euthanasia allowed	Recognised through Supreme Court judgments

By acknowledging patients' right to decline life-sustaining care, several states permit passive euthanasia. These legal frameworks place a strong emphasis on informed consent, patient autonomy, and stringent procedural protections.

India's constitutional discussions have been impacted by the changing global discourse, which emphasises the value of dignity and personal autonomy in end-of-life choices.

### 8. CRITICAL ANALYSIS

The Indian judiciary has been essential in defining the legal stance on euthanasia due to the lack of a comprehensive legislative framework. As part of the right to dignity guaranteed by Article 21 of the Constitution, the Supreme Court has acknowledged passive euthanasia and the validity of living wills in seminal decisions like *Aruna Ramchandra Shanbaug v. Union of India* (2011) and *Common Cause v. Union of India* (2018).

However, there are still a number of obstacles in the way of these judicial guidelines' actual application. Many hospitals lack clear rules for managing such cases, and the processes for carrying out such

instructions are frequently complicated. When making important end-of-life decisions, this causes uncertainty for families and medical professionals.

There are significant issues with medical ethics as well. Physicians must strike a balance between the need to alleviate pain, respect for patient autonomy, and the obligation to protect life. Furthermore, there are worries about potential abuse, especially when vulnerable or dependent patients are involved. Furthermore, uncertainty is still caused by the lack of a thorough statutory framework. Doctors may be afraid of legal repercussions if they stop providing life-sustaining care in the absence of explicit legislative instructions and standard hospital protocols. Therefore, to guarantee ethical protections, legal clarity, and the preservation of patient dignity, a clear legislative framework is required.

The Supreme Court in *Harish Rana v. Union of India (2026)* further strengthened the legal framework governing passive euthanasia by addressing practical difficulties in the implementation of living wills. The Court recognised that earlier procedural requirements were overly complex and often discouraged their use. By simplifying guidelines and emphasising patient autonomy, the judgment attempted to bridge the gap between legal recognition and practical applicability. However, despite these improvements, challenges relating to awareness, hospital infrastructure, and ethical dilemmas continue to persist.

**Table 4: Chronological Evolution of the Right to Die with Dignity**

Phase	Period	Development
Early Debate	1980s	Courts questioned Section 309 IPC
Judicial Conflict	1990s	Contradictory rulings on right to die
Constitutional Clarification	1996	Gian Kaur recognised dignity in death
Judicial Recognition	2011	Passive euthanasia allowed in Aruna Shanbaug
Constitutional Expansion	2018	Living wills recognised in Common Cause

## 9. CONCLUSION

Passive euthanasia in India reflects the evolving interpretation of Article 21, recognising the right to die with dignity. Landmark judgments such as *Common Cause v. Union of India* and *Aruna Ramchandra Shanbaug v. Union of India* have strengthened patient autonomy and legitimised advance directives.

The Supreme Court in *Harish Rana v. Union of India (2026)* further improved the framework by simplifying procedures for living wills and emphasising patient dignity. However, challenges related to awareness, infrastructure, and ethical concerns still persist.

Therefore, a clear and comprehensive legislative framework is necessary to ensure legal clarity, protect patient rights, and prevent misuse while upholding constitutional values.

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