The Right to Depart: On Death as a Decision, Not a Default

A landmark judgment rekindles questions about life, dignity, and the right to depart.

By: **Acharya Prashant**

Last Updated: April 5, 2026 14:16:16 IST

We have always known how to postpone death. We built hospitals and filled them with machines that can sustain biological function long after every meaningful possibility has receded; we extended lifespans, reduced infant mortality and pushed back the frontier of cardiac arrest and cancer and infectious disease. We called this civilisational progress, a description that in many respects holds, but somewhere in the accumulation of all this capacity to keep the body alive, we forgot to ask a prior question: what, precisely, are we keeping alive, and for whose benefit are we keeping it alive? That question has remained politely unasked for a long time, carried in whispers through hospital corridors and never quite making it into honest public conversation, until a recent Supreme Court bench permitted, for the first time in India in practical terms, the withdrawal of life-sustaining treatment for a young man who had spent thirteen years in a persistent vegetative state following an accident, his body maintained by tubes and machines while every medical assessment confirmed that no meaningful recovery remained possible. His family described what they had watched across those years not as care but as prolonged agony. The Court agreed that the right to live with dignity, enshrined in Article 21, could not be separated from the right to die with dignity; that artificially sustaining a body in

permanent unconsciousness did not honour life but merely extended its biological shadow. More than collective approval, that ruling calls for the kind of honest examination th society has long found reasons to defer.

The Right To Depart

The first thing to clear away is the language. Calling this ‘mercy killing’ is already a distortion: mercy implies charity dispensed from above, a gift extended by those fortunate enough to hold the power, whereas the right to depart from a life that has become irretrievably purposeless belongs to the person as something that was always theirs, never society’s to grant or withhold. Article 21, correctly read by the Court, carries that logic to its natural conclusion: dignity in dying is an entitlement, not a concession, and the years this society spent looking the other way were years of quiet, institutionalised appropriation of a right that belonged elsewhere.

There is, however, a distinction that must be held firmly, one that the debate in India almost invariably collapses. The right to choose departure is not the same as suicide, and the difference is not semantic. Suicide, in most cases, is the ego’s desperate resolution of unbearable suffering: the refusal to face life because one will not relinquish the attachments, the identifications, the compulsions that are generating the suffering, resolved finally by destroying the body rather than examining what is driving the pain. The right to depart is something categorically different: a decision made in equanimity, from a still and sound mind, when the condition is genuinely and irretrievably terminal, with no meaningful function remaining possible and the continuation of biological processes serving only the machines and the habits of those who maintain them.

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Where that threshold lies matters enormously, and the question is not whether the body is impaired but whether any avenue of purposeful existence remains accessible at all; when independent medical assessment can certify, as two independent boards did in this very case, that the probability of meaningful recovery has fallen below one per cent, what continues beyond that point is not care but its ceremonial extension. The threshold is not impairment of the body but the exhaustion of every avenue through which the ego can still operate with purpose. Between genuine irretrievability and mere difficulty, there is a distance this society is only beginning to learn how to measure.

The Jain tradition has a name for the dignified end: Santhara, a voluntary and gradual withdrawal from sustenance when the practitioner recognises that the body's work is done, undertaken in full awareness and peace rather than in crisis. Animals practise a version of it too; a quiet cessation, a natural withdrawal that no one orders and no one needs to explain. That the ego, when it has genuinely thinned, does not resist this completion, and that this non-resistance is not pathology but the last honest gesture of a life that examined rather than merely endured, is worth sitting with before the legal question is approached.

The caregiver's obligation, distinct from the dying person's and too often conflated with it, is to exhaust every possibility of return, investing everything, refusing to surrender before the body itself has given up; that devotion is not sentimentality but its own form of understanding, and it belongs entirely to the caregiver. The obligation of the one who is irretrievably ill, when that condition becomes clear, is different: the courage to choose departure with dignity rather than surrender to indefinite biological extension, not from consideration of others, but because the same honesty that was asked of life is asked also of its ending. These obligations operate in different registers, and confusing them produces exactly the anguish this family endured across thirteen years, devotion becoming indistinguishable from prolonged suffering for want of honest reckoning. To leave death to chance, to dress surrender as fate or the will of God, is the ego's final avoidance; the same society that cannot discuss death honestly cannot be trusted to choose it wisely.

The ground beneath the principle

But to stay at the level of principle alone is its own kind of evasion; the ground in India is considerably more complicated, and the complications are not merely procedural.

Consider what a broad, self-directed right to exit would meet in this country's actual conditions. The enforcement infrastructure is weak in ways that are not theoretical; t gap between what a law says and what happens at the district, taluka, and village level is well-documented and wide. Forged signatures and pressed thumbprints on documents by those who stand to benefit from an elderly or ill person's death are not hypothetical risks in a society where inheritance fraud is commonplace. A legal framework that cannot protect living people from exploitation in life will not suddenly become robust enough to protect dying people from exploitation in death.

But the more unsettling observation goes deeper than enforcement. A large portion of people in this country already treat their lives with a carelessness that suggests the life is not genuinely valued; not because they have thought carefully about its worth and found it wanting, but because the life contains so little purpose, so little that the ego can recognise as worthy of protection, that the body is maintained with the same indifference one gives a rented vehicle. The question this raises is not legal but prior to law: a right to depart with dignity presupposes a life conducted with enough seriousness that the distinction between dignified departure and quiet self-abandonment remains visible to the one making the choice. Where that seriousness has not been cultivated, the formal right changes nothing; watch the roads, the casual arrangements of daily risk, the indifference to one's own basic maintenance. The ego that has found no purpose finds many routes to its own quiet dissolution, none of them dignified, most of them unexamined; open a formal exit door in this environment, and the question of who will walk through it, and why, is not answered by the law.

The Court's framework of medical board review, judicial oversight, and procedural safeguards addresses some of this. The ruling's insistence that clinically assisted nutrition and hydration constitute medical treatment rather than basic care corrects a narrowness that lower courts had embedded. But no procedural framework, however carefully designed, reaches the question that matters most: not whether the right exists, but whether this society has cultivated the inner seriousness to exercise it honestly.

What the court cannot legislate

The decision to depart, when genuine, must be the person's own, arrived at in full awareness, not extracted by family exhaustion, economic pressure, or a system that has run out of ideas. It cannot come from pain alone, because suffering without self-knowledge produces desperation rather than clarity, and desperation and dignity are not on the same register.

Rishi Ashtavakra puts it without ceremony: whether life ends today or continues for ten thousand more years, the difference is indistinguishable to one who is living freely; t not a consolation offered to the dying but a description of the psychological condition from which alone the question of departure can be examined without the ego's theatre of reluctance. From that condition, the question of departure loses its character as defeat or surrender, because a life conducted with that quality of seriousness has no opposite to become at its end. Notice how far most of us are from that condition.

The person capable of making a genuine choice about departure is invariably the same person who has lived with genuine purpose; the two are inseparable, and no law produces in a dying person the clarity that only a life of inquiry could have built. A life conducted as a purely biological event, without inquiry, without the seriousness that makes the question of its continuation worth asking, does not become dignified at the last moment because a medical board has assembled and a form has been signed. Dignity is the quality of a life, cultivated across its whole duration, or not cultivated, in which case the end is simply the continuation of what preceded it.

The ruling, welcomed as it is, opens a door it cannot guarantee will be walked through honestly. Courts can address the legal dimension, but the territory that determines whether the right, once granted, will ever be exercised with the clarity it requires has not moved, and no judgment can reach it.

Acharya Prashant is a teacher and author whose work centres on self-inquiry and its application to contemporary life