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Suicide: Psychology, De-criminalization and a Global Perspective

SALONI SHRIVASTAVA¹

ABSTRACT

Suicide is deliberately taking your own life and plummeting deceased yourself by. The three key components of a suicide are: It must be an unnatural death; (ii) the suicide victim must have the desire to end their life; and (iii) there must be a motivation for doing so. Some people risk killing themselves, but that isn't suicide; it's just not careful and unfortunate. Wide-ranging existential concern like religion, honor, and the purpose of life has influenced people's opinions on suicide. Though attempted suicide is a brutal issue that necessitates mental health intervention, it is nevertheless regarded as an offense under Indian Penal Code section 309. While attempt suicide and suicide were once prohibited, this is no longer the case in the majority of Western nations. In certain nation, it is still a crime. Suicide is considered critically practically everywhere in the globe and is regularly perceived as a great calamity for families, neighbors, and further surrounding supporters. In this paper, author has tried to give details the significance of suicide, its psychology, whether it should be De-criminalized and how diverse countries view it. Suicide is painstaking unfavorably practically everywhere in the globe and is often perceived as a great calamity for families, kin, and other nearby supporters. This paper ends with concluding remarks by the author as per his/her analysis.

Keywords: *Attempt, Crime, Desperation, De-criminalized, Psychology, Suicide.*

I. INTRODUCTION

The Indian Penal Code, 1860 establish an offence for attempt to commit suicide in Section 309. It should be mention that while suicide itself is not a crime under the Indian Penal Code, 1860, an attempt to commit suicide is now authorized by Section 309. The latter was done while captivating into account mens rea, one of the key machinery of the aforementioned crime. Few people think that this condition should be decriminalized, in spite of the fact that some have affirmed it to be unconstitutional.² Suicide is the deliberate act of bring about one's own death. Risk factors include bodily illnesses like chronic fatigue syndrome, alcoholism, and substance

¹ Author is a student at Dr Vishwanath Karad MIT World Peace University School of Law, Pune, Maharashtra, India.

² -, R.G. et al. (2022) All about section 309 of the Indian Penal Code, 1860, iPleaders. Available at: <https://blog.ipleaders.in/all-about-section-309-of-the-indian-penal-code-1860/> (last visited: Nov10, 2022).

abuse such as the use of and withdrawal from benzodiazepines as well as mental troubles like schizophrenia, bipolar disorder, depression, and anxiety disorders.³ Some suicides are impetuous acts brought on by stress, such as pressure from work or school, relationship issues, such as breakups or divorces, or maltreatment and harassment.⁴

The most popular suicide method varies from nation to nation and is in part prejudiced by the accessibility of efficient methods.⁵ Suicides often involve execution, toxic chemicals, and the use of weapons.⁶ In 2015, 828,000 people die from suicide worldwide, up from 712,000 in 1990. As a result, suicide is now the tenth-foremost cause of death in the world.⁷

(A) Literature Review:

- Earl A. Grollman and Max Malikow's book, *Living When a Young Friend Commits Suicide* here Teenage suicide rates have quadrupled in recent years, making a book like this even more crucial. Advice might range from avoiding harmful coping techniques like alcohol misuse to how to talk to people about loss.
- Michael Thomas Ford Young's book *Suicide Notes* Jeff is in good health and has no idea why he is there. He is not welcome here. He's not like the other children in the mental hospital. But as time goes on, he starts to understand why he's here and what it implies for his future. This book examines what it's like for teenagers to have suicidal and depressive thoughts; therefore it may be helpful for those who are experiencing those feelings.
- *The Psychology of Suicide* by Norman L. Farberow and Edwin S. Shneidman: This updated edition is intended for mental health professionals who, at some point or another, all have to deal with a suicide crisis. It makes the point that suicide is almost by no means necessary. Pointless.

II. HISTORY

A person who committed suicide in ancient Athens without the state's consent was not accorded the honors of a traditional funeral. The departed would be laid to rest without a tombstone or

³ Internet archive: Wayback Machine, <https://archive.org/web/> (last visited Nov 11, 2022)

⁴ Suicide in autism spectrum disorders Taylor & Francis, <https://www.tandfonline.com/doi/abs/10.1080/13811118.2013.824834> (last visited Nov 12, 2022)

⁵ Means restriction for suicide prevention Lancet (London, England), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6191653/> (last visited Nov 12, 2022)

⁶ Means restriction for suicide prevention Lancet (London, England), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6191653/> (last visited Nov 12, 2022)

⁷ Prescribed benzodiazepines and suicide risk: A review of the literature Psychiatrist.com, <https://www.psychiatrist.com/pcc/depression/suicide/prescribed-benzodiazepines-and-suicide-risk/> (last visited Nov 12, 2022)

other memorial on the outer edge of the city.⁸ However, it was regarded as a legitimate strategy for treatment military defeat.⁹ While suicide was initially lawful in ancient Rome, it was eventually ruled to be a crime against the state due to the monetary burden it placed on the government. Aristotle and Plato both had opposite views on suicide.¹⁰ In ancient Rome, some causes of suicide incorporated voluntarily taking one's own life in a gladiator match, feeling culpable after killing someone, doing it to save the life of another, going from side to side a difficult time of mourning, avoid shame after being sexually assaulted, and fleeing an unbearable situation.

(A) An overview of Section 309 of the Indian Penal Code, 1860

Suicide attempt is a crime under Indian Penal Code Section 309. Anybody who makes an attempt at suicide or takes any action that contributes to the commission of such an offence is subject to straightforward imprisonment for a time that may not go beyond one year [or a fine, or both] as a penalty.¹¹

"Anyone who attempt suicide and suppose any do rigid to consider towards the commission of such wrong shall be reprimand with easy imprisonment for an example which may increase to one year imprisonment or with fine, or with both," state Sec 309 of the Indian Penal Code. The legislature's sense was understandable when it created this provision, which means that if a being attempt suicide but is unsuccessful, they could countenance up to a year of simple custody, a fine, or both.

In its 42nd Report (1971), the Law Commission of India optional repealing Section 309, claiming the criminal clause is "severe and excessive." After the abovementioned Law Commission's Report was made public, the Government of India settled with the recommendation, and the Indian Penal Code (Amendment) Bill, 1972 was introduce in the Rajya Sabha to repeal Section 309. After being referred to a Special commission of both Houses, the Rajya Sabha adopted the Bill in November 1978 with a few slight changes. The Sixth Lok Sabha was disbanding in 1979 while the Bill was still pending, hence it was void.¹²

⁸ Fatal freedom : Thomas Stephen Szasz : Free download, Borrow, and streaming Internet Archive, <https://archive.org/details/fatalfreedomethi00szas> (last visited Nov 12, 2022)

⁹ Comprehensive textbook of Suicidology Google Books, https://books.google.co.in/books?id=Zi-xoFAPnPMC&pg=PA97&redir_esc=y#v=onepage&q&f=false (last visited Nov 12, 2022)

¹⁰ Understanding dying, death, and bereavement Google Books, https://books.google.co.in/books?id=L8ETDRsB8ZYC&pg=PA290&redir_esc=y (last visited Nov 12, 2022)

¹¹Section 309 in the Indian Penal Code - Indian Kanoon, <https://indiankanoon.org/doc/1501595/> (last visited Nov 11, 2022)

¹² All about section 309 of the Indian Penal Code, 1860 iPleaders, <https://blog.ipleaders.in/all-about-section-309-of-the-indian-penal-code-1860/> (last visited Nov 13, 2022)

(B) Attempt to suicide:

According to Section 309, an attempted suicide is when:

Suicidal attempts and acts that donate to the commission of such an offence are liable to be punished by by simple imprisonment for a term that may arrive at one year, a fine, or a mixture of the two.

The offender's "intention" is a crucial constituent of this section. Suicide must involve on purpose life-ending behavior. This clause does not apply to life-intimidating situations brought on by error, intoxication, lack of care, or distraction. Therefore, Attempt must be premeditated.¹³

(C) Psychology behind suicide:

Behind each attempt and suicide, there is a long-term clash for these people as well as sorrow and anguish among their family and friends. Together, it is clear that prevent suicide is a top issue on a worldwide scale. To improve the detection, intervention, and eventually the prevention of suicide and suicidal behavior, we as clinicians and researchers must make every attempt to improve suicide prevention. Our primary goal is to go forward interdisciplinary knowledge of the causes, causal factors, and facilitators of sociality.

Suicide is a very intricate and nuanced phenomenon, with numerous enabling and behind factors. Numerous elements, counting neurobiology, personal and family history, stressful situation, and the sociocultural environment, may interrelate to determine it.¹⁴

Every suicide is tragic and, to some degree, puzzling. Suicide frequently results from a thoughtful sense of hopelessness. The majority of people who stay alive suicide attempts go on to live full, satisfying lives. However, some people who are not capable to see solutions to issues or cope with tricky life situations may view taking their own life as the only option.

In addition to psychiatric problems, material abuse, chronic pain, a family history of suicide, and preceding suicide attempts, depression is a major risk factor for suicide. Impulsivity is often a factor in adolescent suicide.¹⁵

a. Psychologies Theory:

The first significant hypotheses explanation why people commit suicide on a "individual" level

¹³ The dilemma of S. 309, IPC: Attempt to commit suicide, Legal Service India - Law, Lawyers and Legal Resources, <https://www.legalserviceindia.com/legal/article-6412-the-dilemma-of-s-309-ipc-attempt-to-commit-suicide.html> (last visited Nov 13, 2022).

¹⁴ Yossi Levi-Belz, Yari Gvion & Alan Apter, Editorial: The psychology of suicide: From research understandings to intervention and treatment *Frontiers in psychiatry* (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6458543/>. (last visited Nov 13, 2022).

¹⁵ Suicide, *Psychology Today*, <https://www.psychologytoday.com/us/basics/suicide> (last visited Nov 13, 2022).

emerged from the growing discipline of psychology around the start of the 20th century. According to Freud, everybody has a "death instinct," which is counterbalance by a "life instinct" and is most regularly expressed as rage. Anger's outward expression is suppressed and directed inward when it is publicly and legally restrained. In extreme situations, this domination leads to self-defacement or suicide. Later theories about suicide were however influenced by Freud's theories. For example, Herbert Hendin in the 1990s and Karl Menninger in the 1930s both built on Freud's theories regarding the connection between violence and suicide in their split works.

- When a person doesn't live up to their own unreasonably high standards or encounters hardships or unfavorable experience in life, they are said to be falling short of their standards.
- Internalizing self-blame leads to low self-regard because failures are seen as being entirely the individual's fault.
- When one develops an intensely unfavorable image of oneself in difference to a optimistic point of view of others, it is said to have an aversive sense of nature.
- Negative emotionality and/or negative outcome are the results of the previous phase and might take the form of depression, anxiety, or rage.
- Cognitive restriction is an attempt to put off unfavorable outcome by avoiding and rejecting "significant cognition," whether on purpose or by possibility. The person has limited thinking or "tunnel vision" because they priorities instant demands over long-term goals.¹⁶

III. SECTION 309 OF INDIAN PENAL CODE: IT'S CONSTITUTIONALITY AND DECRIMINALIZATION

The general public is very puzzled about section 309 of the IPC, and very few people believe that both the legislature and the Indian Supreme Court have repealed this section. Some claim that this section is illegal. Some seek the decriminalization of this section. In this article, the writer will attempt to clear up any confusion contiguous section 309 of the IPC, its constitutionality, and the reason why, in the author's opinion, this condition should not be made less restrictive.

A need for decriminalizing the crime under Section 309 of the Indian Penal Code has once again

¹⁶ says:, L. and Says:, [E.P. (2022) Why do people kill themselves?, Centre for Suicide Prevention. Available at: https://www.suicideinfo.ca/local_resource/suicidetheories/ (Last visited: Nov 20, 2022).

come to light as a consequence of the Kerala High Court's decision to throw out a criminal case brought against a local officer for attempt suicide (IPC). In its ruling, the court stated that the majority judges and legal authorities are in favor of decriminalizing suicide attempts. Human dignity is allegedly dishonored by criminal prosecution, imprisonment, and the imposition of severe fines and punishments alongside those found guilty of suicidal behavior¹⁷.

The abolition of section 309 of the IPC

Some NGOs and people with connections to the legal profession have called for the decriminalization of section 309 of the IPC. Their disagreement is that someone who has stress for a diversity of causes will try suicide. Punishing an important person for failing to accomplish their goal is corresponding to punishing them twice. This simply makes their anguish and pain worse. The agony is not tapering by making section 309 of the IPC illegal. consequently, even if it is constitutional, this section needs to be made less carrying a punishment of.

Several times, the legislature attempted to make legal this section, but nothing came of such attempts.¹⁸

According to Section 115 (1) of the Mental Health Care Act of 2017, despite no matter which in Section 309 of the Indian Penal Code, anyone who attempts suicide is supposed to be suffering from severe stress until and unless established otherwise, and they are not tried or punished in harmony with the same code.

According to this clause, it will be unspecified that someone who attempted suicide was under a lot of pressure and cannot be punished and tried under section 309 of the IPC.¹⁹

According to Section 115(2) of the Mental Healthcare Act of 2017, the suitable government has a responsibility to give care, therapy, and treatment to a person experiencing severe stress and creation an attempt at suicide in order to lower the probability of a subsequent attempt.

IV. INDIAN SCENARIO: LEGAL STATUS OF ATTEMPT OF SUICIDE

No person "should be underprivileged of his life or individual liberty if not in accordance with the technique recognized by law," states Article 21 of the constitution. The "right to die" is not sheltered by the constitution, which only protect the rights to life and liberty. The constitutional right to life is not consideration to apply to attempts to end one's own life.

¹⁷ Decriminalise offence of attempt to suicide: HC Return to frontpage, <https://www.thehindu.com/news/cities/Kochi/decriminalise-offence-of-attempt-to-suicide-hc/article65372789.ece> (last visited Nov 20, 2022)

¹⁸Section 309 of IPC, Legal Service India - Law, Lawyers and Legal Resources, <https://www.legalserviceindia.com/legal/article-3185-section-309-of-ipc.html> (last visited Nov 13, 2022).

¹⁹ Section 309 of IPC, Legal Service India - Law, Lawyers and Legal Resources, <https://www.legalserviceindia.com/legal/article-3185-section-309-of-ipc.html> (last visited Nov 13, 2022).

According to Section 309 of the Indian Penal Code (IPC), "Whoever attempts suicide and performs any act favorable thereto will be punished with simple custody for a occasion which may expand to one year or with fine or both."

Numerous issues are brought up in relation to section 309. The first is that it falls under the categorization of offences described in Chapter XVI of the Indian Penal Code. Suicidal attempt is incorporated in the same category of crime as all other crimes, including those commit to the "human body of the other person." Based on the deduction of intention from the facts, an act of attempt suicide is assumed to have occurred. However, in many instance, the aim may be murky or vague. Additionally, there aren't many supporters of treat suicide attempts as crimes against the state beneath the law.²⁰

V. A REVIEW OF THE INTERNATIONAL SCENARIO RELATING TO THE LEGAL STATUS OF ATTEMPTED SUICIDE

St. Augustine's opinion that suicide is a sin led to a important portion of the legal exclusion against it (354-430 CE). The legal position advocate the prosecution of suicidal attempts was in times gone by shaped by the influence of religious organization. The attitude regarding suicide and suicidal behaviors frequently began to shift after the French Revolution, as well as other sociocultural change in Europe. The majority of civilized nation ended their criminalization of suicide effort during the 19th and 20th centuries, but some, like India, still sight it as a crime.²¹

(A) Countries where Suicide is criminalized

a) Rwanda:

Rwanda, or the Republic of Rwanda, is a surrounded by land nation in Central Africa's Great Rift Valley, where the Southeast African continent and the African Great Lakes region convene. In Rwanda, a person occupied in nonfatal suicide behavior faces a 2–5 year prison verdict upon conviction. Non-fatal suicide behavior is a crime in Uganda, and it is punishable by up to two years in prison. Non-fatal suicidal recital is regarded as a crime under Ghana's Criminal Code (Act 29, 1960).

b) Canada

When Parliament approved the Criminal Code in 1892, it defined the common-law offences of aid suicide and suicide attempt. Maximum sentence for the crime was two years in prison.

²⁰ Rajeev Ranjan et al., (de-) criminalization of attempted suicide in India: A Review *Industrial psychiatry journal* (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4261212/> (last visited Nov 13, 2022).

²¹ Himanshu Sareen & J K Trivedi, Legal implications of suicide problems specific to South Asia. *Pesquisa* (1970), <https://pesquisa.bvsalud.org/portal/resource/pt/sea-158934> (last visited Nov 13, 2022).

Eighty years later, in 1972, Parliament determined that a legal deterrence wasn't necessary and detached the crime of attempting suicide from the Criminal Code. As affirmed in Section 241 of the Criminal Code: "Counseling or aiding suicide," there is still a forbid on doing so.

241. Anyone who

- Advises someone to commit suicide or
- Helps or abets someone to commit suicide, in spite of whether suicide occurs or not, is culpable of an indictable offence and subject to a verdict of up to 14 years in prison.

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c) **United Kingdom**

English common law upheld prohibitions against suicide (and tried to commit suicide) until 1961. Suicide was viewed by English law as an immoral, federal crime against both God and the Crown. In the thirteenth century, it was first made illegal. In fact, up until 1822, the Crown could even take control of the belongings of someone who committed suicide.²³

The Suicide Act of 1961 made it illegal to help a big shot commit suicide, ending the criminalization of suicide. The basic act of suicide is lawful under civil law, but the repercussion of committing suicide could turn a single event into an illegal conduct, as was the case in *Reeves v. Commissioners of Police of the city* [2000].

d) **Uganda**

In Uganda, suicide become a crime if a person makes an effort to end his or her life but is ineffective. A person who makes an attempt to damage themselves could face up to two years in prison.

Helping someone commit suicide is likewise against the law, and anyone found guilty of doing so face a sentence of up to life in prison.²⁴

(B) Countries with decriminalization of attempted suicide

a) **Iran:**

The Islamic Republic of Iran's legal code does not clearly outlaw suicide.

No one is permitted to request the assassinate of another individual, but.

²² Euthanasia, aiding suicide and cessation of treatment - lareau-law.ca, , <http://lareau-law.ca/LRCReport20.pdf> (last visited Nov 13, 2022).

²³ Gerry Holt, When suicide was illegal BBC News (2011), <https://www.bbc.com/news/magazine-14374296> (last visited Nov 13, 2022).

²⁴ Log in or sign up to view, Facebook, <https://www.facebook.com/Barefootlaw/posts/the-law-on-suicide-taking-ones-own-life-in-the-recent-weeks-a-number-of-ugandan-y/1108041675941068/> (last visited Nov 13, 2022).

Additionally, while it's not against the law to threaten to kill one, doing so while imprisoned would be deemed a infringement of the prison's rules, and the offender might face penalty under the penal code.

The Islamic Republic of Iran's Act. 836 state that if a suicidal person makes arrangements for suicide and leaves a will, the will is lawfully void if the person dies. If the person does not die, the will is recognized as valid.

b) Australia

While suicide itself is no longer a crime in Victoria, Australia, a member in a suicide pact may be charged with instinctive manslaughter rather than homicide if they kill the other party.

as well, it is illegal to advise, provoke, or help a suicide attempt by an additional person. The law also expressly permits anybody to use "such force as may sensibly be necessary" to stop a suicide attempt.

The Voluntary Physician assist suicide Act, passed by the state of Victoria on November 29, 2017, makes it satisfactory for a physician to help a terminally ill patient with fewer than six months to live approach to an end their possess life. The law became functioning on June 19, 2019²⁵

c) Singapore-

In Singapore, attempting suicide is no longer a criminal act. Beginning on January 1, 2020, the Penal Code will undergo changes:

What's different now?

The following suggestions were made by the Penal Code Review Committee (PCRC), and they were conventional by the Singapore Parliament:

- Give the police and the SCDF the authority to step in right away to stop harm and the loss of life due to suicide attempts. A new clause in the Police Force Act state that the Police shall keep the present warrantless search and forced entrance capability they now possess.
- Maintain the police's ability to detain those who make suicide attempts and are rationally suspected of anguish from a mental illness in order to refer them to a doctor for assessment. If required, medical professionals and the legal system can arrange therapy.

²⁵ Crimes act 1958 - sect 6b survivor of suicide pact who kills deceased party is guilty of manslaughter, http://classic.austlii.edu.au/au/legis/vic/consol_act/ca195882/s6b.html (last visited Nov 14, 2022).

- Although there is no longer an obligation to report attempted suicides, the community is nevertheless urged to.
- Maintain the police's authority to grab information in situations where a suicide death has occur and a coroner's inquiry has been opened.
- Helping someone commit suicide still constitute a crime.²⁶

VI. SUGGESTIONS

Suicide is a important issue in public health that can have a permanent impact on people, families, and communities. It's a excellent thing that suicide can be shun. Strategies at all communal levels are necessary to stop suicide. This covers anticipatory measures and safeguards for people, families, and communities. By becoming aware of the indicator, encouraging prevention and resilience, and making a commitment to societal change, everyone may make a payment to the prevention of suicide.²⁷

- Improve homes and create safe environment icon
- Establish safe environments
- Reduce the availability of deadly armaments to those who are at suicide risk.
- Create a optimistic organizational culture and policies
- Using community-based policy and practices, decrease drug use
- Improved delivery of suicide avoidance services symbol
- increasing access to and superiority of suicide care
- Health insurance policies should include reporting for mental health disorders.
- Expand the number of provider in underserved areas
- grant quick, remote right of entry to assistance
- Change mechanisms to provide safer suicide

VII. CONCLUSION

At least 20 nations around the world still believe suicide to be a crime, with some of their laws dating back as far as 160 years. Criminalizing suicide does not discourage people from acting

²⁶ Attempted suicide is no longer a crime in Singapore: The SOS blog Attempted suicide is no longer a crime in Singapore | The SOS Blog, <https://www.sos.org.sg/blog/attempted-suicide-is-no-longer-a-crime-in-singapore> (last visited Nov 16, 2022)

²⁷ Prevention strategies Centers for Disease Control and Prevention, <https://www.cdc.gov/suicide/prevention/index.html> (last visited Nov 16, 2022)

on their suicidal ideas; rather, it prevents them from on the lookout for out for assistance when they are in a serious crisis.

In fact, when the World Health Assembly in 2019 accepted the Care Quality Commission (WHO) Mental Health Action Plan for 2021–2030, all health ministers agreed that decriminalization suicide was an effective method to decrease deaths by suicide.²⁸ Suicide may be used as an tremendous form of expression of freedom in various situation. One example of this is when it was used to reveal fervent opposition to perceived tyranny or injustice in society like ancient Rome, mediaeval Japan, or modern-day China's Tibet. Although a being who commits suicide is no longer subject to the law, there might still be legal repercussions related to how the body is handle or what happens to the person's property or family members.

²⁸ Suicide decriminalization United for Global Mental Health, <https://unitedgmh.org/knowledge-hub/suicide-decriminalisation/> (last visited Nov 16, 2022)