

# Attempt to Commit Suicide: Offence or Not its Time to Look Beyond IPC

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## ABSTRACT

'Attempt to commit suicide', if done with the intention to get some wrongful gain by the person attempting suicide or to anyone he is interested in, or to cause some wrongful loss to anyone else, can be said to an offence and be culpable. Though in both the cases, the act is unconstitutional but in the latter case it is the abnormal circumstances due to mental and emotional disorder that compels the person to take such a step. But what if the circumstance of the case proves that such an act was committed because such person was under acute psychological or societal pressure? Considering such cases under mental Healthcare Act, 2017 is not sufficient. What is needed is a definition clearly differentiating between various offenders under section 309, IPC. Further, the Apex courts must re-consider the question of making Right to die a fundamental right and covering it within the ambit of Article 21.

**Keywords:** Suicide, attempt to commit suicide, decriminalization, psychological factors, social factors, individual factors.

## INTRODUCTION

Suicide, the fourth leading cause of death among the people between 15-19 years of age<sup>1</sup>, though punishable under Section 309 of the Indian Penal Code, is not defined anywhere in the Code. The much-debated issue (i.e., decriminalization of the section) has been discussed in various cases, but in none of them the foremost need of having a definition was highlighted.

The enactment of Mental Healthcare Act, 2017 (as codified by most of the nations in the world) may lead to increase in stress amongst the people, who try to end their

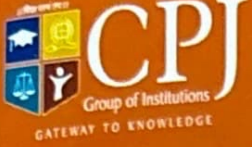
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1 WHO, Available at <https://www.who.int/news-room/fact-sheets/detail/suicide#:~:text=WHO%20recognizes%20suicide%20as%20a%20public%20health%20priority,high%20priority%20on%20the%20global%20public%20health%20agenda> browsed on 22-03-2022

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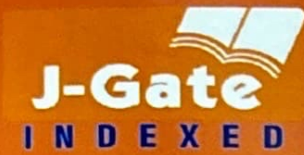
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