

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformative Theory Of Punishment

Beenish Amin¹, Dr. Nadia Khadam²

ABSTRACT

This article primarily focuses on the reformative theory of punishment pertaining to attempted suicide, which in other words is known as rehabilitation theory; which emphasizes on reformation of an offender. Reformative theory is an effective way of punishment rather than deterrence and isolating the attempter from the society and effective reformative strategies are adopted in changing the mind set of culprit. This work analysed the existing punishment for attempt to suicide and critically analysed keeping in view the reformation of the offender for this specific offence. This study highlighted the specific circumstances under which offender reach a point to take his own life and this factor needs attention while legislating its punishment. Furthermore, with an increase in suicide rates in Pakistan, legal reforms thereafter mentioned in this research should be adopted in Pakistan's legal system.

INTRODUCTION

Mental illness entangles a brain so much that it can't even figure out what has happened until it's too late. There is always a sign, a silent cry for help for people around. A scream, we refuse to hear just because of being too busy in the life of our own. Suicide is not the act of cowardice, it is the act done by the person who needs care, love, attention, and motivation especially the treatment to get him back to life. Let people considered themselves as precious and finds peace which they are deprived of.

The World Health Organization (WHO) in its survey has established that around 800, 000 individuals die each year because of suicide.³ The tremendous life events affecting their lives and considering their life worthless needs to end to have significant peace. As per the above-mentioned survey, people aged 19 to 25 who commit suicide⁴ are more likely associated with mental illness such as depression, drug use, or due to ongoing traumas, abuses, or marital and financial pressure.

In Pakistan, as per the report of WHO, 15,696 suicide cases were reported in the year 2012; yet no recent survey has been conducted estimating the suicidal rate in Pakistan. The data

¹ L.L.B Student, Department of Law, Fatima Jinnah Women University, Pakistan.

² Assistant Professor, Department of Law, Fatima Jinnah Women University, Pakistan.

³ World Health Organization, Suicide Data,
https://www.who.int/mental_health/prevention/suicide/suicideprevent/en/

⁴ World Health Organization, Suicide Data, Global Data,
https://www.who.int/mental_health/prevention/suicide/suicideprevent/en/

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformatory Theory Of Punishment

concerning suicide cases originate from the reports of non-governmental organizations (NGOs), newspapers, police departments of different cities, and voluntary and human rights organizations.⁵ Additional information is accessible from the hospital-based investigation, e.g. deliberate self-harm,⁶ acute intentional self-killing,⁷ and autopsies carried out by Forensic Medicine offices.⁸ It is observed that women are more likely to commit suicide than men;⁹ 34 percent of the population in Pakistan is suffering from mental disorders such as depression and anxiety which could only be controlled if dealt with love and care.¹⁰

Since no criminal manifestation is attached to the attempt to suicide,¹¹ it is the result of almost absolute in clinically ill persons and two-third of these suffer from manic-depression psychosis or alcoholism, which leads them to self-destruction. There is a complete failure of the avocation of the application of penance. The classical genus of retributivism is based on the theory is that the criminal shall meet the fate of what he deserves, what the probability or surety that he will be intimidated by the fear of imprisonment, and would not attempt the same again.¹² Moreover, such intimidation would ensure, the attempt to adopt such methods from which his survival would be least possible. Concerning the objective of behavioral prevention through incapacitation, there is plentiful evidence to validate the instinctive inclination that one predisposed to attempt suicide has adequate possibilities accessible within the prison walls to make a successful suicide attempt.¹³ There is a need of involving psychiatric therapy in events involving suicidal risks. Until satisfactory psychiatric treatment is promptly accessible in the penitentiary, the necessity for restoration cannot be a justification for the detention of suicide instead of preventive and rehabilitative confinement in rehabilitation centers.¹⁴

DISCUSSION

Suicide is an intentional,¹⁵ voluntary¹⁶ act of a sane¹⁷ which results in the death of his own. Pakistan, western civilization considered it a horrendous deed,¹⁸ with the time the countries have

⁵ Murad M. Khan, Martin Prince, *Beyond rates: the tragedy of suicide in Pakistan*, Tropical Doct. 33 (2003).

⁶ F.Kermani, A. Arther, J. Ara, *Deliberate selfharm: Frequency and associated factors*, J. Surag Pak (Int).11 (2006)

⁷ Tariq Waseem, Muhammad Arif Nadeem, Irfan Waheed, *Poisonings in patient of medical coma and their outcome at Mayo Hospital, Lahore*. Ann KE Med Coll.10 (20014)

⁸ Sultana K, *Proportion of suicidal deaths among autopsy*, Ann Abbasi Shaheed Hosp. 7 (2002)

⁹ Murad Moosa Khan, Sadia Mahmood, Mehtab S. Karim, Mhammad Zaman and Martin Prince, *Case-control study of suicide in Karachi, Pakistan*, The British Journal of Psychiatry. 193, 402-405 (2008)

¹⁰ Basil Nabi Malik, *When you fail to kill yourself*, The Pakistan Defence, Jul. 11, 2010.

<https://defence.pk/pdf/threads/on-ppc-325-the-law-against-suicides.65199/>

¹¹ Dick, *The Criminal Aspect of Suicide*. L. Rsv. 42 (1934)

¹² Wilbur Larremore, *Suicide and the Law*, 17 HARV. L. Rev. 331, 340 (1904)

¹³ GEORGE A ULETT, A SYNOPSIS OF CONTEMPORARY PSYCHIATRY, 280 (2ND ED. 1960)

¹⁴ M. GUTTMACHER & H. WEIHOFEN, PSYCHIATRY AND THE LAW. 66 (1952).

¹⁵ Stiles v. Clifton Springs Sanitarium Co. 74 F. Supp. 903 (1947); Aetna Life Ins. Co, v, McLaughlin, 370 S.W. 2d. 229 (1963)

¹⁶ Fleetwood v. Pacific Mut. Life Ins. Co., 246 Ala. 571, 21 So. 2d 696 (1945); Muzenich v. Grand Carniolian Slovenian Catholic Union, 154 Kan. 537 (1941).

¹⁷ Stiles v. Clifton Springs Sanitarium Co., 74 F. Supp. 907(1947); Shipman v. Protected Home Circle, 174 N.Y. 398, 67 N.E. 83 (1903); Jones v. Traders Gen. Ins. Co., 144 S.W.2d 689 (1940).

¹⁸ GLANVILLE WILLIAMS, THE SANCTITY OF LIFE AND THE CRIMINAL LAW, 350 (ALFRED A. 1957).

repealed or amended the law, and some countries are still trying to treat attempted suicide as an offence, rather than a manifestation of mental illness.

The Pakistan Penal Code, 1860 (PPC) dates back from the British colonial period; Section 325 of which deals with attempted suicide, which is read as: “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.”¹⁹ Many of the laws get repealed and modified after the independence but this section is still there, perhaps attaching the religious sanctity to it as well.

Pakistan is one of the South Asian developing countries with about 230 million²⁰ of the population with 97 percent of the Muslim population. Suicide is a prohibited act in Islam. Islam has emphasized the sanctity of life and is considered as the Haqooq ul Allah (right of Allah), so nobody is having a right to take a life of its own. It is deemed as sin. Surah 4, verses 29 and 30 of the Holy Quran has expressly prohibited suicide which states as “do not kill or destroy yourself.”²¹ The Holy Quran refers to such acts as self-murder and strongly condemns that even having a desire for death is also forbidden.

In recent years an increase in suicide rates has been seen and suicide has become a significant issue in Pakistan.²² The operation of this law results in harassment that would accompany its implementation and an unfortunate consequence is that incidences of suicide or deliberate self-harm are considered grossly underestimated in Pakistan remain unreported in the country.²³ There is no exact figure of suicidal cases available in Pakistan as people are hesitant in reporting the suicide cases because of the social and religious taboo, neither the death rate at the national level is known nor are these reported to WHO.²⁴ People abstain from going to the medical centers from the dread of provocation, confidentiality around such sensitive cases, stigmas attached to it, and complex legal procedures and police, furthermore persecution by police officials thorough investigation,²⁵ such cases get overlooked and underreported.²⁶

The reason for the criminalization of the victim/offender’s behavior was the belief that the law can act as a deterrence, aiming to threaten the criminals and safeguard society. The desire to death or self-killing could not be deterred by the fear of punishment. If a person thwarts in seeking death and is imprisoned in doing so, what is the probability or surety that he will be intimidated by the fear of imprisonment and would not attempt the same again?²⁷ The threat of punishment barely prevents an individual who dares to take his own life. Society and the State ought to offer appropriate help, care, and adequate scope for everyone to seek assistance in distress and inconvenience.

¹⁹ Pakistan Penal Code, § 325 (1860)

²⁰ World o Meter, Pakistan population, <https://www.worldometers.info/world-population/pakistan-population/>

²¹ AL-QURAN, SURAH 4, VERSE 39 & 40.

²² Murad Mussa Khan, Adnan Ali Haider, *Suicide in Developing World: Case Study from Pakistan*, Suicide Life Threatening Behaviour. 36 (2006)

²³ *Id.* at 3.

²⁴ World health report 2000, Health systems: improving performance: Geneva, World Health Organization (2000)

²⁵ Prof Musarrat Hussain, *The Mental Health Ordinance 2001*, DAWN, Jan. 27, 2010.

<https://www.dawn.com/news/861796>

²⁶ Murad Moosa Khan, *Suicide and Attempted Suicide*, Crises. 19 (1998)

²⁷ Fergus McNeill, *When Punishment is Rehabilitation*, pp. 4195-4206 (2012)

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformative Theory Of Punishment

Nisha Khokhar daughter of Ghulam Shabbir Khokhar got a conviction sentenced on attempted suicide under section 325 of PPC read with section 243 of CrPC. As per the registered FIR at Pinyari police station against Khokhar, she attempted suicide by jumping off in the Phuleli canal because of domestic issues.²⁸ In another case, where a 15 years old teenaged schoolgirl in Azad Jammu Kashmir was being raped by her 25-year-old contractual teacher and consumed rat poison, out of shame and fear. Later FIR was being lodged under Section 325 against the victim for voluntarily causing grievous hurt to herself.²⁹ Where the victim is already been going through frustration and miseries and is suffering from suicidal tendencies that need assistance, not punitive action. Regardless, an unfortunate message seems to be sent that if you want to end your life, you better ensure you do it right, otherwise, harassment and prison time await you.

The purpose of the punishment should not always deter others from committing crimes that like-minded people are warned of the consequence of crime. We cannot deny the fact that imposing severe penalties does help in deterring the offenders from committing the crimes but in such a case there is an involvement of the psychological factor, the frustration which led an individual to take this step and end the life of his own. The purpose of the punishment shall be the reformation of the character of the offender, unlike others the punishment inflicted on the commission of an offence shall focus on the criminal rather than crime and seek to reform the attitude of an offender transform him into a law-abiding citizen.³⁰

The crime is related to the current psychological and physical attributes of the offenders and to the environment and circumstances of the society. Consequently, the criminal shall not be treated as a criminal nevertheless rather as a patient. Hence, punishment is not used as a degree to retrieve the offender and not to anguish or harasses him. Henceforth, corporal punishments should be condemned. While awarding punishment, the age and character of the offender, the circumstances under which an offence was committed, and the object with which he committed offence shall be determined. The judge while inflicting a punishment should be acquainted enough with the circumstance so that punishment is given that suits the circumstances under which an offence was committed. The punishment is only considered reasonable if it focuses on the future, not the past. It ought not to be regarded as setting justification on an old account but rather opening another one. Prisoning or detention of a person should not be to isolate and eliminate them from society but to transform their psychological attitude by efficacious measures during the term of their sentence. It is always believed that a sympathetic, tactful, and affectionate treatment of offenders can have a progressive change in characters.³¹ Thus, admitting the fact that detaining a person and imposing a penalty would have failed to reform the erring citizen.

In 2017, the Criminal Laws (Amendment) Bill 2017 was likewise moved in a Senate by PPP representative Karim Ahmed Khawaja for the decriminalization of this section from the statute. A panel of well-known psychiatrists also attended the meeting, highlighting the frustrating state of mind of people who opt to end their lives, the survivors of suicide attempts should be treated like 'patients' as they attempt suicide due to the chemical changes in their

²⁸ *Rare punishment in suicide attempt cases*, The Nation, Sept. 27, 2019. <https://nation.com.pk/27-Sep-2019/rare-punishment-in-suicide-attempt-case>

²⁹ Tariq Naqash, *Teenage girl commit suicide after being raped by teacher in AJK village*, Nov.8, 2018. <https://www.dawn.com/news/1444381>

³⁰ N.V. PARANJAPPE, CRIMINOLOGY AND PENOLOGY, 207 (CENTRAL LAW AGENCY, 12TH ED. 1988)

³¹ *Id.* at 28.

brain, which is a disease rather than for an unsuccessful suicide attempt.³² The proponents claimed it a disease of the mind and it ought to be dealt with thereto. Punishment is intended to create deterrence for a healthy individual, not for the distressed minds, said psychiatrist and research scholar Professor Dr. Mubashir while adding that ailing people need rehabilitation rather than penalized. The statement of objects and reasons of the bill set forward as such a demonstration of the last phase of frustration which often results in suicide and the state must give relief, instead of penalizing the enduring one,³³ therefore, it is expedient to omit section 325 of PPC and provide rehabilitation facilities. However, despite the unanimous vote in favor of the Senate and Council of Islamic Ideology, the bill was not passed by the National Assembly, eventually lapsing at the end of the last government's tenure.³⁴ There have been no further developments in the decriminalization of suicide since then.

Pakistan is one of the signatories to the WHO's Mental Health Action Plan of 2013-20. The action plan's key drive to suicide prevention across the globe, but owing to Section 325 the efforts are overshadowed by the brutality of the law. Suicide prevention is near impossible to achieve when hospitals are legally held liable under Section 325 of PPC. It is an excruciating reality that to avoid facing legal liabilities put forth by Section 325 of PPC, hospitals, and emergency clinics are growing more reluctant and in certain cases refusing to provide care. The sheer dearth of physical and mental health assistance is alarming in the attempted suicide case. The legislative bodies instead of averting their gaze need to review, effective law that focuses on the reformation of a criminal rather than punishment. The severity of the punishment to the offender shall be based upon the proportion of the severity and seriousness of the crime, concerning the prevention and rehabilitation thereto. The proportion of punishment is not the harm equivalent to the harm caused in return rather a fairly reflection of the degree of reprehensibility of the conduct of the offender. The severity shall be in proportion to the seriousness of the crime. Moreover, the criminal justice system has narrowed down its focus on the reformation of individuals.³⁵ Generally, the criminals are beheld by a negative approach in the society about the circumstances during the commission of a crime. This has resulted because of the humanitarian movement which teaches the dignity of the individual and emphasizes rationality and accountability. Therefore, it believes that criminals are a part of our society and, with appropriate care and encouragement, they can be transformed and act as civilized citizens.

International Scenario

In the Early 19th century, many countries had laws that criminalized suicide and imposed penalties, including forfeiture of property and imprisonment of the survivors. However, in the last fifty years, most nations (even though not all) have decriminalized suicide. As indicated by the Suicide Report, only 25 of the 192 countries and states overviewed have laws and penalties for attempted suicide.³⁶

³² *Bill to decriminalise suicide sails through Senate*, The News, Feb. 20, 2018.

<https://www.thenews.com.pk/print/283434-bill-to-decriminalise-suicide-sails-through-senate>

³³ *Bill to decriminalise suicide sails through Senate*, The News, Feb. 20, 2018.

<https://www.thenews.com.pk/print/283434-bill-to-decriminalise-suicide-sails-through-senate>

³⁴ Masooma Raza, *Section 325 must go*, Nov. 24, 2019. <https://www.dawn.com/news/1518536>

³⁵ ANDREAS VON HIRSH, *DESERVED CRIMINAL SENTENCING* (1st ED., 2017)

³⁶ World Health Organization, *Preventing Suicide: A global imperative*, WHO. 54 (2014)

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformatory Theory Of Punishment

In India, every year approximately more than a hundred lives are lost annually,³⁷ one in 60 lives are affected by suicide. Suicide members are discerned as tainted members of society.³⁸ The strict Penal law followed up with the cultural shame to police visits, lead to under-reporting, denial to help the victim, and fear of informing to the proper authority.³⁹ In consequence, the facts are being concealed by the family members of the survivor's family, through which the victim could not receive appropriate medical or psychiatric assistance.⁴⁰

Section 309 of Indian Penal Codes (IPC) states: "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 both."⁴¹ Like Pakistan, the Indian Penal Code had been framed at the British Regime 1860 and was administered by the British law of that era.

The above mention law is considered, violating the fundamental rights granted to the citizens under Article 21 and 14 of the Constitution of India. The right to liberty is guaranteed to the individual but no right to end the life of their own at their will has been granted.⁴² The question related to the constitutionality and unconstitutionality of the provision was under debate for since long. The law commission had previously recommended section 309 be repealed in 42nd reported presented in 1971.⁴³ The IPC (Amendment) Bill, 1978 was passed by Rajya Sabha, yet before it moved to Lok Sabha, the Lower house got dissolved, and the bill stand lapsed. In 1997, the commission presented its 156th report after the Gian Kaur judgment, recommending compliance with section 309.

Nonetheless, in the 210th report, the commission recommended that the attempted suicide warranted psychiatric and medical assistance rather than punishment.⁴⁴ Periodic dissensions were been held concerning the provision of various legal entities like courts and law commissions for almost three centuries that have been declared on December 10, 2014, to annul section 309 of IPC from the statute.⁴⁵

In conclusion, the Mental Healthcare Act (MHCA), 2017 decriminalized attempted suicide and stipulates that the same would not be the merit for punitive punishment. As indicated by section 115 of MHCA, 2017, suicide attempters are considered to be in severe distress and the government is ought to have an obligation for providing care, treatment, and rehabilitation to

³⁷ Lakshmi Vijaykumar, *Suicide and its prevention: the urgent need in India*, India Journal of Psychiatry (2007)

³⁸ S. Mojica & D. Murrell, *the right to choose: when should death be in the individual's hands?*, Whittier Law Review, 12 (1991)

³⁹ A. Joseph, S. Abraham, J.P. Mulivil, J. Parasad, V.J Abraham & K.S Jacob, *Evaluation of suicide rates in rural India using verbal autopsies*, British Medical Journal, 325 (2003).

⁴⁰ David Lester, Kavita Agarwal & Mangali Natarajan, *Suicide in India*, 5 (1998).

⁴¹ Indian Penal Code, § 309 (1860)

⁴² Crime of Attempt to suicide, Legal Sevice India, 2013. <http://www.legalservicesindia.com/article/1081/Crime-of-Attempt-to-commit-Suicide.html>

⁴³ Report No. 210, *Humanization and Decriminalization of Attempt to Suicide*, Law Comission of India (2008)

⁴⁴ Prakash B. Behere, T. S. Sathyanarayana Rao, Akshata N. Mulmule, *Decriminalization of attempted suicide law: Journey of Fifteen Decades*, Indian Journal of Psychiatry, 57 (2015)

⁴⁵ *Government Decriminalizes Attempted Suicide: What About Fasting Activists*, Times of India (2008) <http://www.timesofindia.indiatimes.com/india/ Govt-decriminalizes-attempted-suicide-What-about-fasting-activists/45464644.cms>.

reduce the risk of recurrence.⁴⁶ Decriminalization may prompt transparently seek for help, improvement in epidemiological data, improved preparation, and resource allocation.⁴⁷ However, the awareness of decriminalization has been exceptionally poor. The medical clinic authorities, State, and other mediums should take steps to raise awareness about this.

Until 1961, England and Wales considered suicide as a crime. The Suicide Act of 1961 had a profound effect on subsequent legal suicide treatment, in England and Wales, as well as in most commonwealth countries. Little is known about the fact that suicide (attempted) continued to be an offence in Ireland till 1993.

In the thirteenth century, suicide was not a felony per se, yet rather whenever suicide was carried out as a crime, it is indicated as an admission of crime and leads to forfeiture of property.⁴⁸ Later, it was decided that suicide was a felony and leads to the confiscation of property, whether committed by a criminal or not.⁴⁹ Subsequent decisions created confusion as to (a) whether suicide was equivalent in gravity to murder and (b) what is the legitimate status of attempted suicide. *R. v. Burgess*⁵⁰ and *R. v. Doody*⁵¹ ruled suicide attempts as a misdemeanor. Subsequently, under common law, attempted murder is a serious crime (i-e; felony) that suicide was a lesser severe crime than murder.

The Forfeiture Act, 1870 declared suicide heretofore lead to confiscation of property, signifying it as not even a felony. Nonetheless, liable to be punished with imprisonment and tough labor.⁵² Punitive punishments against suicide attempters kept on being executed until as late as 1955,⁵³ yet there was gradually expanding acknowledgment that the psychological condition of the suicide attempter ought to be considered in determining whether motive existed.⁵⁴ There was also a gradual increase in acknowledgment, that if suicide attempters were prisoned by any means, this ought to be in the light of legitimate concern for the attempter's wellbeing, instead of just penalty.⁵⁵

In 1882, the power to decide whether Anglican funeral rituals should be given to each victim was delegated to clergy⁵⁶ with details of 'riders' on suicide sentences, to help the clergy in distinguishing 'intentional and selfish' suicide, which was proposed for an exceptional funeral. These perceptions have not been amended since (Church of England (Bureau of Social Affairs)), individual correspondence. Directed by the BMA, the magistrate, and the clergy, a new law was enacted in 1960.⁵⁷ The Annulment of the 'principle' offence (suicide) required the formation of another offence, characterized as 'abetting, aiding, counseling or procuring the suicide of another' i-e; assisted suicide punishable as long as 14 years imprisonment. 'Killing in pursuance

⁴⁶ Mental Healthcare Act, § 115 (2017)

⁴⁷ Rajeev Ranjan, Saurabh Kumar & Rajesh Saga, (*De-*) criminalization of attempted suicide in India: A review, *Indian Psychiatry Journal*, 23 (2014)

⁴⁸ W. East, *Suicide from the medico-legal standpoint*. *Br Med J* (1931)

⁴⁹ *Hales v. Petit* (1562).

⁵⁰ *R. v. Burgess*, 2 QB 92 (1991).

⁵¹ *R. v. Doody*, 6 Cox C.C. 463 (1854).

⁵² *R. v. Munn*, SASCFC 68 (1917).

⁵³ STENGE L, ERWIN, SUICIDE AND ATTEMPTED SUICIDE, LONDON: PENGUIN BOOKS LTD. (1967)

⁵⁴ *Id.* at 50.

⁵⁵ *R. v. Saunders*, 1913

⁵⁶ Intermments (felo de se) Act, 1882

⁵⁷ 2ND Report, Suicide, Criminal Law Review Committee, London. HMSO (1960)

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformatory Theory Of Punishment

of a suicide pact' should be differentiated from this offence and considered as manslaughter in the Homicide Act, 1957.

The suicide rate did not increase after 1961,⁵⁸ neither did the clinical or police services transformed rapidly, as the law had not been effectively obeyed before the 1961's.⁵⁹ The introduction of the Suicide Act has got negligible consideration in medical journals.⁶⁰ Authorized treatment of suicidal conduct was obvious, a couple of months after the law was passed, by a Ministry of Health circulated to all medical specialists, recommending that all suicide attempters ought to receive psychological care.⁶¹

Since, the abolition of suicide laws in England and Wales, the suicide conduct of psychologically ill individuals is neither secured by criminal or mental health law; this spotlights the issues of euthanasia and assisted suicide. No nation on the planet has explicitly perceived the right to take his own life (die) or to commit suicide,⁶² aiding suicide, yet for incompetency in preventing it. Many countries including England and Wales, however except for several American countries (e.g. Alaska, Connecticut, Florida) differ assisted suicide from murder and impose the bottom-most extreme imprisonments. The irregularity of condemning assisted (abetting, aiding) suicide even as suicide is no longer a crime, as defined by a Texas Court in 1902. Thus far the law is concerned, suicide is innocent, therefore, a suicidal party must likewise not be guilty of infringement of the law.

Reformatory theory of punishment

The society we live in is a cooperative endeavour protected by coercion. Law is one of the significant pillars of the State. Imposition of punishment is vital for the safeguard of social consistency. There are different theories of punishment; deterrent, retributive and preventive, reformatory. Over time, the framework of punishment requires a variety of variations and alterations.

The notion of punishment is not just to provide justice to the victims or to maintain public safety and security. Similarly, the criminal is not just to be punished or to be abused or humiliated, but also to ignore the fact that crime is a product of uncertain causes (poverty, ignorance, inheritance quarrels, mental health, etc) which must be taken out before the man would stop committing a crime. The fact that reformatory techniques can be applied. The Elmira Reformatory of New York was one of the principal foundations to apply theory based upon an acknowledgment of the fact that crime is a product of heredity and his surroundings and his acquired imperfections must be eliminated, his natural inclination to crime must be examined, as such, that he should be educated, physically, psychologically, and ethically, and his current circumstance and environmental factors must be improved so that his temptations are not greater than any other some other normal individual can bear. They are paroled and relocated to new and better environmental factors (reasonable), where they can turn out to be good citizens or better human beings.⁶³

⁵⁸D. Mark Andreson, *Suicide*, Population trends, 982 (1950).

⁵⁹ Editorial, *Any Questions? Attempted suicide*, Br. Med. J. 339 (1952)

⁶⁰ Parliamentary Correspondent, *Bringing social help to the would be suicide*, Br Med J. 835 (1961)

⁶¹ Ministry of Health. Circular HM61(94), Department of Health. London (1961)

⁶² M. Ariens, *Suicidal Rights*, Rutgers Law J, 20 (1988).

⁶³ T.H. MacQueary, *The Reformation of Juvenile Offenders in Illinois*, American Journal of Sociology. 8 (1903)

Bentham has observed, that the visible justice system is everything, real justice is not important. To this is added a point that contradicts the notion of deterrent theory; threats of punishment, not punitive punishment, and if prevention is based on actual punishment, making a threat, can be achieved if it is believed that punishment has occurred or not. As Bentham has observed, for the Utilitarian apparent justice system is everything, real justice is superfluous.⁶⁴

The punishment shall hold the aim at reformation of the sufferer/offender and assist in the transition. One day he will be released eventually, where a person in thwart of seeking death and is imprisoned for doing so, what the probability or surety that he will be intimidated by the fear of imprisonment and would not attempt the same again. For instance, retributivists would say that punishment is to penalize, not to reform.⁶⁵ Criminals need no help, and they should be punished. Deterrence advocates aim to threaten: punishment might lose some of its' deterrent power, if we're seen to help offenders, it might then be viewed as desirable and beneficial rather than something to be avoided.

Reformation takes a different position, also known as rehabilitation; if we were to believe that deterrence would teach the offender/suffer (who's the victim himself) a lesson. Considering, a person commits a crime and is imprisoned after conviction could even try to attempt suicide in prison as well, as this adds to his suffering, but this time he will make sure that he would do it right, not fail this time and succeeding in bringing their life to an end. Imprisoning them would do no good, instead, they require reformation of their character, and proper medical and psychiatric treatment to bring them back to their normal life. So, he must be able to understand the wrong he has committed to achieving rehabilitation: rehabilitation or reformation requires to changed mindset and a new heart.

Empowering a Thousand Reformers to Bloom

The ultimate goal of reformation is to change the mindset, his heart, and the way of seeing life through the eyes of his own, bring back his self-esteem, and self-confidence, so he could see the world around him through another perspective. There is a myriad of different forms through which reformation might be facilitated, addresses the crime and its cause.

Therapeutic treatment is one of the forms that address the root cause behind the person's act: we could expect him not to reattempt where once the causes are being addressed. The offender might end up being a drug or alcohol addict to lessen the miseries or frustration he's been going through. Firstly, the treatment of drug and alcohol abuse is mandatory. This is a major problem, to reduce such abuse could be led to lower reattempting rates in most cases.⁶⁶

It has been found up to 90 percent of offenders suffer from mental health issues, which are often complex, offenders suffering from this problem, which often could become worse when imprisoned. Such offenders need cognitive-behavioral therapy (CBT) and similar high-intensity programs. Criminals seldom receive the help needed in prison and post-imprisonment as they attempt to reintegrate into society. For instance, we just talk about the offenders overall not specifically about attempted suicide, a study found that women suffering from mental issues are

⁶⁴ J.D. Mabbott, *Punishment*, Mind. Vol. 48 (1939)

⁶⁵ RICHARD L. LIPKE, *RETHINKING IMPRISONMENT* (1ST ED, 2007)

⁶⁶ Briega Nugent & Nancy Loucks, *The Arts and Prisoners: Experiences of Creative Rehabilitation*, Howard J. of Criminal Justice (2011).

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformative Theory Of Punishment

likely to kill themselves after imprisonment.⁶⁷ There we consider the case where the offender has mental health issues is likely to kill themselves post imprisonment and on the other hand, there is an offender with mental health issues, who already had tried killing himself for once and failed, would he not try killing himself or reattempting suicide upon release, therefore there is a dire need of rehabilitation.

Rehabilitation as punishment

It is often argued the rehabilitation theory of punishment is not a punishment as it involves the imposition of something painful but in such cases, this feature is lacking. Perhaps if a person is being sentenced to imprisonment and a criminal sentenced to some preventive or rehabilitation center or hospital, this would have a similar effect in terms of limiting their freedom of movement and association, which would prevent other potential losses. Rehabilitation is considered a challenge as to beliefs about the nature of punishment, but it is mistaken to believe that rehabilitation theories are not the theories of punishment. Rehabilitation is one promising response to crime from many alternatives.⁶⁸

The reformation of the offender should be the ultimate goal. Rehabilitation efforts must contain a clear strategy for aiming at those at risk to be most efficacious otherwise the survival would be least possible if put the attempter in isolation; clear national strategy at implementing rehabilitation programs and that rehabilitation shall be made a priority, with greater confidence in the potential success.

Exhaustive intervention shortly after the attempter is imprisoned and extra support after release may make a big difference.⁶⁹ and additional support post-release required, ensure that attempter makes a successful transfer back to society.

Rehabilitation works best when it is targeted, properly resourced, and by governmental assurance. Furthermore, Early intervention efforts could lead to remarkable results where the contributing factors are being addressed. Rehabilitation is all about the reform of attempter. There is also an important matter of public confidence. Criminal justice strategies not only lead to constructive results but receive public support. Rehabilitation is promising, but perhaps as a strategy is not applied efficiently. So, the attempted suicide law be given special importance and needs to be addressed and reviewed, make the best possible way of their survival

Legal Reforms in Criminal Laws in Pakistan

The criminalization of attempted suicide is an abrupt way of defending the prosecution and trial of an unfortunate person who is not fortunate enough to endure the ills of his life. Perhaps, the act should not be treated as a crime, or even if it does, should strictly focus on the mental health of the person; it is a result of the mental health condition, ought to be taken to the hospital, not to prison.

The affixation of criminal liability for attempted suicide in the statute is punishable by imprisonment up to 1 year with a fine or both. The criminal liability to suicide attempts requires

⁶⁷ D Pratt, L Appleby, M Piper, R Webb, J Shaw, *Suicide in Recently Released Prisoners: A Population Based Cohort Study*, The Lancet, Vol. 40 (2006).

⁶⁸ Tess Lanning, Ian Loader & Rick Munir, *Redesigning Justice: Reducing Crime Through Justice Reinvestment*, Institute of Public Policy Research, London (2011).

⁶⁹ *Id.*

examination of the person, the kind of person he /she is, and what causes him/her to take such a step. Considering this analysis and the objectives of criminal law, it is assumed that attempted suicide isn't an appropriate subject of criminal law and ought not to be punished.

The point of consideration is, certainly not, who he is, but rather, what drove him to commit suicide. There exist two distinct approaches to this question: social and psychoanalytical.⁷⁰ In a classical social examination by Durkheim,⁷¹ he postulated the social basis of suicide: firstly, egoistic suicide, occurs by the ones who inadequately integrated into society and are compelled to extensively rely on themselves;⁷² secondly; altruistic suicide occurs by the ones closely associated with the society and firmly rooted in customs and traditions;⁷³ thirdly, anomic suicide occurs by the ones who have needs are governed by society but fails to transform social change with the revolution in society.⁷⁴

There exists a failure to a justification of punishment, if we look into the theory of retribution, based upon the principle that an individual is responsible for his action, therefore deserved to be punished, the fact that attempted suicide contradicts the factor of responsibility. The utilitarian factor by the way of deterrence, the purpose also remains unfulfilled here by limiting his freedom and movement,⁷⁵ wouldn't he try to commit suicide again, albeit, with such indication, he will adapt certain methods in a subsequent attempt to avoid failure. Furthermore, the fear of punishment would discourage the reporting of cases, which thus diminishes the probability of receiving psychiatric treatment. Regarding the behavioral prevention strategy by the means of incapacitation, there is plentiful evidence of instinctive sensation available that the one susceptible to suicide has many chances within the prison walls to make suicide successful.⁷⁶ Furthermore, the potential suicide risk is only to himself, so it does not necessitates to separate him from the community, for the protection of society from an antisocial act.⁷⁷ Yet, there is a need for rehabilitation involving psychiatric therapy to minimize the suicide risk,⁷⁸ so that there occurs the reformation as a whole.

In Pakistan suicide is not an offence,⁷⁹ whereas attempted suicide amounts to an offence under Pakistan Penal Code. The word 'suicide' is defined nowhere in Pakistan Penal Code, its general meaning has been extracted, 'sui' means self, and 'cite' means killing thus implies an act of killing himself or self-killing. Thus, suicide is an act of killing himself irrespective of the means he employed in achieving his objective of self-destruction.⁸⁰

The attempted suicide and the act towards its commission of an offence are punishable, but making arrangements towards the commission of suicide does not amount to punishment.⁸¹

⁷⁰ N. ST. JOHN-STEVAS, *LAW AND MORALS* 46 (1964).

⁷¹ E. DURKHEIM, *SUICIDE* (1951).

⁷² Lalli & Turner, *Suicide and Homicide: A Comparative Analysis by Race and Occupational Levels*, J. CRIM. L.C. & P.S. (1968); J. GIBBS & W. MARTIN, *STATUS INTEGRATION AND SUICIDE*, 7 (1964).

⁷³ P. BOHANNAN, *AFRICAN HOMICIDE AND SUICIDE* (1960); B. MALINOWSKI, *CRIME AND CUSTOM IN SAVAGE SOCIETY* (1947).

⁷⁴ D. RIESMAN, *THE LONELY CROWD* (1961); J. SHORT & A. HENRY, *SUICIDE AND HOMICIDE* (1954)

⁷⁵ Larremore, *Suicide and the Law*, 17 HARV. L. REV. (1904)

⁷⁶ G. ULTT & D. GOODRICH, *A SYNOPSIS OF CONTEMPORARY PSYCHIATRY* 280 (2d ed. 1960)

⁷⁷ W. OVERHOLSER, *THE PSYCHIATRIST AND THE LAW*, 47 (1953).

⁷⁸ *Id.*

⁷⁹ Mst. Agha Jan Ahmed v. American Life Insurance Company Pakistan Ltd, 2007 CLC 1237

⁸⁰ AIR 2010 SC 327

⁸¹ MUHAMMAD ABDUL BASIT, *THE PAKISTAN PENAL CODE* (1860)

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformatory Theory Of Punishment

Pakistan Penal Code lacks the provisions of aiding, abetting, and procuring/ advising suicide. The person committing suicide going through such phase of life, in which he loses his capacity of rational thinking, is not liable to be punished, needs reformation moreover the one who has been assisting, advising, and supporting him shall be punished, and specific provisions concerning be made as they still possess the ability to think rationally.

There are three related scenarios: firstly, where an individual attempts suicide in consequences of mental health; secondly, where a person is guilty of an offence misuse that to get the benefit; lastly, where the suicide has been advised, abet and aided by the other.

Section 325 of the Pakistan Penal Code deserves to be reviewed in the light of the reformatory theory of punishment, as such a provision is irrational and cruel, should be made as humanitarian and sympathetic to the emotional needs of the attempter, especially by some experts.

The provision of the Pakistan Penal Code is outdated, needs to be reformed, focusing on the reformation of the suicide attempter as it is done under the influence of motive upon character, thus a change of motive or a change of character is necessary. Therefore, a legitimate punishment following the reformatory theory of punishment is to change the character of the attempter, so he can do what is right instead of yearning to what is wrong. Reforming the provision would not only help lead suicide seekers to a desirable outcome in frustration but would also help in improving the position to freely and fearlessly seek medical and psychiatric help.

Social stigma is one of the reasons for the non-availability of accurate data, which is very crucial. The availability of data is important for two reasons: Firstly, to persuade health policymakers of the existence of a serious problem; secondly, to measure the effectiveness of an intervention. The religious condemnation to sociocultural taboo to suicide behavior, the legal position of attempted suicide is mistrust of legal authorities and police. This would help to obtain accurate data on suicide. This would allow the people at risk to seek help without the terror of being victimized by the police.

Reformation as a punishment would be a curative rather than a deterrent. Crime is like a disease, cannot be cured by killing it rather by curing it with medicine through the help of the process of reformation.⁸² Society shaming their heads, ashamed that there have been social pressures that a young man should be forced to commit suicide, they exacerbate their incompetence by treating a boy as a criminal. Rather than sending him to a psychiatric hospital, they cheerfully send him to join the criminals, as if he were doing his best to see that he would violate the criminal code section of the criminal code in the future.⁸³ This would lead to an adequate and acceptable way of dealing with the problem than penalizing.

It has become obvious that attempted suicide is not less severe than successful suicide, but a different kind of act, involving different psychological mechanisms. The truly suicidal person must be expected to kill, be killed, and die whereas many attempted suicide is not

⁸² Karl A. Menninger, *Man Against Himself*, New York, Harcourt, Brace (1938); Menninger, *Psychoanalytic Aspects of Suicide*, *Internat. J.* (1933).

⁸³State vs Sanjay Kumar Bhatia ,10 DRJ 31 (1986)

intended to end life but to bring the other person to terms,⁸⁴ there exist the gesture or secondary motive to attempted suicide.

The secondary gain motivation was wrongly used as a justification to dismiss the growing tendency of a person who committed suicide as an act in a hysterical manipulative manner and does not necessarily need psychiatric attention. Such an attitude is usually overdetermined behavior in which he consciously or unconsciously arranged an attempt in such a way, where there the fatal probability varies from certain survival to almost certain death. Especially in the cases of Qatl-e-amd or murder, add attempted suicide is added in a manipulatory manner to gain an advantage.⁸⁵

Even in such cases, there needs reasonable care that no person with mental health, if there is a person mental health psychiatric action is taken ad the person then needs to be dealt per section 84 of PPC, 1860. If not strict action be taken against that person.

Aiding, abetting, or procuring another's suicide is not a crime in Pakistan, and is a very serious crime. There are cases where the person is already in an irrational state of mind but is apparent that someone had aided, abetted, or advised him to attempt suicide he should be made criminally culpable, else the one who attempted suicide would not.

Many jurisdictions have affixed criminal liability to aiding, abetting, or exhorting suicide counseling. The Criminal prosecution of actual suicide is incidental in determining the liability of the abetter, aider, and advisor, as long a causal connection between the incident and the demise can be established.⁸⁶

The aider and abettor be made a party to suicide despite the fact the suicide is not punishable in Pakistan, however, the actors involved in the killing of others, henceforth the accessory ought to be treated as an accessory to murder.⁸⁷ The aider and abettor ought to be made criminal liable and guilty of murder in their own right, reasoning inter alia, the assent of the casualty is not an excuse. Regardless of whether there set up a causal association between aiding, abetting, and the act of suicide, the abettor and the aider be convicted of a second-degree offence whether suicide is successful or not and even if there is no attempt to suicide. UK and USA also contain such provisions, if there established a connection between the aiding, abetting, and that the act; the abettor and the aider is convicted of a felony where the act has been performed and of misdemeanor where there is an attempt or no attempt,⁸⁸ UK and New York law contains the similar provision where force, deception, and duress is involved, he must be charged with criminal homicide.

It is apparent that the one who aids, abets, or is advised is criminally culpable, yet the one who attempts suicide is not. Even though the evidence shows that the person attempting to commit suicide suffers from mental illness, there is no indication of such evidence as for aider

⁸⁴ Karl A. Menninger, *Man Against Himself*, New York, Harcourt, Brace (1938); Menninger, *Psychoanalytic Aspects of Suicide*, Internat. J. (1933).

⁸⁵ Waqar Iqal v. The State, 2008 P Cr. LJ 715; Shayan v. Mst. Zahida Nageen, 2013 YLR 1172; Ghulam Hussain v. The State, 2013 P Cr. LJ 789; 2002 P Cr. LJ 1024

⁸⁶ Schulman, *Suicide and Suicide Prevention: A Legal Analysis*, A.B.A.J. (1968); Comment, *Suicide - Criminal Aspects*, VILL. L. Rev. (1956).

⁸⁷ Mikell, *Is Suicide Murder?*, Colum. L. Rv. (1903).

⁸⁸ Model Penal Code § 210.5 (Proposed Official Draft 1962)

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformative Theory Of Punishment

and abetter. Doubtlessly such an individual is incited by a similar state of mind and motivates any other criminal. Furthermore, the justification for punishment applies to the aider and abettor, while not to the attempted suicide. The statutes are broad, general sweep, and yet have failed to take into account the varying degrees of culpability brought by different factual situations present. The severity of the punishment should be related to the degree of culpability.

The criminal law should make suicide a matter of psychiatric, which tends to focus on the individualization of the attempt. Furthermore, aiding, abetting, and assisting suicide deliberately should be made an offence, a person should be made criminally liable for complicating other's suicide, either the person had committed suicide or attempted suicide. Thus, the law should be amended in a suitable manner focusing on the sheer frustration, depression, or living conditions or circumstances that invoked him to attempt and criminally liability the ones who try to commit suicide to escape punishment.

RECOMMENDATIONS AND CONCLUSION

The research undertaken throws the light on the criminalization of attempted suicide, which needs to be reformed about the reformative theory of punishment specifically focusing on changing the conduct of the attempter; the deterrence is an ineffective punishment to such cause, which would do no good rather than adding miseries. Thus, a specific amendment needs to be made in section 325 of PPC, eliminating the word 'punishable' from the provision, and specific emphasis be made on the rehabilitation of an individual and be sent to psychiatric treatment, targeting the root cause of suicide. For instance, there is a good number of suicide attempters, to lessen their miseries get addicted to drugs or alcohol, which has become the great cause of suicide. Firstly, the root cause must be addressed, and then by application of effective reformative strategies to help change his perspective of viewing life. Therefore the provision be amended as: "Whoever attempts to commit suicide shall be sent to rehabilitation center either voluntarily or involuntarily for a specified period focusing on reformation of an individual. *Explanation:* This section is not applicable where the accused commit suicide as a justification to dismiss the growing tendency of a case in a hysterical manipulative manner."

As the suicide rate is rapidly increasing, so there is a need to accept the psychotic human cause. Furthermore, the person who abets, assists, or procures or the one who persuades the other to attempt suicide for personal gains should also be punished. There is no law available that made them criminally liable; specific laws shall be made to penalize them whether or not the person succeeds in attempting suicide. The amendment in PPC be made and the new provisions be added in the regard thereto as :

1. 'Whosoever aids, abets, advises, or induces another to commit suicide either intentionally or purposefully shall be guilty of the homicide of second degree, if such is the actuating cause of suicide or attempted suicide.⁸⁹
2. Whosoever aids, abets, advises, or induces another to commit suicide either intentionally or purposefully; is present when he committed or attempted to commit suicide shall be guilty of the homicide of first degree.⁹⁰
3. Whosoever uses duress, force, or deception to cause the other to commit suicide shall be guilty of murder.⁹¹

⁸⁹ *Id.*, at 86.

⁹⁰ *Id.*, at 86.

4. Whosoever furnishes the weapon with the purpose that the same be utilized, and used and caused suicide, shall be guilty of murder.⁹²
5. Any criminal liability set out above may be mitigated by factors that reduce guilt or moral turpitude.”⁹³

The section needs to be reviewed and amended to ensure the best possibility of survival. Moreover, it is often sometimes difficult to distinguish whether the death is due to suicide, homicide, or an accident, in many cases the homicides is regarded as suicide and suicide and accidents. So, the police shall ensure the cause of death as accurately as possible; secondly, the government should take measures to persuade the hospitals to differ the attempted suicide and suicidal deaths from other deaths and accidents so that the proper track of cases is recorded.

The Government shall establish a framework for suicide prevention and mental health issue where giving health and safety a priority and create proper guidelines for public awareness and knowledge, publishing information concerning suicide, and defines the most effective practice of its prevention which would also help lessen social stigma. Also, campaigns through media and other forms are organized, which would also help in recording and reporting of cases which would give a clearer and accurate picture of the problem. Similarly, further research and work are required to be done on suicide in Pakistan, so that a nationwide picture of the problem could be obtained. Preventive and intervention agendas are organized by identifying the accurate data and factors on the high groups at risk.

Thus, the law needs to be reviewed keeping with the psychological knowledge, motivation, liability, goals of punishment, and most importantly the government and the justice system should consider the matter seriously. The changes in criminal law regarding the imposition of the criminal sanction must be justifiable, and penalizing the person is not at all justified for the person suffering from mental health issues. Any person with suicidal tendencies requires help, not punishment. If anything, the unpleasant message that seems to be sending is that if you end to take your life, you better do it right, else, the harassment and prison await you.

Bibliography

- **Statutes**
- Indian Penal Code, § 309 (1860)
- Interments (felo de se) Act, 1882
- Mental Healthcare Act, § 115 (2017)
- Model Penal Code § 210.5 (Proposed Official Draft 1962)
- Pakistan Penal Code, § 325 (1860)

Case Laws

- ❖ Aetna Life Ins. Co, v, McLaughlin, 370 S.W. 2d. 229 (1963)
- ❖ AIR 2010 SC 327
- ❖ Attorney General v. Able, 3 WLR 845, 1 QB 795, 1 All ER 277 (1984)

⁹¹ *Id.*, at 86.

⁹² *Id.*, at 86.

⁹³ *Id.*, at 86.

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformative Theory Of Punishment

- ❖ Chenna Jagadeeswar and Anr. v. State of Andhra Pradesh, 1988 Cr LJ 549.
- ❖ Chenna Jagadeeswar v. State of Andhra Pradesh, (1988) Cr LJ 549; *Id* at 37.
- ❖ Edwards v. Traveler's Life Ins. Co., 20 F. 661 (1884); Edwards v. Business Men's Assurance Co., 350 Mo. 666, 168 S.W.2d 82 (1942).
- ❖ Fleetwood v. Pacific Mut. Life Ins. Co., 246 Ala. 571, 21 So. 2d 696 (1945)
- ❖ Ghulam Hussain v. The State, 2013 P Cr. LJ 789
- ❖ Hales v. Petit (1562).
- ❖ Jones v. Traders Gen. Ins. Co., 144 S.W.2d 689 (1940).
- ❖ Mst. Agha Jan Ahmed v. American Life Insurance Company Pakistan Ltd, 2007 CLC 1237
- ❖ Muzenich v. Grand Carniolian Slovenian Catholic Union, 154 Kan. 537 (1941).
- ❖ P.Rathinam vs Union Of India, 1994 AIR 1844, 1994 SCC (3) 394.
- ❖ R. v. Burgess, 2 QB 92 (1991).
- ❖ R. v. Doody, 6 Cox C.C. 463 (1854).
- ❖ R. v. Munn, SASCFC 68 (1917).
- ❖ R. v. Saunders, 1913
- ❖ R.v. the United Kingdom, Application No. 19132 (1983).
- ❖ Reg. v. Leddington, 9 Car. & P. 79 (1839).
- ❖ Shayan v. Mst. Zahida Nageen, 2013 YLR 1172
- ❖ Shipman v. Protected Home Circle, 174 N.Y. 398, 67 N.E. 83 (1903)
- ❖ Smt. Gian Kaur v. State of Punjab, 1996 AIR 946, 1996 SCC (2) 648.
- ❖ State of Maharashtra v. Maruti Shripati Duba, 1987 Cr LJ 743,
- ❖ State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75.
- ❖ State v. Sanjay Kumar Bhatia, 1985 Cri LJ 931.
- ❖ State vs Sanjay Kumar Bhatia ,10 DRJ 31 (1986)
- ❖ Stiles v. Clifton Springs Sanitarium Co. 74 F. Supp. 903 (1947)
- ❖ Stiles v. Clifton Springs Sanitarium Co., 74 F. Supp. 907(1947)
- ❖ Waqar Iqal v. The State, 2008 P Cr. LJ 715

Books

- AL-QURAN, SURAH 4, VERSE 39 & 40
- ANDREAS VON HIRSH, DESERVED CRIMINAL SENTENCING (1st ED., 2017)
- ANDREAS VON HIRSH, DESERVED CRIMINAL SENTENCING (2017)
- BRONISŁAW MALINOWSKI, CRIME AND CUSTOM IN SAVAGE SOCIETY, 94-98 (1926)
- D. RIESMAN, THE LONELY CROWD (1961); J. SHORT & A. HENRY, SUICIDE AND HOMICIDE (1954)
- E. DURKHEIM, SUICIDE (1951).
- G. ULTT & D. GOODRICH, A SYNOPSIS OF CONTEMPORARY PSYCHIATRY 280 (2d ed. 1960)
- GEORGE A ULETT, A SYNOPSIS OF CONTEMPORARY PSYCHIATRY, 280 (2ND ED. 1960)
- GLANVILLE WILLIAMS, THE SANCTITY OF LIFE AND THE CRIMINAL LAW, 350 (ALFRED A. 1957).
- HERBERT L. PACKER, THE LIMITS OF THE CRIMINAL SANCTION p.640-644 (1989)
- J. GIBBS & W. MARTIN, STATUS INTEGRATION AND SUICIDE, 7 (1964).

- M. GuTTMACHER & H. WEIHOFEN, PSYCHIATRY AND THE LAW. 66 (1952).
- MUHAMMAD ABDUL BASIT, THE PAKISTAN PENAL CODE (1860)
- N. ST. JOHN-STEVAS, LAW AND MORALS 46 (1964).
- N.V. PARANJAPE, CRIMINOLOGY AND PENOLOGY, 207 (CENTRAL LAW AGENCY, 12TH ED. 1988)
- P. BOHANNAN, AFRICAN HOMICIDE AND SUICIDE (1960); B. MALINOWSKI, CRIME AND CUSTOM IN SAVAGE SOCIETY (1947).
- RAM NARESH CHAUDHARY NAVEEN & LAKSHAMESHWAR THAKUR, THEORIES OF CRIME AND LAW p.247-258 (2014)
- RICHARD L. LIPPKE, RETHINKING IMPRISONMENT (1ST ED, 2007)
- STENGEL, ERWIN, SUICIDE AND ATTEMPTED SUICIDE, LONDON: PENGUIN BOOKS LTD. (1967)
- THOM BROOKS, PUNISHMENT (2d ed. 2012)
- W. OVERHOLSER, THE PSYCHIATRIST AND THE LAW, 47 (1953).
- **Journals**
- Joseph, S. Abraham, J.P. Mulivil, J. Parasad, V.J Abraham & K.S Jacob, *Evaluation of suicide rates in rural India using verbal autopsies*, British Medical Journal, 325 (2003).
- R. Sharma, *Is attempted suicide an offense?* Aggression and Violent Behavior, 14. 139–145 (2009)
- Briege Nugent & Nancy Loucks, *The Arts and Prisoners: Experiences of Creative Rehabilitation*, Howard J. of Criminal Justice (2011).
- D Pratt, L Appleby, M Piper, R Webb, J Shaw, *Suicide in Recently Released Prisoners: A Population Based Cohort Study*, The Lancet, Vol. 40 (2006).
- Mark Andreson, *Suicide*, Population trends, 982 (1950).
- David Lester, Kavita Agarwal & Mangali Natarajan, *Suicide in India*, 5 (1998).
- David S. Markson, *The Punishment of Suicide - A Need for Change* , 14 Vill. L. Rev. 463 (1969)
- Editorial, *Any Questions? Attempted suicide*, Br. Med. J. 339 (1952)
- F.Kermani, A. Arther, J. Ara, *Deliberate self harm: Frequency and associated factors*, J. Surag Pak (Int).11 (2006)
- Fergus McNeill, *When Punishment is Rehabilitation*, pp. 4195-4206 (2012)
- J.D. Mabbott, *Punishment*, Mind. Vol. 48 (1939)
- Jean Hampton, *The Moral Education Theory of Punishment*, Philosophy and public Affairs (1984).
- Karl A. Menninger, *Man Against Himself*, New York, Harcourt, Brace (1938); Menninger, *Psychoanalytic Aspects of Suicide*, Internat. J. (1933)
- Lakshmi Vijaykumar, *Suicide and its prevention: the urgent need in India*, India Journal of Psychiatry (2007)
- Lalli & Turner, *Suicide and Homicide: A Comparative Analysis by Race and Occupational Levels*, J. CRIM. L.C. & P.S. (1968);
- Larremore, *Suicide and the Law*, 17 HARV. L. Rev. (1904)
- Lawrence T. Hammond Jr., *Criminal Law - Attempted Suicide*, 40N.C. L. Rev.323 (1962)
- M. Ariens, *Suicidal Rights*, Rutgers Law J, 20 (1988).
- M.H. Majeed, Amir Sherazi & Afzal, *Discrimination of suicide in Pakistan: Treatment not punishment*. Asian Journal of Psychiatry, 35, 6-7 (2018)
- Mikell, *Is Suicide Murder?*, Colum. L. Rv. (1903).

Attempt To Commit Suicide: A Critical Analysis Of Pakistani Laws With Reference To Reformative Theory Of Punishment

- Ministry of Health. Circular HM61(94), Department of Health. London (1961)
- Murad M. Khan, Martin Prince, *Beyond rates: the tragedy of suicide in Pakistan*, Tropical Doct. 33 (2003).
- Murad Moosa Khan, Sadia Mahmood, Mehtab S. Karim, Mhammad Zaman and Martin Prince, *Case-control study of suicide in Karachi, Pakistan*, The British Journal of Psychiatry. 193, 402–405 (2008)
- Murad Moosa Khan, *Suicide and Attempted Suicide*, Crises. 19 (1998)
- Murad Mussa Khan, Adnan Ali Haider, *Suicide in Developing World: Case Study from Pakistan*, Suicide Life Threatening Behaviour. 36 (2006)
- Parliamentary Correspondent, *Bringing social help to the would-be suicide*, Br Med J. 835 (1961)
- Peter Raynor, Gwen Robinson, *Why Help Offenders? Arguments for Rehabilitation as a Penal Strategy*, European Journal of Probation, 3-20 (2009)
- Prakash B. Behere, T. S. Sathyanarayana Rao, Akshata N. Mulmule, *Decriminalization of attempted suicide law: Journey of Fifteen Decades*, Indian Journal of Psychiatry. 57 (2015)
- Rajeev Ranjan, Saurabh Kumar & Rajesh Saga, *(De-) criminalization of attempted suicide in India: A review*, Indian Psychiatry Journal, 23 (2014)
- S. Mojica & D. Murrell, *the right to choose: when should death be in the individual's hands?*, Whittier Law Review, 12 (1991)
- S.K. Jezewski, *Can a Suicide machine trigger the murder statute?*, Wayne Law Rev. 37 (1991)
- Schjman G., *Suicide and the life-insurance contract: was the insured sane or insane? That is the question or is it?*, Tort Insur. Law J. 28 (1993)
- Schulman, *Suicide and Suicide Prevention: A Legal Analysis*, A.B.A.J. (1968); Comment, *Suicide - Criminal Aspects*, VILL. L. Rev. (1956).
- Srinivas Vishven, *Analysis of anti-suicide law in India*, NLUJ (2008)
- Sultana K, *Proportion of suicidal deaths among autopsy*, Ann Abbasi Shaheed Hosp. 7 (2002)
- T.H. MacQueary, *The Reformation of Juvenile Offenders in Illinois*, American Journal of Sociology. 8 (1903)
- Tariq Waseem, Muhammad Arif Nadeem, Irfan Waheed, *Poisonings in patient of medical coma and their outcome at Mayo Hospital, Lahore*. Ann KE Med Coll. 10 (20014)
- Tess Lanning, Ian Loader & Rick Munir, *Redesigning Justice: Reducing Crime Through Justice Reinvestment*, Institute of Public Policy Research, London (2011).
- The Criminal Aspect of Suicide, 39 Dick. L. Rsv. 42 (1934)
- W. East, *Suicide from the medico-legal standpoint*. Br Med J. (1931)
- Wilbur Larremore, *Suicide and the Law*, 17 HARV. L. Rev. 331, 340 (1904)
- Yvette Hartfree, Chris Dearden & Elspeth Pound, High Hopes, *Supporting Ex-Prisoners in Their Lives after Prison* (Department of Work and Pensions Research Report No. 509), London (2008)

Reports

- ✓ 2ND Report, Suicide, Criminal Law Review Committee, London. HMSO (1960)

- ✓ Report No. 210, *Humanization and Decriminalization of Attempt to Suicide*, Law Commission of India (2008)
- ✓ World Health Organization, *Preventing Suicide: A global imperative*, WHO. 54 (2014)
- ✓ World health report 2000, *Health systems: improving performance*: Geneva, World Health Organization (2000)

Newspaper and Online Sources

1. Basil Nabi Malik, *When you fail to kill yourself*, The Pakistan Defence, Jul. 11, 2010. <https://defence.pk/pdf/threads/on-ppc-325-the-law-against-suicides.65199/>
2. *Bill to decriminalise suicide sails through Senate*, The News, Feb. 20, 2018. <https://www.thenews.com.pk/print/283434-bill-to-decriminalise-suicide-sails-through-senate>
3. Crime of Attempt to suicide, Legal Sevice India, 2013. <http://www.legalservicesindia.com/article/1081/Crime-of-Attempt-to-commit-Suicide.html>
4. *Government Decriminalizes Attempted Suicide: What About Fasting Activists*, Times of India (2008) <http://www.timesofindia.indiatimes.com/india/ Govt-decriminalizes-attempted-suicide-What-about-fasting-activists/45464644.cms>.
5. Masooma Raza, *Section 325 must go*, Nov. 24, 2019. <https://www.dawn.com/news/1518536>
6. Prof Musarrat Hussain, *The Mental Health Ordinance 2001*, DAWN, Jan. 27, 2010. <https://www.dawn.com/news/861796>
7. *Rare punishment in suicide attempt cases*, The Nation, Sept. 27, 2019. <https://nation.com.pk/27-Sep-2019/rare-punishment-in-suicide-attempt-case>
8. Retributive Theory of Punishment: A Critical Analysis, <https://www.lawctopus.com/academike/retributive-theory-of-punishment-a-critical-analysis/>
9. Tariq Naqash, *Teenage girl commit suicide after being raped by teacher in AJK village*, Nov.8, 2018. <https://www.dawn.com/news/1444381>
10. *Treatment not punishment: Senate passes bill to decriminalize attempted suicide*, The Duniya News, Feb, 19, 2018. <https://dunyanews.tv/en/Pakistan/428389-Treatment-punishment-Senate-bill-decriminalise-attempted-suicide>
11. World Health Organization, Suicide Data, Global Data, https://www.who.int/mental_health/prevention/suicide/suicideprevent/en/
12. World Health Organization, Suicide Data, https://www.who.int/mental_health/prevention/suicide/suicideprevent/en/
13. World o Meter, Pakistan population, <https://www.worldometers.info/world-population/pakistan-population/>