



121. If an employee commits suicide at home and the family files a case against the company for abetment of suicide, does this imply any legal liability for the company under applicable laws?

If an employee commits suicide at home and their family files a case against the company for abetment of suicide, several legal factors determine whether the company may face liability under applicable laws, particularly under **Section 306 of the Indian Penal Code (IPC)** or **Section 108 of the Bharatiya Nyaya Sanhita, 2023**. Here are the key considerations:

Legal Framework

1. Section 306 IPC / Section 108 of the Bharatiya Nyaya Sanhita, 2023:

- This section addresses the abetment of suicide, stating that if any person abets the commission of suicide, they shall be punished.
- Abetment requires proof that someone intentionally incited or encouraged the act.

2. Section 107 IPC / Section 45 of the Bharatiya Nyaya Sanhita, 2023:

- Defines "abetment" as instigating, conspiring, or intentionally aiding someone in committing an act.
- It emphasizes that mere negligence or harassment may not qualify as abetment.

Factors Considered for Liability

1. Intent (Mens Rea):

- The court must establish that the company (or its employees) had the intent to provoke the employee to commit suicide.
- There should be evidence showing that the company's actions aimed to incite the employee to take their own life.

2. Direct Action or Harassment:

- The court will examine the nature and context of the alleged harassment.
- Evidence must demonstrate that the actions of the company or its employees directly contributed to the employee's mental state leading to suicide.

3. Causal Link:

- A clear causal link between the company's actions and the suicide must be established.
- The family's claims must be supported by testimonies or evidence indicating that the company's actions significantly contributed to the employee's decision to end their life.

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4. Workplace Environment:

- Courts may consider the overall workplace environment, including any patterns of harassment, discrimination, or undue pressure exerted on the employee.

5. Evidence:

- Testimonies from colleagues, family members, or documented instances of harassment will be critical in establishing whether the company bears any liability.

Case Law

Criminal Appeal No. 654 of 2017, Nipun Aneja & Others vs. State of Uttar Pradesh Supreme Court of India, decided on October 3, 2024.

1. Facts of the Case:

Rajeev Jain, an employee of HLL for 23 years, committed suicide on November 3, 2006, in a hotel room in Lucknow. His brother filed an FIR alleging that Jain was driven to suicide by harassment from his superiors, who were pressuring him to opt for a Voluntary Retirement Scheme (VRS). The key allegation was that during a meeting on the day of the suicide, Rajeev was publicly humiliated and given a letter transferring him to a lower post in merchandising, which allegedly pushed him to suicide.

2. Key Testimonies:

Colleagues provided statements about the humiliation Rajeev faced in the meeting, and his wife testified about the immense mental stress he experienced due to continuous harassment.

3. Legal Proceedings:

The appellants sought to quash the proceedings, asserting that there was insufficient evidence for abetment under Section 306 IPC. The High Court rejected this petition, prompting the appeal to the Supreme Court.

4. Supreme Court's Analysis:

- The Court reiterated that for abetment of suicide, there must be clear intent and direct action pushing the victim toward suicide.
- The actions of the appellants, while harsh, did not meet the threshold for abetment. The Court emphasized that mere harassment does not automatically equate to abetment without evidence of intent to provoke the victim's suicide.

Conclusion

The Supreme Court quashed the criminal proceedings against the appellants, concluding that there was no evidence of instigation or active participation amounting to abetment under Section 306 IPC. This judgment highlights the necessity of clear proof of intent and direct action aimed at provoking such a tragic outcome, distinguishing between workplace disputes and actual abetment of suicide.

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