

**Bill No. I of 2012**

INDIAN PENAL CODE (AMENDMENT) BILL, 2012

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BILL

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

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2012.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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 IPC provides for imprisonment and/or fine for those who have attempted to commit suicide. This section has been considered to be in violation of article 21 of the Constitution and not in adherence with the modern day view of the State providing care to its citizens.

The Law Commission of India recommended its repeal as early as 1971 and, once again in, 2008. In the recent report, the Law Commission says: "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 interest 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 prison." This proposal of the Law Commission has met with approval from twenty five State Governments, thereby underlining the overwhelming support for repealing this inhumane provision.

This inhumane provision is a form of double punishment and today remains as a crime only in a few countries such as Singapore, Pakistan, Bangladesh and Malaysia, besides India. The counterview that decriminalising the attempt to suicide will encourage people to take their own lives has no basis. As the International Association for Suicide Prevention has pointed out, there is nothing to show that suicide rates have increased following its decriminalisation. This view is also supported by the World Health Organization and the Indian Psychiatric Society.

In the past also, the Indian Penal Code (Amendment) Bill, 1972 was introduced and passed by the Rajya Sabha omitting section 309 but it lapsed in the Lok Sabha consequent upon the dissolution of Sixth Lok Sabha in July, 1979. The Law Commission and the Parliamentary Standing Committee on Home Affairs have consistently advocated the need to reform and rationalise the criminal law of the country. In view of providing necessary medical care and not harassment to those who are distressed enough to attempt to take their own lives, it is necessary to repeal section 309 in the Indian Penal Code.

Hence, this Bill.

KANIMOZHI

*ANNEXURE*

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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Section 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.

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RAJYA SABHA

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*(Shrimati Kanimozhi, M.P.)*