Abetment of Suicide Charges

Why in News?

Recently, Supreme Court cleared charges against a bank manager accused of abetting the suicide of a man who allegedly took his own life after he was unable to repay his bank loans.

What is suicide?

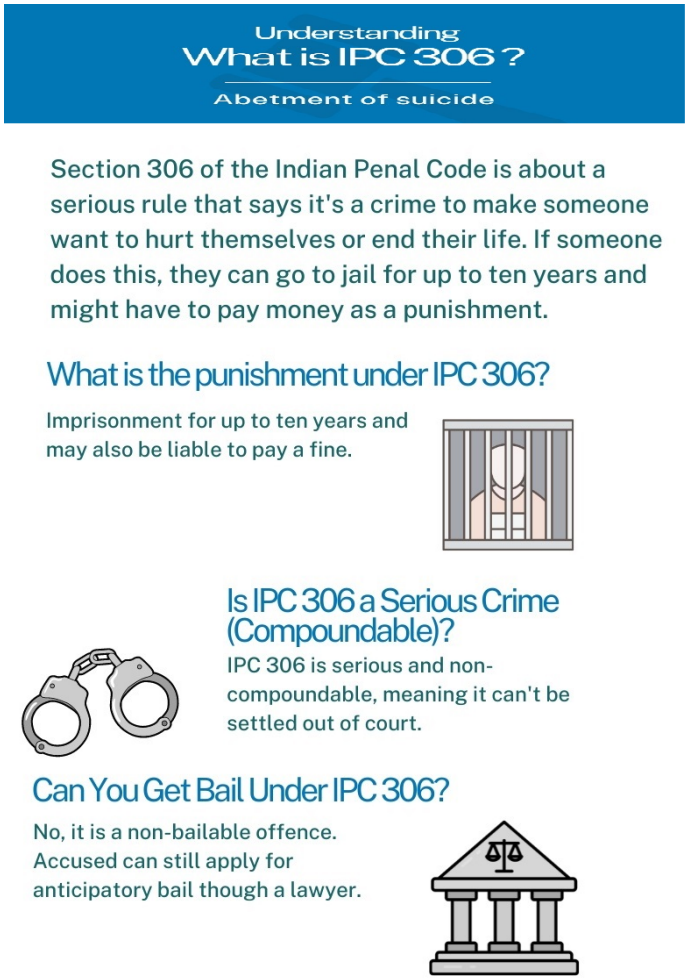
- **Suicide** – According to National Crime Records Bureau (NCRB), suicide is a personal tragedy that *prematurely takes the life* of an individual and has a continuing ripple effect, affecting the lives of families, friends and communities.
- **Status in India** – National Crime Records Bureau (NCRB) reports that ***1.71 lakh people died by suicide in 2022***.
- **Higher suicide rate** – In 2022, it has increased to *12.4 per 1, 00,000,* the highest rate ever recorded in India since 1967.
- **Vulnerable states** - As per NCRB 2021 data the highest number of student suicides is reported in *Maharashtra* followed by Madhya Pradesh and Tamil Nadu.

> *A Lancet study stated that suicide death rates in India are among the highest in the world and a large proportion of adult suicide deaths occur between the ages 15 and 29.*

- **Key drivers of suicides in India** - Experts point to issues such as poverty, debt, domestic violence, addiction, and social isolation.

What is abatement of suicide in criminal law?

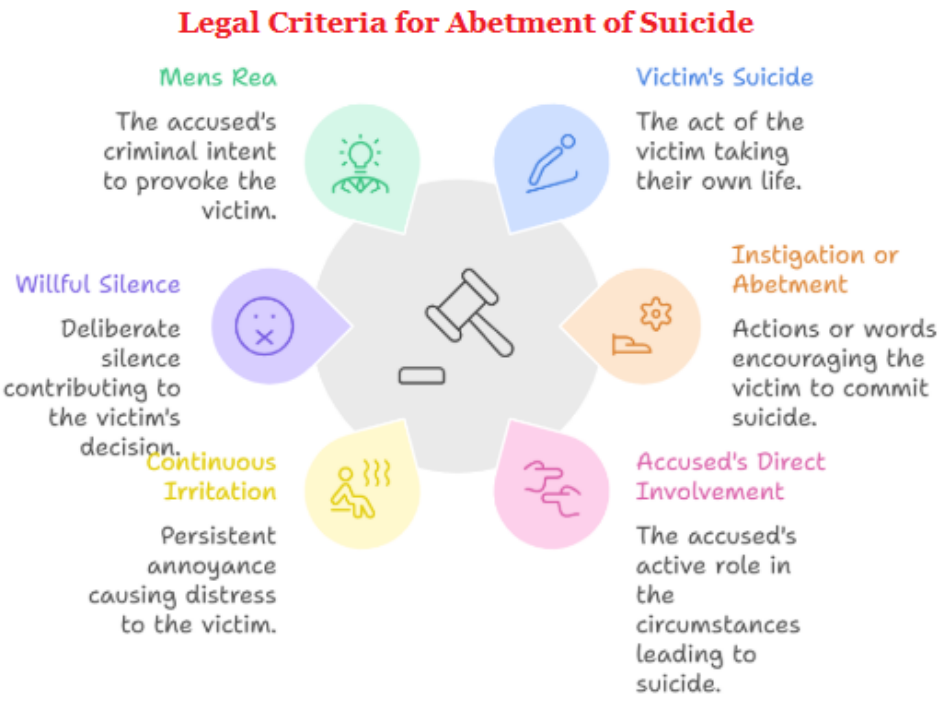
- **Term 'abetment'** – It is defined *under Section 107 of the IPC*, which is the same as *Section 45* of the Bharatiya Nyaya Sanhita, 2023 (BNS).
- A person abets the doing of a thing, if she
  - *Instigates* any person to do that thing, or
  - Engages with one or more others in a *conspiracy* for the doing of that thing, or
  - *Intentionally aids*, by any act or illegal omission, the doing of that thing
- **Proving abetment of suicide** – Evidence has to effectively show that the accused directly instigated or aided the deceased to die by suicide.
- **Punishment** – It can be *up to 10 years imprisonment* along with a *fine* under ***Section 306 IPC (Section 108 BNS).***



- **Conviction rate** – According to the National Crime Records Bureau's annual *Crime in India report*, the conviction rate in abetment of suicide (Section 306 IPC) cases *was 17.5% in 2022*, the year for which the latest data are available.

  In India, the overall conviction rate for all crimes under the IPC was 69.8%. It was 54.2% for cognizable offences, which includes abetment to suicide, where an arrest can be made without a warrant.

What are the ingredients for an abetment to suicide charge?



- **Bar for proof** – It would be higher in cases where the deceased and the accused have an official relationship (such as between an employer and employee).
- Both the courts and prosecuting agencies must see if there is evidence to show that the accused intended to cause the suicide.
- There must be "direct and alarming encouragement/ incitement by the accused" to prosecute someone for abetment to suicide.
- **Requirement for direct evidence** – In ***M Mohan v The State (2011)***, the SC set a high bar for proving abetment of suicide under Section 306 IPC, including specific intent.
    - It requires an *active or direct act* which led the deceased to commit suicide seeing no option.
    - And this act must have been intended to push the deceased into such a position that he/ she committed suicide".
- This standard was upheld in ***Ude Singh v State of Haryana (2019)*** as well, where the SC stated
    - There must be a *proof of direct or indirect act*(s) of incitement to the commission of suicide.
    - If the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving *no other option except to commit suicide*, the case may fall within the four corners of Section 306 IPC.

What are the recent orders of Supreme Court?

- It stated that investigating agencies need to be sensitised to the law laid down by SC *under Section 306 IPC* so that persons are not subjected to abuse of process of a totally untenable prosecution.
- **Do's** – The persons involved in genuine cases where the threshold is met should not be spared.
- **Don'ts** - The provision (Sec 306 IPC/Sec 108 BNS) should not be deployed against

individuals only to assuage the immediate feelings of the distraught family of the deceased.
- It states that hyperboles and informal exchanges without anything more should not be glorified as an instigation to commit suicide.

In October 2024, the Supreme Court quashed the case of abetment of suicide in which a salesperson died by suicide after alleged harassment from senior officers in his company who were forcing him to opt for a voluntary retirement scheme.

What lies ahead?

- India's current suicide prevention efforts, which fall under the National Mental Health Programme, must *expand to a 'whole-government public health approach'.*
- More focus is needed on addressing socio-economic risks alongside mental health interventions.
- Create a more supportive environment that prioritises early intervention, reduces stigma, and ultimately saves lives

*India's **National Suicide Prevention Strategy**, released in 2022, highlights the necessity of adopting a more comprehensive approach.*

Reference

The Indian Express| Standards for Abatement of Suicide Charges

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