



## CYBER SHADOWS OF CRIME: EXPANDING THE SCOPE OF ABETMENT TO SUICIDE IN THE DIGITAL ERA?

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### ABSTRACT

*In recent times, the crimes and their scope have expanded, and it is very difficult to trace their real nature exactly. The legal view is somehow confined to statutory laws, but the philosophical and discretionary view always changes from time to time with the change of society. In this article, we'll explore how the digital world is silently participating in one of the known offences (abetment to suicide). The increasing use of digital platforms has introduced complex challenges in criminal laws. Advancement of technology for betterment is often misused by the wrongdoers of society. This article is going to highlight the unearthed issue relating to digital abetment of suicide in India has emerged alongside traditional abetment laws. This article examines the legal framework governing such offences. It further analyses the relevance of provisions from the Information Technology Act 2000, and the admissibility of electronic evidence, and it concludes with a factual overview of the existing legal gaps and the need for procedural clarity in addressing the offence.*

**Keywords:** Digital Abetment, Suicide, Online Harassment, Evidence, Offence.

### INTRODUCTION

Suicides are usually a complicated issue. If any person commits suicide, the person who abets the commission of such an offence is deemed guilty<sup>1</sup> hereto before governed under section 306 of the Indian Penal Code, which provided punishment for abetment to suicide; however, with the introduction of the Bhartiya Nyay Sanhita (BNS)2023, India has faced a structural reformation of its criminal justice laws. Despite the recodification, it is significant to note that no major substantive change has been introduced through this amendment. The essence of the

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<sup>1</sup> Bhartiya Nyay Sanhita 2023, s 108

offence, its ingredients, and its legal implications remain largely the same as they were under the erstwhile IPC framework. The punishment regarding the offence for the person who abets the commission of suicide is imprisonment, which may extend to ten years and liability to fine.<sup>2</sup>

“Abetment of thing” means encouraging or facilitating the commission of an act. A person abets the doing of a thing who, Instigates, engages in any conspiracy for the doing of that thing, or intentionally aids, by any act or illegal omission, the doing of that thing.<sup>3</sup> Now, the question arises whether every allegation or accusation constitutes abetment? “The ingredients to constitute an offence of (abetment to suicide) would stand fulfilled if the suicide committed by the deceased due to direct and alarming encouragement/incitement by the accused, leaving no option but to commit suicide.” The Supreme Court of India in another landmark case pronounced as, “To convict a person under section 306 of Indian penal code, there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide”<sup>4</sup> and also the apex court recently in a judgement pronounced “even if there is allegation of constant harrassment, continued over a long period; to bring in the ingredients of section 306 read with 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to extreme act of taking one’s life.”<sup>5</sup> The study of this provision is increasingly relevant in modern times, especially with the rise of digital communication, cyberbullying, and social media harassment. Here are some reported cases of digital abetment of suicide in India.

## **MEDIA REPORTED CASES REFLECTING DIGITAL ABETMENT CONCERNS**

An eighteen-year-old Mumbai mass media student took the extreme step to end his life. It was alleged that he was relentlessly bullied and blocked in a WhatsApp group of classmates, which led to his suicide. His parents alleged that his classmates encouraged him to end his life.<sup>6</sup>

A sixteen-year-old queer teenager ended his life by suicide due to relentless cyberbullying focused on his appearance (wearing makeup), raising wider awareness about the mental health

<sup>2</sup> Bhartiya Nyay Sanhita 2023, S 108

<sup>3</sup> Bhartiya Nyay Sanhita 2023, S 45

<sup>4</sup> S S Chheena V Vijay Kumar Mahajan (2010) 12 SCC 190

<sup>5</sup> Abhinav Mohan Delkar v the state of Maharashtra and others (2025) INSC 990 Crl A 2177-2185 (2024) [22]

<sup>6</sup> Sandhya nair, ‘Maharashtra: blocked on WhatsApp teen, ends his life; experts says time to tame cyber bullies’ TIMES OF INDIA’ (INDIA, 26 FEBRUARY 2020)

impact of online bullying on youth.<sup>7</sup> A Kolkata schoolteacher livestreamed an allegation of harassment against her school principal and management committee before her death.<sup>8</sup>

“The growing trend of live-streaming suicides on social media is a result of the increasing pressure on individuals, particularly youngsters, to present a perfect online image. The constant need for validation and the fear of being judged or trolled online can take a devastating toll on a person’s mental health. They are mentally and emotionally weak, said Dr Binda Singh, a noted psychologist. DR Singh added that if stressed or having any serious mental issue, one should discuss it with family and friends. The family should listen to the problems peacefully and find a solution.

Legally speaking, though social media posts or live streaming have replaced the traditional handwritten suicide note in many cases.

According to Sanjay Kumar, an advocate at Patna civil court, video recordings can be considered evidence in court for abetment to suicide cases; however, to secure a conviction, the allegations must be direct and coherent, supported by strong evidence, and closely linked to the time of the incident. Mere allegations of harassment are not enough to establish guilt. there must be direct incitement or overwhelming harassment.”<sup>9</sup>

However, the term digital abetment is now unrecognised under Indian statutory law. Thus, all matters of digital offences are regulated under the Information Technology Act 2000, the relevant provision which addresses the digital means commonly used in abetment is:

**Section 66D:** Cheating by personation by using computer resources, which shall be punishable with imprisonment of either description for a term which may extend to three years or a fine which may extend to one lakh rupees.<sup>10</sup>

**Section 66E:** Punishes anyone who intentionally or knowingly captures, publishes or transmits the image of a private area of a person’s private area without consent, under circumstances

<sup>7</sup> TIMESOFINDIA.COM /, ‘Ujjain teen dies by suicide; was bullied online for wearing makeup’ Times of India (INDIA, 26 NOVEMBER 2023)

<sup>8</sup> Sanjib Chakraborty ‘Mentally harrased:school teacher commits suicide on Facebook live in Kolkata’ TIMES OF INDIA (INDIA 7 DECEMBER 2024)

<sup>9</sup> Kshitiz, ’Rising trend of live-streamed suicides among state’s youth worries experts’ TIMES OF INDIA (INDIA, 21 JANUARY 2025)

<sup>10</sup> Information technology act 2000, S 66(D)

violating their privacy, with imprisonment which may extend to three years or with a fine which does not exceed two lakh rupees, or both.<sup>11</sup>

**Section 67:** Punishes whoever publish or transmit or cause to be published or transmitted in the electronic form any material which is lascivious or appeal to the prurient interest or if its effect to such as to tend to deprave and corrupt persons who are likely, having regard to all circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.<sup>12</sup>

**Section 67A:** Punishes whoever publish or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event if second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees<sup>13</sup> and also, one of the relevant provisions, which earlier used to govern the offences relating to sending offensive messages through communication service (section 66A of the Information Technology Act 2000, was later struck down in the Shreya Singhal case<sup>14</sup> by the Supreme Court of India

The above-mentioned provisions may become relevant in cases involving digital elements of abetment to suicide. The applicability of the provision is totally dependent on the nature of the offence and the factual circumstances of each case.

## **ADMISSIBILITY OF ELECTRONIC RECORDS AS EVIDENCE**

A Major challenge arises in proving the act of instigation or intentional aid when it occurs through electronic communication. In digital spaces, the exchange of messages or online interactions often lacks contextual clarity, which makes it difficult to establish a direct

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<sup>11</sup> Information technology act 2000, S 66(E)

<sup>12</sup> Information technology act 2000, S 67

<sup>13</sup> Information technology act 2000, S 67(A)

<sup>14</sup> Shreya Singhal v Union of India (2015) SC CR 834

connection between the accused's conduct and the victim's act of suicide. Although the Bhartiya Sakhya Adhiniyam (BSA) 2023 recognises electronic records as admissible evidence

**Section 61:** Provides for the admissibility of electronic and digital records as evidence with the same legal effect, validity and enforceability as other documents subject to section 63 of BSA, 2023.<sup>15</sup>

**Section 62:** This section specifies that the contents of an electronic record must be proven in accordance with the provisions of section 63 of BSA, 2023.<sup>16</sup>

**Section 63:** This section establish condition for the admissibility of any information contained in an electronic record which is printed on paper, stored, recorded or copied in optical or magnetic media or semiconductor memory which is produced by a computer or any communication device or otherwise stored, recorded or copied in any electronic form(herein after referred to as the computer output is considered a document and admissible as evidence under certain conditions given under this provision (2) The output was produced during the regular use of the computer and communication device by a person lawfully controlling it; (b)the type of information in it was regularly entered in the normal course of business or activity; (c)The computer or device was functioning properly during that period, or any malfunction did not affect the records accuracy; (d) The electronic record is a true reproduction or is derived from information fed into the system during regular activity.<sup>17</sup>

Thus, various provisions from Bhartiya Sakshya Adhiniyam 2023 govern the admissibility of the evidence; it used to be governed under the Indian Evidence Act 1872.

## RECCOMENDATION

1. Specialise provisions for digital abetment, as there is currently no distinct statutory provision regarding this.
2. Make guidelines for the investigation of Digital evidence, which will bring more hope in the justice system for the people
3. Establish awareness camps and preventive mechanisms to curb the issue of suicide in India.

<sup>15</sup> Bhartiya Sakshya Adhiniyam 2023, S 61

<sup>16</sup> Bhartiya Sakshya Adhiniyam 2023, S 62

<sup>17</sup> Bhartiya Sakshya adhiniyam 2023, S 63 (2)

## CONCLUSION

The emergence of digital platforms has transformed the traditional understanding of abetment, introducing new complexities in identifying and proving instigation through electronic means. The offence is now governed under the Bharatiya Nyaya Sanhita 2023. The new penal framework maintains the essential components of instigation, intentional aid and conspiracy, while providing a modern structure aligned with the reform of criminal laws. The increasing incidents of suicide linked to online harassment and digital abuse have brought attention to the growing intersection between criminal laws and cyber laws in India. The application of these laws indicates that the investigation and adjudication of digital abetment to suicide cases depend upon the specific factual circumstances and evidentiary support presented in each case. The instances of mass cyber abuse, including coordinated online harassment, Defamation and circulation of harmful content. Such activities often contribute to situations where individuals face continuous mental and emotional pressure through social media and digital means.