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RIGHT TO DIE: A DIGNIFIED END TO A PAINFUL JOURNEY

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Abstract

The Right to Die is one of the most debated issues in constitutional law, medical ethics and human rights. It creates a major conflict between a patient's right to make choices about their own life and medical duty to preserve human life at all costs. This research paper examines the legal and constitutional dimensions of right to die in India and also its evolution through the landmark judgements. Article 21 of the Indian Constitution guarantees the Right to Life and Personal Liberty to both citizens and non-citizens. Over the years, the scope of Article 21 has expanded through judicial interpretation leading to the recognition of Right to Die with Dignity in limited circumstances. The research paper examines the concept of right to die, distinction between active and passive euthanasia. It also analyses the development of law through various landmark judgement. The paper further discusses the concept of living wills and the legal safeguards governing passive euthanasia in India. The primary objective of this research is to examine the constitutional validity of the Right to Die with Dignity, analyse the judicial approach towards euthanasia, and evaluate whether the existing legal framework adequately protects the rights and dignity of terminally ill patients. It concludes that the Indian legal system does not recognize absolute right to end one's life but in certain circumstances the individual areallowed to end their life. Thus, the law seeks to maintain a balance protecting the sanctity of human life, respects individual dignity and ensuring adequate safeguards against the misuse.The study emphasizes the need for continuous legal development to ensure that compassion, dignity, and justice remain at the centre of end-of-life decision-making in India.

Right to life is a fundamental right which not only includes the right to live, but also the right to live with personal liberty and human dignity. Article 21 of the Indian Constitution

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guarantees the right to life and personal liberty to both citizens and non-citizens. ***"According to Article 21 of the Indian Constitution,No person shall be deprived of his life or personal liberty except according to procedure established by law."*** [1]

Right to life is a wide and evolving concept which includes many aspects such as the right to privacy, right to live with human dignity, right to livelihood, right to shelter, right to sleep, right to education, right to free legal aid, the right to Die with Dignity, etc. The word personal liberty includes the freedom to move freely, the freedom to choose one's place of residence, and the freedom to engage in any lawful occupation or profession. The Supreme Court has consistently held that expression 'life' under Article 21 does not merely mean physical survival but includes the right to live with dignity, free from exploitation, free and unnecessary suffering. This broad interpretation has enabled the judiciary to recognise several rights that are essential for the overall development and well-being of every individual.

Article 21 is often regarded as the heart and soul of the fundamental rights guaranteed under Part III of the constitution because it protects the most basic and essential right of every individual. Over the years the Supreme Court has interpreted this provision in a broad and liberal manner to ensure that the constitution remains relevant to the changing needs of society.

There are two important principles related to the protection of life and personal liberty namely**:**

(i) Procedure Established by Law and

(ii) Due Process of Law

Before examining these two principles, it is essential to understand that the interpretation of Article 21 has undergone a significant transformation through judicial interpretation. In its initial years, the Supreme Court adopted a narrow and restrictive approach while interpreting the scope of Right to Life and Personal Liberty. However, with the passage of time the judiciary adopted a more liberal and a progressive approach expanding the ambit of Article 21 to include the principles of fairness, justice and reasonableness. This transformation has strengthened the constitutional protection of life and personal liberty and played an important role in expanding the scope of fundamental rights in India.

[1]India Consti. Art.21

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"Due Process of Law" is an expression originated from the American Legal System, it means if any law made by the legislature,then it must be fair, just, reasonable and free from arbitrariness. The Indian Constitution does not explicitly mention the phrase *"Due process of law"*,it uses the doctrine of *"Procedure established by law"*, which has been borrowed from the Japanese Constitution and it has undergone significant interpretation over time. In its earlier phase, the interpretation was narrow and restrictive as it says, if any law is made by the legislature, and it follows the procedure laid down by law, then it was considered valid even if the law is unfair, unjust, or violates individual rights.

In the case of ***A.K. Gopalan v. Union of India(1950)***[2], A. K. Gopalan a communist leader was detained under the Preventive Detention Act, 1950 and he challenged the validity of his detention as it violates his rights under articles 19,21 and 22 of the constitution.The Supreme Court however, upheld his detention and took a narrow interpretation of Article 21. It held that as long as a law is enacted by the legislature and the procedure mentioned in it is followed, the detention is valid even if the law is unfair and unjust under Article 19 and 21 are not interconnected.[3]

However, the narrow interpretation of Article 21 in A.K. Gopalan was overruled in the landmark case of ***Maneka Gandhi v. Union of India (1978)***[4]**,** where the Supreme Court adopted a broader and more liberal approach. In this case, the government of India seized the passport of Maneka Gandhi under section 10(3)(c) of the Passport Act, 1967 "in public interest". She was not given any chance to explain her side or to be heard. Maneka Gandhi filed a petition before the Supreme Court, arguing that it led to violation of her fundamental right to personal liberty under Article 21 of the Indian Constitution.The judgement in the Maneka Gandhi Case marked a shift andthe Supreme Court held that any law made by the legislature must follow a proper procedure, and that procedure must be fair, just, and reasonable. If a law is unfair, unjust, or unreasonable, then it can be struck down. The Court also said that not giving a person the chance to be heard is a violation of their fundamental rights. In this case, the Court emphasized the importance of the principle of natural justice. *It also introduced the concept of the* ***"Golden Triangle"****of the Constitution, which connects Articles 14, 19, and 21.* This judgment ended the narrow interpretation of the phrase

[2]A.K. Gopalan v. Union of India, AIR 1950 SC 27
[3]Dr. J.N. Pandey, Constitutional Law Of India 298 Central law agency (61st ed. 2024).
[4] Maneka Gandhi v. Union of India,AIR 1978 SC 597.

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'procedure established by law' and reduced the gap between 'procedure established by law' and 'due process of law'.[5]

"Just as every individual has the right to speak, they also have the right to remain silent. Similarly, if a person has the right to live, do they also have the right to die? The concept of the right to life has evolved over time, now encompassing one of the most profound and sensitive topics - the right to Die with Dignity." Right to Die with Dignity means when a person is suffering from a terminal illness or is in a persistent vegetative state, and there is no reasonable hope of recovery. In such cases, the person should have the right to end their life peacefully and voluntarily, without being kept alive by artificial life support. Over time, this concept has evolved through a series of landmark judgments delivered by the Supreme Court of India.*Initially, the right to die was considered as a part of the fundamental right to life under Article 21. It was believed that if a person has the right to live, then they should also have the freedom to end their life when they wish to.*

In ***State of Maharashtra v. MarutiSripatiDubal(1997)[6],*** a Bombay police constable, who was mentally disturbed and frustrated after being denied permission to start his own business, attempted to set himself on fire. In this case, Section 309 of the Indian Penal Code, which provides punishment for attempting suicide, was challenged. The Bombay High Court struck down Section 309, holding it unconstitutional. The Court ruled that Article 21 not only includes the right to live but also the right to die. It observed that there may be many situations where a person might choose to end their life, and if the person has the freedom to live, then they must also have the freedom to end their life whenever they desire.[7]

In***P. Rathinam v. Union of India (1994)[8]***, the Supreme Court upheld the judgment earlier given by the Bombay High Court in the State of Maharashtra v. MarutiSripatiDubal case. In this case, the petitioner challenged the constitutional validity of Section 309 of the Indian Penal Code, which punishes an attempt to commit suicide.The Supreme Court held that the right to life also includes the right not to live, that is, the right to die. It said that if a person has the freedom to live, they also have the freedom to end their life. [9]

[5] Dr. J.N. Pandey, Constitutional Law Of India 298 Central law agency (61st ed. 2024).
[6] State of Maharashtra v. Maruti Sripati Dubal ,AIR 199 SC 411.
[7] Dr. J.N. Pandey, Constitutional Law Of India 328 Central law agency (61st ed. 2024).
[8] P. Rathinam v. Union of India,1994 SCC (3) 394.
[9] Dr. J.N. Pandey, Constitutional Law Of India 329 Central law agency (61st ed. 2024).

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In***Gian Kaur v. State of Punjab (1996)***[10]**,** the five-judge Constitutional Bench of the Supreme Court overruled the judgment given in P. Rathinam v. Union of India. The Court held that the right to life under Article 21 of the Constitution does not include the right to die or the right to be killed. It further stated that Section 309 of the Indian Penal Code, which provides punishment for attempting suicide, is not unconstitutional.[11]

In ***ArunaRamachandraShanbaug v. Union of India(2011)***[12]**,**the victim was a staff nurse in King Edward Memorial Hospital, Parel, Mumbai. She was attacked on 27th November 1973 by a sweeper in the hospital, who wrapped a dog chain around her neck and yanked her back with it. He also tried to rape her and twisted the chain tightly around her neck. The next day, a cleaner found her lying on the floor in an unconscious state, with blood all over. It was alleged that due to strangulation by the dog chain, the supply of oxygen to her brain had stopped, causing severe brain damage.This incident happened when she was about 36 years old, and at the time of the Supreme Court judgment, she was around 60 years of age. She was in a Persistent Vegetative State (PVS). Her brain was dead, and mashed food was fed to her by hand by the hospital staff. Despite her condition, she breathed normally, her pulse, respiratory rate, and blood pressure were also normal. She did not require any life-support machine. Aruna was an orphan, and her care was being taken up by the hospital staff for all those years. A two-judge Bench of the Supreme Court, consisting of Justice MarkandeyKatju and Justice Gyan Sudha Misra, delivered the judgment and laid down the law on passive euthanasia in India. The Supreme Court rejected the plea of Pinki Virani, who had filed the petition as the “next friend” of Aruna Shanbaug. The Court held that the hospital staff, who had been taking care of Aruna for over 36 years, were in a better position to make decisions on her behalf and they were strongly opposed to the withdrawal of life support.

However, the Supreme Court laid down important guidelines related to passive euthanasia in India for the first time and held that:

1. The decision to discontinue life support in case of a person in a permanent vegetative state must be taken by close relatives, spouse, friends, or the treating doctors acting in good faith (*bona fide*).

2. Any such decision must be approved by the concerned High Court to avoid misuse.

[10]Gian Kaur v. State of Punjab ,1996 2 SCC 648.
[11] Dr. J.N. Pandey, Constitutional Law Of India 329 Central law agency (61st ed. 2024).
[12]Aruna Ramachandra Shanbaug v. Union of India,AIR 2011 SC 1290.

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3. An application should be filed before the High Court under Article 226, and the court should then constitute a medical board of doctors, hear all parties, and pass an order based on the patient's best interest.

Thus, while Aruna Shanbaug's life support was not removed, the judgment became a landmark ruling in allowing passive euthanasia in India under strict legal safeguards.

Concept of Euthanasia

The word *'Euthanasia'* is derived from Greek, 'Eu' meaning 'good' and 'Thanatos' meaning 'death', together it means 'good death'. It is defined as the act of ending the life of a person who is suffering from a terminal illness or is in a permanent vegetative state, in order to relieve them from unbearable pain and suffering.[13] It is commonly referred to as "mercy killing" because its objective is to relieve a person from the unbearable pain and suffering caused by an incurable illness. It is considered only in exceptional circumstances where there is no hope of recovery and continuing the medical treatment mainly prolongs the patients suffering. This concept is based on the belief that every individual should be allowed to Die with Dignity rather than endure unnecessary pain at the end of life.

There are two types of euthanasia:

1. Active Euthanasia:This means directly causing the death of a person by giving something like an injection or any other method that ends their life quickly.This form of euthanasia is illegal in India and is punishable under the law because it involves a deliberate act of causing death it is considered contrary to the duty of medical professionals to preserve life and it is not recognised under the Indian legal system

2. Passive Euthanasia:This means withdrawing or stopping medical treatment such as removing a ventilator, stopping feeding, or not giving medicines, so that the person can die naturally.This type of euthanasia is allowed in India, but only under strict conditions and with the approval of the court. The decision must be taken in a bona fide (good faith) manner, keeping the best interest of the patient in mind.[14]

[13]National Institutes of Health, https://pmc.ncbi.nlm.nih.gov/articles/PMC4311376 /
[14] Dr. J.N. Pandey, Constitutional Law Of India 330 Central law agency (61st ed. 2024).

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The next landmark case was ***Common Cause (A Regd. Society) vs. Union of India (2018)***[15] in which the petition was filed by Common Cause, a registered society, asking the Supreme Court to declare that the Right to Die with Dignity is a part of the Right to Live with Dignity under Article 21 of the Constitution. The society also requested the Court to give directions to the Government to create proper rules and procedures that would allow terminally ill patients or people with serious, incurable health conditions to make an Advance Medical Directive (also called a Living Will). This document would let a person state in advance that if they are ever in a situation where there is no hope of recovery, they should not be kept alive by artificial life support.[16]On March 9, 2018, a five-judge Constitution Bench of the Supreme Court, comprising DipakMisra (CJI), A.K. Sikri, A.M. Khanwilkar, D.Y. Chandrachud, and Ashok Bhushan, delivered a landmark judgment in the Common Cause v. Union of India. The Court held that right to Die with Dignity is a fundamental right, and is included within the Right to Life under Article 21 of the Constitution.

On March 8, 2018, the Court had delivered two concurring opinions:

- The majority opinion was authored by DipakMisra CJI, on behalf of himself and Justice A.M. Khanwilkar.
- A concurring opinion was written by Justice D.Y. Chandrachud, who agreed with the final decision but gave additional reasoning.

This judgment recognized Passive Euthanasia and legalized Living Wills (Advance Medical Directives), laying down strict guidelines for how and when they can be used.Later, on July 19, 2019, the Indian Society for Critical Care filed a miscellaneous application before the Court. They requested that the guidelines laid down in 2018 be simplified, as the procedure was too complicated and difficult for patients and doctors to follow. First, the treating physician must verify the authenticity of the Living Will and assess whether there is any possibility of the patient's recovery. If the patient is in a terminal condition or a persistent vegetative state, the hospital must constitute a medical board. This board must include the head of the treating department and at least three medical experts, each having over 20 years of experience in fields like general medicine, cardiology, nephrology, neurology, oncology, or psychiatry, with additional experience in critical care. If this board certifies that the

[15]Common Cause (A Regd. Society) vs. Union of India ,AIR 2018 SC 1665
[16] Dr. J.N. Pandey, Constitutional Law Of India 331 Central law agency (61st ed. 2024).

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instructions in the Advance Directive should be followed, the District Collector must then form a second medical board. This board should include the Chief Medical Officer of the district and three other doctors with similar qualifications and experience. After personally examining the patient, the second board must decide whether to confirm the first board's recommendation. Only after the approval of It aims to ensure both boards and a Judicial Magistrate of First Class (JMFC) can life-sustaining treatment be legally withdrawn.

This matter was heard by another five-judge Constitution Bench led by Justice K.M. Joseph, to consider whether the procedure could be made easier without compromising necessary safeguards.In response to the procedural difficulties faced under the 2018 judgment, the Indian Society for Critical Care Medicine (ISCCM) filed a Miscellaneous Application in 2019, highlighting that the earlier guidelines were too complex, impractical, and rarely implemented. Senior Advocate Arvind Datar, appearing on behalf of the ISCCM, submitted a proposal to simplify the process after consulting with the union government. Acting on this, a five-judge Constitution Bench of the Supreme Court led by Justice K.M. Joseph issued a revised set of guidelines in January 2023 to make the process more accessible and efficient. The most significant change was the removal of the requirement for attestation by a Judicial Magistrate First Class (JMFC). Now, an Advance Medical Directive (AMD) only needs to be signed by the patient in the presence of two independent witnesses and attested by either a notary public or a gazetted officer. The role of the Judicial Magistrate in storing and forwarding the AMD to family members and the district court has been eliminated, and the responsibility now lies with the patient.

However, the Judicial Magistrate's involvement has been retained at the final stage of the process. If both the primary medical board (constituted by the hospital) and the secondary medical board (formed by the District Collector) approve the withdrawal of treatment, the hospital must notify the JMFC and obtain the consent of a close relative or guardian named in the AMD. Another major change was reducing the required experience of doctors on both medical boards from 20 years to 5 years in the relevant specialty. This was done to make the formation of boards easier, especially in smaller hospitals. To further streamline the process, the Court introduced a time limit of 48 hours for each medical board to complete their assessment. These changes were made to ensure that the Right to Die with Dignity, as recognized in the 2018 judgment, is practical, accessible, and not hindered by procedural burdens.

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Recent Judicial Development

Harish Rana v. Union of India (2026)[17]

In this case the Supreme Court delivered the landmark judgement by permitting passive euthanasia for the first time. Harish Rana, a 32-year-old has been in a permanent vegetative state for 13 years as he was suffering from diffuse axonal injury.He suffered from quadriplegia and 100 percent disability. He was put under Clinically Assisted Nutrition and Hydration (CANH) treatment which kept him alive but there was no possibility of recovery.

His first plea for passive euthanasia was taken up by Delhi High Court in 2024, but the High Court rejected the petition, stated that withdrawal of CANH treatment would result in him starving to death.Since he was not supported by medical ventilators, it would not amount to passive euthanasia. In August 2024 Supreme Court agreed with the view of High Court but also directed the Union Government to provide a medical facility to Rana where his needs could be taken care considering the financial condition of his parents.

In November 2024 the Bench suggested that the Uttar Pradesh government provide aid to cover his medical expenses. In October 2025, his parents filed a miscellaneous application for the permission for passive euthanasia. Following the guidelines laid down in ***Common Cause v. Union of India (2018)***[18]the Supreme Court constituted the Primary Medical Board and Secondary Medical Board. Both Medical Boards reported that he had a negligible chance of recovery and his brain damage was irreversible. **The Supreme Court held that Clinically Assisted Nutrition and Hydration (CANH) is a form of medical treatment not just a basic care and it can be withdrawn.**The Court permitted the withdrawal of CANH and reaffirmed that Right to Die with Dignity forms an integral part of Article 21 of the constitution.[19]

[17] Harish Rana v. Union of India, 2026 INSC 222
[18]Common Cause v. Union of India , AIR 2018 SC 1665.
[19]Supreme Court Observer,https://www.scobserver.in/cases/?fwp_sort=date_desc

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Conclusion

Right to Die with Dignity is a powerful and sensitive part of the Right to Life, as it allows individuals to maintain respect and find peace during the most difficult phase of their life. It aims to ensure that every person is treated with compassion and dignity until the very end of life.The Right to Die with Dignity does not mean that a person is choosing death or has the freedom to end their life whenever they want. Instead, it gives a voice to the people who are suffering greatly or are in a persistent vegetative state allowing them the right to end their life peacefully. The principles are based on the belief that every individual deserve not only to live with dignity but also to Die with Dignity when there is no reasonable hope of recovery.

Article 21 deals with the Right to Life, also includes the topic of the Right to Die with Dignity. Just like Article 21 has expanded in its meaning over time, the concept of the Right to Die with Dignity has also developed through various judgments especially the landmark case of ***Common Cause v. Union of India(2018)***[20]. In this case, the Supreme Court laid down several guidelines for people who wish to end their life legally. These guidelines ensure that the law is used fairly and without any violations. *With the help of these updated guidelines, Karnatakabecame the first state to follow them and allowed terminally ill patients to end their life legally, but only in situations where there is no hope of recovery.*[21]In ***Harish Rana v. Union of India (2026)***[22] the court held that CANH is the form of a medical treatment and maybe withdrawn in appropriate cases when continuing such treatment is no longer beneficial to the patient and it is not in the patient's best interest after following the legal safeguards laid down by the court. This is a significant step forward, ensuring that individual autonomy is respected while maintaining strict legal oversight. Thus, right to Die with Dignity reflects the evolving nature of constitutional rights in India.

[20]Common Cause v. Union of India , AIR 2018 SC 1665.
[21]The Times of India , https://timesofindia.indiatimes.com/india/karnataka-1st-state-to-notify-supreme-court-order-on-right-to-die-with-dignity/articleshow/117802808.cms
[22] Harish Rana v. Union of India, 2026 INSC 222

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