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Decriminalisation of Attempt to Suicide

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ABSTRACT

Problems plague suicidal persons. These issues led to suicide. Punishment—not therapy. Before ending their life, one must try everything to fix it. After all else fails, suicide is contemplated. Imagine this guy miscalculated suicide time or poison. Since they survived, the state wants to imprison them. Emotional, professional, financial, or romantic issues may have caused suicide. Instead of labeling these people criminals, the state should try to understand what created such a tough choice and how to address it. Criminals. Avoid calling survivors "criminals." Only then can the state defend its citizens. Behavioral and psychiatric science should manage suicide attempts, not the courts. Suicide attempters should be helped by the legal system, not imprisoned. Instead of jailing suicide attempters. India's soaring suicide rate necessitates decriminalizing attempted suicide. High suicides. They're not criminals—they couldn't handle the load. Survivors should be supported by the state. The problem with locking up these people is that they won't get the care they need and may become mentally ill, which may cause problems in society. For the majority's sake, the state should cure them and bring them back to normal.

Keywords: Decriminalization, Suicide, Criminal, Metal Health.

I. INTRODUCTION

If a person makes an attempt to take their own life, it is extremely likely that they are struggling with a considerable amount of problems in their life. It is possible that many of these issues are what drove them to this point in their lives, where they have decided to take such extreme measures as terminating their own life by ending their own life by taking their own life. Instead of concentrating on how to provide someone with therapeutic support, the system is more concerned with coming up with new ways to punish them while they are trying to work through their issues. Before ever considering ending their own lives, a person must first reach the point where they believe they have done everything in their power to put their lives back on track and have tried every alternative that was accessible to them. Prior to ever entertaining the thought of taking their own lives, Alternately, prior to ever contemplating ending their own lives, they must have exhausted all of these possibilities until they were unable to achieve the desired result. Imagine for a second that this individual was unable to terminate their own life as they

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had intended because they had made an error in calculating the amount of time needed or the quantity of poison needed for the method of suicide that they had chosen. This is something that actually happened. Imagine for a moment that this individual was spared from being put to death; nevertheless, the state still wants to throw this individual behind bars as a direct result of the fact that this individual was spared from being put to death. What would you do in this situation? It is possible that a person's problems in their personal life, their professional life, their financial situation, or their relationships led them to the decision to end their own life by ending their own life by taking their own life by committing suicide. The state should not simply label these people as criminals; rather, it should make an effort to understand the nature of the problem that prompted the individual to make such a difficult choice, and it should also consider the ways in which it can contribute to the effort of finding a solution to the problem. The state should not simply label these people as criminals; instead, it should make an effort to understand the nature of the problem that prompted the individual to make such a difficult choice. When this condition is met, only then should the state label these people as criminals.

Instead of labeling these individuals as "criminals," the state should take this action. After this condition is met, and only once this condition is met, the state can be appropriately described as the body that guards the lives of the people who dwell in the country. Suicide attempts are currently thought to fall under the scope of the legal system, but they should be the responsibility of the behavioral and psychological sciences division. The judicial system should treat those who attempt suicide as human beings who require assistance in resuming their lives, rather than treating them as criminals who must be punished by being locked up.

It is imperative that the crime of attempting to suicide be decriminalized in India because of the alarmingly high number of suicides that have occurred in recent years; there must be another solution to this problem besides simply locking these people up in prisons. Due to the alarmingly high number of suicides that have occurred in recent years, it is imperative that the crime of attempting suicide be decriminalized in India. This is what the legal system should be doing rather than simply labeling people who make suicide attempts as criminal. The number of people who have taken their own lives in recent years has reached a concerning high level. They are not people who have committed crimes; rather, they are people who were not able to deal with the great pressure that was put on them, and it was not their fault that they were unable to cope with it since it was not their fault that they were put under such extreme pressure. These individuals who survived the tragedy ought to be able to receive aid from the state in overcoming their anxiety and regaining their will to live, and the state ought to be able to take into account the critical nature of this component.

The issue with locking up these individuals is that they will continue to be denied the actual assistance that they require and will eventually develop a mental illness as time goes on. Because of the potential for this to cause issues in society as a whole, it is in the best interest of the majority of people in society for the state to treat these individuals and help them return to normal life rather than locking them up and contributing further to the deterioration of their mental health.

Whoever attempts to commit suicide and undertakes any act towards the commission of such an offense must be punished with simple imprisonment for a term which may extend to one year or with a fine or both, as stated in Section 309 of the Indian Penal Code (IPC).

Article 21 of the Constitution of India states that "No individual shall be deprived of his life or personal liberty except according to the procedure established by the law." In spite of the fact that the Constitution protects people's rights to life and liberty, it does not include a provision for the "right to die." The right to life guaranteed by the Constitution does not protect individuals from the consequences of their own attempted suicide. In light of section 309, there are a few questions that need to be answered.² To begin, this conduct falls under the heading of offenses that are specified in Chapter XVI of the Indian penal code. All of the other crimes that fall under this category include ones that are committed to the "human body of the other person," therefore an attempt at suicide falls under the same category of crimes as all of those other crimes. It is possible to deduce that someone tried suicide based on their desire, which can be inferred from their surroundings. However, the goal may not be evident or may be open to interpretation in many instances. Therefore, few people care whether or not the act of attempting suicide is treated as a criminal offense in the eyes of the law. In a landmark judgment handed down in 1985, the Delhi High Court stated that "the continuance of Section 309 I.P.C. (criminalizing suicide) is an anachronism unworthy of a human society like ours." During the British Raj Regime in 1860, the Indian Criminal Code was drafted, and at the time, it was mostly based on British law. Until then, India was still a part of the British Empire. Suicide is still considered a crime in India, despite the fact that it was decriminalized in Britain in 1961. This is due to India's outdated legal system. Helping someone carry out a suicide, as defined by section 306 of the Indian Penal Code, is a crime, however, aiding someone in carrying out an unsuccessful suicide attempt is not. section 305 of the Indian Penal Code covers the act of assisting a kid in committing suicide. The punishment for these crimes ranges from one year to ten years of

² Ranjan R, Kumar S, Pattanayak RD, Dhawan A, Sagar R. (De-) criminalization of attempted suicide in India: A review. *Ind Psychiatry J*. 2014 Jan;23(1):4-9. doi: 10.4103/0972-6748.144936. PMID: 25535437; PMCID: PMC4261212.

incarceration in addition to hefty penalties. The aforementioned sections regarding aiding and abetting a completed suicide would not be affected or changed in any way by the repeal of Section 309.

It is an affront to human dignity to make suicide illegal conduct, to punish those found guilty of participating in such actions with incarceration and monetary fines, and to criminalize suicide acts as a means of ending one's own life. The act of suicide behavior is often a symptom of psychiatric disease or is an act of psychological anguish, indicating that the person requires assistance in his personal and psychological life rather than punishment in the form of a fine and/or incarceration. [Case in point:] This is true for the great majority of behaviors that are considered to be suicidal. Even though only 35% to 50% of people who tried suicide had previously made contact with a mental health professional, as much as 93% of those who attempted suicide were judged to be experiencing a mental disorder at the time of the act. Punitive actions will have the opposite intended effect and increase the likelihood that suicidal people will experience depression, and anxiety, and attempt suicide again. Not only that but there are usually multiple causes for suicidal thoughts and actions, some of which are outside of the control of the individual who is suicidal. Endogenous biological causes, socioeconomic issues like poverty, romantic dissatisfaction, financial difficulties, familial problems, and other similar elements are all included here. Legally speaking, it might not even be a crime against the state. However, the state may have some responsibility for the victim's plight if it leads the victim to feel that suicide is his only option. Any case admitted in India following a failed suicide attempt should have a "medico-legal" stamp added to the file. This stamp should be kept confidential and stored in a secure location. The Medical Superintendent of the hospital is obligated to report the situation to the police so that the appropriate procedures and actions can be taken. Whenever there has been an attempted suicide, the police will typically pay a visit to the hospital to question the victim and their family about the events leading up to the attempt. Fear of punishment, the anguish and embarrassment of dealing with police and courts, and often needless delays or even refusals from hospitals are all factors that contribute to this issue. Fear of being punished, the agony and embarrassment of dealing with police and courts. In India, there is still a perception of a lack of adequate execution. When the Indian government was considering whether or not to decriminalize section 309 of the Indian Penal Code, one of the primary concerns that were voiced was the possibility that doing so might result in a rise in the number of people committing suicide. The reporting of instances is still necessary because it enables the government and other relevant agencies to more accurately keep track of the number of individuals who have a requirement for treatment services to be made available to them. It is

a medical-legal case, also known as an MCL, which is a situation in which, after examining the patient, the doctor is required to report it to the appropriate authorities.

According to the most recent report from the World Health Organization (9 September 2019), India has the highest suicide rate in the South Asian area. There are 16.5 suicides per every 100,000 persons in India. According to the October issue of *The Lancet Public Health*, shocking statistics reveal that Indian women account for 37 percent of all female suicides worldwide.

Many senior lawyers, trauma researchers, and psychiatrists argue that decriminalizing the attempt to commit suicide will not increase the number of suicides because a person who commits suicide is not in a state to analyze all the circumstances before him or her; for example, if a person has lost all hope in life and decides to end the agony once and for all, a consequence of the act, no matter how grave it might be, will have very little effect on their decision.

Even though the bill was passed, the director of a suicide prevention hotline AASRA said it has not yet been implemented nationally. It's important to raise awareness about mental health and how to cope with suicidal thoughts across the country. The bill's appropriate implementation is the key to ending the stigma and giving hope back to the survivors who have been through so much.

II. REASONS FOR CHANGE

The awareness that a person who attempts suicide is already suffering from a mental health crisis and is in profound pain influenced the decision to take such a significant action. This choice was inspired by the realization that a person who attempts suicide is already in these states. The awareness that punishing the victim just makes the misery and mental torture they are currently experiencing any worse is the primary driver for this significant shift in perspective. If someone has attempted to end their life in an extreme manner but was unsuccessful, the most effective way to deal with them is to give them or access to rehabilitation services rather than putting them on trial and possibly punishing them for their actions. This is because a trial can send the wrong message to the person who attempted to end their life.

The action has provided the victims with the opportunity to take advantage of a second chance at living their lives rather than becoming mired down in the problems caused by the legal proceedings. in order to put a stop to the harassment that is being directed towards a victim who is already experiencing a significant degree of mental and emotional strain. It is a widely held view as well as a tragic truth that a person who attempts suicide is suffering from a mental illness and has abandoned all hope and expectation for their life before to taking their own life. This is the case even if the individual succeeds in ending their own life. This is an inaccurate

assumption to make.

III. SCENARIO IN OTHER COUNTRIES

The act of attempting to take one's own life is no longer a crime in almost every nation on the planet, including the United States of America, England, many countries in Europe, a few states in South America, and others.

³The foundations of India's common law system may be traced back to the time when the United Kingdom dominated the subcontinent as a colonial power. To attempt suicide is no longer a crime in England because of Section 1 of the Suicide Act, which was passed in 1961. According to the passage, the rule of law that formerly punished those who attempted suicide has been abolished. In spite of the death penalty's repeal, a person convicted of aiding, counseling, soliciting, or facilitating another person's suicide or an attempt to commit suicide still faces the prospect of a sentence of imprisonment lasting up to 14 years. After the decriminalization of suicide attempts in England between 1961 and 1974, the number of such occurrences dropped, as reported by the Office of National Statistics. Such a drop occurred during the study's time frame. The act of attempting suicide was not criminalized in Germany until 1751, making it the first country in the history of the world to do so.

In 1972, 1998, and 1993, respectively, Canada, Sri Lanka, and Ireland repealed their respective laws criminalizing the act of attempting to commit suicide.

One is allowed to offer emotional assistance to another person who is suicidal in the Netherlands. As a result of the criminal nature of the activities involved, it is against the law for anybody to assist in the preparation, supply, or training of another person's suicide attempt.

⁴The Criminal Law Reform Bill, which proposed the decriminalization of an attempt to commit suicide on May 6, 2019, was recently passed and became law in Singapore, which led to the recent decriminalization of the related offense of attempting to commit suicide. The Act will begin carrying out its provisions on January 1, 2020. In the past, a person who attempted to end their own life might have been sentenced to a maximum of one year in prison for their actions. It is still against the law to incite another individual to commit suicide or to aid them in doing so.

There are still some nations, such as Pakistan, Malaysia, and Bangladesh, in which an attempt

³ Lester, D. (2002). Decriminalization of Suicide in Seven Nations and Suicide Rates. *Psychological Reports*, 91(3), 898–898. <https://doi.org/10.2466/pr0.2002.91.3.898>

⁴ Herring, J. (2022). *The Right to be Protected from Committing Suicide*. Oxford: Hart Publishing. Retrieved March 8, 2023, from <http://dx.doi.org/10.5040/9781509949076>

to take one's own life is considered a crime, and those who are found guilty of the crime can be punished accordingly. Sections 325 of the Pakistan Criminal Code, 309 of the Penal Code (Laws of Malaysia), and 309 of the Penal Code (Laws of Bangladesh) each provide for punishments ranging from a fine to a year in prison. The penalties can be combined as well.

IV. CONCLUSION

Even if the Mental Health Care Bill that has been suggested in India is passed into law in the near future, there are still a few concerns that need to be discussed in greater depth. According to Section 124, the person may not be exempt from "prosecution," but they may be free from "penalty." Since the presumption of the law is that a "person who attempted suicide has a mental illness," It is possible for a person who has attempted suicide to be remanded in police custody and brought before a magistrate even after the attempt has been made. In accordance with Section 111 of the Bill, a mental health evaluation and up to ten days' worth of treatment may be offered at a public mental health establishment if the agreement of the presiding magistrate is obtained. Those who have attempted suicide may still be reluctant to seek medical help thereafter for fear of being institutionalized against their will.⁵ This is because seeking help for mental health issues is still fraught with social shame. In addition, there are worries about the possibility of the aforementioned option being abused, as in the case of victims who attempted suicide in the context of domestic violence. Whether as a separate amendment or as part of a mental health bill, suicide attempts should be decriminalized. This would allow for a deeper investigation of the causes of people's attempts at suicide. One of the most pressing policy concerns after the shift from a "legal" to a "medical" perspective on suicide attempts is how to deal with all such attempts. Suicide attempt patients who present to the ER should always be referred for mental consultation. As a result, there is an urgent need to increase funding for primary mental health care services in all parts of the country. Suicide prevention efforts must prioritize the public health approach. Increased awareness, limits on commonly used lethal methods of suicide (such as pesticides and prescription drugs), and control over facilitatory elements like alcohol are all examples of such measures. There is an immediate need for a framework that can facilitate communication between mental health, social services, education, and other relevant fields. Although this change has been a long time coming, it is nevertheless encouraging to observe the recent movement in India toward decriminalizing suicide. This transformation has been a long time coming. Those who survive an attempt at suicide will have

⁵ Ranjan R, Kumar S, Pattanayak RD, Dhawan A, Sagar R. (De-) criminalization of attempted suicide in India: A review. *Ind Psychiatry J*. 2014 Jan;23(1):4-9. doi: 10.4103/0972-6748.144936. PMID: 25535437; PMCID: PMC4261212.

a reduced likelihood of being prosecuted for their actions and will have less emotional distress as a result of their suffering if suicide is decriminalized. More resources should be allocated to programs dealing with mental health so that anyone who has ever considered taking their own life can receive the assistance they require. This objective will not be accomplished until all individuals who have contemplated or attempted suicide have access to mental health services. Those who have made multiple unsuccessful attempts to take their own lives are included in this group.
