



Should attempt to suicide be decriminalized?

## Description

### In Favor :-

- The person, who attempts suicide feels devastated in life already. If she/he dies, there is no question of arrest. But if failed, her/his life may become more miserable because of punishment. So, there are arguments that section 309 in IPC should be repealed.
- Attempt to suicide is a diagnosable mental disorder. World Health Organization has pointed out that criminalizing suicide discourages people from reaching out for medical help and treatment.
- If attempt to suicide is a crime, it'll cause a delay in giving treatment to the patients, who fails in suicide attempt as they have to file medico legal case. This will make the victims more traumatized. Sometimes this may lead to loss of valuable lives.
- Madya Pradesh expressed its concern that if suicide is decriminalized, section 306 may lose its relevance. (Section 306 – If any person commits suicide, whoever encourages the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.) But even if attempt to suicide is not a crime, those who abets suicide will face punishment. In Gian Kaur case (1996), supreme court stated that, "Section 306 enacted a distinct offence which is capable of existence independent of Section 309".
- Bihar expressed its fear that suicide bombers may take advantage of it to eliminate all the evidences of the criminal. And it also said that criminals may take their own lives, when they caught by police. But these are minor concerns because there are several anti-terrorism laws, which deal with these kind of issues.
- There are also arguments that decriminalizing suicide will automatically legalizes Euthanasia. But mercy killing is a very different concept and these two should not be merged. In suicide, no third party is involved. But in euthanasia the third party is crucial. Of course mercy killing should be legalized, but suicide and mercy killing are different.

### In Against :-

- Criminalizing suicide can act as a deterrent. And if it is decriminalized, the no. of suicides may increase.

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- There are arguments that suicide is a individual's choice, hence it should be respected. But the fact is suicide causes a lot of distress to the victim's family members. So it can't be termed as their own personal issue.
  - If suicide is decriminalized, chances of taking advantage of it will be very high, particularly by mother-in-laws, daughter-in-laws or even by children in the case of elderly parents.
  - It'll be taken as an advantage by the people, who protest by fast-unto-death.
  - Those, who attempt suicide because of mental disorders and those, who are having difficulties in life are mixed up under one law.

### Timeline :-

- Attempt to suicide is punishable by a one-year jail term under 'Section 309' of Indian Penal Code.
- India has the highest suicide rate in the world after China.
- After French revolution (1789), many European countries decriminalized attempt to suicide.
- Attempt to suicide is not a crime in Britain, Sri Lanka, Russia and in some states of USA too.
- It's a crime in Singapore, Malaysia, Pakistan, Bangladesh and some other countries.
- In 1971, Law commission of India recommended to repeal sec 309. And the amendment bill was passed by Rajya Sabha in 1978. But the bill was lapsed as Lok Sabha was dissolved in 1979.
- In P.Rathinam case (1994), Supreme court stated that the right to life under Article 21 of the Constitution included the "right not to live a forced life".
- In Gian Kaur case (1996), Five judge bench overruled the previous judgement, upholding the validity of Section 309.
- After the pronouncement of the judgement in Gian Kaur, in 1997, Law commission of India recommended retention of section 309.
- Again in 2008, Law commission of India recommended to repeal the law.
- Views of all states and union territories were sought on the recommendations of the Law Commission, because law and order is a state subject. The Law commission's recommendation is supported by 18 states and 4 Union territories.

### Some interesting facts :-

- It is believed that, there are laws against suicide in many countries mainly because Christianity opposes suicide.
- Manusmriti, a Hindu Scripture mentions that suicide is circumstantially permissible.
- In ancient Athens, a person who had committed suicide (without the approval of the state) was denied the honors of a normal burial. The person would be buried alone on the outskirts of the city, without a headstone or marker.
- A criminal ordinance issued by Louis XIV in the year 1670 was far more severe in its punishment. The dead person's body was drawn through the streets, face down, and then hung or thrown on a garbage heap. Additionally, all of the person's property used to be confiscated.

### Conclusion :-

Attempt to suicide should be decriminalized as it's not at all right to punish the person, who is already depressed in life. Instead of punishment, rehabilitation centers should be set up and counseling or treatment for mental ailments should be given. And separate laws must be there in order to avoid the chances of abuse of section 309's deletion.

**Afterwords :-** What are your thoughts on this topic? Feel free to express your opinion in the comment section below.

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