

Right to religious Die in India's Jain concept sallekhana

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Abstract

The article examines salekhana. The Jain religious ritual of fasting to death from the Indian legal and ethical perspectives.

The concept of sallekhana is an important contribution of the Jains to biosocial ethics Jainism is the world's most ancient religious and Jain monks lead a life of extreme austerity and renunciation. Santhara also known as sallekhana is a controversial practice in which a Jain gives up food and water with intention of preparing for death. Sallekhana is facing death by an ascetic or a layman voluntarily when he is nearing his end and when normal life is not possible due to old age incurable disease etc.

In 2015, Rajasthan High court banned the practice calling it suicide on 24 August 2015, members of the Jain community held a peaceful national protest against the ban on santhara. Protest were held in various state like Rajasthan Gujrat, Madhya Pradesh, Maharashtra, Delhi etc. Silent marches were carried out in various cities. On 31 August 2015 Supreme Court of India stayed the decision of Rajasthan High Court and lifted the ban on sallekhana.

The object of the present. Paper is to give a brief outline of the Jain concept of sallekhana and evaluate it in the light of contemporary discussion. Some has criticized this vow. Externally critics might identify it with suicide or euthanasia. But one must not be misguided by external procedure of its observance. I discuss my paper How it is different from suicide? How it is different from euthanasia? It is no doubt fasting unto death but, considered philosophically, the main observing sallekhana is definitely gaining from spiritual point of view. This vow is a conscious and well planned penance for self realization

In short, sallekhana is preparedness to be fearless in the face of impending death, It is death through Samadhi.

Key Words-euthanasia, sallekhana, self realization, Samadhi

Introduction

The 24th Tirthankara Mahavira was great religious preacher who not only paved the path of leading an artistic life by implementing the great and small vows but also showed us the path of ending life journey very artistically through the process of sallekhana. Sallekhana is considered as the king of all the vows and it is the highest sadhana. Pujyapada in his text, Mrityu Mahotsava highlights the essence of sallekhana with the following sutra :-

Taphasyatapasasyapi Palitasyavratsyaca Pathitasyasrutasyapiphalam Mrtyu samadiana¹

It means all religious observances, fasting and austerities would be unavailing, if at the last moment of life, at the last moment of life, the time of approaching death, if one does not undertake sallekhana.

In the Jains text, it is said, "Sallekhana is giving up the body by fasting when there is an unavoidable calamity, in order to observe the discipline of religion."² In short, when a person embraces voluntary death at the end of his life by observing progressive withdrawal of food and drinks and spends his last moments in contemplation, putting aside all worldly attachments, sorrow and fear, such type of death is known as sallekhana. It is called Samadhi Marana or sublime death. It is clear that sallekhana is a well ordered voluntarily chosen death, which is not

inspired by any passion whatsoever. Sallekhana is considered as an educative vow by a Jaina Acharya one who adopted sallekhana is a spiritual aspirant³. All the afflictions are conawered by the aspirant and, as a result of mental and spiritual poise, the soul is analysis of sallekhana.⁴ The vow of sallekhana is nothing but a course of discipline intended to prepare a person for such ennobling parting.

Circumstance for adopting Sallekhana

According to Tattvarth sutra (a compendium of Jain principles), a householder willingly or voluntary adopts Sallekhana when death is very near⁵ observance of the vow of sallekhana starts much before the approach of death. A householder persistently mediates on the verse⁶. I shall certainly at the approach of death observe sallekhana in the proper manners⁷. The duration of the practice could be upto twelve years or more⁸. Sixth part of the jain text, to suicide, and intentions and psychology of the persons committing suicide and the other practicing sallekhana, the distinction between the two becomes clear. There is nothing common between to two, except physical death. In the case of suicide, death is brought about by objectionable means, harmful to individual and society.

When a person commits suicide, following characteristics are present :-

1. Ambivalence or a desire to die which simultaneously creates a conflict in the mind.
2. A feeling of hopelessness with inability to handle the problem on hand.
3. Physical or psychological feelings of exhaustion, frustration or both.
4. There is presence of anxiety, tension, depression, anger or guilt.
5. Mental disorder and perverted attitudes.
6. The situation causing agitation seems to be unavoidable.
7. Feeling of fear or any passion leading to loss of interest in life.

In short, in suicide, death RatnakarandaSravakacara is on Sallekhana and its procedure⁹. The sets of circumstances when this vow is advised to be taken are as under :-

1. Condition of extreme calamity natural or otherwise
2. Famine
3. Very old age
4. Terminal illness

The philosophy underlying this concept is one's body is mortal, hence the ritual of holy death as it is called is to be performed. This kind of 'sacred death' is peculiar to Jainism. The aim is self-realization. The pure self is to be realized and its energy is to be channelized in the direction of the attainment of the highest ideal of liberation. So this kind of death has moral justification. It is said, 'Among the austerities, fasting is the most conspicuous. The jainas have developed it into a kind of art. They have reached a remarkable proficiency in it more important is fasting unto death, jainas have worked out a scientific demonstrate that Sallekhana is not loss for the soul, as it is not an act of suicide. If we examine the situation giving rise matter of self-restraint Pandita Marana is the death of an ascetic who had attained pure knowledge about his own self. The death of Tirthankara or Ganadharas or of monks is of the kind.

Discussion

Sallekhand and Suicide

This kind of death has been misunderstood sometimes. Nowadays, it has raised many problems legal and moral. It is said everyone has right to live but not to end life. In this connection perhaps we may agree with a social philosopher when he said that 'man is born free, however he is everywhere in chain'. A fundamental question whether sallekhana is to be described as a form of suicide and as such unjustifiable. Radhakrishnan makes mention of it as a form of suicide¹⁰. However, a better understanding of the Jaina concept of sallekhana would reveal that it is not a form of suicide. Rather, "It is a means for self-realization. It is meant to free oneself from the bonds of the body, which are no longer useful. The practice of the self control in the process is the gain for the soul. As sallekhana is not destruction of life out of passions, it is not motivated by any desire, which characterizes suicide. The analysis of the jaina concept will make it clear that there is fundamental difference between suicide and sallekhana. The situation in both is different.

Sallekhana is not a suicide

1. Sallekhana is a yogic technique (Tapas) as it requires consistency of mind for a long period of time.
2. Just as when a garment becomes old and unusable, a person replaces it with a new similarly, it's a yogic techniques which is used to change our current old and shattered bodies with new and better vehicles. It's not performed because of any depression or loss of hope.
3. Sallekhana is adopted by monks and nuns after the due permission of guru before the huge audience. Lay persons have to acquire permission from their guru and as well as from relatives. The acarya in a jain sect is the responsible authority who decides when and under which situations one should be allowed for such a great vow whereas suicide is committed without such permission and is done with lot of passions, emotions and excitements in isolation.
4. Sallekhana is a jain technical word which means the voluntary step by step termination of body with full wisdom and insight, whereas suicide is killing oneself lay means employed by oneself suddenly drugs, burning oneself with the use of kerosene or petrol or use of electrical wires (live) etc.
5. The systematic methodology of Sallekhana takes the life span of twelve years of gradual limitation of food, water etc. whereas the common methods adopted for committing suicide are jumping from heights, jumping in wells or deep water jumping or lying down before a running train, shooting, hanging, poisoning by use insecticide or other drugs, burning oneself with the use of kerosene or petrol or the use of electrical wires (live) etc.

The seven conditions under which a person can adopt sallekhana are :-

1. Incurable disease
2. Old age
3. If human, infernal, animals cause upasarga (hard ships)
4. When a favourable, situation are present before the monk for deviation from conduct.
5. Due to calamity if pure means of acquiring alms becomes impossible¹¹

and its procedure. Jain texts mention five transgressions of the vow of Sallekhana¹².

- Desire to live
- Desire to die

- Recollection of affection for friends
- Recollection of the pleasures in future

The person observing *sallekhana* does not wish to die nor he is aspiring to live in a state of inability where he/she can't undertake his/her own chores. Due to the prolonged nature of *sallekhana*, the individual is given ample time to reflect on his or her life. The purpose is the purge old karmas and prevents the creation of new ones. The vow of *sallekhana* cannot be taken by a lay person on his own without being permitted by a monk.

Santhara is not euthanasia

Santhara is a complete opposite of euthanasia. This modern concept is a debatable issue, as few consider it as kind of murder, few consider it as physical assisted suicide, and for few, it is a merciful method of death. The problem of Euthanasia is related with both the animals and human beings. Euthanasia is a process of deliberately ending the life to relieve someone from pain or suffering. Here, point of consideration is for human euthanasia which is of two types viz voluntary and involuntary euthanasia. Euthanasia by consent with the persons direct Euthanasia may be conducted consent i.e. voluntary euthanasia and without consent i.e. involuntary euthanasia. Since involuntary euthanasia is conducted without an individual's specifically given acquiescence in the opinion of some this equates to murder.

Euthanasia by means may be conducted passively, non-aggressively, and aggressively both. Passive euthanasia or non-aggressive euthanasia entails the withdrawing of life support and is more controversial. Aggressive euthanasia entails the use of lethal substances or forces to kill is the most controversial means. It entails the withholding of common treatments (such as antibiotics, pain relief medications, morphine or surgery) knowing that it may also result in death (principle of double effect). Passive euthanasia is the most accepted from and it is a common practice in most hospitals. Voluntary euthanasia has often been rejected as violation of the sanctity of human life. Specifically, some Christian view as quoted in Bible. The God given and the god taken, no one else has a right to intervene in the divine process of life and death. The man cannot give life, so he must not take life, voluntarily or otherwise. Orthodox Judaism takes basically the same approach. Even Jains would never allow this kind act of euthanasia, as Jain aphorisms claim that life is dear to everyone. No more wants to die. In such a situation, euthanasia is an immoral behavior as per Jain view. It is also illegal in most of the countries, Jainism, as it is basically a non-violent religion is opposition with this kind factors may be regarded, either individually or cumulatively, are causes driving an individual to commit suicide this dreadful act of human being is condemned by each and every religions and not only by Jains.

Sallekhana is not suicide nor Euthanasia

Sallekhana is not a sudden death. *Sallekhana* is not suicide. It is also different from euthanasia, which is also a kind of intentional killing. Euthanasia is defined as the act of killing a person painlessly for reasons of merely suffering from an incurable disease. It may have medical grounds. But as regards intention, there is a difference. *Sallekhana* can be called an act of self-offering. Its basis is fearlessness. Death is not for legally invited and this makes it clear that there is fundamental difference between suicide and *sallekhana*. The situation in both is different.

So, such an auspicious death can never be compared with suicide. Sri Ravi Shankar comments that those people who are not familiar to Jain views, thoughts and rituals claim that *sallekhana* is suicide. Justice T.K. Tukol says, *sallekhana* is not a suicide¹³. Jain Philosophy is a philosophy of non-violence. In the case of suicide, a death with passion is nothing but violence where *sallekhana* is observed thoughtfully in an impassionate state without craving for materialistic pleasures and takes the oath of abstaining from food, water entirely willingly and even resolves not to harm oneself or any other member of the society at large. So we can never compare *sallekhana* with the suicide which is committed in a passionate and abnormal state.

In the text, the history of suicide in India, Upendra Nath Thakur writes that why jainsallekhana is considered as suicide is that very crude methods. Likewise there is a great difference between suicide and na.Sallekhna suicide is the cause of worldly wanderings whereas Samadhi Marana is the cause of eliminating karmas, of mercy willing of death through euthanasia.

Santhara on the contrary is the process of raising ones awareness to unparalleled heights so one may consciously experience one's own death. It's not performed to relieve oneself of one's pains or suffering. In fact, this process increases the suffering as one's commenced, the seeker stops taking even the basic medicines or pain-killers.

It's the greatest tapas/questerity as human is capable of performing. It's the greatest meditation the greatest single leap a seeker can make on his journey to Godhood. The understand this concept in true sense of the word one will need to understand shraman.

Legality

In 2006, human right activist Nikhil Soni and his lawyer Madhav Mishra filed a public litigation with the Rajasthan High Court. The PIL claimed that Sallekhana should be considered to be suicide under the Indian legal statue. They argued that article 21 of the Indian constitution only guarantees the right to life, but not to death. The petition extends to those who facilitate individuals takings the vow of with aiding and abetting an act of suicide. In response, the jain community argued that it is a violation of the Indian constitution's guarantee of religious freedom. It was argued that sallekhan¹⁴.

The landmark case sparked debedes in India, where national bioethical guidelines have been in place since 1980¹⁵. In August 2015, the Rajasthan High Court stated that the practice is not an essential tent of Jainism and banned the practice making it punishable under section 306 and 309 (Abetment of suicide) of the Indian Penal Code¹⁶.

On 24 August, 2015, members of the Jain Community held a peaceful nationwide protest against the ban on Santhara¹⁷. Protest were held in various states like Rajasthan, Gujarat, Madhya Pradesh, Maharashtra, Delhi etc.¹⁸ silent march were carried out in various cities.

On 31st August 2015, Supreme Court of India stayed the decision of Rajasthan High Court and lifted the ban on Santhara. The special leave petition brought before the supreme court of India was filed by Akhil Bharat Varshiya Digamber Jain Parishad. Supreme court considered Santhara as a component of non-violence¹⁹.

To Conclude

In my view, Jainism approves of Sallekhana is definitely again from the spiritual point of view, particularly in the special situation in which he is put. The observance of the vow is a conscious and well planned penance for self realization. It has a religios cause and spiritual value. In short, sallekhana is a preparedness to be fearless in the face of impending death. It is death through Samadhi.

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