

THE ART OF DYING:

Jain Philosophy of Sallekhana

The news quickly spread through the Jain diaspora that two well-known monks embraced Sallekhana in just 2 months in India. Significantly, Sallekhana is NOT similar to euthanasia or physician-assisted suicide. It is the pious practice of voluntarily fasting to death by gradually reducing the intake of food and liquids.

By Prof Shailendra C. Palvia

Philosophers have differed on the subject of Life after Death or reincarnation. Aristotle holds the scientific version while Plato and his mentor Socrates believed in the religious version. Scientific premise asserts that after death, there is no life; it ends in eternal oblivion. Religious premise states that only body perishes, soul survives forever; soul has eternal existence through countless cycles of birth and death. Sallekhana is relevant more in the context of religious premise due to the implication of afterlife betterment.

What is Sallekhana

Sallekhana, also known as Samadhimaran, is a controversial religious practice in which a Jain starts fasting with the intention of preparing for death. Among the many practices of Jains, such as vegetarianism, meditation, forgiveness, and fasting, Sallekhana is the most austere and it is practiced primarily by strict adherents, Jain monks and nuns. Sallekhana literally means thinning out of the body (Kaya) as well as passions (Kashaya). According to Acharya Samantbhadra in the 6th chapter of Ratnakaranda Shravakachar:

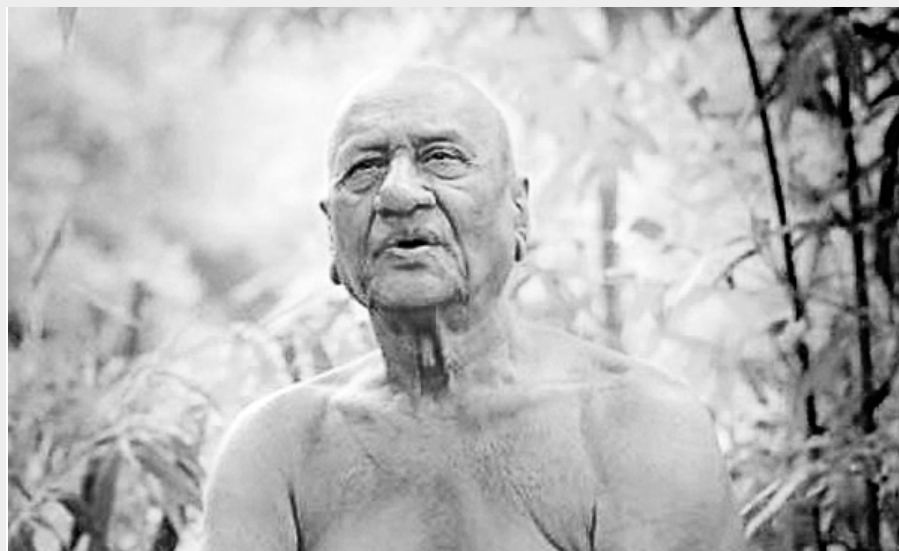
उपसर्गे दुर्भिक्षे जरसि रुजायां च निः प्रतीकारे।
धर्माय तनु विमोचनमाहुः सल्लेखनामार्या॥

Sallekhana is embracing the death voluntarily when both householders and ascetics foresee that the end of the life is very near either due to old age, incurable disease, or severe famine and there is no other option but to embrace death peacefully.

While observing Sallekhana, one overcomes all the passions and abandons all the worldly attachments by observing austerities such as gradually abstaining from food and water and simultaneously meditating on the true nature of the Self until the soul departs the body. The principle behind the special vow of Sallekhana is that a person -- while giving up this body with complete peace of mind, calmness, and patience, without any fear at all -- not only prevents the influx of the new karmas but also purges the old karmas which are attached to the soul, ultimately liberating the soul from the cycle of birth, death and rebirth. An approximate assessment of the remaining span of the life is necessary in order to adjust to the nature of the fasting. It is the religious practice of voluntarily fasting to

Acharya Vidyanandji

Last day of Sallekhana: September 19, 2019



Acharya Vidyanandji took samadhimaran at the age of 95. He was a monk of exceptional caliber, vision, knowledge, and managerial skills. Many historical and landmark projects were undertaken by him to help the Jains to come together cutting across the sectarian barriers. His command over many languages (current and ancient), depth

of knowledge and great amount of research in old scripts was reflected in his actions, thinking, discourses and many books written by him.

He traveled across the length and breadth of India covering thousands of miles on barefoot including visit to ice covered Amarnath Caves in Himalayas accessible only for a few days in a year.

Chinmayasagar Muni

Last day of Sallekhana: October 18, 2019

Chinmayasagar Muni Jungle Wale Baba (A forest Monk) lived deep inside forests, doing his meditation amongst wild animals. Many times wild animals were sitting around him in a calm and quite mood due to the positive power of his deep meditation[1]. On taking deeksha (embracing monkhood), the saint travelled barefoot in several places including Uttar Pradesh, Uttarkhand, Delhi, Rajasthan and Karnataka. Unlike other religious leaders who live in posh ashrams, Chinmay Sagar chose to meditate in forests so as to be accessible to everyone. He said, "Forests are open spaces and all are welcome irrespective of their religious leanings." He tirelessly worked on several projects for betterment of humanity including helping millions get rid of their bad habits like drugs, alcohol and tobacco.



His yeomen services earned him doctorates from the universities of Sri Lanka, United Kingdom and the US and visits from world leaders to get his blessings and guidance.

death by gradually reducing the intake of food and liquids. This person should endure all the hardships, but if he/she falls ill or is unable to maintain the peace of mind, then he/she should give up Sallekhana and resume taking foods and other activities. Sallekhana is considered a pious death and 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 with full knowledge of colleagues and spiritual counsellor. In some cases, Jains with terminal illness undertake this vow with permission from their spiritual counsellor. For a successful sallekhana, the death must be with "pure means", voluntary, planned, undertaken with calmness, peace and joy where the person accepts to scour out the body and focuses his or her mind on spiritual matters.

After the sallekhana vow, the ritual preparation and practice can extend into years. The sixth part of the Ratnakaranda śrāvakācāra describes Sallekhana and its procedure as follows: Giving up solid food by degrees, one should take to milk and whey, then giving them up, to hot or spiced water. [Subsequently] giving up hot water also, and observing fasting with full determination, he should give up his body, trying in every possible way to keep in mind the Namokar mantra. During the entire process of Sallekhana, five transgressions must be avoided: (a) the desire to be reborn as a human, (b) the desire to be reborn as a divinity, (c) the desire to continue living, (d) the desire to die quickly, and (e) the desire to live a sensual life in the next life. Other transgressions include: recollection of affection for friends, recollection of the pleasures enjoyed, and longing for the enjoyment of pleasures in the future.

Sallekhana is a vow available to both Jain ascetics and householders and both men and women, including queens in Jain history. The inscriptions on rocks dating back to the 7th century in South India suggest sallekhana was originally an ascetic practice which later extended to Jain householders. Its importance as an ideal death in the spiritual life of householders ceased by about the 12th century. The practice was revived in 1955 by the Digambara monk Acharya Shantisagara. It is estimated that some 200 Jains fast to death each year, many of them monks. But the fast can be ended at

Continued on page 27

Continued from page 26

any point if the person has a change of heart. Recent happenings in India confirm the continuation of this practice in spite of legal challenges.

Between 1800 and 1992, at least 37 instances of Sallekhana are recorded in Jain literature. There were 260 and 90 recorded Sallekhana deaths among Svetambara and Digambara Jains respectively between 1993 and 2003. 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.

Is Sallekhana similar to euthanasia, assisted death, or suicide?

Is Sallekhana similar to euthanasia or physician-assisted suicide? Assisted death is a model that includes both what has been called physician-assisted "suicide" and voluntary active euthanasia. Physician-assisted suicide entails making lethal means available to the patient to be used at a time of the patient's own choosing and provides the opportunity for the patient to change his or her mind up to the last moment. By contrast, voluntary active euthanasia entails the physician taking an active role in carrying out the patient's request, and usually involves intravenous delivery of a lethal substance. Euthanasia contains a much smaller chance for mistakes and may be necessary in cases where a patient is too sick for self-administration, or no longer capable of swallowing, holding down food, or absorbing oral medication.

Netherlands became the first country in the world to formally legalize euthanasia when the lower house of parliament approved a "Mercy Killing" Bill by a two-thirds majority in year 2000. Assisted suicide is legal in Switzerland, Germany, Netherlands, and the US states of Washington, Oregon, Colorado, Hawaii, Vermont, Montana, Maine, New Jersey, and California, as also Washington, D.C. By comparison, Sallekhana is a natural death since it is not induced by lethal injection or medication.

Is Sallekhana similar to suicide? No, it is not because it is not an act of passion, nor does it deploy poisons or weapons. According to Jainism, Sallekhana is a non-violent and peaceful way of leaving the world when bodily functions had significantly deteriorated and no meaningful living was possible. Instead of it being a mournful end, Jain philosophy views death as a welcome gateway to the next birth. Like many of India's great religions, followers of Jainism believe in reincarnation and karma. Not eating is a nonviolent way to detach from this life and prepare for the next while purifying the soul. All religions emphasize the art of living.

Jain religion goes beyond and also teaches the art of dying. The preparation for sallekhana must begin early, much before the approach of death, and when death is imminent, the vow of Sallekhana is observed by progressively reducing the body and the passions.

One can argue that a person who kills himself by means like poison, weapon, hanging, drowning is swayed by attachment, aversion or infatuation. But he who practices holy death is free from desire, anger and delusion. Hence it is not

suicide.

India's Supreme Court considered a ruling by Rajasthan state court that Sallekhana practice was a form of suicide and must be banned.

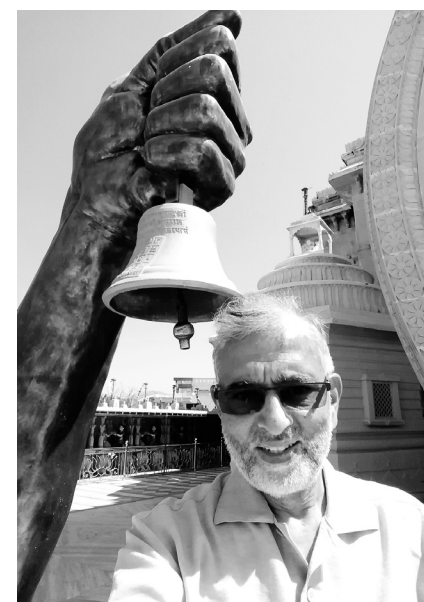
It can be construed as an attempt to commit suicide and thus punishable under Section 309 of Indian penal code. Also those who facilitate Sallekhana are culpable under Section 306 on account of aiding and abetting an act of suicide. The Supreme Court overruled and stayed the Rajasthan court ruling until a full hearing can be scheduled.

Essentially, these penal codes criminalize suicide. Are eastern religions being judged by the standards of Western law inherited from Britain, including the statute that makes suicide a crime? Nobody knows how the Supreme Court will ultimately rule. Jain community argued that prohibiting the practice is a violation of their freedom of religion, a fundamental right guaranteed by Article 15 and Article 25 of the Constitution of India.

Some will argue that choosing Sallekhana for death is an evil similar to sati (when a widow used to jump over the burning pyre of her dead husband). Clearly, there was no free will of the widows in such cases and they became victims of the cruel tradition perpetrated and perpetuated by men.

Finally, it is important to note that 25% of Medicare's annual spending in USA is used by the 5% of patients during the last 12 months of their lives. Religious philosophies like Sallekhana can drastically cut down such astronomically high medical expenses in aggressive measures undertaken to prolong the lives of the dying.

Sources: Internet, Wikipedia, and 'Aagam ke aalok mein, samadhimaran ya sallekhana' (in Hindi) by Dr. Hukmachand Bharill.



Dr. Shailendra C. Palvia is Professor of MIS at Long Island University (LIU) Post. An invited speaker to several countries, he has led several initiatives including a world class journal and annual international conferences. He was Fulbright-Nehru Senior Research Scholar 2016-17. Dr. Palvia is an ardent follower of Jainism and has attended several biennial JAINA conventions. e-mail: shailoo.palvia@gmail.com; Ph: 732-983-7034.

Immigration

By Michael Phulwani, Esq. and Dev B. Viswanath, Esq.

When petitioner dies after petition approved: Humanitarian Reinstatement



If an individual applies for a green card through a relative who is a Lawful Permanent Resident or US Citizen, but the Petitioner passes away before the application process is complete, the individual may still receive their green card, in some circumstances. The principal beneficiary may request humanitarian reinstatement of a petition only if the petition had already been approved before the death of the petitioner. Humanitarian reinstatement is a discretionary form of relief which means the positive factors for granting the petition must be significant.

There is no form or fee required when asking for humanitarian reinstatement. The primary beneficiary must make a written request with supporting evidence to the USCIS office that had originally approved the petition. If the beneficiary had already properly filed an application for adjustment of status with USCIS then the request for reinstatement should be sent to the USCIS office that has jurisdiction over the adjust-

ment application. The request would normally include the following documents (but this is at a minimum):

- ▶ The name of the primary beneficiary and the deceased petitioner's name;
 - ▶ The receipt number of the petition;
 - ▶ Death certificate of the deceased petitioner;
 - ▶ A substitute sponsor;
 - ▶ Proof of the substitute sponsor's relationship to the beneficiary; and
 - ▶ Any evidence showing that a favorable exercise of discretion should be given to the beneficiary.
- If the beneficiary was required to have Form I-864 and the petitioner dies, the beneficiary must either have a new Form I-864

from a substitute sponsor or Form I-864W, for an exemption. The substitute sponsor must meet the following requirements:

- ▶ A U.S. citizen, national, or lawful permanent resident;
 - ▶ 18 years old or older; and
 - ▶ Be the beneficiary's spouse, parent, mother-in-law, father-in-law, sibling, child, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, grandchild, or legal guardian.
- When deciding on whether or not to grant request humanitarian reinstatement USCIS considers many factors such as:
- ▶ If the beneficiary is elderly or in poor health;
 - ▶ How long the beneficiary had resided in the U.S.;
 - ▶ If the beneficiary has strong ties to their home country;
 - ▶ The impact of revocation on the family living in the U.S., especially on the family who are U.S. citizens or lawful permanent residents or other relatives lawfully living in the U.S.; and

▶ If the beneficiary had waited an unusually long time for the case to be processed and the delay is because of the government.

If the humanitarian reinstatement request is granted USCIS will notify the beneficiary and send its decision to either the Department of State or to the USCIS officer processing the beneficiary's adjustment case, if they are outside the U.S. If the humanitarian reinstatement request is not granted USCIS will notify the beneficiary in writing. USCIS's decision

cannot be appealed and therefore if denied the beneficiary will need to find a different way of getting an immigrant visa or green card. But it also does not preclude the beneficiary from filing for reinstatement again, if more equities are discovered or if they have new legal counsel who may have the ability to present a stronger case than previously submitted. This is a great form of relief for people and families when they have already suffered the loss of a loved one.

Dev Banad Viswanath is the Principal Attorney of The Banad Law Offices PC in the United States, and Banad Immigration in India for which Attorney Michael Phulwani is also affiliated as Of Counsel. With Offices in Manhattan, Queens, Bangalore, and Mumbai, the firm is able to assist clients with all facets of the immigration process, including Employment Visas, Consular Visa Assistance, Student Visas, Removal & Deportation, US Citizenship and Green Card Applications based on Family or Employment. Dev B. Viswanath can be reached at Dev@Banadlaw.com and 718-361-5999. Dev will be working from the India offices from November 5th to November 20th for any assistance or consultations.

