



Study about Euthanasia, and comparative study between Active vs. Passive and Voluntary vs Involuntary

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Abstract : ‘Euthanasia’ is a Greek word Vouthanazia.¹ It is a combination of two words eu-good and thanatos-death, means ‘to die well’. Thus Euthanasia is defined as the ‘termination of human life by painless means for the purpose of ending physical suffering². It means situation when a doctor induces death with a lethal injection, of a patient who is suffering unrelievably & has persistently requested doctor to do so.³

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The Netherlands is only country in world where euthanasia is openly practiced. It is not specifically allowed by statute, but Dutch law accepts a standard defense from doctors who have adhered to official guidelines. These guidelines hinge on voluntariness of request & unrelievability of suffering. Euthanasia & assisted suicide are defined by State Commission on Euthanasia. Euthanasia is intentional termination of life by somebody other than person concerned at his or her request. Assisted suicide means intentionally helping a patient to terminate his or her life at his or her request.

Key Words : Euthanasia, Active, passive, Voluntary, Involuntary

Introduction :

Life and death are the two truths of the land. Nobody can turn his face from these truths. The question of life and death invariably poses an intricacy on its very existence. Since the mankind has developed the knowledge of science of living and death, it has started rationalizing various aspects of living and hence demanding in various forms, the right of fruitful and meaningful existence. Besides, death has been considered as a dreadful sin of termination of life. There are various ways of attaining death such as natural death, accident, murder, suicide etc.⁴ Every human being is desirous to live and enjoy the fruits of life till he dies. But sometimes a human being is desirous to end his life by use of unnatural means. To end one’s life in an unnatural way

¹ 20th Century Encyclopedia

² Supra note 14, page no 11

³ Derek Humphry ,Definitions of Euthanasia, (19 january 2006)

https://www.assistedsuicide.org/definitions_of_euthanasia.html

⁴ Kavita Rai, Need of Law Relating to Euthanasia in India, Bharti Law Review, 2013, volume 1, issue 4, april-june, 152



is a sign of abnormality. When a person ends his life by his own act we call it “suicide” but to end life of a person by others though on the request of the deceased, is called “euthanasia” or “mercy killing”.

Kinds Of Euthanasia :

Euthanasia might be classified into various categories as under :

- **Active Euthanasia :**

A deliberate life shortening act is called ⁵ ‘active’ Euthanasia. Active Euthanasia is to give painless death to the patient, like when a doctor administers lethal injection to the patient. Active euthanasia is on the request of the patient or the dear one. It is done to end the life of the patient.

- **Passive Euthanasia :**

Passive Euthanasia entails⁶ withholding of medical treatment for continuance of life e.g. withholding of antibiotics, where without giving it, a patient is likely to die, or removing heart lung machine, from a patient in coma. deliberate omission of life lengthening act is called Passive Euthanasia. It involves not performing something to prevent death as when doctor refrain from using device necessary to keep alive a terminally ill patient or a patient in a persistent vegetative state (PVS)

It means allowing patients suffering from terminal illness to call upon their physicians to withdraw their life sustaining treatment. Thus, in Passive Euthanasia, it means that something⁷ is not done that would have preserved patient’s life.

- **Voluntary Euthanasia:**

It is performed with consent of recipient. It involves a request by dying patient or that person’s legal representative. Here in this case, it is to be seen that consent to be given requirement to be free from all sense of coercion, that is, choice of Euthanasia was an instance of unconstrained self determination. This is most acceptable form of Euthanasia at international level.⁸

Active vs. Passive :

Passive euthanasia is defined as withdrawing life support system of patient with deliberate intention to cause death of patient. For example, if the patient depend on kidney dialysis to survive, & doctors disconnect such dialysis machine, patient would be presumably die fairly soon⁹. Perhaps classic example of passive euthanasia is a "do not resuscitate order". Normally if a patient has a heart attack or similar sudden interruption in life functions, medical staff would attempt to revive them. If they make no such effort but simply stand & watch as patient dies, this is passive euthanasia.

⁵ Retrieved from <http://www.pregnantpause.org/euth/types.htm> last visited 11-12-2017

⁶ Retrieved from <https://indiankanoon.org/doc/235821/> last visited 11-12-2017

⁷ Retrieved from <https://indiankanoon.org/doc/235821/> last visited 11-12-2017

⁸ Retrieved from <https://plato.stanford.edu/entries/euthanasia-voluntary/> last visited 11-12-2017

⁹ J.P. Moreland, Active and Passive Euthanasia, also available at <https://www.str.org/articles/active-and-passive-euthanasia#.WnLyBdRuayI> last accessed 15-11-2017



In practice, though, distinction could get hazy. It's like old joke about child¹⁰ who says to his teacher, "Do you think it's right to punish someone for something that he didn't do?" "Why, of course not," teacher replies. "Good," child says, "because I didn't do my homework."

In fact we have many laws that penalize people for what they didn't do. You cannot simply decide not to pay your income taxes, or not bother to send your children to school, or not to obey a policeman's order to put down your gun.¹¹

The most common method of euthanasia in United States today is withholding food & fluids. In other words, patient is starved to death. This is routinely classified as "passive euthanasia". But in other circumstances, if you locked someone in a room & kept all food away from him so that he starved to death, you could surely be prosecuted not just for kidnapping -- locking person in room -- but also for homicide. I sincerely doubt that a court would pay much attention to a defense based on argument that you did not kill this person, you simply failed to save his life when he was starving.¹²

Voluntary vs Involuntary :

"Voluntary euthanasia" is when patient requests that action be taken to end his life, or that life-saving treatment be stopped, with full knowledge that this would lead to his death.

"Involuntary euthanasia" is when a patient's life is ended without patient's knowledge & consent. This might mean that patient is kicking & screaming & begging for life, but in practice today it usually means that patient is unconscious, unable to communicate, or is too sick & weak to be aware of what is happening or to take any action on his own behalf.

While this distinction appears clear - patient¹³ willing agreed to euthanasia or he did not - it too is often made ambiguous in court cases & some public debate.

It is not uncommon for courts to declare someone "legally incompetent". This does not mean that person is stupid, but rather that court believes that he is unable to make informed decisions and/or to communicate them to others. judge then appoints a guardian to make decisions for this person. Usually this would be a close relative, like a spouse, parents, or children. But if no such person is available, or if judge believes that none of relatives have this person's best interests at heart, then someone else might be appointed: a social worker, a lawyer, etc. Children are routinely considered legally incompetent, & their parents are expected to make decisions for them. No one asks a two-year-old whether or not he wants to go to dentist: that decision is normally made for him by his parents. A judge might conclude that a person is senile, mentally retarded, suffering from delusions, or has some other¹⁴ psychological issue that makes it impossible for him to make truly informed, rational decisions. If someone is in a coma or is

¹⁰ <https://indiankanoon.org/doc/235821/>

¹¹ Ibid

¹² Tricia Briscoe, *Methods of Euthanasia*, (2004) , also available at <http://www.life.org.nz/euthanasia/abouteuthanasia/methods-of-euthanasia/> last accessed 15-11-2017

¹³ Retrieved from <http://www.bbc.co.uk/ethics/euthanasia/overview/volinvol.shtml> last visited 16-12-2017

¹⁴ Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/15156861> last visited 16-12-2017



otherwise so sick that she is unable to communicate, then even if she is capable of making informed decisions, there is no way for anyone else to know what her decisions are.

When courts declare someone legally incompetent & appoint a guardian, any decisions that guardian makes are, for legal purposes, considered to be decisions of incompetent person. A little thought would show that this must be so for system to work: there would be little point in saying that you are authorized to make decisions for this comatose person ... except that you do not have authority to sign anything that would otherwise require his signature. That would exclude almost all important decisions. But it could also lead to legal statements that are very misleading: Suppose Nancy Smith convinces a court that her grandfather, Fred Jones, is senile, & she is appointed his guardian. Then she decides that she wants to have him euthanized. He objects but he is too old & sick to fight her in court herself, so he gets his other granddaughter, Mary Brown, to fight for him. Because Nancy Smith's decisions are legally considered to be Fred Jones's decisions, case would be referred to as "Brown versus Jones", & court documents would routinely describe this as Fred Jones choosing euthanasia & Mary Brown attempting to overrule this decision. News reports on court case might or might not make clear who actually made euthanasia decision.

It is not uncommon for medical personnel to treat someone as legally incompetent without any official court decision. For example, if someone is in operating room under anesthesia, & there is a sudden crisis & a life-altering decision must be made now, it is often not possible to sew person back up, wait for them to wake up, & then discuss matter. A spouse or other close relative would be asked to make a decision on this person's behalf. Clearly under such circumstances it would be impractical to take this to court & hold hearings on patient's competence & suitability of spouse as a guardian. But in euthanasia cases, issue is often not that patient is incapable of making & communicating a decision, but rather that those around her do not approve of her decision. Even when legality of such actions is questionable, in real life authorities are not going to intervene unless someone challenges it. & if patient is weak, sick, & bed-ridden, she might not be capable of getting to court to protest. Unless there is another relative who disagrees with decision to euthanize, patient's wishes could simply be ignored.

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