

A large, clear glass sphere sits on a dark, pebbly beach. The sphere is perfectly split horizontally, with the top half showing a reflection of a sunset sky with soft, golden clouds. The bottom half shows a reflection of the beach and the sky below. The text is centered over the sphere.

TORMENT 2020!

A WAKE UP CALL

VOL - III

PEN ACCLAIMS

**To,
Soham,
Companion & confidant!**

“Torment 2020: A Wake upCall”

(Volume -3)

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Preface

A thought that has been enduring in mind when becomes real, is truly an interesting and exciting experience. This book is one such cherished work that has its roots in the persuasion of many authors, contributors and also mentors which has now embellished to become the snapshot of the innumerable efforts put in since months. This book serves to reinforce increased awareness, improved interaction and integration among all of us.

As the Editor of this book entitled “Torment 2020: A Wake up Call”, I wish to thank all researchers across the globe, who have submitted their contributions. The main aim of this book is to enhance knowledge among researchers, students and the legal fraternity at large and to provide an opportunity for creative research and multi-level consideration of broader issues related to legal insight from both national and interdisciplinary perspective.

It has been indeed a pleasure going through the journey of compiling this book. This maiden issue will surely inspire all of us for a new beginning and enlighten the minds of young scholars with hope, confidence and faith.

Happy reading! Stay safe!

**Dr. Pooja Dasgupta
Chairperson
Pen Acclaims**

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“Euthanasia and Dignity in Dying”

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“Euthanasia... is simply to be able to die with dignity at a moment when life is devoid of it.”

- Marya Mannes

The great philosopher John Locke once said, “All mankind, being all equal and independent, no one ought to harm another in his health, life, liberty or possessions.”¹ In today’s world, people of the civilized nations have legally been conferred with the right to life and its protection is guaranteed under the law of the land. This primarily means that every individual has a right to exist and live, and that too, without this right being usurped by another individual. But we all know every coin has two sides to it. So, even though the protection of life is considered to be of the utmost importance, there is a recurring debate over a rather contradictory concept known as **Euthanasia**, which has been going on since as early as the 16th century.

What is Euthanasia?

The Oxford Dictionary defines Euthanasia as “*painless killing to relieve suffering.....the act of killing somebody who has an incurable illness or injury or of assisting that person to die*”. The term euthanasia was used for the first time by Francis Bacon in his publication, *Euthanasia Medica*. He used the term in the sense of lightening the process of death by making the end painless and peaceful. In simpler terms, it is a practice wherein an individual suffering from terminal illness or merely existing in a vegetative state, himself seeks the termination of his life. Alternative names for the same are **mercy killing** and **Physician Assisted Suicide (PAS)**. PAS is the process where a medical professional helps a patient in ending their own life. Euthanasia is further categorized into **active** and **passive** euthanasia. In active euthanasia, the person is deliberately administered with a drug or drug-like substance or some similar method wherein he is killed while in case of passive euthanasia, his life support system is withdrawn which eventually leads to his death.

The conflict of opinions

Even though the practice of euthanasia has been going on since time immemorial, it is criticized on various grounds of morality. Euthanasia is illegal in most countries around the world. It is considered unethical of a physician to assist the death of a patient, when it is their ultimate duty to save and sustain any life for as long as they can. Euthanasia finds itself in conflict to the traditional Christian belief, primarily because it is thought to contravene the prohibition of murder, an act which questions faith in Christ². The Roman Catholics condemn

¹ John Locke Quotes, BRAINY QUOTES (Apr. 29, 2020, 10:22 PM) <https://www.brainyquote.com/authors/john-locke-quotes>

² The Editors of Encyclopaedia Britannica, *Euthanasia Law*, ENCYCLOPAEDIA BRITANNICA (Apr. 30, 2020, 11:56 AM) <https://www.britannica.com/topic/euthanasia>

euthanasia as an immoral practice which disregards the gift of life given by The God. Francois Ranchin, a French physician and professor of medicine, argued that the practice of euthanasia also goes against the natural instinct of survival and that choosing death over life is a violation of the human survival instincts, even if it is one that of perpetual suffering. It is often contended that legalizing euthanasia could send out an indirectly misleading message that disabled people are a burden on the family and must be done away with as soon as possible. It might also become a source of unlawful killing, if not monitored carefully.

However, despite all the opposition to euthanasia, it continues to be practiced in all corners of the world, legally or illegally. The opinion that euthanasia is morally permissible is traceable to Socrates, Plato, and the Stoics. According to the medical historian, Karl Friedrich Heinrich Marx, **it is the duty of a doctor to alleviate the pain of a sufferer and make his death a painless experience** by administering such medication as required. John Locke had also stated, *“Every man has a property in his own person. This nobody has a right to, but himself.”* An individual must have the liberty to choose his fate when it is established without doubt that his recovery is impossible and that continuing to live is just an aching process for him. Moreover, while deciding the end of another person, it is cardinal to give utmost recognition to his distress and suffering rather than the societal, religious and moral grounds. In 1870, Samuel William, a schoolteacher gave a famous speech on this topic and propagated that, *“...in all cases of hopeless and painful illness, it should be the recognized duty of the medical attendant, whenever so desired by the patient, to administer chloroform or such other anaesthetic as may by-and-by, supersede chloroform – so as to destroy consciousness at once, and put the sufferer to a quick and painless death...”*³ From there on sensitivity towards the sufferings of terminally ill patients has increased. It is felt by many across the world that euthanasia must be legalized in order to relieve innumerable people from excruciating pain and mental suffering.

In India, **Article 21** of the Indian Constitution enshrines the fundamental right of right to life and personal liberty wherein **no person can be deprived of his right to life and personal liberty except by procedure established by law**. The words, **“no person can be deprived of his right to life”** lead to the interpretation that no matter what, no other individual can end another individual’s life. More so, no individual can even deprive himself of his right to life hence abolishing concepts of abortion, suicide or euthanasia completely. The paradox however lies in the words **“personal liberty”** which means the right to make personal choices as per one’s own wishes and will. Thus, it can be said that an individual possesses the prerogative of making a choice between life and death.....

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³ Ezekiel J. Emanuel, *The History of Euthanasia Debates in the US and Britain*, ANNALS OF INTERNAL MEDICINE (Apr. 30, 2020, 2:49 PM) <https://annals.org/aim/article-abstract/708195/history-euthanasia-debates-united-states-britain?doi=10.7326%2f0003-4819-121-10-199411150-00010>



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