# IPC Section 309: Attempt to commit suicide.

## IPC Section 309: Attempt to Commit Suicide  
  
Section 309 of the Indian Penal Code deals with the offense of attempting to commit suicide. Historically, this section criminalized the act of attempting to take one's own life. However, the legal landscape surrounding suicide and its attempt has undergone significant changes with the enactment of the Mental Healthcare Act, 2017. While Section 309 remains in the IPC, its practical application has been significantly altered by the 2017 Act.  
  
\*\*The Text of Section 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."  
  
\*\*Breaking Down the Elements (Historically, Before the Mental Healthcare Act, 2017):\*\*  
  
1. \*\*Attempt:\*\* The section requires an actual attempt to commit suicide. This goes beyond mere ideation or expression of suicidal thoughts. The individual must have taken some active steps towards ending their life.  
  
  
2. \*\*Act Towards Commission:\*\* The attempt must involve a concrete act directed towards the commission of suicide. This could include consuming poison, inflicting self-harm, jumping from a height, or any other action intended to cause death.  
  
  
3. \*\*Proof of Intention:\*\* The prosecution needed to establish the individual's intention to take their own life. This could be inferred from the nature of the act, surrounding circumstances, and any statements made by the individual.  
  
  
\*\*The Mental Healthcare Act, 2017 and its Impact on Section 309:\*\*  
  
The Mental Healthcare Act, 2017, introduced a crucial change in the legal approach to suicide attempts. Section 115 of the Act states:  
  
"Notwithstanding anything contained in section 309 of the Indian Penal Code (45 of 1860), any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code."  
  
This provision effectively decriminalizes suicide attempts by creating a presumption that individuals who attempt suicide are suffering from severe stress. This presumption shifts the burden of proof to disprove the presence of severe stress. Unless the prosecution can prove beyond reasonable doubt that the individual was \*not\* under severe stress at the time of the attempt, they cannot be prosecuted under Section 309.  
  
  
\*\*Implications of the Mental Healthcare Act:\*\*  
  
\* \*\*Presumption of Severe Stress:\*\* The Act creates a rebuttable presumption of severe stress in all cases of attempted suicide. This means the starting point is that the individual is assumed to be suffering from severe stress, and it's up to the prosecution to disprove this.  
  
\* \*\*Decriminalization in Practice:\*\* Due to the difficulty in disproving severe stress, Section 309 has become virtually inapplicable. Prosecution under this section is extremely rare, and attempts to commit suicide are now primarily treated as a mental health issue rather than a criminal offense.  
  
  
\* \*\*Focus on Care and Treatment:\*\* The Act emphasizes providing care, treatment, and rehabilitation to individuals who attempt suicide. The focus has shifted from punishment to support and recovery.  
  
  
\* \*\*Protection from Prosecution:\*\* The Act provides protection from prosecution for individuals who attempt suicide, ensuring that they are not subjected to further trauma and stigmatization.  
  
  
\*\*Current Status of Section 309:\*\*  
  
While Section 309 remains in the IPC, it is largely dormant due to the Mental Healthcare Act, 2017. There are ongoing debates about whether Section 309 should be repealed altogether, as its continued existence can create confusion and potentially deter individuals from seeking help for suicidal thoughts.  
  
  
\*\*Addressing the Issue of Suicide Attempts:\*\*  
  
The Mental Healthcare Act promotes a more humane and effective approach to addressing suicide attempts:  
  
\* \*\*Early Identification and Intervention:\*\* The Act emphasizes the importance of identifying individuals at risk of suicide and providing timely interventions.  
  
  
\* \*\*Access to Mental Healthcare:\*\* The Act promotes access to quality mental healthcare services for individuals experiencing suicidal thoughts or behaviors.  
  
  
\* \*\*Reducing Stigma:\*\* Decriminalizing suicide attempts helps reduce the stigma associated with mental illness and encourages individuals to seek help without fear of legal repercussions.  
  
  
\* \*\*Support for Families:\*\* The Act recognizes the impact of suicide attempts on families and promotes support services for families affected by suicidal behavior.  
  
  
  
\*\*Conclusion:\*\*  
  
While Section 309 of the IPC technically remains a part of Indian law, its practical application has been significantly curtailed by the Mental Healthcare Act, 2017. The presumption of severe stress and the focus on care and treatment have effectively decriminalized suicide attempts in India. This shift reflects a more compassionate and evidence-based approach to addressing the complex issue of suicide, prioritizing mental health and well-being over punishment. The ongoing discussion about repealing Section 309 altogether underscores the evolving understanding of suicide and the need for a legal framework that supports individuals struggling with suicidal thoughts and behaviors.