

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 11TH MARCH, 2016

**Bill No. XIV of 2016**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2016

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BILL

*further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. This Act, may be called the Indian Penal Code (Amendment) Act, 2016.
2. In the Indian Penal Code, 1860, section 309 shall be omitted.

Short title.

Omission of  
section 309  
of Act 45 of  
1860.

#### STATEMENT OF OBJECTS AND REASONS

As per data collected by National Crime Record Bureau, in 2014, more than 1.3 lakh Indians committed suicide across India. On an average 10.6 suicides were reported per one lakh population. Many states reported a suicide rate going as high as 22. In today's fast developing world suicide is as much a manifestation of various lifestyle disorders as it is an activity resulting out of extreme circumstances. In either of the scenario, the person who is driven to commit suicide must be recipient of care and treatment and not punishment.

For decades the issue of decriminalisation of attempt to commit suicide has been debated and the Law Commission in its 210th report submitted in October 2008, categorically recommended repeal of Section 309 of the Indian Penal Code in order to humanize the criminal justice system. The Commission noted that in 1978, the Council of States had passed a Bill for omission of this section from the Indian Penal Code but the same could not be passed as the House of People dissolved in 1979. The Commission also noted that in those countries of Europe and North America which have decriminalised attempt to commit suicide, suicide rate has not gone up and on the contrary, those with suicidal tendencies are able to receive care and attention.

Therefore, there is no reason why a civilised society should continue to penalise those who are in need of sympathy and care.

Hence, this Bill.

HUSAIN DALWAI

*ANNEXURE*

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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**309.** 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 to  
commit  
suicide.

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RAJYA SABHA

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*(Shri Husain Dalwai, M.P.)*