

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
RAJYA SABHA

UNSTARRED QUESTION NO.2271

TO BE ANSWERED ON THE 12<sup>TH</sup> FEBRUARY, 2014/MAGHA 23, 1935 (SAKA)

**DELETION OF SECTION 309 OF IPC FOR DECRIMINALIZATION OF ATTEMPT TO SUICIDE**

2271. SHRI VIJAY JAWAHARLAL DARDA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Supreme Court in a case of Aruna Ramchandra Shanbaug Vs. Union of India and others decided in 2011, had recommended to delete Section 309 of IPC and to decriminalize attempt to commit suicide;

(b) if so, the action taken by Government in this regard;

(c) whether Government is aware that people attempting to suicide need help, compassion and counselling instead of punishment; and

(d) if so, the attempts made in this regard?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI MULLAPPALLY RAMACHANDRAN)

(a):Yes Sir, Hon'ble Supreme Court in the case of Aruna Ramchandra Shanbaug Vs. Union of India and Others has opined that section 309 IPC has become anachronistic and recommended the Parliament to consider the feasibility of deleting section 309 from the Indian Penal Code.

(b): The Law Commission in its 210<sup>th</sup> Report titled as "Humanization and Decriminalization of Suicide" submitted in the year 2008 recommended that section 309 of IPC needs to be effaced from the statute book because that provision is inhuman, irrespective of whether it is constitutional or not.

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As the Criminal Law and Criminal Code are in the Seventh Schedule to the Constitution of India, the Report of the Law Commission has been referred to the State Governments for their comments. Most of the State Governments have supported the proposal. The Department related Parliamentary Standing Committee on Home Affairs has recommended persistently in its 111<sup>th</sup>, 128<sup>th</sup> and 146<sup>th</sup> Reports for an imperative need to reform and rationalize the criminal law of the country by introducing a comprehensive legislation in the Parliament instead of bringing amendment Bills in piecemeal.

The Law Commission of India has accordingly been requested through the Ministry of Law & Justice to examine the existing criminal laws and give comprehensive report covering all aspects of various Criminal Laws, viz. the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, the Evidence Act etc. The Law Commission has taken up the matter for consideration. Proposal to delete the section 309 from the IPC is part of the next batch of the comprehensive amendment to the Indian Penal Code, 1860.

(c) to (d): Yes sir, Clause 124(2) of the Mental Health Care Bill which has been initiated by the Ministry of Health & Family Welfare contains the provision that the appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having mental illness and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.

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