

HR Law Hotline

October 16, 2024

SUPREME COURT PROVIDES GUIDANCE ON WHAT WOULD CONSTITUTE ABETMENT OF SUICIDE IN AN EMPLOYMENT RELATIONSHIP

- Supreme Court quashes criminal case against Hindustan Unilever Limited (Company) executives for abetment of suicide of its employee.
- An offence under Section 306 Indian Penal Code 1100% (IPC) would stand only if there is an 'abetment' for the commission of the crime.
- The condition of abetment of suicide would stand fulfilled if the suicide is committed by the deceased due to direct and alarming incitement by the accused leaving the victim no option but to commit suicide.

BACKGROUND

The issue of employer's liability in cases of employee suicide has garnered increasing attention in recent years, reflecting a broader societal concern about workplace mental health. As the rates of workplace stress and related suicides rise, employers find themselves under scrutiny regarding their duty of care towards employees. The legal landscape surrounding this topic is complex, particularly in light of various court rulings that have established precedents for when an employer can be held liable for an employee's suicide.

Recently, a division bench of the Supreme Court has, in a judgement dated October 03, 2024, in the case of *Nipun Aneja & others v State of Uttar Pradesh*¹, laid down the necessary principles to be followed to determine the culpability of employer in a case involving suicide of an employee.

The Supreme Court allowed an appeal against the order of the Allahabad High Court (Lucknow Bench) wherein the Allahabad High Court had rejected a petition filed for quashing of criminal proceedings in connection with a criminal case involving death of an employee of the Company.

FACTS OF THE MATTER

In the present case, three appellants, in their capacity as high-ranking officers of the Company, convened a meeting with the employees of the Company on November 03 2006, which was for the purpose of convincing the employees to opt for the Company's voluntary retirement scheme. In the meeting, some of the salesmen including the deceased employee in the present case (who later committed suicide), were issued letters to either accept the voluntary retirement scheme or undertake the work of merchandising, a move not acceptable to said employees.

Following the meeting, an employee Mr. Rajeev Jain left for his room in distress, where he was later found to have committed suicide. An FIR was filed against certain senior executives of the Company on the ground that workplaces distress led the employee to commit suicide. The deceased employee's colleagues mentioned in their statement to the police that, the senior executives had mentally harassed them and the transfer of the deceased employee to the merchandising team was to punish employees for refusing to 'voluntarily retire'.

Subsequently, basis these statements, the police thought it fit to file a chargesheet in the matter culminating into legal proceedings against the senior executives of the Company. Aggrieved by the same, the senior executives of the Company decided to file an application before the Allahabad High Court for quashing of the criminal proceedings against them. The Allahabad High Court rejected the same and being aggrieved by the said order, the senior executives of the Company decided to approach the Supreme Court.

ANALYSIS

In the course of analysing the facts of these case, the Supreme Court discussed four issues listed below.

(a) Did the appellants create a situation of unbearable harassment or torture, leading the deceased to see suicide as the only escape?

(b) Are the appellants accused of exploiting the emotional vulnerability of the deceased by making him feel worthless or underserving of life leading him to commit suicide?

(c) Is it a case of threatening the deceased with dire consequences, such as harm to his family or severe financial ruin to the extent that he believed suicide was the only way out?

(d) Is it a case of making false allegations that may have damaged the reputation of the deceased & push him to commit suicide due to public humiliation & loss of dignity?

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Given these issues, the Supreme Court noted that the ingredients to constitute an offence of abetment of suicide would stand fulfilled only if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving the deceased with no option but to commit suicide. The Supreme Court relied upon *Ude Singh & Others v. State of Haryana*² wherein it was held that in order to convict an accused under Section 306 of the IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. The Supreme Court had observed as under:

"In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide..."

... instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide.

But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC."

In another case relied by the Supreme Court, *Netai Dutta v. State of West Bengal*,³ an employee of a company was transferred from one place to another. He, however, failed to join and sent a letter of resignation. Thereafter, the employee committed suicide alleging torture by Netai Dutta and one more person. The Supreme Court in this case had held that:

"In the suicide note, except referring to the name of the appellant at two places, there is no reference of any-act or incidence whereby the appellant herein is alleged to have, committed any willful act or omission or intentionally aided or instigated the deceased) Pranab Kumar Nag to committing the act of suicide. There is no case that the appellant has played any part or any role in any conspiracy, which ultimately instigated or resulted in the commission of suicide by deceased Pranab Kumar Nag."

The Hon'ble Supreme Court in the instant case observed that the incitement of an extreme action of committing suicide can be divided into two broad categories. First, where the deceased has sentimental ties or physical relations with the accused and the second category, where the deceased has relations with the accused in his or her official capacity. The present case falls into the latter category wherein the expectations and obligations are prescribed by law, rules, policies and regulations and it was noted that the test that the Court should adopt in this type of case is to make an endeavour to ascertain, on the basis of the materials on record, whether there is anything to indicate even *prima facie* that the accused intended the consequences of the act, i.e., suicide.

A mere fact of suicide should not be taken into consideration but the nature of the offence, the accusation and correct principles of law governing abetment of suicide should be considered.

DECISION

The Supreme Court held the approach of the High Court to be incorrect noting that the High Court should have examined the matter keeping the facts and legal principles in mind. The Supreme Court sympathised with the family members of the deceased, but it also noted that, it is pertinent for courts to look into the matter and ensure that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecution.

The Supreme Court, therefore, was convinced that putting the appellants to trial on the charge that they abetted the commission of suicide by the deceased would be abuse of process of law.

CONCLUSION

The ruling of the Supreme Court in this case provides a significant clarification regarding the legal standards for abetment of suicide under Section 306 of the IPC. The Supreme Court's decision to quash the proceedings against the officials of the Company underscores the necessity for clear evidence of intent to incite suicide, rather than mere allegations of workplace pressure or harassment.

The Supreme Court also emphasized that actions leading to a suicide must demonstrate direct or indirect incitement. This judgment establishes that workplace conflicts, even if they involve stress or humiliation, do not automatically equate to 'abetment' under IPC unless there is *prima facie* evidence indicating an intention to drive an individual to take their own life. This distinction is crucial as it protects individuals from unwarranted criminal liability based on ambiguous circumstances. With the recent spurt of cases involving suicidal workplace, this judgment provides necessary clarity on the position that the legal framework surrounding abetment of suicide requires careful consideration of the specific context and intent behind actions taken in professional settings. The Supreme Court's intervention not only safeguards against potential misuse of legal provisions but also reinforces the need for a balanced approach in addressing sensitive issues related to mental health and workplace dynamics. At the same time, tackling such matters can be challenging for employers, therefore, it would be prudent for employers to have certain preventive measures in place. Such measures may include reconsidering the company's internal practices for ensuring a safe and respectable work environment, conducting mentoring programs, imparting managerial trainings focusing on addressing behaviour issues at workplace, ethics hotlines, etc.

Please note: The IPC has been since been repealed and replaced by the Bharatiya Nyaya Sanhita, 2023.

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¹Criminal Appeal No. 654 of 2017, decision delivered by the Supreme Court on October 03, 2024.

²(2019) 17 SCC 301

³(2005) 2 SCC 659

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