

Suicide an abetment
of suicide is an
offence.



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Suicide as such is not an offence but an attempt to commit it or an abetment of suicide is an offence. An attempt to commit suicide is punishable with imprisonment of either description up to one year or fine or both (Section 309). It is essential before an attempt of such kind can be punished that some act must be done in the course of the attempt. Right to life is a natural right embodied in Article 21 but suicide is an unnatural termination or extinction of life and, therefore, incompatible and inconsistent with the concept of 'right to life'. When a man commits suicide he has to undertake certain positive overt acts and the genesis of those acts cannot be traced to, or to be included within the protection of the 'right to life' under Article 21 of the Constitution. The significant aspect of 'sanctity of life' is also not to be overlooked.

Article 21 which guarantee 'protection of life' cannot be construed so as to read therein 'extinction of life' or 'right to die'. Whatever may be the philosophy of permitting a person to extinguish his life by committing suicide? There is no ground to hold that Section 309, I. P. C. is constitutionally invalid. The contrary view taken in P.

Rathinam v. Union of India, on the basis of the construction made of Article 21 to include therein 'right to die' cannot be accepted to be correct. That decision cannot be supported even on the basis of Article 14. It follows that Section 309, I. P. C. is not to be treated as unconstitutional for any reason.