

Right to Life in Buddhism: A Comparative Analysis in the Context of Sri Lankan Law

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Right to life; which is a significant fundamental right of human is also an integral part of a democratic society. Since several contradictions are observed in relation to the concept of right to life with death penalty, euthanasia and abortion, this study is focused on identifying an agreeable conclusion in the light of Buddhism.

In many countries right to life has been recognized as a right and with the adoption of UDHR by United Nations Organizations in 1948, right to life became universally accepted under article 3. Although Sri Lankan Constitution of 1978 does not expressly guarantee it, courts have incorporated this by judicial activism. In *Sriyani silva v OIC Payagala* as well as *Rani Fernando v OIC Seeduwa* it was held that, Article 13(4) of the Constitution should be interpreted broadly to mean that the Article recognizes the right to life where death had occurred as a result of violation of Article 11.

Major question that emerges in this scenario is that, can a life be deprived according law and whether the death penalty, euthanasia, abortions violate right to life. In 1989, the Second optional protocol to the ICCPR was adopted for abolition of the death penalty. In contrast, some countries have legalized abortion and euthanasia on some grounds remaining dilemma as to whether it is a violation of right to life or not. These views can be reviewed in the light of Buddhism focusing on teaching of the Buddha who precisely admired human right in his preachings. According to Five Precepts, abstain from harming living beings, secure right to life of human as well as animals' unconditionally. The Dhammapada asserts that "all beings desire happiness and one shall neither harm nor kill". Maithri of four Brahma Viharanas is also focused on wellbeing of everyone universally. However, unlike Human Rights, Buddhism is not just for personal wellbeing, it is a path to practice spiritual development which achieves noble truth through practicing Noble Eightfold Path.

Having this basis, the right to life should be introduced as an absolute right in Sri Lanka through Constitutional amendments. Measures should be taken to form restorative justice instead of retributive justice. The state as a civilized institution should take steps not to exclude its members by killing or letting them kill but by providing opportunities to socialize.

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