

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD JULY, 2009

Bill No. III of 2009

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2009

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BILL

further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2009.

Short title
and com-
mencement.

(2) It shall come into force with immediate effect.

45 of 1860.

2. In the Indian Penal Code 1860, section 309 shall be omitted.

Omission of
section 309.

STATEMENT OF OBJECTS AND REASONS

Section 309 of Indian Penal Code provides that whoever attempts to commit suicide and does any act towards commission of such an offence shall be punished with imprisonment for a term, which may extend to one year or with fine or with both. For quite some time in the past, there has been a debate about retaining this section in the Indian Penal Code. There are strong views regarding decriminalisation of attempted suicide in various countries. Many countries do not treat suicide as a crime. At present, suicide is a crime in only a handful of countries. The Law Commission in its 210th Report on humanitarian and decriminalisation of attempt to suicide has recommended for repealing of this anachronistic law to relieve the distressed person who attempts to commit suicide. According to Law Commission report, attempt to commit suicide may be regarded more as a manifestation of a diseased condition of mind deserving treatment and care rather than an offence which to be visited with punished. The Report further says that 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. Earlier in its 42nd Report, also the Commission had recommended repealing of section 309. Accordingly, the Indian Penal Code (Amendment) Bill, 1978 was passed by Rajya Sabha. The Bill could not find place in the statute book as it lapsed on dissolution of the Lok Sabha. It is high time that this section should be removed from the Indian Penal Code. However, abetment of suicide will continue to be an offence under Section 306 of IPC.

Hence this Bill.

MAHENDRA MOHAN

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

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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 extend to one year ¹ *or with fine, or with both.]

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RAJYASABHA

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(Shri Mahendra Mohan, M.P.)