Table of Contents

List of abbreviations	iX
List of cases	xiii
1 Introduction	
1.1 Difference Between Suicide and Euthanasia	5
1.2 Types of euthanasia	6
1.2.1 Physician-Assisted suicide (PAS)	7
1.2.2 Mercy Killing	7
1.3 Conceptual Definitions	7
1.3.1 Terminal Illness	7
1.3.2 Persistent Vegetative State and Brain Death	8
1.3.3 Informed Consent	9
1.3.4 Palliative Care	9
1.3.5 Hospice Care	10
1.3.6 Do Not Resuscitate Order	11
1.3.7 Advance Directives	11
1.3.8 Doctrine of Double Effect	12
1.4 Objectives of The Study	13
1.5 Statement of The Problem	13
1.6 Research Questions	14
1.7 Methodology	15
1.8 Citation Style	16

1.9 Need for Comparative Study	16
1.10 Significance of The Study	17
1.12 Limitations of The Study	19
1.13 Scope for Further Research	19
1.14 Review of Literature	20
1.15 Chapterization	37
2 Origin and Historical Development of Euthanasia	41-62
2.1 Euthanasia in Antiquity	41
2.2 Euthanasia in Middle Ages	42
2.3 Euthanasia in Modern Era	43
2.4 Religious Perceptions About Euthanasia	45
2.4.1 Hinduism and Euthanasia	46
2.4.2 Islamic Views on Euthanasia	50
2.4.3 Christianity and Euthanasia	53
2.4.4 Sikhism and Euthanasia	56
2.4.5 Jainism's Perspective on Euthanasia	57
2.4.6 Buddhist Ideology on Euthanasia	58
3 Euthanasia and Dying with Dignity: A Human Rights approach	63-88
3.1 Universal Concept of Dignity	64
3.2 Individual Dignity as A Facet of Article 21	67
3.3 Right to Die with Dignity in Indian Context	70
3.4 Dignity, Human Rights and Euthanasia: A Trilogy	73
3.5 Arguments in Favor of Legalizing Euthanasia	78

3.5.1 Argument from compassion	78
3.5.2 Dying with dignity	78
3.5.3 Economic Factor	79
3.5.4 Right of self-determination and individual autonomy	80
3.5.5 Encouraging organ donation	82
3.6 Arguments Against Legalizing Euthanasia	84
3.6.1 Sanctity of life	84
3.6.2 Doctor's role	84
3.6.3 Malafide intention	85
3.6.4 Palliative care	86
3.6.5 Commercialization of health care	86
3.6.6 Mental illness	87
4 Euthanasia: Present Position in India 89-	
4.1 Concept of Suicide in The Context of Euthanasia	90
4.1.1 The Indian Position on Suicide	90
4.2 Judicial Approach Regarding the Right to Die in India	94
4.2.1 Distinction Between The 'Right to Die' And The 'Right with Dignity'	nt to Die 94
4.2.2 Attempts to bring in legislation on Euthanasia	98
4.3 Reports by The Law Commission of India	98
4.3.1 The 42nd Report of the Law Commission	98
4.3.2 The 156th Report of the Law Commission	99
4.3.3 The 196th report of the Law Commission	99

	4.3.4 The 210th Report of the Law Commission	100
	4.3.5 The 241st Report of the Law Commission	100
4.4 Th	ne Mental Health Care Act, 2017	101
4.5 Ne	ew Perspective in Indian History: Aruna's Case	101
	4.5.1 The procedure followed by the court	102
	4.5.2 Analysis of the precedent	103
	4.5.3 The decision by the division bench	104
	4.5.4 Critical Analysis of The Aruna Shanbaug Decision	104
4.6 Co	ommon Cause V. Union of India	106
	4.6.1 Guidelines for the Implementation of Advance Directives euthanasia	/Passive
	4.6.2 Critical Analysis of Common Cause Judgment	111
	4.6.3 Modifications of the Common Cause Judgement	117
5 Internation	al Perspectives: A Comparative Analysis	123-222
5.1 Au	astralia	124
	5.1.1 Judicial Decisions in Australia	126
	5.1.2 Current Legal Status of Euthanasia in Australia	128
	5.1.4 Execution of Living Will or Advance Directive in Austral	lia 133
5.2 Un	nited States of America	134
	5.2.1 Oregon	141
	5.2.2 Montana	143
	5.2.3 Vermont	145
	5.2.4 California	145

5.2.5 New Jersey		146
5.2.6 New Mexico		147
5.2.7 Colorado		148
5.2.8 District of Colu	umbia	149
5.2.9 Hawaii		150
5.2.10 Maine		151
5.2.11 Washington		152
5.2.12 Execution of	Living Will or Advanced Directive in The U	nited
States of America		153
5.3 The Netherlands		154
5.3.1 The Postma Ca	ase	155
5.3.2 The Alkmaar C	Case	156
5.3.3 The role of the	End-of-Life Clinic	158
5.3.4 Self-help Meth	od	158
5.3.5 Discussions reg	garding the euthanasia law and completed life	159
5.3.6 Legal position	of doctors	159
5.3.7 The Remmelin	k Report and the Van der Maas survey	161
5.3.8 The Termina	tion of Life on Request and Assisted Su	icide
(Review Procedures)) Act, 2002	161
5.3.9 Due Care Crite	ria	163
5.3.10 Execution of	Advance Directive in the Netherlands	164
5.4 Belgium		165
5.4.1 Advance Direc	tive in Belgium	166

	5.4.2 The Belgium Euthanasia Act, 2002	168
	5.4.3 Execution of Advance Directives	168
	5.4.4 Child Euthanasia in Belgium	169
5.5 Sv	vitzerland	171
	5.5.1 Role of doctor in Switzerland	174
	5.5.2 Advance Directives	174
5.6 Lu	axembourg	175
	5.6.1 Due care criteria	178
	5.6.2 Eligibility Criteria for Requesting Euthanasia or Assisted Su	icide 170
	5.6.3 Advance Request for Euthanasia or Assisted Suicide in The	Form
	Of 'End-Of-Life Arrangements'/ Execution of Advance Directive	179
5.7 Ca	nnada	180
	5.7.1 Substantive safeguards	181
	5.7.2 Procedural safeguards	181
	5.7.3 Guidelines of Canadian Law	186
5.8 Ne	ew Zealand	187
5.9 Sp	pain	188
5.10 C	Colombia	190
	5.10.1 Resolución Número 1216 (Euthanasia in General)	190
	5.10.2 Three Lawsuits	190
	5.10.3 Resolución Número 825/2018 (Children)	191
	5.10.4 Bill	191

5.11 The United Kingdom	191
5.11.1 Judicial Decisions in the U. K	193
5.11.2 Execution of Living Will	205
5.12 Analysis of Different Foreign Judgments in The Context of India	206
5.12.1 McKay v. Bergstedt	206
5.12.2 R v. Cox	208
5.12.3 Cruzan v. Director, Missouri Department of Health	209
5.12.4 Airedale NHS Trust v. Bland	211
5.13 Comparative Analysis Among the Countries	214
5.14 Summary	216
6 Critical Analysis of The Medical Treatment of Terminally-Ill Patients (Protection of Patients and Medical Practitioners) Bill, 2016	223-232
6.1 Critical analysis of the Bill	226
6.2 Recommendations	229
7 Suggestions and Conclusion 233-	
7.1 Addressing the Research Questions	233
7.2 Achieving the Objectives	237
7.3 Suggestions	238
7.4 Conclusion	241
Bibliography	245
List of Publications	269
First page of Euthanasia in the Context of Human Rights: An Analysis	271
First page of Right to Die in India: An Analysis	273