

## SANTHARA AND RIGHT TO RELIGION

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### ABSTRACT

The paper would aim at constituting the concept of Santhara dwindled with the ideologies of Jainism and explain the real meaning and technicalities associated with the ancient practice of Santhara. The paper would aim at highlighting the importance of Santhara in Jainism and would also discuss so as to what are the peculiar characters and conditions required for any person to practice Santhara. The researcher would make an attempt to dismantle the similarity drawn between suicide and Santhara and would differentiate between the two on the very fundamental questions and principles. Also, the paper would bring into its ambit the constitutional validity of Santhara and try proving it as an essential part of the religion of Jainism.

### IDEOLOGY OF JAINISM

JAINISM is broadly constituted on two main concepts, of “Ahimsa” (Non-Violence), and “Live and Let Live”. Jainism is an old religion from India that shows, that the best approach to freedom and delight is to lead lives of innocuousness and renunciation. The substance of Jainism is sympathy and concern towards the welfare of each being in the universe and for the universe's strength itself. Jainism is a religion of self-improvement. Jains trust that creatures and plants, and additionally individuals, contain living souls. Each of these souls is considered of equivalent quality and ought to be approached with deference and sympathy. Jainism draws a parallel line between all living beings, and does not place them at any hierarchy. Jainism believes that each and every being is equal irrespective of its order. Jainism believes in living in a manner that minimizes their utilization of the world's assets i.e. in the principle of ‘Aparigraha’. Jains put stock in revivification and look to accomplish extreme freedom - which means getting away from the constant cycle of conception, passing and resurrection so that the eternal soul lives forever in a condition of rapture, moksha. Freedom is accomplished by wiping

out all karma from the spirit. Jain transcendentalism partitions the Universe into everlastingly existing together yet autonomous, classes, One Jiva-the spirit, second Ajiva- the non-soul. The body is the non-soul. Soul is the focal subject in Jains framework. A definitive objective of a human life in Jainism is the spirit's acknowledgment, which is - AtmaDarshan after its liberation from the snare of non-soul of the body. Attaining Moksha is the sole aim of Jainism, which liberates an individual of the Karmic bonds, and make him attain Nirvana, which means complete purity of the soul, where Jiva is liberated from all the karmas.<sup>1</sup> That is why Jainism is also called as as MokshaMarga or 'The Path to Liberation'. The ultimate aim of any being should be to attain Moksha and that is what is achieved through various practices that a Jain undergoes. According to Uttaradhyana Sutra: "There is a safe place in view of all, but difficult of approach, where there is no old age nor death, no pain nor disease. It is what is called Nirvâna, or freedom from pain, or perfection, which is in the view of all; it is the safe, happy, and quiet place which the great sages reach. That is the eternal place, in view of all, but difficult of approach. Those sages who reach it are free from sorrows, they have put an end to the stream of existence." (81-4)<sup>2</sup>

## WHAT IS SANTHARA

The following chapter shall deal with what is Santhara in the realm of Jainism and the Importance of Santhara for the religious beliefs.

### About Santhara:

Sallekhana, the other word for santhara, is made up of two words — sal, meaning 'properly', and lekhana, which means to 'thin out'. It adds to the goodwill one has gathered and brings a person closer to moksha.<sup>3</sup> Santhara, according to Jain sacred writings, intends to debilitate the quality of body and energy for putting a conclusion to the substantial presence without deliberately fasting so as to pine for death. It is embraced when one is confronted with an unavoidable regular cataclysm, serious dry spell, old age or a hopeless sickness. Preceding the pledge's selection, one is required to surrender all sentiments of affection, scorn, friendship and

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<sup>1</sup> 'Moksha(Liberation)' <http://www.jainbelief.com/PPOJ/19.htm>.

<sup>2</sup>Uttaradhyana Sutra, (81-4)

<sup>3</sup>'Santhara The Debate', Indian Express, <http://indianexpress.com/article/india/india-others/santhara-the-debate/>, last retrieved on Sept. 29,2015 at 2300 hours.

common connections with an unadulterated all mankind in the meantime sympathetic them earnestly. It is additionally wanted that one may attempt the colossal pledge of Santhara subsequent to talking about it completely and honestly with one's master (religious preceptor).<sup>4</sup>Santhara, Sallekhana, or Samadhi is a custom that JAINISM has been following since time immemorial. In Santhara a person by a stage-wise process, renounces food and water according to his physical condition, i.e. if it's becoming difficult for a person to digest certain food items, the person sacrifices them. It's only at a very critical and perilous stage that a person leaves victual. Also, after attaining Santhara if one recovers and comes to a better and healthy condition, he can stop this practice and resume his routine life back. Santhara is basically of two types, Trivihar (leaving food and not water) and Chavihar (leaving food and water) Santhara does not involve complexities like once attained it can't be renounced. There have been cases wherein a person after practicing Santhara had become fit and fine and recommenced his normal life back. It's not easy to practice Santhara. At the point when a man experiences Santhara, he needs to take the authorization and promise before his religious master or guru. It is only in presence of these gurus that a person can take up Santhara. Along with that the person should be in a state of mind to consent to take up to the practice of Santhara and his family members should support him to achieve the same. Without these three requisites Santhara can't be practiced.

### **Importance of Santhara:**

Santhara is a very crucial element of Jainism because it is considered as a last chance that a person gets in his human life to purify his spirit and free himself from all the eight karmas and attain Moksha. What so ever he might have done in his life, that cannot be reverted, but certainly with the help of Santhara a person can amend his ways and end up being at a better position than he was in his entire life. According to Jainism, in the last hours of life, one should not carry bad feelings regarding anything and anyone. If at all a person had any discrepancies and differences with any person, he must forgive that person and end up writing his name in good books of his life. This not just perpetrates the principle of forgive and forget but the peace of mind the person lying on the death bed gets is unparalleled. At the end of his life journey, he has let all his differences, fights, problems with the worldly pleasures exhaust and has become more pure and peaceful at his mind and the burdens that he carried in his mind are all

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<sup>4</sup> Nikhil Soni v. Union of India, 2015.

relieved. This leads to the psychological upliftment of a person and he ends up being in the abode of peace and free from all the clashes that he was indulged into. Santhara is also regarded as a scientific technique to betterment. A dietician, directs a person so as to what one must eat as per the requirement of his or her body, similarly in Santhara, the person leaves food and water as per the requirement of his body. Santhara is never imposed on a person and the person is never forced to leave food and water until death. It is specifically mentioned in the Jain Scriptures, a person sacrifices victuals only in a condition wherein the digestion of the same becomes impossible. Therefore, the practice of giving up food and water in Santhara is just a psychological and scientific measure taken up by a person. Until and unless, the treatment of a person is possible, he is not allowed to take up Santhara, when all the chances and possibilities of treatment are exhausted, it is only then that a person can take Santhara.<sup>5</sup>

Santhara is a transcendental philanthropic act, a person attains highest meritorious position after he takes Santhara and gets the benefit of forty eight saint's exertion. Santhara or Samadhi is the last exam a person undergoes in his life, and no state laws can deprive a person of these last rights that he has in his life for few hours. In Santhara, a person distinguishes body from soul and this process of sequestering body and soul from each other is called as 'BhedVigyaan' in Jainism.<sup>6</sup>The basic idea behind Jains' fasting is to acquire lowest possible negative karma and purify one selves in the process. Santhara, in this sense, is the best way to purification. Santhara purifies body and mind, and reminds the teachings of Mahavira's emphasis on renunciation and asceticism, because Mahavira spent a great deal of time fasting. The intention is to purify the body, and remove all thought of the physical things from the mind. As well as giving up food and water, the ascetic abandons all desires and dislikes so that they can concentrate exclusively on their spirit as they approach death.<sup>7</sup> Through Santhara a soul gets liberated and regains totally its original attributes of perfect knowledge, vision, power, and bliss. It climbs to the top of Lokakas and remains there forever in its blissful and unconditional existence. It never returns again into the cycles of birth, life, and death. This state of the soul is the liberated or perfect state, and this is called "Nirvana", and this is what is achieved through Santhara. Moksha is not a guaranteed state that a person would achieve after he practices Santhara, no one can either check or confirm that after effect of Santhara, but according to the Jain scriptures it is one of the most important and the last way to achieve

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<sup>5</sup> 'Kya Hain Santhara', 108 Aacharya Shri Pushpdant Sagar Ji Maharj, PushpgiriTirth, September 2015.

<sup>6</sup> *Supra* at 5

<sup>7</sup> 'Santhara-A Jain Religious Festival', Digamber Jain Online.com, <http://www.digambarjainonline.com/news/news7.htm>, last retrieved on Oct. 01,2015 at 2055 hours.

Moksha. Every individual does not get the chance to practice Santhara, only few get this who still have time to die and can actually see death nearing them unlike those who die unannounced and suddenly.

### **Santhara and Suicide**

“Every man’s life ends the same way. It is only the details of how he lived and how he died that distinguish one man from another”- Ernest Hemingway.<sup>8</sup>Santhara is simply a Jain way of mastering the art of dying as much as the art of living.

According to Osho,<sup>9</sup>

*“Ordinarily, the man who commits suicide does not do it feeling himself responsible for it. Mostly he feels people are driving him to commit suicide; certain circumstances, certain events are compelling him to end his life. If the circumstances were not such, he would not have attempted the suicide.”*

According to the case of *Nikhil Soni v. Union of India*,<sup>10</sup> they specify the main psychological and physical features of suicide. First, the victim is under an emotional stress. Second, the victim has an overpowered with the feeling of fear, disgust, disgrace or hatred at the time when suicide is attempted. Third, the main motive of the suicide should be to escape from the consequences of a certain acts or events, and many more. But when you look at the concept of the Santhara, it is totally opposite of suicide. Santhara is a way to cleanse the soul and control the mind. In suicide, you are not required to take the permission of any person. But to pursue Santhara, you need to take the permission of the religious guru, but if he disagree, you cannot take Santhara. The same way, like there is no return from committing suicide, a person who has taken Santhara, can turn back if he feels that he is not able to attain the main motive of Santhara, i.e. the will power and restriction from all the worldly pleasures. Mahavira has said that one can use death as a spiritual discipline -- but not the kind of instantaneous death which occurs by taking poison. One can't build his willpower in one instant; it requires a long span of time. Mahavira says, "Go on a fast, and die of hunger."<sup>11</sup>

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<sup>8</sup> 'Ernest Hemingway', [www.quotesgram.com](http://www.quotesgram.com), last retrieved on Sept. 30,2015, at 2205 hours.

<sup>9</sup>“And here, and now” by Osho.

<sup>10</sup> 2015 Cri LJ 4951.

<sup>11</sup> “And here, and now” by Osho.

Almost all the religion consider the concept of suicide as one of the biggest sin. And all those people who commit suicide are considered to be going in hell, but if a person takes the path of Santhara, he would have taken the path of will power and cleansing of the inner soul.

### **Constitutional Validity of Santhara**

Article 25(1) of the Constitution of India, guarantees to every person the freedom of conscience and the right to freely profess, practice and propagate religion.<sup>12</sup> That states that every individual irrespective of anything has the right to freely practice his religion. Religion is a matter of faith. A religion, has its origin in a system of beliefs and doctrines which were propounded by the sages, or religious texts, it is something more than the doctrines and beliefs. A religion may not just list down the code of ethical rules but may also prescribe rituals and observances, ceremonies and modes of worship which are regarded as an integral part of that religion. Therefore, the constitutional guarantee regarding freedom of religion contained in Art. 25(1) extends even to rites and ceremonies associated with a religion.<sup>13</sup> In the case of H.H. Srimad Perarulala Ethiraja Ramanuja Jeeyar Swami v. State of Tamil Nadu, it was held that, "It falls upon the courts to decide, on the basis of evidence adduced before them concerning the conscience of the community and the tenets of the religion concerned, whether a practice for which protection is claimed is 'religious' in character, and, if so, whether it is an essential and integral part of the said religion, or is merely, 'secular' or 'superstitious' in nature."<sup>14</sup>

In order, to invoke Article 25(1) of The Constitution of India, for the legalizing of Santhara it is essential to prove that Santhara forms an essential part of Jainism. Santhara is undoubtedly a very essential part of Jainism, and in the absence of it, the whole concept of Jainism would be defeated. Since the time of the very first Tirthankar of Jainism Bhagwaan Aadinath, the practice of Santhara has been recognized and has been practiced since then. The principle of Moksha is the ultimate aim of any soul and to achieve that Santhara is one of the ways. Jainism is all about the ways how one can achieve Moksha, and if that purpose itself is defeated there won't be any point and substance left in the philosophies and texts of Jainism. Undoubtedly, Santhara is not the Only way to achieve Moksha, but is one of those limited ways. Also, it is the last option that a person has to achieve Moksha. Taking away the last minute right of an

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<sup>12</sup> Article 25(1), The Constitution of India.

<sup>13</sup> 'Indian Constitutional Law', MP Jain Seventh Edition, Lexis Nexis, pg. 1247.

<sup>14</sup> H.H. Srimad Perarulala Ethiraja Ramanuja Jeeyar Swami v. State of Tamil Nadu, AIR 1972 SC 1586, at 1593 *see also*; Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan, AIR 1963 SC 1638.

individual is against the doctrine of Natural Justice as well. And hence, it is an essential part of Jainism to practice Santhara in order to achieve the ultimate aim of Jainism.

### **Conclusion**

The entire concept of Santhara revolves around attaining a peaceful, respectful and a content death. Santhara leads an individual into an abode of peace and tranquility, and makes him near to the ultimate truth that a person should aim to achieve. It is wrongly seen in a connotation with suicide. Santhara is not a suicide and does not provide an individual with a right to die. It is basically a measure or practice that rests purely on psychological and scientific reasons and logics, nor is it a superstition, because it has valid logical and reasonable reasons associated with it. Banning a religious practice like Santhara which is an essential part of the religion of Jainism is against the Right to freedom to profess and practice religion, and would be the violation of Fundamental Right of the people of Jain community.