DECRIMINALIZATION OF ATTEMPT TO COMMIT SUICIDE

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INTRODUCTION

Life is a stage with one entrance but many exits. Among those, suicide is one exit having a long ancestry. Suicide has been an act of condemnation as well as commendation through the ages. The philosopher’s approach considering sacredness of life, its quality as well as quantity hinges on the central query – Can a man decide to blow out the flame? Can he choose death over life? People have been killing themselves from the beginning of recorded history. Ramayana and Mahabharata have recorded instances of suicide. When Lord Shri Rama relinquished his life, there was an epidemic of suicide in Ayodhya. Bhagvad Gita is against self-torture and self-killing.1 During Vedic and Upanishadic times, apart from ‘Sati’, death from drowning at the confluence of rivers to achieve ‘Punya’ (salvation in the next life), the self-destruction for incurable diseases, ascetics undertaking a great journey towards the terminal years of life (Mahaprasthan), were allowed, but suicide in general was penalised with the above exceptions.2 A verse from the Isavaya Upanishad declares: “He who takes himself (his life) reaches after death, Sunless regions, covered with darkness”.3 The Holy Bible contains no law forbidding man to kill himself, but the taboo that is tagged on to suicide, coupled with denial of a decent burial, was a deterrent to self-destruction by suicide.4 Islam asks man and woman to wait for his/her destiny rather than snatching it from the hands of Allah. If he does not, he will be depicted as an unfaithful wretch.5 The common belief among Hindus is that a person who commits suicide will not attain “Moksha” and his soul will wander around, haunting and tormenting people.

1 Bhagwad Gita, Chapter 17, Verse 5-6.
3 Gouda Dr. SH, Yadwad BS, “Is Attempted Suicide an Offence?”, 29 JIAFM 2007 (2).
4 Theophilus HJ, To be or not to be, Deccan Herald, 1996 May 5.
5 Suicide as seen in Islam [ Available at http://www.inter-islam.org/Prohibitions/suicide.html (last accessed on 26/1/2018)
In 1968, the World Health Organisation defined suicidal act as “the injury with varying degree of lethal intent” and that suicide may be defined as “a suicidal act with fatal outcome”. Suicidal acts with non-fatal outcome are labelled by World Health Organisation as “attempted suicide”. In recent times, attempted suicide, though a failed act, has gained more importance than the suicide which is the successful act, because, for this there is no offender who can be brought within the purview of law. In India, not only abetment of suicide is an offence, but also attempt to commit suicide is an offence. A lot of conflicting opinions have generated on the desirability of retaining or deleting Section 309 of Indian Penal Code because of some contrasting judgments given by our Courts about whether right to life includes right to die within the meaning of Article 21 of the Constitution of India.

SECTION 309 OF INDIAN PENAL CODE, 1860

Suicide (felo de se) has not been defined anywhere in the IPC. However, briefly defined, ‘suicide’ is the human act of self-inflicted, self-intentioned cessation of one’s own life. It has been defined by various sociologists and psychologists in different ways. Some of the definitions are ‘suicide is the initiation of an act leading to one’s own death’. It is synonymous with destruction of the self by the self or the intentional destruction of one’s self. Thus, suicide is killing oneself intentionally so as to extinguish one’s life and to leave this world. However, the Concise Law Dictionary explains that, the term ‘suicide’ means self – killing and it is not restricted to mean a wrongful act of self – murder. It means self – killing to the same extent as homicide means killing anyone else.

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6 See Supra note 2.
7 vide Section 306 of IPC, 1860.
8 vide Section 309 of IPC, 1860.
9 Encyclopedia Britannica, (1973) at pg. 83.
It is pertinent to point out that, recently in 2011, in the case of *Aruna Ramachandra Shanbaug v. Union of India*\(^{12}\) a bench of the Supreme Court consisting of Justice Markandey Katju and Justice Gyan Sudha Misra had observed as under:

“We are of the opinion that although Section 309 of the Penal Code (attempt to commit suicide) has been held to be constitutionally valid in Gian Kaur case [(1996) 2 SCC 648], the time has come when it should be deleted by Parliament as it has become anachronistic. A person attempts suicide in depression, and hence he needs help, rather than punishment. We, therefore, recommend to Parliament to consider the feasibility of deleting Section 309 from the Penal Code.”

Interestingly, suicide as such is no crime under the code. It is only attempt to commit suicide that is punishable under this section, i.e., code is attracted only when a person is unsuccessful in committing the suicide. If the person succeeds, there is no offender who could be brought within the purview of law. The section is based on the principle that, *the lives of men are not only valuable to them but also to the state which protects them*.

**S. 309 – Attempt to commit suicide:** “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.”

**Attempt must be “intentional”** – The essence of suicide is an “intentional” self-destruction of life. *Mc Naughten’s Case*\(^{13}\) rule can be invoked in the interpretation of the criminality of an attempted suicide. This rule represented by Section 84 IPC, specify that, “Nothing is an offence which 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”. Therefore attempted suicide is not an offence if the person at the time of committing it, by reason of mental illness, did not know what he was doing or what he was doing was either wrong or contrary to Law. And also a mentally ill person or a person experiencing intense psychological distress is not

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\(^{12}\) (2011) 4 SCC 454.

\(^{13}\) *Mc Naughten’s Case*, (1843) 10 C & F 200.
likely to consider legal issues when he contemplates suicide; and, if he does think of the law on the subject, he is likely to take precautions to ensure that his act is successful. Either way, the law on suicide fails to serve as deterrent.

Thus, if a person takes an overdose of poison by mistake or in a state of intoxication, or in order to evade capture by his pursuers, he is not guilty under this section. Similarly, if a person because of family discord, destruction, loss of a near and dear relation or other cause of a like nature overcomes the instinct of self-preservation and decides to take his life, he should not be held guilty for attempt to suicide. In such a case, the unfortunate man deserves indulgence, sympathy and consolation instead of punishment. It is under very compelling adverse circumstances that a person resorts to taking the extreme step of attempting to commit suicide. Some of them are depressive illness, schizophrenic attitude, physical illness which is intolerable, poverty, unemployment, frustration, disappointment, dowry problems etc.

ARTICLE 21 OF INDIAN CONSTITUTION

The Constitution of India provides a long list of fundamental rights under Part-III. Article 21 of our Constitution is one of the important fundamental rights among those rights.

Article 21 – Protection of Life and Personal Liberty: “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

Though, the phraseology of Article 21 starts with negative word, but, the word “No” has been used in relation to the word “deprived”. The object of the fundamental right under Article 21 is to prevent encroachment upon personal liberty and deprivation of life except according to procedure established by law. It clearly means that this fundamental right has been provided against state only. If an act of private individual amounts to encroachment upon the personal liberty or deprivation of life of another person, such violation would not fall under the parameters set for the Article 21; in such a case the remedy for aggrieved person would be either under Article 226 of the constitution or under general law. But, where an act of private individual supported by the state infringes the personal liberty or life of another person, the act will certainly come under the ambit of Article 21. Article 21 of the Constitution deals with the prevention of encroachment upon
personal liberty or deprivation of life of a person. It is therefore essential that the procedure prescribed by law for depriving a person of his fundamental right must conform the norms of justice and fair play. Procedure, which is unfair in the circumstances of a case, attracts the vice of unreasonableness, thereby vitiating the law which prescribes that procedure and consequently, the action taken under it.\textsuperscript{14}

**Right to Life means the right to lead meaningful, complete and dignified life** – The term “life” does not have restricted meaning. It is something more than mere surviving or animal existence.\textsuperscript{15} The meaning of the word life cannot be narrowed down. As far as “Personal Liberty” is concerned, it means freedom from physical restraints of the person by personal incarceration or otherwise and it includes all the varieties of rights other than those provided under Article 19 of the Constitution. Procedure established by Law means the law enacted by the State. “Deprived” also has wide range of meaning under the Constitution. These ingredients are the soul of this provision. The fundamental right under Article 21 is one of the most important rights provided under the Constitution which has been described as heart of fundamental rights by the Apex Court.\textsuperscript{16}

The scope of Article 21 was a bit narrow till 50s as it was held by the Apex Court in *A.K.Gopalan v. State of Madras*\textsuperscript{17} that the contents and subject matter of Article 21 and 19 (1) (d) are not identical and they proceed on total different principles. In this case the word deprivation was construed in a narrow sense and it was held that the deprivation does not restrict upon the right to move freely which came under Article 19 (1) (d). At that time Gopalan’s case was the leading case in respect of Article 21 along with some other Articles of the Constitution, but post Gopalan’s case the scenario in respect of scope of Article 21 has been expanded or modified gradually through different decisions of the Apex Court and it was held that interference with the freedom of a person at home or restriction imposed on a person while in jail would require authority of law.

Whether the reasonableness of a penal law can be examined with reference to Article 19, was the point in issue after Gopalan’s case in the case of *Maneka Gandhi v. Union of India*\textsuperscript{18}, the Apex

\textsuperscript{14} Olga Tellis and others v. Bombay Municipal Corporation and others, AIR 1986 SC 180.
\textsuperscript{15} Francis Coralie v. Union Territory of Delhi, AIR 1978 SC 597.
\textsuperscript{16} Maneka Gandhi v. Union of India, AIR 1981 SC 746.
\textsuperscript{17} 1950 AIR SC 27.
\textsuperscript{18} See Supra note 19.
Court opened up a new dimension and laid down that, the procedure cannot be arbitrary, unfair or unreasonable one. Article 21 imposed a restriction upon the state where it prescribed a procedure for depriving a person of his life or personal liberty.

Thus, Article 21 provides ‘right to live with dignity’ as well as ‘right against cruel and unusual punishment’ and ‘Due process of law’ laid down in Article 21 has became the source of many substantive rights and procedural safeguards to the process.

WHETHER RIGHT TO LIFE INCLUDE RIGHT TO DIE?

Although there is a strong support for repealing Section 309 of the IPC, many legal scholars and courts are against decriminalization of suicide. The main argument given by such scholars is that decriminalization of suicide contradicts the fundamental right to life and this would discharge the state from its obligation to protect its citizens and to provide an atmosphere to support life.19 The Supreme Court has various judgments, which has supported or enhanced conditions for a better life, some of which include Right to Education, Speedy trial, Medical treatment etc.20 It is argued that, if Section 309 is decriminalized and right to die is included in the scope of Article 21, then, the whole purpose of right to life would be defeated. Courts have repeatedly said that ‘right to life’ does not mean just merely living but it includes the right to live with dignity and by making ‘right to die’ a fundamental right would contradict the very purpose of Article 21.21

The Indian Constitution under Article 21 confers the Right to Life as the fundamental right of every citizen. The Right to Life enriched in Article 21 has been liberally interpreted so as to mean something more than mere survival and mere animal existence. The Supreme Court has asserted that Article 21 is the heart of the fundamental Rights provided under part III of the constitution. The Supreme Court has clearly stated that in order to treat a right as a fundamental it is not mandatory that it should be expressly stated as a fundamental right.22 In India “The right to life” under Article 21 of the Constitution has received the widest possible interpretation under the able

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19 B.B Pande, “Right to Life or Death?: For Bharat Both cannot be a Right” (1994) 4 SCC (Jour) 19
20 Ibid.
21 Ibid.
22 See Supra note 19.
hands of the judiciary and rightly so. On the grounds as mentioned, Article 21 does not have a restrictive meaning and needs to be interpreted broadly. This affirms that if Article 21 confers on a person the right to live a dignified life, it should bestow the “Right to Die” also, but, the inclusion of ‘Right to Die’ under Article 21 contradict the provision of Indian Penal Code under Section 309. As according to Section 309 of the I.P.C. “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”. This section is based on the principle that lives of men are not only valuable to them but also to the state which protects them. By considering both the laws, the provision of I.P.C. under Section 309 is contradictory to the fundamental right guaranteed under Article 21 of the Indian Constitution. The state’s power under Section 309, I.P.C. to punish a man for attempt to commit a suicide is questioned not only on the grounds of morality, but also on the constitutionality of the said provision. A lot of conflicting opinions have been given on desirability of retaining or abolishing section 309 of Indian Penal Code because of some contrasting judgement given by the courts.

IS IT MORALLY RIGHT TO PUNISH AN ‘ATTEMPT TO COMMIT SUICIDE’?

As a normal rule, every human being has to live and continue to enjoy the fruits of life till nature intervenes to end it. Death is certain. It is a fact of life. Suicide is not a feature of normal life. It is an abnormal situation. But if a person has right to enjoy his life, he cannot also be forced to live that life to his detriment, disadvantage or disliking. If a person is living a miserable life or is seriously sick or having incurable disease, it is improper as well as immoral to ask him to live a painful life and to suffer agony. It is an insult to humanity. Right to life means right to live peacefully as an ordinary human being. One can appreciate the theory that an individual may not be permitted to die with a view to avoiding his social obligations. He should perform all duties towards fellow citizens. At the same time, however, if he is unable to take normal care of his body or has lost all the senses and if his real desire is to quit the world, he cannot be compelled to continue with torture and painful life. In such cases, it will indeed be cruel not to permit him to
There are people who though see suicide as morally wrong, still create obligatory grounds to commit suicide and advanced some arguments with moral backups in favour of suicide. Thus giving us the chance of raising the question – whether man has the moral right to die or take his or her life.

➢ Argument in favour of decriminalization of attempting suicide:

- **Moral right to die on account of terminal illness** – Suicide is one of the ways in which people can exercise a right to die. Victims having severe burn injuries resort to and claim that they have a right to die of which any prevention of their intention to die is seen as a breach of their right to die because it seems impossible to recover from their suffering.

- **Losses and shameful acts** – Suicide is morally right in the instance of losses or shameful acts like loss of limb or of physical beauty and the person is not in a position to give any meaning to his life, i.e., he is under the high level of depression, as no relief can be procured.

- **Liberty** – To those who see man as a free agent, suicide is morally right. Man’s life belongs to him, hence he is at liberty to take it without denial; and no other person has the right to force their own ideals that life must be lived. Rather, only the individual involved can make such decision and whatever decision he or she does make, should be respected.

➢ Argument against decriminalization of attempting suicide:

- **Suicide is unhealthy approach to the problems of life** – Most people who opt to die are somehow begging for help in order to solve the problems of life. “If a man really does not wish to live, then we think he must be insane, and unfit therefore, to decide his own fate.

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It becomes our duty to save him first to save his life and then to cure his melancholy.” The depressive situations occasioned by frustration, losses, shame, fear etc. are not enough to warrant ones to commit suicide. After all there are societal approved means of coping with human problems not suicide.

- **Suicide is against the law of self-preservation** – This argument proceeds from man’s natural instinct of self-preservation so; killing oneself is a direct negation of this natural law of self. Hence, suicide is always contrary to the natural law and to charity whereby every man should love himself. Suicide is a terrible aberration which is diametrically opposed to a well ordered self-love and the natural instinct of self-preservation. Suicide seen as an escape from overwhelming personal disaster, evil, life misery, frustration, or dishonor, far from an act of fortitude, is an act of cowardice.

- **Utilitarianism** - The theory of Utilitarianism given by Bentham based on ‘Pleasure and Pain’ concept also make ‘suicide an evil’ because the pleasure is obtained only by one person who commits suicide to escape from the life full of sufferings but the pain is caused to many members of society who all are dependent on the person who has committed suicide.

> **Views by eminent persons regarding Section 309 I.P.C.**:

- In this regard eminent lawyer Ram Jethmalani says “The right to die is a part of a wider concept of liberty. The whole nation of the state controlling your life and death is grotesque”. Equally radical is Dr. Appa Ghatate, Supreme Court lawyer who agrees, “The right to die should be included in the Indian Constitution as a fundamental right. The very idea of the state controlling your life is absurd.”

- **Mr. V. S. Deshpande**, after his retirement as Chief Justice of Delhi High Court, referring to what had been held by this Court regarding the scope of Article 21, took the view that if Section 309 is restricted in its application to attempts to commit suicide which are cowardly and which are unworthy, then only this section would be in consonance with Article 21, because, if a person having had no duties to perform to himself or to others when he is terminally ill, decides to end his life and relieve himself from the pain of living and the
others from the burden of looking after him, prosecution of such a person would be adding insult to injury and it was asked: “Should a Court construe Section 309 I.P.C. to apply to such cases?”

- While dealing with issues pertaining to euthanasia, the bench of justices Markandey Katju and Gyan Sudha Mishra observed, “We are of the opinion that although Section 309 of I.P.C. (attempt to suicide) has been held to be constitutionally valid in Gian Kaur’s case by Supreme Court, the time has come when it should be deleted by Parliament as it has become anachronistic”.

- Fali S. Nariman, a senior Supreme Court Advocate comments that, “It is time for India to take consideration of the International hue and cry which has been going on and take a humane step towards mankind and his existence with dignity.”

CONTEMPORARY SCENARIO & POSITION IN OTHER JURISDICTIONS

The Supreme Court of India while delivering its verdict in Gian Kaur v. State of Punjab overruled the judgment given by Bombay High Court in Maruti Shripati Dubal v. State of Maharashtra and also its earlier decision given in P. Rathinam v. Union of India cases wherein Section 309 of Indian Penal Code, 1860 was held to be unconstitutional, whereas, it upheld the judgment of the Andhra Pradesh High Court in Chenna Jagdishwar v. State of Andhra Pradesh holding that Section 309 of the I.P.C. was not violative of Articles 21 and 14 of the Indian Constitution and therefore, it cannot be declared null and void. Presently this verdict given in Gian Kaur is followed, in which the Supreme Court upheld the validity of Section 309 and states that it is within the constitutional mandates and is not violative of any fundamental rights.

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26 See Supra note 18. Also, see at: http://news.oneindia.in/2011/03/08/supreme-court-india-suicide-euthanasia-aid0120.html
27 See Supra Note 29.
28 See Supra note 32.
29 See Supra note 29.
30 See Supra note 31.
31 1988 Cr.L.J. 549.
The Supreme Court in *Gian Kaur* focused on constitutionality of section 309. It did not go into the wisdom of retaining or continuing the same in the statute.\(^{32}\)

Apart from the fact that it has been welcomed by majority of the states in the country and also by so many groups of people as stated above, there are five States in the Country viz., Bihar, Madhya Pradesh, Punjab, Sikkim and Delhi who have opposed this move on several grounds. According to the State of Bihar, repealing of this Section would benefit the “suicide bombers” and terrorists who consume “potassium cyanide” as there would be no deterrent law for them. The State of Bihar does not want the entire section to be repealed rather they want certain modifications in this Section in regard to the suicide attacks, whereas, Punjab said the absence of any deterrent law will encourage farmer suicide, and an attempt should be made to rehabilitate such victims. Madhya Pradesh opposed it on the ground that hardly any arrests are made in such cases, and that this will encourage people to sit on fast unto death. Sikkim also said that repealing the section would lead to law and order problems. Delhi partially opposed the move, and said such people should be sent to authorized medical centers for proper care. Delhi also suggested that the police should be able to book people who try to kill themselves in public by ways such as self-immolation under other sections.\(^{33}\) However, the government with the support and assent of 22 States and 7 Union Territories have repealed Section 309 thereby decriminalizing attempt to suicide.

Following is the position of law in other jurisdictions:

- **England** – Laws against suicide and attempted suicide prevailed in English common law until 1961. Suicide ceased to be a legal offence with the passing of the Suicide Act, 1961 which states that, “the rule of law where it is a crime for a person to commit suicide is hereby abrogated.”

- **Australia** – Assisted suicide was legal in Australia for a period, but now is not. In 1995, the world’s first euthanasia legislation, the Rights of the Terminally Ill Act 1995, was passed in the Northern Territory of Australia. Four patients died under the Act, using a

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32 See *Supra* note 9.
euthanasia device designed by Dr Philip Nitschke. The legislation was overturned by Australia’s Federal Parliament in 1997. In response to the overturning of the Act, Dr Nitschke founded Exit International.

- **Netherlands** – In the Netherlands, being present and giving moral support during someone’s suicide is not a crime; neither is supplying general information on suicide techniques. However, it is a crime to participate in the preparation for or execution of a suicide, including supplying lethal means or instruction in their use. Physician-assisted suicide may be an exception.

- **Russia** – In Russia, inciting someone to suicide by threats, cruel treatment, or systematic humiliation is punishable by up to 5 years in prison.34

- **United States** – Historically, various states listed the act of suicide as a felony, but these policies were sparsely enforced. In the late 1960s, eighteen U.S. states lacked laws against suicide. By the late 1980s, thirty of the fifty states had no laws against suicide or suicide attempts but every state had laws declaring it to be felony to aid, advice or encourage another person to commit suicide. By the early 1990s only two states still listed suicide as a crime, and these have since removed that classification. In some U.S. states, suicide is still considered an unwritten “common law crime,” as stated in Blackstone’s Commentaries. As a common law crime, suicide can bar recovery for the late suicidal person’s family in a lawsuit unless the suicidal person can be proven to have been “of unsound mind.” That is, the suicide must be proven to have been an involuntary act of the victim in order for the family to be awarded monetary damages by the court. This can occur when the family of the deceased sues the caregiver (perhaps a jail or hospital) for negligence in failing to provide appropriate care.

34 *Article 110* of the Criminal Code of the Russian Federation.
REPORTS BY LAW COMMISSION OF INDIA

➢ *Law Commission 42th Report.* 35

The Law Commission of India in its 42nd Report (1971) recommended repeal of Section 309 being of the view that this penal provision is “harsh and unjustifiable”. While trying to answer the question, “Should attempt to commit suicide be punishable?”, the report quoted an English writer, where it has been observed by him that, “It seems a monstrous procedure to inflict further suffering on even a single individual who has already found life so unbearable, his chances of happiness so slender, that he has been willing to face pain and death in order to cease living. That those for whom life is altogether bitter should be subjected to further bitterness and degradation seems perverse legislation.” The apprehension that the repeal of the law criminalizing attempted suicide would result in increase in suicide is betrayed by the fact that Sri Lanka repealed the law four years ago and the suicide rate is showing a trend in reduction. On the contrary, in Singapore suicide rates have been increasing in recent years despite their having suicide as a punishable offence.

➢ *Law Commission 210th Report* 36

The 18th Law Commission in its 210th Report titled ‘*Humanization and Decriminalization of Attempt to Suicide*’ submitted on October 17, 2008 gave the following recommendations:

1. Suicide occurs in all ages. Life is a gift given by God and He alone can take it. Its premature termination cannot be approved by any society. But when a troubled individual tries to end his life, it would be cruel and irrational to visit him with punishment on his failure to die. It is his deep unhappiness which causes him to try to end his life. Attempt to suicide is more a manifestation of a diseased condition of mind deserving of treatment and care rather than punishment. It would not be just and fair to inflict additional legal punishment on a person who has already suffered agony and ignominy in his failure to commit suicide.

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35 See *Supra* note 12.
2. The criminal law must not act with misplaced over zeal and it is only where it can prove to be apt and effective machinery to cure the intended evil that it should come into the picture.

3. *Section 309* of the Indian Penal Code provides double punishment for a person who has already got fed up with his own life and desires to end it. *Section 309* is also a stumbling block in prevention of suicides and improving the access of medical care to those who have attempted suicide. It is unreasonable to inflict punishment upon a person who on account of family discord, destitution, loss of a dear relation or other cause of a like nature overcomes the instinct of self-preservation and decides to take his own life. In such a case, the unfortunate person deserves sympathy, counselling and appropriate treatment, and certainly not the prison.

4. *Section 309* needs to be effaced from the statute book because the provision is inhuman, irrespective of whether it is constitutional or unconstitutional. The repeal of the anachronistic law contained in *Section 309* of the Indian Penal Code would save many lives and relieve the distressed of his suffering.

5. The Commission is of the view that while assisting or encouraging another person to (attempt to) commit suicide must not go unpunished, the offence of attempt to commit suicide under *Section 309* needs to be omitted from the Indian Penal Code.

**CONCLUSION**

It is most intriguing and frustrating to observe that our penal laws which are nothing but the hand–work of Britishers have by and large remained untouched even after more than 60 years of independence. What a pity that Britishers have themselves amended their penal laws and decriminalized attempt to suicide way back in 1961 but we are yet to even deliberate on taking any action on this decisive issue which subjects an already tormented person to further punishment and ignominy!

Certainly, we should not be the copycat of Britishers, but, can we deny that increasingly more and more countries like Netherlands, Belgium, Luxembourg, Switzerland, Oregon and Washington in
USA and Thailand are even legalizing euthanasia or mercy killing for terminally ill persons? Can we deny the decriminalization of attempted suicide by all countries in Europe, North America and Canada? Can we deny that it is only a handful of countries in the world like Pakistan, Bangladesh, Malaysia, Singapore and India who still punish attempt to suicide under their penal laws? Are we still waiting only to be the last country in the world to decriminalize attempt to suicide? Let us not forget that Section 309 of I.P.C. tantamount to brazenly punishing a person who is already suffering endlessly by not only sending him/her to prison for one year but also imposing fine which only serves to make their life more miserable by further compounding their endless problems. How can this grave injustice be ever justified? Can an ordinary person even dream to commit suicide? It is under very compelling adverse circumstances that a person resorts to taking the extreme step of attempting to commit suicide which must be fully taken into account. Such people suffering from severe depression need the company of good doctors and not jailors which we all must also now realize and appreciate.

In conclusion, it can be said that to resolve this debate, the conflict between the principle of sanctity of life and the rights of self-determination and dignity of an individual is to be resolved first and right to die should not be generalized but should be exercised as an exception in the “RAREST OF RARE CASES” like Death Penalty in India.