

Tkhs-2 Course Project

Judicial Responses to Suicide in India: A Sociological Perspective

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Introduction: Suicide is personal, or is it?

"The person who completes suicide, dies once. Those left behind die a thousand deaths, wondering why."

-Clark et al

Suicide is one of the most intimate and tragic battles someone can face. What begins as a deeply personal struggle soon transcends the individual. When someone considers taking their life, it's not just a personal issue anymore; it becomes a social, moral, and even legal matter. Should society treat those who attempt suicide with punishment, or should they be offered help? Or should people just be allowed to make their own choices?

This conversation isn't new. Back in 1860, during the British colonial period, India criminalized attempted suicide under Section 309 of the Indian Penal Code. For a long time, if you tried to end your life, you could actually be punished. But things have been changing; in 2017, the Mental Healthcare Act was passed, which marked a huge shift. It said that suicide attempts are not crimes but issues of public health, acknowledging the emotional struggles that lead to such drastic actions.

To really grasp how judicial responses to suicide reflect society's evolving values, we can look at insights from sociologists like Emile Durkheim, Karl Marx, and Max Weber. Their theories help us understand how the law has transitioned from being punitive to being more compassionate and health-focused. This shift also makes us think about individual rights, social responsibility, and how the role of the state has changed over time.

Suicide in India: An Overview of Statistics and Trends

The statistics surrounding suicide in India tell a story of societal change - one that has been influenced by social, economic, and cultural shifts. Suicide rates rose from 7.8 per 100,000 people in 1967 to 9.1 by 1970, reflecting the social challenges of that era. The rates dipped slightly in the mid-1970s, but climbed again throughout the 1980s and hit 11.2 per 100,000 by 1999. This trend continued to rise through the early 2000s, especially with an increase in suicides among farmers, rural communities, and students facing academic pressure.

Certain demographics in India, such as farmers and students, are disproportionately represented in suicide rates. According to the National Crime Records Bureau (NCRB), agricultural distress and economic hardship contributed to high farmer suicide rates, especially in the 1990s, when economic liberalization brought both opportunities and new pressures. For students, academic and social pressures have led to a concerning rate of suicide, underscoring the urgent need for mental health support and systemic changes in education.

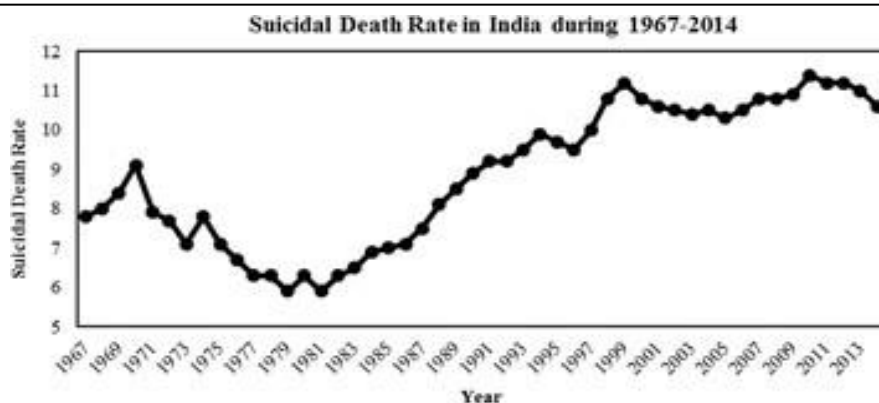


Fig 1.1 Suicide Death Rate in India during 1967-2014

(Kamalja, K. K., & Khangar, N. V. (2017). A statistical study of suicidal behavior of Indians. Egyptian Journal of Forensic Sciences, 7(1). <https://doi.org/10.1186/s41935-017-0007-9>)

The Early Legal Stance: Criminalizing Suicide

The Origin of Section 309: A Colonial Legacy

So, why was attempted suicide treated as a crime in the first place? When the British introduced Section 309, they believed that suicide was a crime against God and society. They wanted to maintain moral order, and viewed suicide as a threat to that stability.

Sociologist Emile Durkheim's theories shed light on this. He argued that every society has shared values, which he called a "collective conscience." In colonial India, suicide was seen as a danger to this collective conscience, leading to its criminalization. By criminalizing suicide, the law aimed to discourage behaviours that could disrupt social order. But this approach often backfired, stigmatizing those already struggling with mental health issues, and preventing them from seeking help.

Durkheim studied suicides in different societies, and concluded that suicide isn't just an individual act but a social phenomenon. According to him, suicides are classified into four types: egoistic, altruistic, anomic, and fatalistic, each arising from different forms of social disconnection or over-regulation. Egoistic suicides happen when individuals feel disconnected from society; anomic suicides occur during sudden societal changes or personal crises; altruistic suicides happen when individuals are so strongly integrated into a group that they may sacrifice themselves for it; while fatalistic suicides occur when people feel trapped under oppressive social or personal conditions with no way out.

Section 309 and the "Collective Conscience"

Criminalizing attempted suicide under Section 309 reflects Durkheim's concept of egoistic and anomic suicides as the intention behind this law was to deter acts that symbolized detachment from society and prevent the rise of suicide during times of personal or social crisis.

This article 309 can also be related to symbolic interactionism theory in sociology, which studies how social labels affect individuals' self-perception and actions. Labelling suicide as "criminal" was intended to carry a stigma, thus preventing individuals from considering it. But unfortunately, this label isolated those people even more since they were already struggling with mental health issues, thus preventing them from seeking help due to fear of legal consequences and social disgrace.

The First Calls for Change: Re-evaluation in the 1970s

Law Commission's 42nd Report (1971)

People's attitudes toward suicide started to change by the 1970s. In 1971, the Law Commission of India issued its 42nd Report, raising concerns about the justification for making suicide attempts illegal. This implied that rather than punishment, people who attempt suicide should receive support and rehabilitation. This represented a dramatic change in perspective from considering suicide to be a criminal matter to one of public health. This change reflects the idea of symbolic interactionism, emphasizing social empathy and the need for support unlike the idea of negative labelling.

The Symbolic Shift in Social Attitudes

The Law Commission's recommendations reflected a broader transformation in societal attitudes during the 1970s, a time of political upheaval and growing awareness of mental health. Although stigma around mental health and suicide persisted, the early calls for decriminalization indicated a recognition that individuals who attempt suicide often require compassion, not condemnation.

Karl Marx's theory of alienation adds another layer of understanding. He argued that in capitalist societies, individuals often feel disconnected from the fruits of their labor and from others around them. In the 1970s, India was still largely agrarian, with high poverty levels and limited access to mental health care. Making suicide a crime only made people who were struggling feel even more alone and alienated.

Judicial Responses in the 1980s and 1990s: A More Compassionate Perspective

The Delhi High Court in *State v. Sanjay Kumar Bhatia* (1985)

The Delhi High Court's ruling on the case *State v. Sanjay Kumar Bhatia* (1985) was a turning point. The court showed sympathy towards individuals who attempt suicide, as punishing those already in distress would only be adding to their suffering. This case was symbolic in shifting the idea of suicide as being a strictly legal issue to acknowledging the complex social and economic factors contributing to the mental health struggles leading to suicide.

Durkheim's concept of "anomic stress" is particularly relevant here as rapid social changes, such as urbanization and industrialization, can lead to disorientation and a loss of social cohesion, increasing the risk of suicide. The court recognized that understanding these factors is crucial for addressing mental health.

Economic Pressures and Mental Health: The Case of Farmer Suicides

In the late 1980s and 1990s, a lot of farmers began suiciding due to financial difficulties and increasing debt. Economic changes brought in more competition, and made many farmers vulnerable. Many faced crop failures and were trapped in debt, leading to a tragic rise in farmer suicides.

Marx's theory of alienation resonates here, as the capitalist systems often alienate individuals from the results of their labour. For many farmers, reforms that prioritized profits over community welfare led to a profound sense of disconnection and despair. By criminalizing suicide, Section 309 failed to address the deeper economic injustices that were driving these tragedies.

1994–1996: The Supreme Court and the "Right to Die" Debate

The Supreme Court's Landmark Decision in *P. Rathinam v. Union of India* (1994)

In the landmark *P. Rathinam v. Union of India* case in 1994, the Supreme Court of India declared Section 309 unconstitutional. This section, which criminalized attempted suicide, was struck down on the grounds that it violated the "right to life" guaranteed under Article 21 of the Indian Constitution. So the Court interpreted the "right to life" to include a "right not to live," recognizing that individuals in severe distress deserve compassion rather than punishment.

This decision aligns with Max Weber's concept of individual autonomy in modern societies. Acknowledging a "right not to live" allows for the choice to end one's life in situations of unbearable suffering. By decriminalizing suicide attempts, the Court emphasized personal dignity and autonomy, marking a significant shift in how individual rights are viewed.

The Reversal in *Gian Kaur v. State of Punjab* (1996)

In *Gian Kaur v. State of Punjab* (1996), the Supreme Court reversed its earlier decision, asserting that the "right to life" does not include the "right to die." This ruling reinstated Section 309 and highlighted the judiciary's struggle to balance individual rights with societal values.

The Legal Repercussions of *Gian Kaur* and the Debate over Euthanasia

The *Gian Kaur* ruling firmly held that the "right to life" under Article 21 doesn't extend to a "right to die." While it reaffirmed Section 309, which criminalizes attempted suicide, it also brought into picture euthanasia which is a complex issue. The Court made it clear that although Article 21 doesn't support a

right to end one's life, it does protect the right to live with dignity. This then raised questions about how the law might apply in cases where people endure terminal illness or intense suffering.

This ruling is a classic example of what Weber would call as "formal rationality", i.e the judiciary followed established legal norms, choosing order over directly addressing the moral questions at hand what we would call procedural justice in political science. The Gian Kaur ruling revealed the limits of a purely legal approach to deeply personal issues, suggesting that, while laws create structure, they often lack the nuance needed for cases that touch on individual suffering.

This is also similar to Durkheim's idea of "fatalistic suicide," where people feel constrained by rigid social systems. The rigidity seen in this ruling suggests that Indian society remains cautious about allowing personal choice in matters of life and death. This caution reflects a hesitation to accept that, for some, ending their suffering might feel like an act of dignity rather than despair.

Mental Health Awareness and the Mental Healthcare Act of 2017

The eventual decriminalization of suicide attempts in India was solidified by the Mental Healthcare Act of 2017. This law recognizes that individuals who attempt suicide are often experiencing severe mental distress. Instead of penalizing these individuals, the Act mandates that the government provide adequate healthcare, marking a significant shift in how we view mental health.

This change epitomizes Weber's concept of substantive rationality, where decisions are guided by values rather than strict legal adherence. The decision to decriminalize suicide attempts reflects a broader societal shift toward empathy, recognizing that individuals in distress need support rather than punishment. It underscores the importance of laws that prioritize human welfare and adapt to evolving societal values.

Decriminalizing suicide also aligns with Erving Goffman's theory of stigma. By framing suicide as a mental health issue, the law aims to reduce the stigma surrounding suicidal thoughts and actions. Goffman described stigma as a "spoiled identity" that isolates individuals. By decriminalizing suicide attempts, we help alleviate this stigma, allowing those in distress to seek help without fear of legal repercussions, thereby reintegrating them into society as individuals in need of care rather than as criminals.

Case Study: Farmer Suicides and Socioeconomic Factors

One of the most heartbreaking aspects of suicide in India has been the plight of farmers particularly since the 1990s. Economic liberalization brought market-oriented reforms that had uneven and mixed outcomes. While these reforms opened India to global trade, they also exposed farmers to market volatility and financial hardship. A lot of small farmers who are not able to repay debts have tragically considered suicide as their only escape from economic despair.

This crisis exemplifies Durkheim's concept of "anomic suicide". This occurs when sudden changes disrupt social structures. As traditional support systems erode, individuals lose the stability that once surrounded them. For farmers anomic suicide is not just a personal crisis. It is a societal one that highlights the lack of systemic support in rural India. By failing to address these underlying issues, society unintentionally aids this ongoing tragedy.

State responses to farmer suicides by providing primarily compensation schemes and loan waivers. But they are often seen as short-term fixes that overlook root causes. Marx's theory of alienation resonates here, as capitalist systems often alienate individuals from the results of their labour. For many farmers, reforms that prioritize profits over sustainable livelihoods foster a profound sense of disconnection. The lack of adequate mental health support, combined with this sense of alienation, has led many farmers to tragically end their own lives.

Judicial and Social Responses: Evolving Perspectives on Individual Rights and State Responsibility

As attitudes toward suicide in India evolved, so did the understanding of the state's role in addressing this complex issue. Early judicial decisions treated suicide as a crime against society, while later rulings recognized the struggles of individuals, advocating for compassionate intervention. This shift reflects broader societal changes, where individual rights are increasingly seen as integral to personal dignity and freedom.

The judiciary's evolving stance on suicide illustrates Weber's concept of the "iron cage" of rationalization. Initially, the legal system adopted a rigid approach, but later acknowledged that individuals experiencing extreme distress require a more nuanced response. By shifting from strict legal rules to a more compassionate approach, the judiciary acknowledged that formal frameworks have their limits when dealing with complex human issues. From a social constructionist perspective, this change reflects how the meanings attached to suicide have evolved. What was once seen as a crime or moral failing is now recognized as a sign of deeper social challenges, like poverty, mental illness, and social isolation. This shift underscores the importance of laws that not only keep up with today's social realities but also address the root causes of despair.

The Role of Public Health Initiatives in Addressing Suicide

The decriminalization of suicide through the Mental Health Act, 2017 has cleared the way for various public health initiatives. Campaigns focused on suicide prevention, mental health awareness, and increased funding for mental health services are necessary in-order to reduce stigma and provide support. However, in many places, especially in rural areas, mental health resources are limited and thus the stigma persists. This has become a challenge.

One key initiative to address this issue is "Manodarpan," which was launched by the Indian government in 2020 as part of the Atmanirbhar Bharat Abhiyan (Self-Reliant India Initiative). This program aims to provide psychological support to students in-order to address the mental health issues that have become a pressing matter since the COVID-19 pandemic. By offering counselling services and establishing mental health support systems in educational institutions, Manodarpan aims to reduce the student suicides, which is a serious problem in India.

This focus on public health aligns with Durkheim's theory that social cohesion and support systems are essential in preventing suicides. Strengthening social bonds and reducing isolation can help address the causes for suicide. These efforts also reflect a symbolic interactionist approach, which aims to change the public perceptions of suicide and mental illness, encouraging empathy and support instead of judgment and stigma.

Future Directions: Moving Toward a Holistic Approach

As India faces the challenge of suicide, it's clear that a caring and comprehensive approach is needed; one that looks at the economic, social, and emotional struggles people face. Laws should not only protect mental health but also honour personal choices and respect people's independence. This means making mental health support available to everyone, tackling economic hardships that increase stress, and building networks of social support so people don't feel alone.

A compassionate approach also means recognizing the cultural roots of suicide. In many parts of India, especially in rural and traditional communities, there is still a strong stigma around mental illness. While decriminalizing suicide is a step in the right direction, it's just as important to spread awareness and education so that reaching out for help is seen as a strength, not a weakness.

Making real change calls for cooperation among government agencies, healthcare workers, schools, and community groups. By addressing the deeper causes of suicide like poverty, lack of mental health care, and loneliness, India can create a society that truly cares for and supports every person's well-being.

Conclusion: Suicide, Society, and the Evolving Role of Law

The evolution of judicial responses to suicide in India reflects changing attitudes toward mental health, individual rights, and the role of the state. From the criminalization of suicide attempts under Section 309 to the compassionate framework established by the Mental Healthcare Act of 2017, India's legal system is gradually recognizing that those who attempt suicide are not criminals but individuals in need of support.

Looking at judicial responses through a sociological lens reveals that the law is more than just a set of rules; it embodies societal values and beliefs. Durkheim's insights on suicide, Weber's theories of rationality, and Marx's concepts of alienation provide valuable perspectives on how social, economic, and cultural factors shape our understanding of this complex issue.

As India embraces a more compassionate and inclusive approach to suicide, it's essential for the legal system to adapt to the realities and needs of people and their communities. Decriminalizing suicide attempts and investing in public health initiatives are meaningful steps forward, yet the journey toward a society that deeply values mental health and personal dignity continues. India can only aspire to a future where fewer individuals feel the need to suicide, by working towards reducing the stigma, enhancing mental health care, and addressing the socio-economic roots of despair. As Michel Foucault poignantly stated, "The role of society is not to cure, but to care."

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