

The Abominable crime Thalaikoothal: Indian Euthanasia

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Abstract

India and its culture is famous for various rituals and customs, that at times are meaningful and not. Religiously followed and practised by the respective congregations from a very long time a lot of ritualistic crimes are committed in the name of spirituality and religion. Thalaikoothal, an unknown Indian senicide which has been particularly visible in the state of Tamil Nadu, but maybe prevalent in other states of India under different names. An unspeakable and hidden crime that is being committed without any hesitation unnoticed. This paper gives an overall review of Thalaikoothal reports, method of the crime, and a brief explanation of theories related to the crime pattern. Conclusively gives a few recommendations to curb the illegal activity that is ongoing in villages.

Keywords: Criminology, Indian rituals, Rights, Senicide, Victimology.

1. Introduction

Today's perpetrators are tomorrow's victims is the reality that states the one who commits crime today can be the one being affected tomorrow as the time passes by. Throughout the ages and in most cultures, spiritual and religious thinking have dealt extensively with offending (person against person and person against the Divine), the response to offending, and rehabilitation of offenders (Amitay, G., & Ronel, N., 2022).

When a person ends his life by his own act we call it "suicide" but to end life of a person by others though on the request of the deceased, is called "euthanasia" or "mercy killing". Euthanasia is mainly associated with people with terminal illness or who have become incapacitated and don't want to go through the rest of their life suffering. A severely handicapped or terminally ill person should have the right to choose to live or die. The right to choose to live or die should not be a right allocated for bodied individuals of sound mind but to all human beings (Chatterjee, P. 2015).

The act of killing an elderly person is called senicide, sometimes referred to as geronticide. Both active and passive techniques, such as senio-euthanasia or selfless self-sacrifice, can be used to describe it. When an aged individual loses their ability to support the family, close family members frequently commit themselves. One of the main causes of senicide's historical and current practice in several parts of the world is poverty. One type of active euthanasia that is frequently carried out without consent is senicide (Amitay, G., & Ronel, N., 2022).

Senicide violates the right to life of Article 21 of the Indian Constitution which restricts every form of euthanasia except passive euthanasia. It is an offence according to Section 300 of the Indian Penal Code and is punishable as a culpable homicide, but not murder. If consent was not given, it is considered a murder according to Section 300. Although it is illegal, the practice continues to occur at the same rate, but surreptitiously

Thalaikoothal is one of the Indian traditional practices of senicide or involuntary euthanasia, by their own family members, observed in some parts of the southern districts of Tamil Nadu State of India. 'Thalaikoothal' which means 'thalai' meaning head and 'Koothal' giving bath which is also known as 'the last bath'. This bone-chilling crude ritual is practised in more than 40 villages of the State and is still popular among the locals. The practice is part of traditional places in various districts such as Virudu Nagar, Madurai, Thoothukudi, Tirunelveli and Theni districts (Sunger, V., 2020).

This inhumane act is not very ancient and likely evolved only around the time of British invasion during famines. Although it is not even a long-lasting custom, people living in those villages where Thalaikoothal prevails have accepted this practice. The acceptance is so high that sometimes, the aged people seek it by themselves almost resembling a kind of deliberate self-harm behavior akin to suicide often, Thalaikoothal is performed on elderly people who are terminally ill or bedridden. It is also a frequent practice in economically weaker families which view the elderly as a burden even without any terminal illness. There have also been cases where Thalaikoothal was done to get hold of ancestral property or to obtain the government jobs of the parents. It is to be noted that these kinds of practices are not restricted to rural India. These are also seen in several cultures all around the world including practices such as “Ubasute” in Japan, “Lapot” in Serbia, “Attestupa” in Scandinavia, and similar rituals in Israel and Sardinia (Roy, C., 2011).

Although women's status in India is often low, men are more frequently the victims of Thalaikoothal, in part because assets are generally in their names, providing an incentive. Also, daughters-in-law who provide most elder care are reluctant to assist men, given social taboos. In addition, some perceive men's housekeeping skills as limited in male-dominated India, leaving them seemingly dependent (Roy, C., 2011).

Mercy killing is a crime in the rest of India but 'Thalaikoothal' has the sanction of societies in villages of different parts of Tamil Nadu. Villagers in these areas consider it their duty to “help” elders to die once they are too weak to earn their bread (Sunger, V., 2020)

Legal status of euthanasia in India

The legal position of India cannot and should not be studied in isolation. India has drawn its constitution from the constitutions of various countries and the courts have time and again referred to various foreign decisions. In India, euthanasia is undoubtedly illegal. Since in cases of euthanasia or mercy killing, there is an intention on the part of the doctor to kill the patient, such cases would clearly fall under clause one of Section 103 of the Bharatiya Nyaya Sanhita, 2023. However, as in such cases there is the valid consent of the deceased Exception 5 to the said Section would be attracted and the doctor or mercy killer would be punishable under Section 105 Bharatiya Nyaya Sanhita, 2023 for culpable homicide not amounting to

murder. But it is only cases of voluntary euthanasia (where the patient consents to death) that would attract Exception 5 to Section 103 of the Bharatiya Nyaya Sanhita, 2023.. Cases of involuntary euthanasia would be struck by provision one to Section 92 of the Bharatiya Nyaya Sanhita and thus be rendered illegal. The law in India is also very clear on the aspect of assisted suicide (The Feed. ,2023).

Criminological perspective

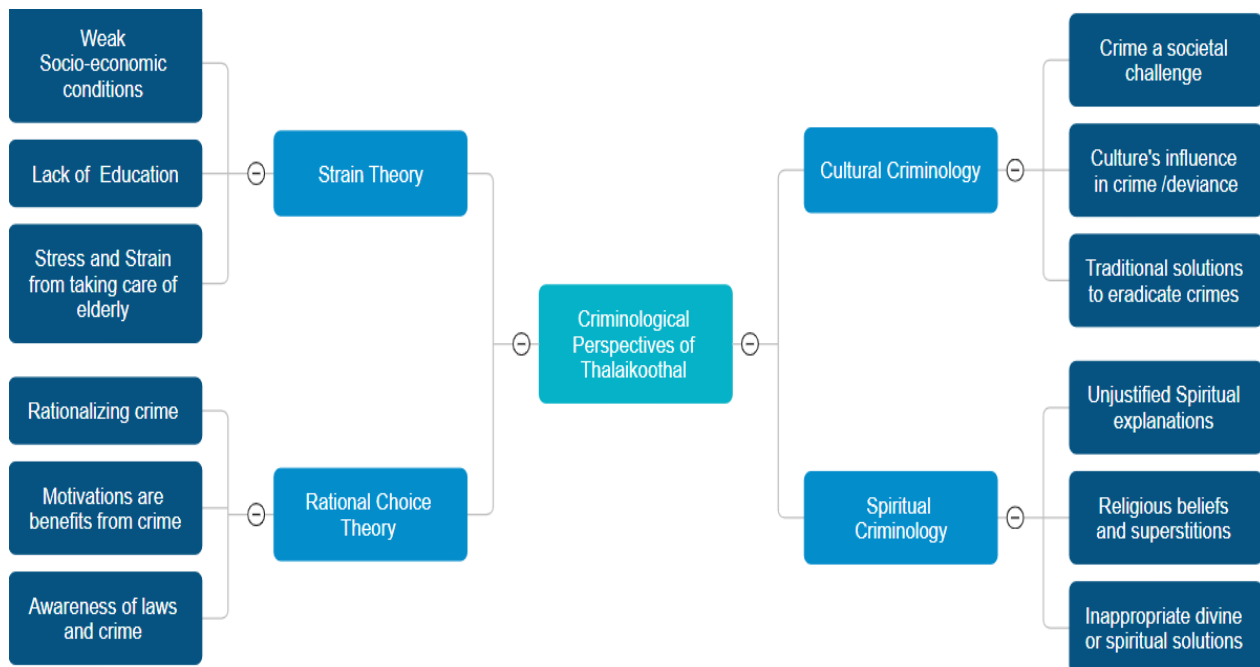


Figure 1: Criminological theories correlated to Thalaikoothal

Cultural criminology explores ways in which cultural dynamics intertwine with the practices of crime and crime control in contemporary society; put differently, cultural criminology emphasises the centrality of meaning and representation in the construction of crime as momentary event, subcultural endeavour, and social issue. In this study the traditional practice of Thalaikoothal is influenced by the culture of the particular societies to commit senicide (Wickert & Ilan, 2019)

Spiritual criminology explains that the major problem with spiritualistic explanations is that they can't be tested and proven scientifically and either proved empirically. Elderly people are considered one of the weakest and vulnerable groups as they have all the resources stored and wealth in hand. As well as being physically and mentally weak it is easier to manipulate and harm. The spiritual theory in criminology states Spiritual explanations for crime were rooted in people's religious beliefs and superstitions. The guilt or innocence of a crime, like victory or defeat in battles or disputes, was believed to be decided by divine intervention. Therefore, in the case of Thalaikoothal, which is being practised in the name of religion and culture, it can be less questioned (Amitay & Ronel, 2022)

Another theory that can be compatible with the ritual is Strain theory, which explains due the strain and stress faced by the perpetrator from the victims', crimes can be committed. This study can be related to the socio economic conditions, lack of education and difficulty in taking care of the elderly that can lead to the commission of crime (Merton, 2023)

Decisively the final theory that can be associated to explain this ritualistic crime is 'Rational Choice Theory'. where the offenders think rationally about the benefits and loss from committing the crime. In this senicide, the benefits of killing the sick elderly of the family is wealth and property owned by them, which once after their death goes to their close ones. Therefore, Thalaikoothal is not yet considered a crime by the laws of the nation, it keeps continuing. (Perera, 2024)

Modus operandi of Thalaikoothal

In every crime the modus operandi matters for the apprehension and conviction of a criminal but when a modus operandi is linked to religious ritual then paving it to the legal aspects is problematic. But in the case of Thalaikoothal, the practice is not even based on any religion or spiritual practice but an age-old ritual of crime against the elderly. The course of action is the highlight in the practice of Thalaikoothal doesn't look like a culpable homicide rather a gathering of spiritual ritual for peaceful rest of the elderly (Sunger, V., 2020).

The traditional way is to wake up the elder early on the fateful day and pour litres of sesame oil over his or her head. The ritualistic bath lasts for hours. A dripping of cold water follows. The near-dead victim is then given tender coconut water infused with a cocktail of herbs that is sure to damage the kidneys. The entire process causes high fever or even pneumonia. Death follows in two days. Sometimes this cruel practice also involves a head massage with cold water, which eventually lowers the body temperature and the victim collapses due to heart failure. Some other methods to attain the ill-motive involve 'milk therapy' where the victim is forced to drink cow's milk (while his nose is being plugged) which makes the breathing difficult for the sufferer and eventually he/she dies of suffocation. Sometimes a dose of poisons and lethal injections are also given to kill the elderly. It is not long ago when the person would be given a thick mixture of mud and water if the oil and coconut water failed. Reducing a sick or frail person's body temperature can bring on heart failure which can also induce renal failure

Literatures review

A Few important studies that gives a brief idea about Thalaikoothal :

According to the study titled 'A socio-cultural inspection on the killing of Elderly people in Tamilnadu nadu conducted by M. Priyamvadha, Assistant Professor in the Department of Criminology of Madras University, 2019 about 30 percent of the respondents of the study acknowledged that geronticide was being practised as a ritual killing in the State, while 22 per cent of the respondents acknowledged that death-hastening ceremonies were being performed to terminate the life of the elderly. The offenders choose from a range of 26 different methods to kill. The respondents have cited a variety of reasons for the illegal act which includes 'concern' for their parents, irreversible physical or mental condition (of the elderly) and poor economic situation. Contentions such as the respondents not wanting their parents to suffer during old age, claiming a situation where there was no scope for improvement in physical or mental condition of the elderly and poor economic conditions continue to be the major reasons behind the illegal practice (Priyamvadha, 2019)

A study by (Thomas & Kumar, 2023) a critical study that analyses the act of ‘Thalaikoothal,’ performed on ill and infirm older people in the southern part of the state of Tamil Nadu, India, with reference to two Tamil films, K.D. (2019) and Thalaikoothal (2023), which portray the horrors of the practice. The study further identifies the underlying factors contributing to the prolonged existence of Thalaikoothal even in the present times, factors like the changing socio-demographic conditions, increased migration of younger family members to cities and towns for jobs, lack of social security for the elderly, nuclear family system, modernization, and the rising ageing population. Along with these reasons mentioned above, elderly abuse in a country like India can be attributed to distinct regional and personal matters that serve the interest of the younger generations.

A study by (Gandhi, 2024) stated about the traditional ritualistic practice of senicide which is hidden and ongoing . The paper further gives suggestions to eradicate the crime from society and recommends to save elderly from domestic victimisation.

Another study by (Chatterjee, 2015) which explains about Thalaikoothal : The practice of Euthanasia in the name of custom. This study elaborates on various laws affiliated to the crimes against the elderly and explains about the rights of elderly people that's being violated.

An analytical study by (Sunger, 2020) gave an overview of Thalaikoothal with a Emile Durkheim functional approach that mentions relevant concepts such as anomie, disintegration and social pathology to make sense of the circumstances that are making some Indian families use this practice.

Senicide in different countries under different names

Kenya

Children may murder their parents or grandparents if they believe they are possessed in some coastal areas, witchcraft is used to heal them. Over 400 elderly people are reportedly killed and over 1,000 are threatened with death in this region each year, according to the founder of an old age rescue centre close to Malindi (Nobel, 2013)

North Africa

Older Troglodyte people who were unable to tend to their flocks would occasionally tie the tail of an ox around their necks in an attempt to suffocate themselves (Williams, 2018)

Inuit - Antarctica Region of Canada

Historically, unless there were famines, Inuit would rarely abandon their old to perish on the ice. That Inuit senicide had ever been a frequent practice is reported to have ended in 1939 (Williams, 2018)

Japan

Legends in the past have said that , a custom of abandoning old women also known as “Ubasute” was carried out in Japan, where an elderly or sick relative was abandoned to die on a mountain or in some isolated places. Nonetheless, there is no proof that this has ever been a widespread practice (Williams, 2018)

Korea

As per the Korean mythology a procedure known as “Goryeo Jang” was carried out in Korea whereby an elderly was abandoned and starved to death. Goryeo burial derived its name from the Goryeo dynasty which was present in the China and Japan regions (Williams, 2018)

Scandinavia

The ättestupa, according to Nordic tradition, is a cliff where old people are supposed to have leaped or been thrown to their deaths. Although the urban legend and metaphor for inadequate senior welfare have endured, a researcher contends that the activity never took place (Jesudasan, 2016)

Serbia

Lapot is a legendary mythical technique of getting rid of one's parents in Serbia (Nobel, 2013)

Ancient Rome and Greece

The fabled practice may have started when the Athenians besieged the island, despite the fact that there are numerous variations of the Keian narrative. To protect the food supply, the Keians decided that everyone over 60 should drink hemlock to commit suicide. The second instance of Roman senicide took place on the island of Sardinia, where the sons of 70-year-old fathers offered their bodies as sacrifices to the titan Cronus. The giant Cronus converted their sons into fathers (Nobel, 2013)

Initiatives to abolish this crime

Following a leak in the Virudhunagar district in 2010, the administration deployed teams of officers and youths in those districts to keep an eye on the elderly. The police in these regions reinforced stringent community policing to guarantee the safety and security of these senior residents. Numerous examples of elderly individuals going missing and unexpected deaths were documented even after the strict measures (Gandhi, 2024)

In order to shed light on this malpractice and expose the practice, the 2019 Tamil film K.D. Engira Karuppudurai was inspired by the story of Thalaikoothal, in which the family of an elderly man who has been comatose for months plots to murder him. The story of Thalaikoothal is also told in the 2019 Tamil film Baaram, which won a national award (The Economic Times, 2023)

It is important for senior folks to know that laws exist to protect and enhance their quality of life. Additionally, 14567, the government's National senior citizen helpline number, is available throughout India. Furthermore, non-governmental organisations (NGOs) such as HelpAge India, Catastrophe and Trauma services helpline number 1099 are actively contributing to the decrease in the prevalence of these practices. In Tamil Nadu 1253 and 100 are police control room numbers that coordinate and swiftly respond to distress calls (Government of Tamil Nadu, 2021)

Even with all of these efforts building up over time, this horrible ritual has changed in nature and is currently claiming lives with deadly injections, sleeping medications, and pesticides. The Valium tablets that medical practitioners typically prescribe can cause extreme sleepiness, delayed respiration, coma, or even death. If none of these methods work to kill the patient, a fraudulent medical help is called in to

administer a mixture of poisons through injection, and some lethal medications are prescribed to achieve the desired outcome.

While India is debating the ethics and legalities of assisted suicide, three areas in the state of Tamil Nadu in the south have been covertly practicing a domesticated form of the practice for decades, if not centuries. Under the guise of culture, religion, custom and practice, gruesome murders are being committed and go unnoticed or the society turns a Nelson's eye.

Recommendations to eradicate Thalaikoothal

1. **Impactful Laws:** Make sure that those who commit Thalaikoothal are held accountable and prosecuted in accordance with current laws. To serve as a deterrence, impose sterner penalties that are directed at individuals engaging in such crimes.
2. **Awareness Campaigns:** To sensitise people about Thalaikoothal's illegality and immorality, start efforts to raise awareness. Disseminate the word through a variety of media outlets, such as print, radio, social media, and television.
3. **Community Outreach:** Convince the local influencers, religious leaders, and leaders of the community to combat the practice. Organise community gatherings and workshops to talk about the injustice of Thalaikoothal and to emphasise the importance of elder care.
4. **Support systems :** Government and non-governmental support structures should be established to offer elderly individuals' monetary, medical, and psychological support. Establish daycare facilities and senior housing so that the elderly can get the care and attention they need.
5. **Financial Assistance to Families:** Offer financial support as well as benefits to families that are caring for senior family members. To lessen the financial strain on families, implement pensions and social security programs.
6. **Medical help :** Make it easier for the elderly to obtain healthcare services so that they can get the care they need on time. Encourage the provision of geriatric healthcare and prepare medical personnel to handle the needs of the ageing population.
7. **Legal Recognition:** Inform the general public about the legal ramifications of taking part in Thalaikoothal. Help families and individuals who expose such activities by providing legal aid and support. For example : Implementing Acts such as the Sati Prevention Act, 1987 that prevents Sati Act and its glorification or anything related to the Act (Government of India, 1987)
8. **Research and Evaluation:** Carry out studies to find the underlying causes and incidence of Thalaikoothal. To stop these kinds of harm, keep an eye on areas where this crime is practised and keep checks on the senior population.
9. **Helpline systems :** Establish reporting procedures and helplines so that anyone can easily and anonymously report cases of Thalaikoothal. Make sure that reports are immediately and seriously considered and swiftly acted upon.
10. **Collaborative Measures:** In order to handle the issue meticulously, promote cooperation between the government organisations, non-profit organisations, medical professionals, and local organisations along with the community associations.

By combining these efforts, it is possible to work towards eradicating Thalaikoothal and ensuring and enhancing the safety and dignity of geriatric community, who are the treasure of a nation just as the youths are.

Conclusion

As we know it's a clear case of crimes against the elderly with less visibility committed in our country. It is less known by today's generation as it's an old age crime in the name of a peace grave. If gone unnoticed and unreported it can be a repetition of cycle that can lead to multiple perpetrators and victims.

Banishing age-old crimes that are unjust and practised as rituals in the name of traditional custom and culture, is the prime duty of the judiciary of the country. While Thalaikoothal is one such practice that haunts the elderly citizens of Tamil Nadu's few districts. As known violence begets violence, therefore, it is time to stop one such act of adult criminality. As every human has the right to live its high time to fight for the vulnerable souls.

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