

STUDY OF SALLEKHANA(SANTHARA/ FASTING TILL DEATH) WITH SPECIAL REFERENCE TO THEOLOGICAL, FORENSIC, AYURVEDIC, LEGAL ASPECTS IN 21ST CENTURY***¹Dr. Arati Abhaykumar Shinde and ²Dr. Ashwin Ashok Shete**¹MD (Agadtantra Evum Vyavahar Ayurved), Associate Professor, Dr D Y Patil College Of Ayurveda and Research Centre, Pimpri, Pune 411018.²MD (Rasashastra and Bhaishajyakalpana), MBA (HRM), Assistant Professor, Dr D Y Patil College Of Ayurveda and Research Centre, Pimpri, Pune 411018.***Corresponding Author: Dr. Arati Abhaykumar Shinde**

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ABSTRACT

Disappearance of saint munishree tarunsagarji maharaj on 31st august 2018 was great loss to nation and human kind. as his death was not natural but due to sallekhana or santhara vrat i.e fasting till death as per jainism. so what is significance and various aspects of sallekhana in 21st century are studied thoroughly in this research study with reference to forensic, ayurvedic, legal aspects

KEYWORDS: Sallekhana, Jain, Santhara, Fasting.**INTRODUCTION**

Muni Tarun Sagar (26 June 1967 – 1 September 2018) was an Indian *Digambara monk*, left his body on Sept 1st 2018. Tarun Sagar fasted to death at age 51 after a long illness.^[1] so spiritual fasting or sallekhana once again come in picture. To understand this phenomenon, descriptive research done thoroughly and presented in this article.

In Jainism, there is practice known as **SANTHARA /SALLEKHANA** means facing death voluntary at the end of own's life. This practice allowed only when a person is suffering from incurable disease or great disability or when a person is nearing his end. It is a highly respected practice among the members of the Jain Community. According to Jain Community, sallekhana leads to ahimsa (non-violence or non-injury) There are similar practices in other religions like Prayopavesa in Hinduism, and Sokushinbutsu in Buddhism.

The ancient and medieval scholars of Indian religions discussed suicide, and a person's right to voluntarily choose death. Suicide is broadly disapproved and discouraged by Buddhist, Hindu and Jaina texts.

So sallekhana or santhara practiced in 21st century, even as spiritual practice or religious practice to be studied on grounds of legislature, ayurveda and forensic medicine

MATERIALS AND METHODS

In this descriptive research study, secondary data is used for analysis.

Firstly philosophical concepts, religious aspects are studied. Then legal aspect is limited for Indian Legislative System.

In Forensic Medicine, Symptoms of acute and chronic fasting are discussed. Ayurveda review it with vedic aspect.

Procedure OF Sallehana /Santhara

Sallekhana is always voluntary, undertaken after public declaration, and never assisted with any chemicals or tools. The fasting causes thinning away of body by withdrawing by choice food and water to oneself. As death is imminent, the individual stops all food and water, with full knowledge of colleagues and spiritual counsellor.

Data Analysis

1. Jainism is one of the oldest religions of India, dating back to the 6th century BCE. According to the 2011 Census, Jains constitute 0.4% of the total Indian population.
2. According to a survey conducted in 2006, on an average 200 Jains practice sallekhana until death each year in India.^[2] Statistically, Sallekhana is undertaken both by men and women of all economic

- classes and among the educationally forward Jains. Statistically it is done by more women than men.
3. According to the Press Trust of India, an average 240 Jains practice Sallekhana each year in India. Also in the first half of 2015, around 118 Jains performed Santhara across India, says a TOI report.
 4. Contrary to popular notion, Santhara is not only observed by Jain monks who have renounced worldly affairs. "In fact, ordinary Jains practice santhara more than monks," says Jitendra Shah, director of the LD Institute of Indology told TOI.
 5. The woman-man ratio of Santhara practitioners stands at 60:40, perhaps because women are generally more strong-willed and have a religious bent of mind.

History

1. Basically this practically was started in HINDU religion. The starting of this concept is in Hindu mythology. In Bhagwadgita Bhishma pitamah also used *Ichha Mrutyue*
2. Founder of the Jain religion Vardhamana Mahavira's life spanned from 540 to 468 BCE. He is the 24th *Tirthankara*. Probably, the earlier ones are mythical. After attaining omniscience (*kaivalya*) in his 42nd year, he preached his religion all over the country for 32 years
3. In around 300 BC, Chandragupta Maurya (founder of the Maurya Empire) undertook Sallekhana a top Chandragiri Hill, ŚravaṇaBelgoḷa, Karnataka. Acharya Shantisagar, a highly revered Digambara Jain saint of the modern India took Sallekhana on 18 August 1955. He decided to take the vow in July 1955, on account of inability to walk without help and weak eye-sight.^[3] He died on 18 September 1955. Between 1800 and 1992, at least 37 instances of *Sallekhana* are recorded in Jain literature.
4. There were 260 and 90 recorded Sallekhana deaths among Svetambara and Digambara Jains respectively between 1993 and 2003. According to Jitendra Shah, the Director of L D Institute of Indology in Ahmedabad, an average of about 240 Jains practice *Sallekhana* each year in India. Most of them are not recorded or noticed.^[4]
5. Statistically, *Sallekhana* is undertaken both by men and women of all economic classes and among the educationally forward Jains. It is observed more often by women than men.^[5]

Philosophical aspect

1. The Jains believe Santhara is not only about death, destruction of life and mortal body. They believe that Santhara leads to non-violence, as person observing this practice subjugates the passions, which are the root cause of violence.^[6]
2. There is a similar Hindu practice known as sanjeevan samadhi. It is a type of a type of tapasya⁷ (self-suffering) according religious views and monk speeches.

3. The devout Jains believe that Mahavira, the 24th Tirthankar, advised Santhara, or Sallekhana, as the supreme test of spirituality, a way of subduing all passions that cause himsa and preparing for a purified passage into the death state and beyond.
4. *Sallekhana* (IAST: *sallekhanā*), also known as *Samlehna*, *Santhara*, *Samadhi-marana* or *Sanyasana-marana*;^[9] However, in the modern era, death through *sallekhana* has been a relatively uncommon event.
5. The ancient ritual of Santhara, also called Sallekhana, consists of voluntary starvation to embrace death. The Svetambar (white sect) community, which practises the ritual, considers it the ultimate way to attain moksha (release from the cycle of rebirth), when one believes his or her life has served its purpose. Practised mostly by elders nearing death or having no desire to live any more, this ritual demands the practitioner to even give up drinking water; it is never advisable for young adults or children.

Jains regard Santhara or Sallekhana to be the highest form of passage, or death and in a way not the same as suicide. It is done in full consciousness and in peace and it does require that the practitioner fast in the process of letting go of your life force.^[8] According to Jains, The purpose of Santhara is to purge old karmas and prevent the creation of new ones. Jain Yuva Mahasabha president Sachin Jain told India TV that Santhara is not about death it's a path to achieve Moksha, it's a way to appreciate both life and death. It happens with family's consent.

In Practice

Santhara, the centuries old Jain practise of facing death voluntarily was recently banned by the Rajasthan High Court, triggering widespread protests by the community. Of late, Santhara has been embroiled in controversy, with critics equating the practice with suicide.

Legal aspect

1. Even, the legal fraternity is divided on the issue, while advocate Sanjay Jain says that Articles^[10] 25 and 26 of the Indian Constitution protect all religious practices, unless otherwise prohibited by law, Mahesh Jethmalani argues that any practice that eventually leads to death is attempted suicide.
2. Marches and protests followed until August 31 when the Supreme Court stayed the HC decision. The SC invalidated the criminalisation of suicide in 1994 but that was reversed in 1996 in *Gian Kaur*^[11] which is now prevalent constitutional orthodoxy. Attempting suicide is a crime. Those who abet it are criminals and liable to be prosecuted. While there is a constitutional duty to save life, people do commit suicide. The concern is that those who survive should not be prosecuted and treated as criminals. Decriminalise suicide but not abetment to suicide. Abettors are criminals inviting punishment up to ten

years jail and fine. If the law applies, as it did to protesting Irom Sharmila, Badana Devi would have to undergo force-feeding that was obviated by the latter by trying to complete her fast in hiding.^[12]

3. Right to Life or Death Vs. "Santhara"- Case Reference There is a latest writ petition of Nikhil Soni¹³ in Rajasthan High Court, the practice of 'Santhara' or 'Sullekhana', a Jain ritual of voluntary and systematic fasting to death as illegal, the view of petitioner court accepted and directed the State to treat it as an offence punishable under section 309 of the Indian Penal Code and its abetment thereof under section 306 of the Indian Penal Code.
4. The view came in writ petition filed by Nikhil Soni^[13] who has requested to the Hon'ble court that the practice is illegal and announced ban on this ritual, on the ground that it amounted to suicide, it is a criminal offence and this is punishable under section 309 IPC.
5. It was also argued by the petitioner that though in Aruna Ramchandra Shanbaug V/s Union of India, the Supreme Court left the question as to whether not taking food consciously and voluntarily with the aim to end one's life is a crime, the substance of the judgments in Gian Kaur and Aruna Ramchandra Shanbaug is that no person has a right to take his own life consciously, as the right to life does not include the right to end the life voluntarily
6. Now Rajasthan High Court^[14], Will it accept the Supreme Court's precedent in Gian Kaur and outlaw Santhara? Will such a decision 'hurt' religious sensitivities of nearly 6 million practising Jains worldwide, for whom the centuries-old ritual holds a pride of place among their sacred traditions? Justice Jain seems to have already anticipated this eventuality. He argues, "Santhara can't be called "suicide" by no stretch of imagination. It is no where remotely an act of extreme desperation fuelled by anguish."^[15]
7. In the absence of legislation on the controversial issue of euthanasia, the Supreme Court has stepped in and ruled that 'active euthanasia' or administering a lethal injection to end life cannot be permitted. The court was ruling in the case of 60-year-old Aruna Shanbaug who has been lying in a vegetative state for 37 years after being brutally attacked and raped
8. The Supreme Court of India has, for the first time, laid down guidelines for euthanasia and made a distinction between 'active' and 'passive' euthanasia. It said that causing the death of a person who is in a permanent vegetative state, with no chance of recovery, by withdrawing artificial life support is not a "positive act of killing".
9. Terming this "passive euthanasia," a bench of Justices Markandey Katju and Gyansudha Misra held that this could be permitted on a case-by-case basis.
10. "The withdrawal of life support by the doctors is in law considered as an omission and not a positive step to terminate life. The latter would be

euthanasia, a criminal offence under the present law in UK, USA and India."

11. 'Active' euthanasia, on the other hand, which could mean administering the patient a lethal drug to cause his or her death, was illegal as it is a "positive step to terminate a life," the bench ruled.
12. The court was hearing a plea filed by Pinki Virani representing 60-year-old nurse Aruna Shanbaug who has been lying in a vegetative state for 37 years after being attacked by a sweeper at KEM hospital in 1973. The nurses of the hospital have since been taking care of her. Virani petitioned the court that Shanbaug be allowed to die by withdrawing food and medicines, as she has been in a vegetative state for over three decades.
13. The court clarified that stopping treatment (which it has allowed) and giving a lethal injection (which is has not allowed) are not both deliberate acts and therefore the same thing. "The difference between active and passive euthanasia is that in active euthanasia something is done to end the patient's life, while in passive euthanasia something is not done that would have preserved the patient's life," the bench observed.
14. The judges also made a significant recommendation: that the Union government repeal Section 309 of the Indian Penal Code that makes attempt to suicide an offence.^[16]

Forensic medicine/ Medicolegal aspect aspect^[17]

Starvation is of 3 types: suicidal, homicidal and accidental.

1) Suicidal- Voluntarily, mostly lunatics and hysterical women.

Right to life (article 21 constitution of India) does not include right to die. So forceful feeding to persons even on hunger strike is lawful

2) Homicide: mostly infant, illegitimate children, aged or feeble minded person are starved with evil intention

3) Accidental: famine, being trapped in pits or mines, landslides etc.

Some diseased condition like stricture or cancer of oesophagus, ankylosis of jaw. Sometimes severe drug addicts also starved.

Starvation means lack of food and water i.e essential nutrients.

Type / cause of starvation is significant in forensic medicine.

Changes in Body in Starvation

Acute starvation sudden and complete stoppage of food
Symptoms –hunger sensation 30 to 48 hours followed by pain in epigastrium relieved by pressure.

After 4 to 5 days general emaciation, pupil dilated, voice weak, muscular weakness, cardiovascular changes, slow pulse. Subnormal temperature, constipation. Sometimes diarrhea and dysentery common leads to death. Decrease of 40% body weight is fatal.

Chronic starvation gradual deficiency of food.

Loss of well being, hunger, hunger pains

Mental and physical lethargy and fatigue

Progressive weight loss

Polyurea

Hypothermia

Oedema

Reduced resistance to infections

BSL, Chlorides, cholesterol lowered and Non protein nitrogen is raised.

Cause of death- exhaustion, circulatory failure or infection

Fatal period- 10 to 12 days if food and water are withdrawn. With water 6 to 8 weeks or more.

Factors influencing fatal period

Age: Too young and old suffer more.

Sex: females withstands more than male

Body condition: Fatty, healthy withstand better

Temp: Extreme heat or cold worsens situation

Physical exertion: Active physical exertion hastens death.

Post Mortem Appearance: Emaciation and general reduction in size and weight in all organs except brain. Fat is absent in subcutaneous tissue omentum, mesentery and internal organs. Subpericardial fat is replaced by watery gelatinous material. Heart is small from brown atrophy and chambers are empty. Lungs are pale and collapse and exude very little blood when cut. The stomach and intestine shows atrophy. The intestinal wall appears like tissue paper. Liver is atrophied and shows necrosis due to protein deficiency. Urinary bladder is empty.

Ayurvedic aspect

1. Charka samhita^[18], classical text of ayurveda explains importance of life in Sutrasthana 11th chapter. In this three desires (Eshana) are explained as 1. Prana eshana- Desire for life 2. Dhana eshana- Desire for wealth 3. Paraloka eshana- Desire for eternal life of moksha. But desire for life is priority and explained as uppermost need. Whereas Jainism identifies tapasya or spiritual goal as priority.
2. Ayurveda insists for life and avoid and postpone death with Dinacharya (daily Activities)^[19], Rutucharya (Seasonal activities according to season)^[20], sadavritta (activities for well being) 5th 6th chapter Sutrasthana.
3. Ayurveda^[21] has clearly mentioned that it aims as 1) to maintain health of healthy person 2) To regain health of ill/ diseased one. Ch Su 30/26.
4. Nowhere in ayurveda emphasis on fasting till death or sanjivan Samadhi, sallekhana.

DISCUSSION

1. Jains also claim that the tradition could not be compared to Sati pratha as it is entirely a personal decision, both men and women do it and can also be

withdrawn if the person feels that he cannot undergo the process.

2. In Jain texts, Santhara is differentiated from suicide by the quality of intent; the Indian Penal Code recognises only form for intent so it would be difficult to convince the court that Sallekhana is different from suicide.
3. Under this tradition, more than one person of the same family rarely undergo through the ritual of Sallekhana. However, a Bangalore Mirror report says that researches have found evidence of six people of the same family, who lived in the 12th-13th century AD, that underwent the sacrificial rite.
4. In April 2017, the Indian parliament decriminalised suicide by passing the Mental Healthcare Act.

RESULTS

The Jains believe Santhara is not only about death, destruction of life and mortal body. They believe that Santhara leads to non-violence, as person observing this practice subjugates the passions, which are the root cause of violence. Santhara is not only about destruction of life and body, but to attain the highest spiritual achievement. It can't be compared with suicide, sati pratha. Ayurveda never suggests for any procedure which leads to harm or destruction of life. Spiritual urge, spiritual eternal bliss can be attained by other methods as Yoga, dhyana, Dharana, Bhakti, Sankirtana etc.

More study, discussions are needed on this topic for better future in 21st century.

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