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A STUDY ON ATTEMPT TO COMMIT SUICIDE

AUTHORED BY - SOUMYA TURKAR

ABSTRACT

In India, attempt to commit suicide is punishable under section 309 of Indian Penal Code. Attempt to commit suicide is the major problem across the world. A person with a fit body cannot be called healthy if they have suicidal thoughts. A person who feels moody and melancholy and threatens to commit suicide may have that intention, but he cannot be convicted of an attempt. An attempt implies at least an act towards the commission of suicide, such as drowning or poisoning or shooting oneself. According to the figure of NCRB report [National Crime Records Bureau], the number of suicide cases had increased around 27.7% in just 10 years from 1995 to 2005. Nearly 2,80,000 are of the 10-29 age group and around 2,50,000 of 30-50 groups. According to The WHO [World Health Organization] estimates, India has the 41st highest suicide rate globally, as of 2019. Russia ranks 11th, with a suicide rate of 21.6, while it is in the US. We can take measure steps to control suicidal case. The national suicide prevention lifeline is available on the Internet here are many apps available that have been created to help people access the resources and tools they need when they are in distress. Right to live would include right to die with dignity at the end of life and it should not be equated with right to die an unnatural death curtailing natural span of life. Thus section 309 as a law should be amended suitably keeping in view the kind of people who attempt suicide.

INTRODUCTION

Suicide is derived from the Latin word which means “self-murder”. The term sui means “self” and cide means “killing” thus implying an act of self-killing¹. According to section 309 of Indian penal code, 1860 “whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one

¹ *Attempt to commit suicide: A Socio-legal study* (no date a) *Legal Service India - Law, Lawyers and Legal Resources*. Available at: <https://www.legalserviceindia.com/legal/article-6075-attempt-to-commit-suicide-a-socio-legal-study.html> (Accessed: 10 July 2023).

year” [or with fine, or with both.]. Committing suicide is the major problem across the world. Further, suicide is increasing every year. Suicide is a cause of death for a wide range of illness like depression, anxiety, schizophrenia, among others. It is difficult always to comprehend the reason why a person commits suicide it is because self-preservation is this strongest instinct of all living beings. We are obliged not my other consider ending their life. Suicide is especially a critical factor in our society during the ongoing pandemic. People are logged tight in their homes, with sometimes no one to share their woes. People who suffers from depression or having genetic vulnerability have more tendencies to act on their suicidal thoughts. Hence, mental health is such an important issue. People need to be made aware of the simple solutions to their mental health issues. There remains a stigma in society about the people who project the mental health specialist. Many considered that mental health problems are not actually problems but are rather of fiction of their imagination. The thought creates fear among people who need to visit the specialist Since they are afraid to being labeled as ‘mad’ or afraid they will be shunned.

Ultimately, the reality remains that the ambition to commit suicide results from disconnection with other people, tragic sadness, or great, unbearable loss. Many religions around the globe consider suicide to be a sin. On, a different note, euthanasia is also the willing termination of a person's life, but it is much more or understandable since they are in great physical pain. But such a thought in a physically healthy individual is often incomprehensible we must extend our efforts to our friends and family and make an effort to understand their pain. We can lend an empathetic to their problems. Often, showing genuine concern about someone who is ill can courage them to visit the doctor.

Suicide is an alien thought for most of us but we can accept that such extreme feelings exist capable of taking someone's feel miserable. People who are suffering from deteriorating illnesses therefore have to visit her mental health specialist. The diseases of the mind are just as fatal as the diseases of our body. A person with a fit body cannot be called healthy if they have suicidal thoughts. Many people who suffer from depression speak of pain in different parts of their bodies they cannot describe. They are unsure of how they are feeling and try to separate themselves from other social contacts. Therefore, people should check for these signs and the people close to us and talk to them if necessary. Let us vow to make the people surrounding our lives healthy and happy and visit the doctor if we have negative thoughts.

WHAT IS AN ATTEMPT TO COMMIT SUICIDE?

A person who feels moody and melancholy and threatens to commit suicide may have that intention, but he cannot be convicted of an attempt. An attempt implies at least an act towards the commission of suicide, such as drowning or poisoning or shooting oneself. If a person throws himself into a well with a view to drowning himself, and if rescued, he is guilty of such an attempt as is punishable but, if he runs to a well with a view to drown himself, but is rescued before he throws himself into it, he could not be convicted of an attempt: for his act was a mere preparation to commit an act, and before committing which he might have changed his mind. So the pounding of oleander roots with an intention to poison oneself with the same, does not constitute an attempt to commit suicide. In the instant case, a woman who was in an advanced stage of pregnancy and had been driven almost frantic by the pains of prolonged labor attempted to take her own life by throwing herself down a well. She was actually delivered of a child while in the well. The unfortunate infant was born dead. Held that she has been rightly convicted of an offence under Sec. 309, I.P.C., and that she had not committed the offence of attempting to cause herself to miscarry. However, Section 306 of the Indian Penal Code, 1860 states that “*If any person commits suicide, whoever abets 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.*”

Suicide has not been defined in any statute, but the National Crime Records Bureau (NCRB), in its yearly report, ‘Accidental Deaths and Suicide in India,’ has defined suicide and laid out its essentials as an “*intentional ending of life.*” The most significant element of suicide are-

- (i) it must be a non-natural death,
- (ii) the desire to die must come from within the individual, and
- (iii) the ending of life must be backed by a reason.²

Hunger-Strikers: - Every hunger striker will not incur the penalty under the section 309 of Indian Penal Code. When a person goes on hunger—a stage may be reached at which death is certain unless prompt action is taken to prevent it by administering nourishment to that sinking person, if at such a critical stage the person still refuses nourishment it could be said that there is

² Sneha Mahawar *et al.* (2023) *306 IPC punishment*, *iPleaders*. Available at: <https://blog.iPLEADERS.in/306-ipc-punishment/> (Accessed: 10 July 2023).

an attempt to commit suicide. Mere refusal to take food even for a short period would not amount to any conscious effort to put an end to one's life.³

Suicide for starvation: - In *Ram Sundar Dubey v. State*, where the accused went on hunger-strike to get his demand fulfilled by his employers, the question before the court was whether no offence under Section 309, I.P.C., was made out. To answer these questions the court observed that the peculiar difficulty about suicide by starvation is that it is a long-drawn-out process, which can be interrupted or given up at any stage (except perhaps the very last). Unless there is some overt declaration by the accused of intention to fast to death. It is difficult to show that he really intended to preserve to the bitter end⁴. And even if there is such an intention at the beginning, one has always to make allowance for the possibility of the accused changing his mind and breaking his fast before it becomes dangerous. It may be remembered that if a person, yes that he will fast to death so it's previous all nourishments until the stage is reached when there is imminent danger of death ensuing, he can be held guilty of the offence of attempted suicide. But where the evidence falls short of this it can scarcely be said to be sufficient to substantiate the charge.⁵

STATEMENT TO COMMIT SUICIDE BE A CRIME?

In India, attempt to commit suicide is punishable under section 309 of Indian Penal Code. According to Section 309 of the Indian Penal Code “whoever attempts to commit suicide and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year” [or with fine, or with both.]. but right to life, which is described under Article 21 of the Indian constitutions also aids in giving citizen as a right to live a life of dignity. The conflict, however, being here. Liberty is granted to an individual but no such right it's given to end his life with his own twill. In case of *P. Rathinam v. Union of India* and *Smt. Gian Kaur v. State of Punjab*. In *P. Rathinam*, the Supreme Court held the right to die as an aspect of article 21. Those held that section 309 was violated of Article 21 of the constitution Inasmuch as right to live includes right to die or right not to live a first life

³ Vol 3, Dr Hari Singh Gaur, Penal Law of India, Pg. no.3163, 3164, 11th Edition, Law Publishers (INDIA) PVY. LTD, 2006

⁴ The dilemma of S. 309, IPC: Attempt to commit suicide (no date a) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-6412-the-dilemma-of-s-309-ipc-attempt-to-commit-suicide.html> (Accessed: 10 July 2023).

⁵ Vol 3, Dr Hari Singh Gaur, Penal Law of India, Pg. no.3163, 3164, 11th Edition, Law Publishers (INDIA) PVY. LTD, 2006

and the section interferes with that right⁶. However, any questions on attempt to commit suicide was categorically overruled in the case of Smt. Gian Kaur. The court held that the right to die cannot be constructed from right to life under Article 21. The court stated, “right to life is a natural right embodied in article 21 but society is an unnatural terminations or extinction of life and therefore, incompatible an inconsistent with the concept of right to life. With respect and in all humility, they find no similarities in the nature of other rights, such as the right to freedom of speech etc. To provide a comparable basis to hold that the ‘right to life’ also includes the ‘right to die’. With respect, the comparison is inapposite, for the reason indicated in the context of article 21. The decisions relating to other fundamental rights were in the absence of compulsion to exercise a right was held to be included Within the exercise of that right are not available to support the view taken in P. Rathinam qua Article 21. To give meaning and content to the word ‘life’ in article 21, it has been constructed as a life which human dignity. Any aspect of life which makes it dignified may be read into it but not that which extinguishes it and is, therefore, innocent with the continued existence of life resulting in effacing the right itself. The right to die, if any, is inherently inconsistent with the right to life as is that's with life”.

Thus. Section 309 was upheld as constitutional. But the motive which this section was first instead in the Indian Penal Code and that subsequent upholding of the section i.e. To protect life and discourage self-destructive practice of suicide is now slowly losing its relevance. Approximately one million people died by suicide worldwide more than one lakh persons (1,18,112) in the country lost their lives by committing suicide during the year 2006.⁷

INCREASING SUICIDE CASES

Suicide occurs more often in older than in younger people but is It's still one of the leading cause of death in late childhood and adolescence worldwide. This is not only drizzled in a direct loss of many young lives, but also have disruptive psychological end adverse socio-economic effects. NCRB reports [National Crime Records Bureau] says once student commits suicide every hour about 28 students suicides every day. It's 4% Indian students died by suicide each day in pandemic 2020. The student suicide rate increased by 21% in 2020 and the worst part is 11,000 people was

6 Attempt to commit suicide: A Socio-legal study (no date a) Legal Service India - Law, Lawyers and Legal Resources. Available at: <https://www.legalserviceindia.com/legal/article-6075-attempt-to-commit-suicide-a-socio-legal-study.html> (Accessed: 10 July 2023).

7 India, legal S. (no date) Crime of attempt to commit suicide. Available at: <https://www.legalservicesindia.com/article/1081/Crime-of-Attempt-to-commit-Suicide.html> (Accessed: 10 July 2023).

minor who commit suicide. According to health ministry figures, over 9,00,000 women in India need treatment for mental illness. Of those, nearly 2,80,000 are of 10-29 age group and around 2,50,000 of 30-50 groups⁸. It also a fact the women attempt to commit suicide it's much more than men and men usually becomes successful more often in the their attempts. According to the figure of NCRB report [National Crime Records Bureau], the number of suicide cases had increased around 27.7% in just 10 years from 1995 to 2005. This alarming rise in the number of suicide indicates the frustration, depression and anxiety was leading the population to take such extreme steps such as killing oneself.

There are many reasons to commit suicide for example parental expectations, fear pressure, exam pressure, poverty, unemployment etc. India is the most depressed country in the world. According to survey by the center for the study of developing societies, In India about 4 in 10 students suffering from depression in last few years. A Nimhas study under has found that 11% of college students and 7%-8% of high school students have attempted suicide. Due to the financial crisis LSR [Lady Shre Ram College] students Suicide in Telangana, was asked to vacate hostel. Committing suicide is the major problem across the world and it's increasing every year.

HOW TO CONTROL SUICIDAL CAUSES

Committing suicide is the major problem across the world. In 2021, 1.64 lakh people took their own lives, According to NCRB report [National Crime Records Bureau]. Just jumped to 11.3 in 2020 and was at a high record at 12 in 2021. According to The WHO [World Health Organization] estimates, India has the 41st highest suicide rate globally, as of 2019. Russia ranks 11th, with a suicide rate of 21.6, while it is in the US. Life is changing for junior school and high school students physically, mentally and emotionally. Although, adults face life changes that can put them in a funk. Losing a job, financial strain, health problems and many more life events can affect emotional and physical functioning.

'The COVID-19 pandemic has created many more challenges as well. The COVID response taking study conducted by the University of Chicago found only 14% of Americans reports being happy, compared to 31% before the pandemic. Furthermore, the incidence of loneliness has

⁸ Benu, P. (2023) Is economic distress causing a spike in suicide deaths in India? Available at: <https://www.thehindubusinessline.com/data-stories/deep-dive/is-economic-distress-causing-a-spike-in-suicide-deaths-in-india/article66635113.ece> (Accessed: 10 July 2023).

doubled, while the psychological distress has tripled. Regardless of age, life can get the best of people. When hard times lead to depression or feeling of hopelessness, some people contemplate suicide as their only way out. But there is hope because suicide is preventable. There are many tendencies among those at risk for suicide including: Anger, changes in academic or job performance, comments about death and dying, being worthless or feeling depressed, irritability, Loss of interest in activities etc.⁹.

Things we can all do to help stop suicide:

1. Remove the stigma.

The first thing we can all do to help prevent suicide is talk about it. No person in a suicidal state or struggling with any mental health issue should have to feel silenced or shamed. The same is true for people who are worried about a friend or family member. They should know that they can reach out and make a difference. Too often, people are afraid to bring up the subject of suicide, fearing that they will be wrong or “put the idea in someone's head”. This is a big misconception. People need to talk about suicide and open the doors of communication of those suffering with suicidal thoughts. These individuals need to know that they're not alone, and that there is an entire community who is there, who can relate, and we will support them in a hardest time. We need to make them feel comfortable to seek support.

2. Learn the warning signs.

One of the most common questions I hear about suicide is, “how can I tell if a person is suicidal?” There are many warning signs for suicide that we can all look out for when we think someone maybe in trouble. Some common signs such as disturbed sleep patterns, pulling away from friends and family, past attempts, extremely self-hating thoughts , hopelessness, feeling trapped, in this use of alcohols or drugs, so don't move changes for the better, suicidal thoughts, plans, actions stop. Therefore, they may be less inclined to notice what that person is going through. By getting to know these warning signs, we can be more aware, and intervene more quickly when someone needs our help.

⁹ Hardesty, Ph.D.L. (2022) Help teens overcome suicidal thoughts, Mayo Clinic Health System. Available at: <https://www.mayoclinichealthsystem.org/hometown-health/speaking-of-health/5-ways-to-help-teens-overcome-suicidal-thoughts> (Accessed: 10 July 2023).

3. Know the resources.

National suicide prevention lifeline

The national suicide prevention lifeline is available 24/7 at 1-800-273- TALK (8255), and death that site also has an online chat feature. You can contact them anytime if you are worried that you or someone you know maybe in crisis.

Crisis text line

There is a 24/7 crisis text line available, where you can text trained crisis counselors. The test line is free and confidential and can be reached by texting “GO” TO 741741.

Apps

There are many apps available that have been created to help people access the resources and tools they need when they are in distress. This includes ask and prevent suicide, suicide crisis support, virtual hope box and MY3 safety plan app.¹⁰

CONCLUSION

Hence, we can clearly state that attempt to commit suicide is very dangerous for our life. Right to life, with a right to live a life of dignity does not certainly mean to live a forced life. Decriminalizing attempt to commit suicide would not actually result in increase in number of suicides but would only encourage the survivors to seek help. Quoting from Law Commission Report, “Right to live would, however, mean right to live with human dignity up to the end of natural life. Right to live would include right to die with dignity at the end of life and it should not be equated with right to die an unnatural death curtailing natural span of life. Thus section 309 as a law should be amended suitably keeping in view the kind of people who attempt suicide. The section should be amended to punish only those who try to escape punishment due to other criminal liabilities excluding those who attempt it out of sheer frustration, depression or due to living in such circumstances that would invoke suicidal thoughts.”¹¹

10 Lisa Firestone, Ph.D. (2016) 5 things we can all do to help stop suicide. Available at: <https://www.psychalive.org/5-things-can-help-stop-suicide/> (Accessed: 10 July 2023).

11 India, legal S. (no date a) Crime of attempt to commit suicide. Available at: <https://www.legalservicesindia.com/article/1081/Crime-of-Attempt-to-commit-Suicide.html> (Accessed: 10 July 2023).

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