

LET THE JUSTICE PREVAIL FOR SUICIDE ATTEMPT SURVIVORS

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INTRODUCTION

Attempted suicide is a serious problem requiring mental health interventions, but it continues to be treated as a criminal offence under the section 309 of Indian Penal Code.

The short comment reviews the international legal perspective across various regions of the world, discusses the unintended consequences of section 309 IPC.

Suicide attempt can be defined as a non-fatal self-directed potentially injurious behaviour with an intent to die.

Most countries across the world no longer criminalize the suicidal attempts, however India has continued to hold it as a punishable offence.

Research suggests that psychiatric illness constitutes a major cause for nonfatal suicidal behavior. Risk factors for non-fatal suicide attempts by adults or youth include depression and other mental disorders.

people who attempt suicide are in need of help rather than punishment in view of association with a high psychiatric or psychological morbidity.

As per Article 21 of the Indian constitution, "No individual should be denied of his life or individual freedom with the exception of as per technique built up by the law". While the constitution covers the right to life or liberty, it does not include the 'right to die'. The attempts at taking one's own life are not considered to fall under purview of constitutional right to life.

India continues to follow the archaic law even though Britain itself had decriminalized suicide way back in 1961.

The punishment for these varies from 1-10 years of imprisonment and heavy fines.

During 19th and 20th century, most of the developed countries have repealed criminalization of attempted suicide, but some countries including India, continue to treat suicidal attempt as a criminal offense.

Countries that have retained attempted suicide as a criminal offense are mainly from two regions viz. North African region and South Asian region.

Currently, World Health Organization¹ identified 59 countries across the world that have decriminalized suicide.

The criminal prosecution and the imposition of custodial and financial penalties on those convicted of suicidal behaviors constitute an affront to human dignity.

Penal sanctions will only serve to exacerbate suicidal persons' risk for depression, anxiety, and repetitive suicidal behavior

Hinduism, it is believed that death by suicide do not lead to achievement of salvation (moksha).

the suicidal behavior is a result of a host of factors, some of which are outside a person's control, such as endogenous biological causes, socioeconomic causes such as poverty, frustration in love, setbacks in finances, family or other such reasons

Suppose, A 40-year-old male, clerk, from middle socioeconomic status suffered from a depressive illness and tried to commit suicide by consuming the insecticide, but family members found out and took him to a nearby hospital immediately. The hospital refused to admit him due to fear of legal hassles associated with attempted suicide; finally, the family members took him to another hospital and had to report the case as accidental overdose in order to avoid further delay. From a legal perspective, what happens to this person in case his life is saved? He is, then, prosecuted for a criminal offence under section 309 IPC

With decriminalization, the patients and their families will be in a better position to openly seek mental health care after the attempt.

From societal perspective, decriminalization is a more sensitive and humane way of dealing with the problem compared to prosecution.

¹ World Health Organization 1948

The criminalization of suicidal acts causes the problem of suicide to go underground, making it difficult for suicidal persons to receive necessary assistance.

Supreme Court had recommended to Parliament to consider decriminalizing attempt to suicide, saying the provision had become anachronistic. Eventually, it was included in a few sections of the recently drafted Mental Health Care Bill 2013² which has recently been introduced to Rajya Sabha, and is still pending an approval before it can take effect as a law.

Patients presenting with an attempted suicide should be advised for a psychiatric consultation in all cases.

there is a tremendous need to allocate the necessary resources for strengthening the primary mental health care services in all districts of the country

There is a need to further increase the emphasis on the public health approach to suicide prevention e.g. increased awareness generation.

There is a need to develop an effective framework integrating the mental health with social welfare, education and other related sectors.

The Mental Health Care Bill, 2013, still under consideration in the Rajya Sabha (upper house), has proposed that attempted suicide should not be criminally prosecuted. Decriminalization of suicidal attempt will serve to cut down the undue stigma and avoid punishment in the aftermath of incident, and lead to a more accurate collection of suicide-related statistics. From a policy perspective, it will further emphasize the urgent need to develop a framework to deliver mental health services to all those who attempt suicide.

Therefore, segment 309 as a law ought to be revised appropriately keeping in see the sort of individuals who endeavor suicide. The area ought to be revised to rebuff just the individuals who endeavor to escape discipline because of other criminal liabilities barring the individuals who endeavor it out of sheer dissatisfaction, discouragement or because of living in such conditions that would conjure self-destructive contemplations.

A common yet highly inaccurate belief is that people who survive a suicide attempt are unlikely to try again. In fact, just the opposite is true. Inside the initial three months to a year following

² Mental Health Care Bill 2013

a suicide endeavor, individuals are at most astounding danger of a moment endeavor — and this time maybe succeeding.

Life is a stage with one entrance but many exits. One of those, suicide is one exit having a long ancestry. Basically, the essence of suicide is an intentional self destruction of life.

Individuals endeavor suicide since they can't hold up under their mental torment and uncertainty it will ever show signs of improvement, individuals said they endeavored suicide due to deplorable mental pain they were sad could ever move forward.

There's no single motivation behind why somebody may attempt to take their own particular life, yet certain variables can build the hazard. Somebody might probably endeavor suicide in the event that they have an emotional well-being jumble.

Dejection is the best hazard factor, however there are different other emotional wellness issue that can add to suicide.

Individuals who have self-destructive considerations are frequently so overpowered by sentiments of pity and misery that they think they have no other choice.

Liquor or medication mishandle can frequently add to self-destructive considering and demonstrations of suicide. Treatment will rely upon the hidden reason for your self-destructive musings and conduct

Basically, treatment comprises of talk treatment and medicine. suicide endeavor conveys a higher probability that the individual has a co-happening psychiatric finding and requires treatment.

As indicated by the Ratan Lal and Dheeraj Lal's critique on Indian Penal Code "It is an extraordinary legitimate wonder in the Indian Penal Code that the main demonstration, the endeavor of which alone will turn into an offense. The individual who endeavors to confer suicide is liable of the offense under Section 309 Indian Penal Code though the individual who submitted suicide can't be come to by any means.³

³ Ratan Lal and Dheeraj Lal's 2015 Commentary

CONCLUSION

Decriminalization will reduce the trauma and potential prosecution in the aftermath of a suicidal attempt. However, there is a need to improve the mental health coverage and provide a framework to deliver essential mental health services to all those who attempted suicide.

