



## Right to Life and Right to Die with reference to Mill's Liberty

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Received : November 2018

Accepted : March 2019

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**Abstract :** *Liberty is the most cherished idea of civil society but ironically the most debated too. The notion of Mill regarding liberty in his monumental work 'On Liberty' has been most talked about. Either people vehemently criticize his ideas or blindly support his positive liberty. Without being judgmental, this work made an effort to critically analyze Mill's liberty with relation to Article 21 of the Indian Constitution which says everyone has right over his life and liberty except by procedure established by law or due process of law which is implied after judicial pronouncements post Maneka Gandhi case. And with several judgments of the court, its scope has been broadened*

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*which now includes right to die with dignity. In a democratic set up everyone has a right to dissent. Questions arise whether right to life with dignity includes right to die with dignity? Originally Constitution denied it but with general judicial pronouncements it was held that right to life includes right to death and then it was realized that the Mill's notion of liberty with the least interference of state and autonomy over his mind and body seems so relevant. Is the Court promoting Mill's idea of liberty by making euthanasia or mercy killing legal and by decriminalizing suicide? Is it trying to say that the living will is a reality and should be practised?*

*This paper aims to elucidate implications of Mill's liberty with the help of a focused group discussion of doctor, patient, social activist, political thinker, advocate, etc. It led to an interesting finding that a man must be free to choose the right to live and right to a dignified death. It was found that in case of irreversible disease, vital organs failure and fathomless pain a person must be given liberty to die voluntarily without any fear or coercion, or even 'otherwise.' This 'otherwise' term is very complex term which would be understood in the years to come. The grey areas were broadly discussed and the theory of self-preservation was magnified, in providing generalisation. Our humble submission is that this work tried to strike a balance between self preservation and right to die with dignity in the perspective of Mill's contention.*

**Keywords:** *Article 21, Right to life, judicial pronouncement, Mill's liberty, autonomy, euthanasia, suicide, self-preservation, dignity of life.*