



DECRIMINALISATION OF ATTEMPT TO COMMIT SUICIDE

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ABSTRACT:

Snatching one's own life has become common in today's scenario. Life has an intrinsic value in itself. No person in this world is immortal. Due to changing scenario, the current society is facing large number of suicidal death. In India the total number of suicide in the year 2015 is about 1, 33,623. Suicide is intentional termination of one's own life. The reason for persons committing suicide varies from psychological to social. There is a strange provision in IPC which punishes the mentally sick person who attempt to end his life whereas the person who successfully commit suicide are not punished as once the act is successful there will not be anyone to be punished. All that the government need to do is to find steps to stop this unnatural act from recurring and not to punish the person as he is victim for his own mind. This article will deal in detail, the views of religious book; Law Commission reports; views of authoritarian institutions; Judicial decisions about the need for decriminalization of attempt to commit suicide. Suicide is a result of manifestation of mental disorder hence all that the person who commit the act is in need of acute psychological treatment; care; hopeful words, which helps him in socializing with the society and not punishment by putting him in prison whereby he is allowed to come in contact with criminals which worsen their conditions. Repeal of section 309 is a debate

not just today but years before. Though Mental Health Care Act 2017 and Indian Penal Code (amendment) bill, 2016 decriminalizes attempt to commit suicide still section 309 of IPC remains in the code.

KEY WORDS: Decriminalization of attempt to commit suicide, mental illness, section 309,

INTRODUCTION:

The precious gift of God is the Lives on Earth. Life is not free from obstacles or hurdles even for a small creature. But the real victory lies in overcoming it. None of the living beings other than humans end their lives prematurely. The people at the time of committing or attempt to commit suicide may not have the rationality due to the severe psychological trauma, hopelessness they undergo at that time. Victims of Suicide are mentally, psychologically sick patients. Thus the duty is to serve who "call for help". They need care and treatment. But there is a strange cruel, irrational provision in the Indian Penal Code which impose punishment on a mentally ill patients...If the reason for punishment of attempt to commit suicide is to prevent the prospective suicides by deterrence, the same is not achieved by punishing those who have made the attempts, as no deterrence is going to hold back those who want to die for a social or political cause or to leave the world either because of the loss of interest in life or for self-deliverance, as it is evident from the increase in number of suicides each year. It's a need of the hour whereby section 309 of IPC need be effaced from IPC to humanize our penal laws as it is an anachronistic provision for human society like ours.



What is suicide?

The word suicide is derived from Latin phrase 'sui cadre' which means 'to kill oneself. Suicide (felo de se) means deliberate termination of one's own physical existence or self-murder, where a man of age of discretion and compos mentis voluntarily kills himself. ¹The act or an instance of taking one's life voluntarily and intentionally ². (Sui-of oneself, cadre –to kill).

Self-preservation is the natural instincts of human beings. Suicide goes against this. ³Thus some human beings act in an unnatural way though intentionally to end their existence but not wotedly, there are many reasons for them to behave in this way. It may be social, physical, and psychological.

- **A**tttempted suicide or suicide is a result of mental disorder. Can a person be punished because he is suffering from heart attack? Under what underlying principle does a person suffering from mental disorder, stress, heart-breaks, depression, be punished when he is under dire need of psychiatric help?⁴
- Acute physical pain, Chronic pain
- Other reasons for suicide would be failure in exams, unemployment,

poverty professional/career problems, discrimination, sense of isolation, abuse, violence, family problems addiction to alcohol, financial loss, hopelessness etc.

The prolonged suffering when it reaches its peak tempt people to commit suicide

- Apart from committing suicide due to abovementioned reasons. Terrorists and suicide bombers undergo self-immolation to stop getting into hands of police. People undertaking hunger-strikes, though their intention is not to kill themselves rather to instigate their demands been done. Ascetics undergo self-immolation for religious purpose.

THE REASONS FOR SUICIDE AS PROPOUNDED BY VARIOUS THEORISTS ARE AS FOLLOWS:

According to **EMILE DURHEIM**; Social forces and integration of individual with society are responsible for individual suicidal behavior. They are egoistic⁵ and altruistic⁶.

According to **THOMAS JOINER**, 'INTER-PERSONAL –PSYCHOLOGICAL theory of suicidal behavior' in order to inject lethal substance, an individual should habituate himself to more physical pain and fear of death. This habituation occurs by repeated exposure to painful events⁷.

According to **EDWIN SCHNEIDMEN**; Humans commit suicide due to a

¹Humanisation and Decriminalization of Attempt to Suicide, Law Commission of India, Report No 210, Oct2008, Lawcommissionofindia.nic.in>report210.

²<http://www.merriam-webster.com>suici...>

³Dr. B.S.Yadwad, Professor & Dr.Hareesh.S.Gouda, Is attempted suicide an offence, JIAFM, 2005: 27

(2)... medind.nic.in>jal.

⁴Id.

⁵When people feel like they don't belong, purposeless and desperate.

⁶Excessive integration leads people to lose themselves and devote to larger goals.

⁷ G. Balamurgan, Theories of suicide – Research Gate, <http://www.researchgate.net>publication>.



psychological pain called “psych ache”⁸. It is similar to perceived burdensomeness and thwarted belongingness of Thomas Joiner⁹

ARON BECKAR: emphasized hopelessness. He says those with high hopelessness were 11 times more likely to die by suicide than those with lower scores.¹⁰

ROY BAUMEISTER: He proposed escape theory of suicide. According to which person experience wide difference between expectation and reality. Person attempts to escape from negative affect as well as from the aversive self-awareness by retreating into a numb state of cognitive deconstruction.¹¹

POSITION OF SUICIDE:

Manu’s Dharmasastra on ‘a hermit in forest’ says, A Brahmana having got rid of his body by one of those modes (i.e. drowning, precipitating burning or starving) practiced by the great sages, is exalted in the world of Brahmana, free from sorrow and fear.” Two commentators on Manu, Govardhana and Kulluka, says a person is allowed to undergo great departure on a journey of life in certain situations, for performing sati, when he is suffering from acute illness¹². However religious laws Bhagwat Gita, Holy Bible, Quran does not favor commission of suicide. Though Bible does not explicitly prohibit suicide,

the taboo that is attached with suicide and denial of decent burial condemn the practice. Quran ask its men and women to wait for his/her destiny rather than snatching away from the hands of Allah¹³. But Hinduism, Jainism, Buddhism does allow suicide of some reason but condemn other practices. Despite IPC condemn suicide, is not punishable perse as once the act is successful there will be no one to be prosecuted. Thus it is a strange provision as a successful act is not punishable whereas attempt to do an act is an crime and punishable. This is stated in **Rattan Lal and Sheeran Lal’s** commentary on Indian Penal

Code “It is a unique legal phenomenon in the Indian Penal Code that the only act, the attempt of which alone will become an offence. The person who attempt to commit suicide is guilty of the offence under section 309 whereas the person who commit suicide cannot be punished at all.”¹⁴

POSITION OF ATTEMPT TO COMMIT SUICIDE:

Sec309 of IPC states – “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.”

Indian laws require Intention, as a major element for punishment of an offence. Thus in order to punish a person for attempt to commit suicide the act must be intentional,

⁸ General psychological and emotional pain that reaches intolerable intensity.

⁹G. Balamurgan, Theories of suicide – Research Gate, <http://www.researchgate.net>publication>.

¹⁰Id.

¹¹Id.

¹²Humanization and Decriminalization of Attempt to Suicide, Law Commission of India, Report No 210, Oct2008, www.lawcommissionofindia.nic.in>report210.

¹³Rd. B.S.Yadwad, Professor & Dr. Hareesh.S.Gouda, Is attempted suicide an offence, JIAFM, 2005 : 27 (2).. medind.nic.in>jal.

¹⁴Attempt to commit suicide ..www.livelaw.in.



in **Dearica Pooja v Emperor**¹⁵, it is said he can't be punished if he consumes overdoses negligently.

Does hunger-strike, an attempt to commit suicide? At times people adopt hunger-strikes to make their demands fulfilled. Thus it is difficult to identify whether the person resorted to hunger-strike is only having the intention of having his demand fulfilled or he intent to kill himself. If his intention is to have his demands fulfilled he is not liable under sec309.

In a case **Ram Sunder v State**¹⁶, the accused for employed in Mental Hospital, Bareilly he was dismissed from his work by the hospital authorities, he condemned that he was removed illegally by discrimination, thus to reinstate him he under-took hunger strike near Gandhi statue in the heart of Bareilly claiming his demands fulfilled. Since his health condition worsened he was taken to hospital from there to jail. District court convicted him for attempt to suicide, the accused held that he did not intend to kill himself moreover he admitted that consumed juice. Allahabad H.C set aside the conviction and held him not liable. The court held that 'the evidence in the present case fell short of an attempt to commit suicide. If a person openly declares that he will fast unto death and then proceeds to refuse all nourishment until the stage is reached when he may collapse any moment, then there is imminent danger of death ensuing and he would be guilty of an attempted suicide under section 309, IPC'¹⁷

CONSTITUTIONALITY OF SEC 309: The constitutional validity of sec 309 was first challenged in

Maruthi sripathi Dubal v State Of Maharashtra¹⁸ Bombay High Court speaking through J. Sawant held sec 309 is violative of Article 21 and Article 14. Fundamental rights has negative and positive aspects within it, thus Right to life in article 21 was interpreted to include Right to die. Court further held that the term Suicide has nowhere been defined under the Code. What is considered suicide in one society may not be considered suicide in others. Suicide occurs for different reasons and for different ends. Section 309 doesn't make any distinction between all this. Thus making the provision arbitrary. Thus the provision is arbitrary and unreasonable hence is unconstitutional and need be repealed.

Chenna Jagadeshwara v State Of Andhra Pradesh¹⁹, the High court of Andhra Pradesh uphold section 309 stating that, by no means right to life can be said to include right to die. The court also held that the courts have adequate power to ensure that "unwarranted harsh treatment or prejudice is not meted out to those who need care and attention".

The constitutional validity of section 309 came before Division bench of S.C in **Rathinam v Union of India**²⁰, whereby

¹⁵1884 ILR 8Mad 5.

¹⁶1987 Cr LJ 755

¹⁷Mannat Marwaha, Relevance of Section 309 Indian Penal Code (IPC): A Perspective, IOSR Journal of

Humanities and Social Sciences, 21

.1...www.iostjournals.org>papers>version-3.

¹⁸1987 Cr.L.J 743

¹⁹(1988) Cr.L.J.549

²⁰AIR 1994 SC 1844



Honorable S.C held sec 309 as violative of article 21 as right to life includes right not to live a forced life, but doesn't consider it to be violative of article 14. Further states, such traumatized persons deserves treatment and not punishment. S.C observed

“Section 309 of the Penal Code deserves to be effaced from the statute book to humanize our penal laws. It is a cruel and irrational provision, and it may result in punishing a person again (doubly) who has suffered agony and would be undergoing ignominy because of his failure to commit suicide. Then an act of suicide cannot be said to be against religion, morality or public policy and an act of attempted suicide has no baneful effect on society. Further, suicide or attempt to commit it causes no harm to others, because of which State's interference with the personal liberty of the persons concerned is not called for.”²¹

However larger bench of S.C in **Gian kaur v State of Punjab**²² overruled its earlier decision in *Rathinam v Union of India*, thus upholding constitutionality of sec 309, stating by no imagination extinction of life can be said to be included in protection of life. The court doesn't discuss about detention or retention of sec 309. The court observed,

“We find it difficult to construe Article 21 to include within it the 'right to die' as a part of the fundamental right guaranteed therein. Right to life is a natural right embodied in Article 21 but suicide is an unnatural termination or extinction of life and,

therefore, incompatible and inconsistent with the concept of 'right to life'. With respect and in all humility, we find no similarity in the nature of the 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 wherein 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 construed as life with human dignity. Any aspect of life which makes it dignified may be read into it but not that which extinguishes it and is, therefore, inconsistent 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 'death with life.'²³ However in this case the court doesn't go with the concept of retention or detention of section 309 of IPC

VIEWES AGAINST DECRIMINALISATION:

Article 21 states No person shall be deprived of life or personal liberty except according to procedure established by law. Thus the duty is imposed on the state to protect personal lives of people not only from the hands of fellow men but from their own self. By imposing punishment on the person who attempt to commit suicide the State upholds

²¹Attempt to suicide no more offence

...www.learning the law.in.

²²AIR 1996 SC 946

²³Humanisation and Decriminalization of Attempt to Suicide, Law Commission of India, Report No 210, Oct2008, Lawcommisssionofindia.nic.in>report210.



the value and dignity of human life²⁴. The body of individual belongs not only to himself rather to his wife, children, and government. He has duty towards society which need be done. Thus individual has no right to take his life. Parents give birth to child but no government led parents take the lives of children. Thus protagonists of criminalization claim that only when it is made punishable the persons tempting to do the act can be controlled to the extend. But reality is opposite to this.

NEED FOR DECRIMINALISATION:

- **They are patients and not criminals :**

Delhi H.C, in **State v Sanjay Kumar Bhatia**²⁵, while acquitting a young boy who attempted to commit suicide by consuming poison strongly recommended for deletion of section 309 from statute book as court observed it is an anachronistic provision for human society like ours. He is in need of psychiatric help hence treatment rather than punishment need be given.

Apex court in **Aruna Ramachandra shanbhaug v Union of India**²⁶ recommended deletion of section 309 by parliament, despite being constitutionally valid, as it has become anachronistic and further states, a person who attempts suicide in depression is in dire need of help, and not punishment.

According to sec 84 of IPC, ‘Nothing is an offence if it is done by a person who at the time of doing it ,by reason of unsoundness

of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to Law’. Thus a mentally sick person, who at the time of committing suicidal acts may not be in a position to understand the nature of his act or may not have knowledge of what he is doing is either wrong or contrary to law. Moreover a person experiencing intense psychological distress is not likely to consider the legal consequence of his act. If he does so, he will take measures to ensure that his act is successful. Thus sec309 of IPC fails to act as deterrent.²⁷

- **Does not serve to be deterrent :**

The reason for imposing punishment for any offence is to impose deterrent effect on the person, thus prohibiting him and the society at large to stop the furtherance of the act. But despite attempt to suicide is made punishable, the rate of persons committing suicide doesn’t come down.

Every hour, one student commits suicide in India ²⁸ according to the latest available data. The National Alliance on Mental Illness reports that suicide is the second-leading cause for death of college student after accident. Mental illness –depression plays a significant role in one’s decision to attempt suicide.²⁹The reason for children to commit suicide are family problems, illness, and failure of examination. The reason for women to commit suicide is marriage related issues, dowry problem, marital rape,

²⁴Dr. B.S.Yadwad, Professor & Dr. Hareesh.S.Gouda , Is attempted suicide an offence , JIAFM, 2005 : 27 (2).. medind.nic.in>jal.

²⁵1985 Cr.L.J 931

²⁶(2011)4SCC454

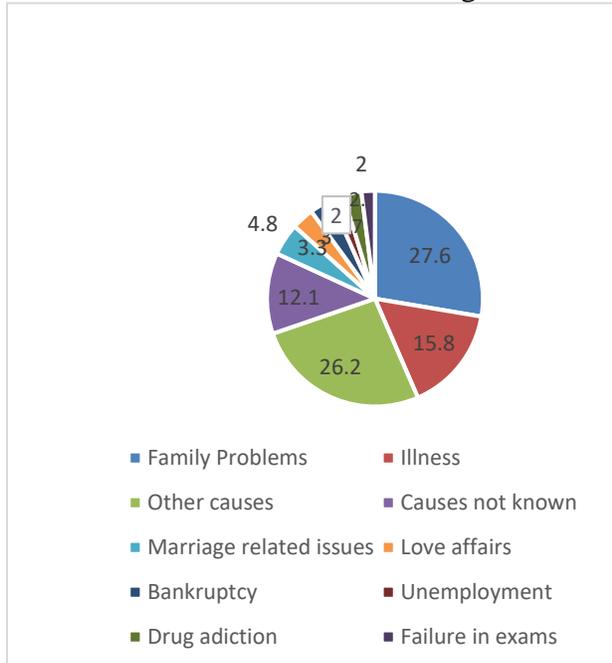
²⁷Dr. B.S.Yadwad, Professor & Dr. Hareesh.S.Gouda , Is attempted suicide an offence , JIAFM, 2005 : 27 (2).. medind.nic.in>jal.

²⁸Suicides In India , ncrb.gov.in>ADSI2015>chapt...

²⁹As educators and parentors ,what is our role in suicide prevention, <http://huffpost.com.entry>.



illegitimate pregnancies, divorce. Farmers suicide occurs due to debt and the resulting harassment at the hands of money lenders is a major cause for agriculturists to commit suicide. The number of suicides in our country during the decade (2005–2015) have recorded an increase of 17.3% (1, 33,623 in 2015 from 1, 13,914 in 2005). Maharashtra reports the highest number of suicide 12.7 followed by Tamil Nadu 11.8. Family problems (27.6) and illness (15.8) constitute the major reason for persons to commit suicide. The percentage share of various causes for committing suicide:



Means adopted in committing suicide; Hanging (45.6), consuming poison (27.9) were the prominent mode of committing suicide. Other modes are starvation, strangulation etc.³⁰

Further problems caused by criminalization of attempt to commit suicide:

- Emergency treatment which is required for suicidal persons are not given by local hospitals and doctors as they refer the case to tertiary center to be medico-legal. Thus many lives go unsaved.
- Those who commit suicide is already under distress and psychological pain, subjecting them to undergo police investigation is like adding fuel to the fire which rise their agony and ignominy. They are in need of kind words, sympathy, lock-ups and police doesn't serve the need.

It leads to gross under-reporting of attempted suicide.

- This forbid the victim and his family from having access to the emotional, mental psychiatric health support which alone can help them and prevent them from further committing the same³¹. As stated by Aron Becker, previous suicidal experience sensitizes suicidal thoughts so that they become more accessible and active to such acts.³²

Thus decriminalizing the attempt to commit suicide would lead to a desirable outcome in the frustrated and psychologically traumatized, stressful suicide seeker, who would not only be spared the unkind social stigma but also be in a better position to freely and fearlessly seek medical and psychiatric treatment. This in turn would

³¹Humanisation and Decriminalization of Attempt to Suicide, Law Commission Of India, Report No 210, Oct 2008, Lawcommissionofindia.nic.in>report210.

³²G. Balamurgan, Theories of suicide – Research Gate, <http://www.researchgate.net>>publication.

³⁰Suicides In India, ncrb.gov.in>ADSI2015>chapt.



lead to a better and more socially acceptable way of dealing with the problem than through the criminal law.³³ Decriminalizing attempt to commit suicide in no way support or allow persons to commit suicide.

VIEWS OF AUTHORITATIVE INSTITUTIONS FOR DECRIMINALISATION:

International Association for Suicide Prevention recommended Indian Government for decriminalization of attempt to commit suicide as suicidal individual need to be helped, law only make their situation worse³⁴.

The World Health Organization stated that 'having suicidal behaviors specified by law as a punishable offence has many negative effects at a public health level. Moreover, punishing with imprisonment a behavior consequent to either a mental disorder or a social difficulty gives a completely wrong message to the population'³⁵.

LAW COMMISSION REPORT:

Law Commission of India in its 42nd report submitted in June 1971 recommended repeal of section 309 as the penal provision is harsh and unjustifiable. Clause 126 of Indian Penal Code (amendment) bill, 1972 which

was introduced in Raja Sabha, recommended abolition of section 309 stating such provisions are harsh, unjustifiable and thus it need be repealed.

Clause 131 of the Indian Penal Code (Amendment) Bill, 1978, as passed by the Council of States on 23.11.1978, correspondingly talk about repeal of section 309 for above said reasons. Since the House of the People was dissolved in 1979, the Bill, though passed by the Council of States, lapsed.

However after the judgement of apex court in *Gain Kaur v State Of Punjab*, Law Commission in its 156th report recommended retention of section 309.

Law Commission of India in its 210 report 'Humanization and Decriminalization of Attempt to Commit Suicide' recommended government to initiate steps to erase punishment of attempt to commit suicide from statute book, as it is anachronistic provision despite being constitutional. It is like imposing double punishment to person who already suffer agony and ignominy from loss of dear ones, mental distress, and psychological illness. Attempt to commit suicide is a result of manifestation of diseased mind which deserve treatment, sympathy and not punishment.

NEED TO SCRAPE SEC 309:

Time has come where it has become necessary to scrape this anachronistic provision which is increasing the mental agony to already mentally ill patients. Laws and punishment doesn't serve its need until people's attitude and views change regarding life. If incase people's attitude towards life change there will not be need for any stringent laws as people are well

³³K.S. Latha, N. Geetha, Criminalizing suicide Attempts: Can it be a deterrent? 2004, [citeseerx.ist.psu.edu >view doc >download](http://citeseerx.ist.psu.edu/viewdoc/download) accessed on 30/5/2018.

³⁴Humanization and Decriminalization of Attempt to Suicide, Law Commission of India, Report No 210, Oct 2008, [lawcommissionofindia.nic.in>report210](http://lawcommissionofindia.nic.in/report210).

³⁵Id



regulated by themselves. Thus the burden is on the government to frame rules and laws in such way it helps people change their attitude towards life instead of punishment whereby it only adds fuel to fire.

MENTAL HEALTH CARE ACT, 2017: In a way forward in repealing section 309 of IPC, Mental Health Care Act 2017 has been framed. The said act under section 115 stated that person who undergo attempt to commit suicide are presumed to be under severe stress unless otherwise proved and by no means can be held liable under section 309 of IPC. It further states that the duty is imposed on the Government to provide care, treatment and rehabilitation to those who attempt to commit suicide and to further reduce the risk of reoccurrence.³⁶

Decriminalizing attempt to commit suicide does not in any way permit people to commit the act. Rather the role of government has increased in preventing, prohibiting, combating the attempt done by people to end their life in a premature way.

ROLE OF GOVERNMENT:

India is battling high suicide rate. Suicide is both public and mental health problems which demands urgent action. Post-suicidal impact on family, society is also devastating and far-reaching. Suicide is multi-faceted, although suicide is deeply personal and individual act, suicidal behavior is also influenced by societal factors³⁷, as stated by Emile Durkheim who emphasized 'collective societal

behavior', are responsible for letting people take this unnatural decision.

- Government should create a national strategies or national plan to give clear commitment to suicide prevention
- Follow up care for people who attempted suicide as they are more vulnerable to have their attempt successful next time. Societal support can help people develop coping technique and sense of belongingness. But for this to be successful Government and society must see suicide to be Public health danger which requires urgent demand and not as something to be stigmatized and illegal.
- Restricted access to means of suicide: If people attempt suicide impulsively, restricting access to means of suicide would reduce their temptation to suicidal thoughts. By restricting access to pesticide in local areas is effective in lowering suicide rates. But the case would be different if they have a long term intention.
- Promoting responsible media reporting of suicide and related issues: Educating public about suicide, its risk factors, its post impact of suicide, avoiding sensationalism and glamorization of suicide, and avoiding detailed descriptions of suicidal acts. Educating people about the value of life, availability of help.
- Policies to reduce harmful alcohol availability

³⁶Mental Health Care Act, 2017 – PRS, [www.prsindia.org>media>Mental Health](http://www.prsindia.org/media/Mental%20Health).

³⁷Lakshmi VI Jayakumar, Suicide and its prevention: The urgent need in India, www.ncbi.nlm.nih.gov/pmc/articles/PMC2917089.



- Promoting and supporting NGO's³⁸

In addition to above mentioned, the Government should make sure the basic needs of its people are satisfied. Unemployment and poverty being a reason for many people to commit suicide. Government should make sure these problems are resorted. Mental health should be given priorities by health planners at center and state level. Provide for rehabilitation center for people with suicidal thought.

- NATIONAL MENTAL HEALTH PROGRAMME, was launched by Government in 1982. It has three components
 1. Treatment of Mentally ill
 2. Rehabilitation
 3. Prevention and promotion of positive mental health.

The main objective of it, is to ensure availability and accessibility of minimum health care for all³⁹.

- MENTAL HEALTH CARE ACT, 2017 :

The main objective of Mental Health Care Act, 2017 as stated in the preamble is to "provide for mental healthcare and services for persons with mental illness and to protect, promote and fulfil the rights of such persons during delivery of mental healthcare and services and for matters connected

therewith or incidental thereto." It further integrate mental health care service at all level of healthcare including primary, secondary, tertiary. Provide treatment in such a way to make them integrate with family and community at large. It also provides for community based rehabilitation. Further impose obligation on government to make sure their rights are not infringed. The said act is framed in accordance with the Convention on Rights of Persons with Disabilities which is signed and ratified by Government in October 2007.⁴⁰

ROLE OF NGO's:

NGO's bridge the gap created due to paucity of treatment facilities and psychiatrists in Government sector. Indian mental health care resources are scarcely located in some urban areas and they don't serve the need. whereas NGO's can reach even to remote areas, through help line, they contribute much to top societal needs. NGO's play an active role in child mental health, Schizophrenia, Psychotic conditions, drug, alcohol abuse. National programs on alcohol and drug abuse reduction are implemented through grants-in-aid given to NGO's.

SNEHA (Chennai), ROSSINI, COOJ, SNEHA INDIA FOUNDATION, VANDRAVELA FOUNDATION FOR MENTAL HEALTH, MPA (Bangalore), SAARTHAK (Delhi) work for suicide prevention activities. Some of the activities of the NGO's include

- Treatment : care and rehabilitation

³⁸DR.Poonam Khetrapal Singh, WHO Regional Director For South- East Asia, Governments can play a pivotal role in preventing, www.searo.who.intr/mediacentre/features/2014/government-can-play-pivotal-role-in-preventing-suicides/en/

³⁹National Mental Health Programme, vikaspedia.in/health/national-mental...

⁴⁰Mental Health Care Act, 2017 – PRS, www.prsindia.org/media/MentalHealth.



- Community –based activities and prevention
- Research and training
- Advocacy and empowerment⁴¹.

DECRIMINALISATION

GLOBALLY:Attempt to suicide is decriminalized in most countries except countries like Singapore, Pakistan, Bangladesh, Malaysia, and India.

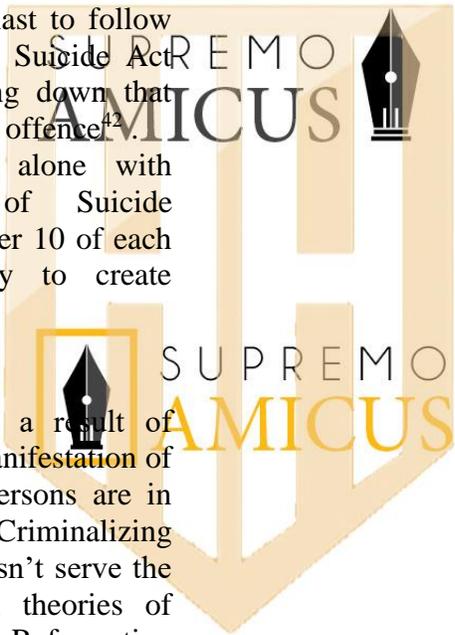
Following the French Revolution of 1789, criminal penalties for attempting to commit suicide were abolished in European countries, England being the last to follow suit in 1961. In England, the Suicide Act 1961 abrogated the law laying down that attempt to commit suicide is an offence⁴².

World Health Organization along with International Association of Suicide Prevention celebrates September 10 of each year as World suicide day to create awareness and prohibit suicide.

CONCLUSION:

Suicide, ‘a call for help’ is a result of psychiatric disorder and not manifestation of criminal instinct, thus such persons are in dire need of treatment. Criminalizing attempt to commit suicide doesn’t serve the need .There is a change in theories of punishment from Deterrent to Reformation in criminal laws ,as the main intention of laws is to reform persons .Thus in

accordance with this ,although Mental Health care act,2017 decriminalizes attempt to commit suicide , still section 309 remains in statute book as an offence, which need be effaced. Indian Penal Code (amendment bill) ,2016 makes changes to the section 309 by which attempt to commit suicide is decriminalized ,time has come whereby the bill need to be passed by parliament as early as possible to help our needy people .Thus attuning Our criminal law with global wavelength.



⁴¹R.Thara and VikramPatel,Role of non-government organisations in mental health in India, Indian journal of psychiatry,www.ncbi.nlm.nih.gov/pmc/articles/PMC3146177/.

⁴²Humanization and Decriminalization of Attempt to Suicide, Law Commission of India, Report No 210, Oct2008, Lawcommisssonofindia.nic.in>report210.