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Discussion Forum

Is it alright to take one's own life when one is in pain?

HINDUSTAN TIMES April 3, 2004
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Contempt for court, own life

Ramesh Babu
T'puram, April 2

AN ELDERLY man in Kerala who had approached the courts for permission to take his life nearly seven years ago, committed suicide on Thursday evening.

"Freedom is heavenly. In life and death it should be applied equally. No other person like me should meet the same fate," wrote 85-year-old Thomas Master in his suicide note before hanging himself in his Thrissur house.

Thomas, a retired headmaster of a Pavarotty school near Thrissur, had petitioned the Kerala High Court in 1997 saying he had fulfilled his life's missions and had no desire to live further.

The court quashed his plea in June 2000 saying all artificial death is suicide. Thomas then approached the Kerala assembly and several organisations with his death wish.

Though he planned to move the apex court, he dropped the idea due to frail health.

Mercy killing

- In the Netherlands, Belgium and Oregon (US), laws permit euthanasia
- In Denmark, kin of terminally ill patients can withdraw treatment
- In Australia's Northern Territory, a euthanasia Bill was approved in '95 but overturned in '97

The djinn appears to have come out of the bottle once again. On April 3, 2004, a leading National Daily of India splashed this news on the front page, which once again begs us the question, "Is it alright to take one's own life when one is in pain?".

In India Section 309 of the Indian Penal Code (IPC) specifically bars a person to take his own life. Sometime during the mid nineties, Indian Supreme Court in its wisdom declared that taking one's own life constitutes one of the fundamental rights of every person, and this section appeared to have been struck off. However this section was included once again a few years later. The current position in this country is that Section 309 - An attempt to commit suicide - is a crime. A person who unsuccessfully commits suicide is liable to imprisonment for upto one year. This is how the actual statement goes:

Section 309. **Attempt to commit suicide:** Whoever attempts to commit suicide and does any act towards the commission of such offence, shall he punished with simple imprisonment for a term which may extend to one year or with fine, or with both. [please the linked page (index.php?dsp=ind penal code) for full text of Indian Penal Code]

What happens when a person sits for fast unto death, for a seeming just cause, say, for better work conditions of workers in a factory? Can he be charged for attempt to commit suicide? In a 1962 Indian case [*Ram Sundar v State, AIR 1962 All 262*], it was laid down that if a person openly declares that he will fast unto death and refused food until a stage is reached when there is immiinent danger to his life, he can be held guilty under this section, but if the evidence falls short of that, he cannot be convicted.

What about physician assisted suicide?

Links

1. Right To Life Should Include Euthanasia, Suicide
2. The Right to Die in India (and everywhere)
3. The right to life or the right to die?

Readers may want to submit their experiences on this problem either by E-mail or by snail mail at the following address.
(N.B. Kindly submit your views even if this issue is in *Archives* section, as readers come to the *Archives* section quite often, and we keep it updated!).

If you have interesting questions like this one, please send them over to me, so I can host them over the net. Every one can then contribute his own experiences on the problems posted. It is the web which makes such a lively discussion possible. We all can contribute our own bit of experience and absorb a lot more from the collected wisdom of all the others. This kind of discussion is probably not possible in routine "paper" journals.

Discussion Forum in Vol. 1, No. 2