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EMPLOYER'S LIABILITY FOR ABETMENT OF SUICIDE

On October 3, 2024, the Supreme Court (**SC**) issued a judgment in the *Nipun Aneja* case¹ which provides guidance on the circumstances in which official superiors can be held liable for abetment of suicide under Section 306 of the Indian Penal Code (**IPC**) (or Section 108 of the Bharatiya Nyaya Sanhita, 2023 (**BNS**)).

Brief Facts

Rajeev Jain (**Jain**), an employee of Hindustan Lever Limited (**HLL**), committed suicide in his hotel room in Lucknow.

His brother lodged a First Information Report (**FIR**) alleging that Jain had been harassed by his superiors, including HLL (**Appellants**), to accept the Voluntary Retirement Scheme (**VRS**).

The FIR alleged that during a meeting, the Appellants humiliated Jain and other employees who refused to accept the VRS.

The police filed a charge-sheet leading to criminal proceedings against the Appellants.

The Allahabad High Court (**HC**) declined quash of proceedings, and the Appellants moved the SC.

HC's Reasoning

Relying on statements given by Jain's colleagues, the HC found that he had been humiliated in a meeting and given a letter assigning him work in a lower position. It found a direct link between the meeting and the suicide, observing that Jain was continuously harassed and pressured to either accept the VRS or the demotion.

SC's Judgement and Reasoning

The SC:

Allowed the appeal and quashed the criminal proceedings against the Appellants.

Reviewed the law governing abetment of suicide, emphasizing that the prosecution must prove both suicidal death and abetment thereof.

Referred to several past judgments² outlining the following principles:

- Mere harassment is insufficient. There must be evidence of a positive act on the part of the accused to instigate or aid in the suicide.
- Intention to instigate suicide is required. The accused's actions must have been intended to push the deceased to commit suicide.
- The accused's actions must be the proximate cause of the suicide. The prosecution must demonstrate a clear and direct link between the accused's actions and the deceased's decision to commit suicide.

Clarified that the test for abetment of suicide in cases involving official superiors is to determine if the accused intended the consequences of their actions, meaning the suicide itself.

¹ *Nipun Aneja and Others v. State of Uttar Pradesh*, 2024 LiveLaw (SC) 786, available [here](#).

² *Netai Dutta v. State of West Bengal*, (2005) 2 SCC 659; *Geo Varghese v. State of Rajasthan and another*, (2021) 19 SCC 144; *Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618; *S.S. Cheena v. Vijay Kumar Mahajan and Anr*, (2010) 12 SCC 190; *M. Arjunan v. State, represented by its Inspector of Police*, (2019) 3 SCC 315; *Ude Singh & Others v. State of Haryana*, (2019) 17 SCC 301; and *Mariano Anto Bruno & another v. The Inspector of Police*, 2022 SCC OnLine SC 1387.

Provided examples of circumstances where official superiors could be held liable for abetment of suicide:³

- Creating a situation of unbearable harassment or torture, leading the deceased to see suicide as the only escape.
- Exploiting the deceased's emotional vulnerability, making them feel worthless or undeserving of life.
- Threatening the deceased with dire consequences, such as harm to their family or severe financial ruin, leading them to believe suicide is the only option.
- Making false allegations that damage the deceased's reputation, pushing them to commit suicide due to public humiliation and loss of dignity.

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³ Paragraphs 15 and 17 of the Judgement.
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