
THE ARCHITECTURE OF DISTRESS: RECONCEPTUALISING STUDENT MENTAL HEALTH IN INDIAN LEGAL EDUCATION AS A CONSTITUTIONAL IMPERATIVE

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ABSTRACT

The mental well-being of students in Indian higher education has historically been relegated to the periphery of institutional policy, framed as a matter of administrative discretion rather than a legally enforceable constitutional right. Within the specific context of legal education, this regulatory ambivalence has fostered an environment where academic rigor frequently devolves into systemic psychological distress. This paper examines the structural architecture of the mental health crisis among Indian law students, arguing that the crisis is not an incidental byproduct of professional training, but a structurally produced condition exacerbated by hyper-competitive pedagogies, rigid regulatory mandates concerning attendance, and entrenched socio-economic marginalisation within elite institutions. Recent jurisprudential developments, notably the Supreme Court of India's landmark pronouncements in *Sukdeb Saha v. State of Andhra Pradesh* and *Amit Kumar v. Union of India*, have fundamentally altered this landscape by elevating student mental health to a non-negotiable constitutional imperative under Article 21 of the Constitution of India. By shifting the paradigm from institutional welfare to tortious liability and positive state obligation, the judiciary has exposed the glaring inadequacies of existing regulatory frameworks governing legal education. The Bar Council of India's rules meticulously dictate attendance thresholds and curriculum structures yet remain entirely silent on mental health infrastructure. Simultaneously, empirical evidence from longitudinal diversity surveys highlights a compounding crisis of alienation, particularly among marginalised demographics navigating these spaces. This paper synthesises constitutional law, statutory frameworks under the Mental Health Care Act, 2017, and empirical survey data to propose a normatively grounded, practically feasible framework for reform. It concludes that legal educational institutions cannot credibly instruct students in the constitutional promises of dignity and justice while maintaining pedagogical environments that systematically undermine the psychological survival of the student body.

Introduction

The Indian law school occupies a paradoxical position within the higher education landscape. Tasked with the intellectual and ethical formation of future practitioners, jurists, and policymakers, these institutions ostensibly operate as the primary custodians of constitutional values, human rights, and social justice. However, empirical investigations and longitudinal diversity metrics reveal a stark dissonance between the rights-oriented curriculum taught within the classroom and the lived psychological realities of the student body. India's premier legal institutions, particularly the National Law Universities (NLUs) offering the five-year integrated B.A. LL.B. (Hons.) programmes, have increasingly been identified as sites of acute psychological distress and systemic exclusion.¹

The scale of this crisis is systemic rather than anecdotal. Over 68 percent of Indian law students experience moderate to severe levels of academic stress, with a vast majority citing the ambient anxiety of professional uncertainty, examination pressures, and moot court performance expectations as primary catalysts for distress.² Correspondingly, extensive pan-India diversity surveys conducted across top-tier NLUs have found that nearly one-fourth of surveyed first-year students actively reported experiencing mental health issues, a figure that is highly likely to be underreported due to the pervasive professional and social stigma surrounding psychological vulnerability in the legal profession.³ These statistics describe a majority experience embedded within the very design of legal education. The establishment of the National Law School model in the late 1980s, designed to replicate the rigour of international legal training and integrate it with the socio-legal needs of the Indian democracy, created a high-stakes, zero-sum academic environment.

Despite the magnitude of this crisis, the regulatory apparatus governing legal education has long maintained a posture of profound silence. The Bar Council of India (BCI), exercising statutory authority under the Advocates Act, 1961, enforces stringent mandates regarding physical infrastructure, library volumes, and mandatory attendance, yet prescribes no binding obligations for mental health support. This regulatory vacuum place the burden of psychological survival entirely upon the individual student, framing mental health struggles as

¹ All India Survey on Higher Education 2021-22 (Ministry of Education, Government of India, 2022), p 5.

² Jagannath Mohanty and Srinibas Mishra, 'Stress Among Law Students: An Empirical Study' (2018) 10 Journal of 3 Law and Society 45, 47.

³ Kiran Bhatia and Pooja Singh, 'Mental Health Challenges in Indian Legal Education' (2021) 13 Indian Journal of 4 Psychiatry and Law 22, 25.

personal frailties rather than institutional failures.

However, the legal landscape is undergoing a seismic shift. Driven by a tragic escalation in student suicides across higher educational institutions (HEIs), including the Indian Institutes of Technology (IITs), Indian Institutes of Management (IIMs), National Institutes of Technology (NITs), and NLUs, the Indian judiciary has initiated a robust intervention. Landmark rulings in 2025 and 2026 have unequivocally subsumed student mental health within the protective ambit of the right to life and personal liberty under Article 21 of the Constitution.⁴ These judicial pronouncements have transformed the discourse, transitioning student well-being from a discretionary welfare concern to an inalienable constitutional right, thereby imposing binding positive obligations upon educational institutions and their regulators.

This paper comprehensively analyses the intersection of mental health, legal education, and constitutional law in India. It looks into the structural features of law schools that generate distress, including the rigid enforcement of attendance norms under BCI Rule 12, the culture of professional stoicism, and the severe alienation of socio-economically marginalised students, against the backdrop of emerging fundamental rights jurisprudence. Through a synthesis of constitutional analysis, statutory interpretation, and comparative law, the paper delineates the urgent institutional reforms required to harmonise the realities of legal education with the constitutional mandate of human dignity.

The Constitutional Evolution of the Right to Mental Health

Expanding the Contours of Article 21

The foundational premise that mental health constitutes an enforceable legal right derives from the expansive interpretation of Article 21 of the Constitution of India. Historically, the Supreme Court of India, through a long lineage of progressive jurisprudence, has interpreted the right to life as encompassing far more than mere physical or animal existence. In *Consumer Education and Research Centre v. Union of India*, the Court held that the right to health is an integral facet of the right to life, establishing that the State bears a positive obligation to provide health facilities and ensure a life of dignity.⁵ This principle, initially articulated in the context of

⁴ The Constitution of India, 1950, art 21.

⁵ *Consumer Education and Research Centre v Union of India* (1995) 3 SCC 42.

occupational hazards and physical well-being, laid the doctrinal groundwork for psychological protections.

The jurisprudential recognition of mental health specifically crystallised in subsequent landmark decisions. In *Navtej Singh Johar v. Union of India*, the Supreme Court explicitly acknowledged that the right to health under Article 21 must encompass psychological and psychiatric well-being.⁶ The Court emphasised that an individual's mental state is inextricably linked to their dignity and autonomy. Similarly, in *Shantistar Builders v. Narayan Khimalal Totame*, the Court affirmed that the right to live with human dignity necessarily encompasses access to fundamental healthcare, implicitly barring the State from creating or sustaining environments that degrade psychological integrity.⁷

In the educational context, this constitutional guarantee operates on a dual axis. Negatively, the State and its instrumentalities including statutorily regulated and publicly funded law schools are prohibited from enforcing administrative policies that actively imperil the mental stability of their students. Positively, these institutions bear a constitutional duty to foster an environment conducive to psychological well-being, providing adequate support structures where academic distress is reasonably foreseeable. Given that NLUs are established by acts of State legislatures and frequently feature constitutional functionaries, such as the Chief Justice of India or the Chief Justice of the respective High Court, as their Visitors or Chancellors, these institutions are undeniably state instrumentalities bound by Part III of the Constitution.

The Watershed Judgments: Sukdeb Saha and Amit Kumar

The theoretical constitutional protections surrounding student mental health were forcefully operationalised following a disturbing pattern of student suicides across premier Indian HEIs. The judicial response to this public health emergency represents a profound jurisprudential shift, decisively moving the issue of student mental health from the realm of non-binding policy recommendations to strict constitutional accountability.

In the landmark judgment of *Sukdeb Saha v. State of Andhra Pradesh*, delivered on July 25, 2025, the Supreme Court of India elevated student mental well-being to a fundamental

⁶ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

⁷ *Shantistar Builders v Narayan Khimalal Totame* (1990) 1 SCC 520.

component of Article 21.⁸ The Court reasoned that a life of dignity is rendered functionally impossible within an educational ecosystem that systematically fosters debilitating stress, anxiety, and despair.⁹ By officially embedding concerns regarding student mental health at the centre of constitutional guarantees, the Court imposed a non-negotiable state requirement to safeguard the psychological welfare of the youth¹⁰. This ruling effectively created new avenues for tortious liability, indicating that institutional negligence in addressing mental health such as the failure to identify foreseeable psychiatric risks or provide reasonable academic accommodations could trigger severe regulatory and legal consequences¹¹.

This constitutional mandate was further solidified and expanded in *Amit Kumar & Ors. v. Union of India & Ors.*, delivered on January 15, 2026.¹² Recognising that the suicide epidemic required multi-sectoral and systemic intervention, the Supreme Court, through a bench comprising Justices J.B. Pardiwala and R. Mahadevan, constituted a National Task Force (NTF) headed by former Supreme Court Judge Justice S. Ravindra Bhat.¹³ The NTF, operating alongside subject matter experts and government officials, was entrusted with a broad mandate: identifying the underlying causes of student distress, analysing existing legal and institutional inadequacies, and formulating a framework of preventive and remedial measures.¹⁴

Crucially, the Amit Kumar judgment dismantled the historical institutional tendency to individualise student suicides. The Court observed that HEIs possess a deeply entrenched predisposition to shift the blame by attributing suicides solely to personal shortcomings, preexisting medical conditions, or individual inability to cope with academic pressure.¹⁵ The Court forcefully rebutted this narrative, declaring that HEIs cannot shirk their fundamental duty to ensure safe, equitable, and inclusive spaces of learning.¹⁶ The Court issued comprehensive guidelines explicitly declaring that failure to take timely action to prevent self-harm, especially

⁸ *Sukdeb Saha v State of Andra Pradesh* (2025) INSC 893.

⁹ *ibid.*

¹⁰ *ibid.*

¹¹ Sucheta, 'Supreme Court issues comprehensive Guidelines on protecting mental health of young students in coaching centres and colleges' (*SCC Online*, 25 July 2025) <<https://www.scconline.com/blog/post/2025/07/25/supreme-court-guidelines-protecting-mental-health-of-coaching-and-college-students-legal-news/>> accessed 3 August 2026.

¹² *Amit Kumar & Ors. v Union of India & Ors* (2026) INSC 62.

¹³ Himanshu Mishra & Prakhar Jha, 'The rule that broke the student: Attendance, anxiety and what must change' (*Bar and Bench*, 08 November 2025) <<https://www.barandbench.com/columns/the-rule-that-broke-the-student-attendance-anxiety-and-what-must-change>> accessed 3 August 2026.

¹⁴ *Amit Kumar* (n 12).

¹⁵ *Amit Kumar* (n 12).

¹⁶ *ibid.*

where institutional neglect contributes to a student's deterioration, constitutes institutional culpability. The directives mandated the establishment of written protocols for immediate referral to mental health services, the prominent display of suicide helpline numbers (such as Tele-MANAS), regular sensitization programs for faculty and parents, and the mandatory registration of First Information Reports (FIRs) upon the occurrence of any unnatural student death to ensure rigorous police investigation without institutional interference.¹⁷

Statutory and Regulatory Frameworks Governing Mental Health

The Mental Health Care Act, 2017

The constitutional imperative established by Article 21 is statutorily operationalised through the Mental Health Care Act, 2017 (MHCA), a rights-based legislation that fundamentally reformed India's approach to psychological healthcare. Section 18(1) of the MHCA enshrines a justiciable statutory right, providing that every person shall have the right to access mental healthcare and treatment from services run or funded by the appropriate government.¹⁸

The MHCA represents a paradigm shift in two critical ways applicable to the higher education context. First, Section 18(4) mandates that mental health services must be of the same quality and standard as general physical health services.¹⁹ While top-tier law schools, such as the National Law Institute University (NLIU), Bhopal, frequently maintain on-campus medical clinics staffed by qualified physicians and nursing staff for physical ailments, corresponding infrastructure for psychiatric and psychological care is often either absent, outsourced, or severely under-resourced. The statutory principle of parity requires that publicly funded educational institutions align their mental health infrastructure with their general medical provisions, transforming counselling centres from auxiliary benefits into mandatory healthcare facilities.

Second, Section 115 of the MHCA explicitly decriminalized attempted suicide, recognising that individuals experiencing severe psychological crises require care, compassion, and institutional support rather than punitive state action.²⁰ As noted by the Supreme Court, this provision reinforces a broader constitutional vision mandating a responsive legal framework to

¹⁷ SCC Online (n 12).

¹⁸ Mental Health Care Act, 2017 (10 of 2017) s 18(1).

¹⁹ Mental Health Care Act, 2017 (10 of 2017) s 18(4).

²⁰ Mental Health Care Act, 2017 (10 of 2017) s 115.

prevent self-harm, particularly among vulnerable populations such as university students navigating the difficult transition into adulthood and professional life.²¹ Furthermore, the Act's stringent provisions regarding confidentiality and non-discrimination are essential in an educational setting, ensuring that students seeking psychiatric help are not subjected to academic prejudice, involuntary leaves of absence, or breaches of privacy.

The University Grants Commission and National Education Policy Frameworks

At the regulatory level, the higher education sector has begun to tentatively address mental health, though largely through non-binding and advisory instruments. In 2022, the University Grants Commission (UGC) issued specific Guidelines on Mental Health and Wellbeing of Students in Higher Education Institutions.²² These guidelines directed universities to establish dedicated counselling cells, appoint trained mental health professionals, and foster a non-stigmatizing environment to encourage help-seeking behaviour.²³

Similarly, the National Education Policy (NEP) 2020 recognises the critical need for socio-emotional and psychological support in educational institutions.²⁴ The Supreme Court in *Amit Kumar* specifically referenced the NEP 2020's ambitious target of achieving a 50 per cent

Gross Enrolment Ratio (GER) by 2035, cautioning that a myopic focus on the quantitative expansion of higher education in India without corresponding investments in qualitative support systems would disastrously exacerbate existing inequities and mental health crises.²⁵ The Court highlighted that affirmative action cannot stop at merely ensuring entry into higher education; it must also reflect in the creation of adequate, accessible support systems that ameliorate instead of exacerbate the burdens placed upon first-generation and marginalised learners.²⁶ While the UGC guidelines and the NEP represent vital normative benchmarks, their lack of binding statutory force has resulted in grossly uneven implementation across Indian law schools, necessitating a shift toward mandatory compliance.

²¹ SCC Online (n 11).

²² University Grants Commission Act, 1956 (3 of 1956) s 26.

²³ University Grants Commission, Guidelines on Mental Health and Wellbeing of Students in Higher Education Institutions (UGC, New Delhi, 2022), p 3.

²⁴ National Education Policy 2020 (Ministry of Education, Government of India), para 23.5.

²⁵ *Amit Kumar* (n 16).

²⁶ *ibid.*

The Architecture of Distress: Structural Drivers in Legal Education

The psychological crisis within Indian legal education cannot be solely attributed to the inherently demanding nature of the law. Instead, it is actively produced and sustained by specific structural features of the modern Indian law school, an environment that prizes competitive excellence, rigid regulatory compliance, and homogeneity, while frequently neglecting the human cost of that pursuit.

Hyper-Competitiveness and the Zero-Sum Pedagogy

The National Law School model, introduced to professionalise legal training, relies heavily on a formidable academic burden. Law students must navigate ten semesters of heavy doctrinal coursework concurrently with mandatory internships, clinical training, moot court competitions, legal aid activities, and journal editorial duties. The pedagogy frequently employs the Socratic method and adversarial evaluations, rewarding cognitive toughness and penalising visible hesitation or distress.

Empirical research by Mohanty and Mishra demonstrated that examination pressure and moot court performance anxiety were identified as the primary stressors by 72 percent and 61 percent of surveyed law students, respectively.²⁷ The competitive design of NLU pedagogy where fractional differences in academic rankings directly dictate access to elite corporate placements, prestigious judicial clerkships, and institutional scholarships creates a zero-sum environment. The consequences of academic underperformance are perceived not merely as learning opportunities, but as catastrophic professional disqualifications, thereby perpetually heightening baseline anxiety levels among the student body.²⁸

The Jurisprudential Conflict Over Mandatory Attendance: BCI Rule 12

Perhaps no regulatory mechanism causes more pervasive ambient anxiety in Indian law schools than the rigid enforcement of mandatory attendance. Under Rule 12 of the Bar Council of India (BCI) Rules of Legal Education, 2008, no student of any degree program is permitted to take the end-semester examination in a subject if the student has not attended a minimum of 70

²⁷ Jagannath Mohanty and Srinibas Mishra, 'Stress Among Law Students: An Empirical Study' (2018) 10 *Journal of Law and Society*.

²⁸ Kiran Bhatia and Pooja Singh, 'Mental Health Challenges in Indian Legal Education' (2021) 13 *Indian Journal of Psychiatry and Law*.

percent of the classes held in the subject, including moot court room exercises, tutorials, and practical training. The rules permit the Dean or Vice-Chancellor to condone a shortfall up to 5 percent (bringing the minimum to 65 percent) only in exceptional circumstances, with reasons recorded and communicated to the BCI.²⁹

Historically, the judiciary has strictly interpreted and upheld this mandate, prioritising regulatory compliance and academic discipline over individual student circumstances.

Landmark Case on BCI Attendance Mandates	Judicial Stance / Principle Established
Kiran Kumari v. Delhi University	The Supreme Court held that the policy underlying the BCI Rules places great emphasis on regular attendance. The Court distinguished between collegiate study and private candidacy, affirming the necessity of physical presence in law classes. ³⁰
Baldev Raj Sharma v. Bar Council of India	The Supreme Court upheld the denial of enrolment to a candidate who pursued a non-collegiate LL.B., reinforcing that the strict attendance requirements are foundational to legal education standards. ³¹
S.N. Singh v. Union of India	The Delhi High Court explicitly directed universities to amend their examination and promotion rules to bring them into strict conformity with the BCI's minimum attendance mandates, stating that university autonomy cannot override BCI standards. ³²
Apoorv Yadav / Sukriti Upadhyay v. University of Delhi	Courts reaffirmed that BCI Rules of Legal Education override individual university ordinances. The 70 percent rule (and 65 percent exception) was upheld as a non-dilutable minimum benchmark. ³³

²⁹ *Guru Gobind Singh Indraprastha v Naincy Sagar & Anr* LPA 713/2019.

³⁰ *Kiran Kumari v Delhi University* (2008) 17 ILR 1055 DEL.

³¹ *Baldev Raj Sharma v Bar Council of India* AIR 1989 SC 1541.

³² *S.N. Singh v Union of India* (2003) 106 DLT 329.

³³ *Apoorv Yadav Petitioner v University of Delhi & Ors. S* (2014) SCC ONLINE 3278 DEL.

The draconian application of Rule 12 directly conflicts with the realities of student mental health. A student suffering from a depressive episode, severe burnout, or debilitating anxiety may be physically or psychologically incapable of attending classes, yet the BCI rules offer no codified exemptions for mental health crises. The failure to meet the 65-70 percent threshold results in immediate debarment from examinations, the loss of the academic semester or year, and severe social stigma, consequences that frequently trigger suicidal ideation.

This jurisprudential rigidity faced a profound challenge in the 2025 Delhi High Court ruling, *Re: Suicide of Sushant Rohilla*.³⁴ In a decisive departure from the mechanical application of Rule 12, a bench led by Justices Prathiba M. Singh and Amit Sharma acknowledged the devastating emotional toll that strict attendance policies inflict on vulnerable students. The Court recognised that barring a student from an examination for low attendance often pushes a struggling mind to the edge, leading to extreme consequences. The Court ruled that barring a student from sitting in an examination cannot even be considered the last resort, mandating that colleges must implement alternative pedagogical accommodations, such as extra classes, substitute assignments, and regular family communication, before taking punitive action.³⁵

The Delhi High Court delivered an uncompromising assessment of the feasibility of strict mandatory attendance imposed by the BCI, directing the BCI's Legal Education Committee to research global requirements and reassess the psychological impact of the 70 percent mandate.³⁶ This ruling highlights a critical structural insight: regulatory rules designed to ensure academic quality can, in the absence of empathetic flexibility and reasonable accommodation for psychiatric disabilities, become instruments of profound psychological harm.

Socio-Economic Marginalisation and the Diversity Deficit

The mental health crisis in law schools is not experienced uniformly; it is deeply inflected by socio-economic background, caste, disability, and gender identity. NLUs, despite their status as public institutions, have frequently been critiqued as islands of excellence that inadvertently operate as bastions of elitism, upper-caste hegemony, and urban homogeneity.³⁷ The exorbitant

³⁴ Bar and Bench (n 14).

³⁵ *ibid.*

³⁶ *ibid.*

³⁷ IDIA Diversity Survey Report, 2019-2020 <<https://www.idialaw.org/wp-content/uploads/2023/01/IDIA-Diversity-Survey-Report-2019-2020.pdf>> accessed 3 August 2026.

fee structures, the reliance on expensive private coaching to crack the Common Law Admission Test (CLAT), and the predominantly urban, English-speaking culture of these campuses systematically alienate students from rural, semi-urban, and marginalised backgrounds.³⁸

The Increasing Diversity by Increasing Access (IDIA) project's longitudinal diversity surveys offer critical empirical insights into the socio-economic realities of top NLUs, surveying institutions such as the National Law School of India University (NLSIU) Bengaluru, NALSAR Hyderabad, WBNUJS Kolkata, NLU Delhi, and NLU Jodhpur.³⁹ The data reveals alarming trends regarding inclusivity and discrimination, which function as severe psychological stressors.

IDIA Diversity Survey Metric (Top 5 NLUs)	2013-14 Data	2018-19 Data	2020-21 / 2021-22 Data
Female Representation	51.74%	N/A	40.78% (20-21) / 47.47% (21-22) ⁴⁰
Reported Discrimination (by peers/faculty)	N/A	53.59%	Substantial increase reported upon return to campus post-COVID. ⁴¹
Admissions under PwD Category	N/A	3.30%	3.75% (2021-22) ³
Students Self-Identifying as PwD	N/A	6.21%	N/A ⁴²
Students Reporting Mental Health Issues	N/A	23.88%	N/A ⁴³

³⁸ IDIA Diversity Survey Report 2021-22 <<https://www.idialaw.org/wp-content/uploads/2024/10/IDIA-Diversity-Survey-Report-2021-22.pdf>> accessed 3 August 2026.

³⁹ IDIA Diversity Survey Report, 2020-21 <<https://www.idialaw.org/wp-content/uploads/2022/04/idia-diversity-survey-report-2020-21.pdf>> accessed 3 August 2026.

⁴⁰ IDIA 2021-22 (n 40).

⁴¹ Shreyas Alevoor & Swati Agrawal, 'The Empathy Deficit at National Law Universities' (*Newz Hook* 1 June 2020) <<https://newzhook.com/story/national-law-universities-idia-disabled-pwd-swati-agarwal-national-law-universities/>> accessed 2 August 2026.

⁴² *ibid.*

⁴³ *ibid.*

The data points to a compounding crisis of alienation. First, the representation of vulnerable groups remains stubbornly low and disproportionate to constitutional reservation mandates. Despite statutory mandates under the Rights of Persons with Disabilities (RPwD) Act, 2016, which expanded the definition of disability to include mental illnesses and intellectual disabilities, the 2018-19 IDIA survey found that only 3.3 percent of students were admitted under the PwD category, despite 6.21 percent of students self-identifying as having a disability. This gap indicates severe systemic barriers to entry, lack of awareness regarding the expanded legal definitions of disability, and deep-seated fears of stigmatization during the admissions process. Over 50 percent of surveyed students reported difficulties in coping with or understanding the academic curriculum, a burden disproportionately borne by those from non-elite backgrounds.⁴⁴

Second, the incidence of active discrimination is escalating. The IDIA surveys indicate a highly disturbing trajectory: the number of students who reported facing discriminatory behaviour or disparaging remarks based on their socio-economic background, political beliefs, or disability increased staggeringly from 28 percent in 2016-17 to 53.59 percent in 2018-19.⁴⁵ Such hostile environments, marked by casteist microaggressions and social isolation, directly catalyse psychological trauma.

Third, the incidence of reported mental health issues is vastly disproportionate to formal disability reporting. In the 2018-19 IDIA survey, while only 2.52 per cent of students reported formal mental illnesses (such as depression, anxiety, bipolar disorder, or PTSD) in the strict context of disability, an alarming 23.88 per cent of first-year students reported facing significant mental health challenges in the broader context of campus life. The intersection of caste-based discrimination, the imposter syndrome experienced by first-generation learners, and the lack of culturally competent support systems creates a toxic crucible that devastates the psychological well-being of marginalised students.⁴⁶

Institutional Responses and the Stigma Infrastructure

The gap between the constitutional right to mental health and the lived reality of Indian law students is sustained by severe regulatory and institutional failures. The BCI exercises plenary

⁴⁴ *ibid.*

⁴⁵ *ibid.*

⁴⁶ *ibid.*

regulatory authority, dictating faculty qualifications, curriculum elements, and library infrastructure, yet there is absolute silence regarding student mental health. The BCI does not mandate the establishment of counselling centres, the retention of psychiatric professionals, or the implementation of anti-stigma policies as conditions for the approval or affiliation of a law school.⁴⁷

Where mental health infrastructure does nominally exist, primarily within the well-resourced NLUs, it frequently operates as a stigma infrastructure. Research indicates that the physical placement of counselling centres in highly visible academic corridors, the necessity of securing faculty permission to miss class for a therapy appointment, and the lack of robust confidentiality protocols severely discourage students from seeking professional help. The professional culture of silence further deters help-seeking behaviour; students fear being labelled as unsuitable for the profession, internalising the adversarial toughness demanded by the legal industry.⁴⁸

Localized Institutional Interventions: A Case Study of NLIU Bhopal

Recognising the escalating crisis and regulatory void, some NLUs have initiated grassroots and administrative interventions. The National Law Institute University (NLIU), Bhopal, established under Act No. 41 of 1997 and governed by Act No. 06 of 2018, provides a representative case study of both the potential and limitations of localised responses.⁴⁹

Administratively, NLIU has integrated mental health into its broader student welfare architecture. The university maintains an on-campus medical clinic supplemented by professional counsellors available for mental health support, alongside online platforms like MindPeers to ensure anonymous, round-the-clock access to psychological counselling. The institution also established a Health and Wellness Committee, which organises awareness drives, article writing competitions on mental health, and yoga sessions promoting physical and spiritual well-being.⁵⁰

⁴⁷ Saurabh Sharma and Ritika Mehta, 'Stigma and Mental Health Help-Seeking Behaviour Among Law Students in India' (2022) 15 Journal of Legal Education and Research 88, 92.

⁴⁸ *ibid.*

⁴⁹ IIRF Ranking (n 8).

⁵⁰ Vol. VII Issue No. 1 January 2025.cdr - NLIU, Bhopal <<https://nliu.ac.in/wp-content/uploads/2025/08/Vol.-VII-Issue-No.-1-July-2025-1.pdf>>.

Crucially, student-led initiatives have stepped into the institutional void to provide peer-driven support. NLIU's Legal Aid Clinic launched "Project Saarthi," a dedicated helpline featuring a specific mental health vertical that connects underprivileged individuals and students with Rehabilitation Council of India (RCI)-certified counsellors and psychologists, committing to provide emotional wellness therapy within 48 hours. Additionally, addressing the specific mental health vulnerabilities of the LGBTQ+ community, several law schools have established dedicated support groups. At NLIU Bhopal, the student-run club "INARA" focuses on queer issues, raising awareness about minority stress and ensuring that students can access confidential mental health counselling tailored to the specific traumas faced by LGBTQIA+ individuals.⁵¹

While these initiatives represent crucial progress, their reliance on voluntary student labour and localised administrative benevolence underscores the vulnerability of the system. Without systemic, ring-fenced funding from state governments and binding regulatory mandates from the BCI, these support systems remain fragile, ad-hoc, and geographically isolated within elite institutions, leaving the vast majority of Indian law students entirely unprotected.

Comparative Jurisprudence and Global Best Practices

The regulatory ambivalence in India contrasts sharply with emerging global paradigms, where comparative jurisdictions have increasingly recognised that student mental health is a fundamental institutional liability requiring binding regulatory oversight.

Jurisdiction / Regulatory Body	Policy Framework for Student Mental Health
United Kingdom (Office for Students / Law Society)	The Office for Students has issued a Statement of Expectations outlining strict baseline requirements for university mental health support. Compliance is tied to institutional registration and access to public funding. The Law Society of England and Wales actively engages in framing well-being as a core component of professional legal competence.

⁵¹ Bhumika Indulia, 'How Law Schools of India lead the Pride March' (*SCC Times*, 15 June 2022) <<https://www.scconline.com/blog/post/2022/06/15/pride-month-how-law-schools-of-india-lead-the-pride-march/>> accessed 2 August 2026.

United States (American Bar Association)	The ABA recently revised its Standards for Approval of Law Schools. Standard 510 now explicitly requires law schools to provide comprehensive academic, professional, and personal support services, with formal guidance clarifying that mental health resources fall squarely within this mandatory obligation for accreditation. ¹
Australia (TEQSA)	The Tertiary Education Quality and Standards Agency enforce a Higher Education Standards Framework that imposes strict legal obligations on universities to support student well-being. State law societies link mental health support to the ethical obligation of producing fit practitioners.

The common denominator across these jurisdictions is the transition from voluntary institutional welfare to binding statutory regulation backed by stringent monitoring and accreditation consequences, a transition India must urgently undertake to fulfil its constitutional obligations under Article 21.

A Normative Framework for Reform

The convergence of the Supreme Court's constitutional mandates in *Sukdeb Saha* and *Amit Kumar*, the statutory rights under the MHCA, and the escalating empirical evidence of student distress necessitates an immediate, structural overhaul of Indian legal education. The following framework outlines the essential pillars of this reform.

Harmonising Regulatory Mandates with Constitutional Duties

The Bar Council of India must urgently amend the Rules of Legal Education, 2008, to incorporate mental health infrastructure as a non-negotiable prerequisite for institutional approval, mirroring the standards set by the National Medical Commission and the American Bar Association. Law schools must be mandated to maintain a dedicated Counselling and Wellness Cell staffed by at least one full-time, RCI-registered mental health professional per 300 students. Institutional accreditation and the renewal of affiliation must be strictly contingent upon the verified presence of functional mental health infrastructure, audited annually. Concurrently, the UGC must exercise its powers under Section 26 of the University

Grants Commission Act, 1956, to elevate its 2022 Mental Health Guidelines from advisory status to binding statutory regulations applicable to all HEIs.⁵²

Reforming the Pedagogy of Attendance and Evaluation

The mechanistic enforcement of BCI Rule 12 must be overhauled in light of the Delhi High Court's observations in the *Sushant Rohilla* case.⁵³ The 70 percent attendance mandate cannot operate in a vacuum devoid of human context or constitutional empathy. The BCI must introduce a formal Psychiatric and Mental Health Exemption Clause into Rule 12, allowing deans and vice-chancellors the statutory discretion to condone attendance shortfalls extending below the current 65 percent hard limit, provided the student supplies certification from a registered mental health professional. Furthermore, as directed by the judiciary, institutions must develop alternative pedagogical evaluation methods, such as directed research assignments, extended clinical work, or delayed examination cycles, to allow students recovering from psychological crises to salvage their academic progression without compromising the rigor of their educational training.⁵⁴

Establishing Statutory Grievance Redressal

To ensure that the right to mental health is justiciable at the institutional level, a dedicated grievance architecture must be constructed. Law schools must be mandated to appoint an independent Students' Mental Health Ombudsman, distinct from the university's disciplinary proctorial board. This authority would be empowered to adjudicate complaints regarding institutional failures to provide reasonable accommodations, instances of academic retaliation following the disclosure of a psychiatric disability, or breaches of medical confidentiality. By creating a formalised complaint mechanism, the power dynamic is shifted, granting students actionable leverage to hold their institutions accountable.

Cultivating Institutional Inclusivity and Data Transparency

Institutional mental health is inextricably linked to diversity and inclusion. The alarming

⁵² University Grants Commission, Guidelines on Mental Health and Wellbeing of Students in Higher Education Institutions (UGC, New Delhi, 2022), p 3.

⁵³ Himanshu Mishra and Prakhar Jha, 'The rule that broke the student: Attendance, anxiety and what must change' (*Bar and Bench*, 8 November 2025) <<https://www.barandbench.com/columns/the-rule-that-broke-the-student-attendance-anxiety-and-what-must-change>> accessed 2 August 2026.

⁵⁴ *ibid*.

findings of the IDIA diversity surveys require systemic interventions to protect vulnerable demographics.⁵⁵ Law schools must actively dismantle the architecture of alienation by providing targeted, culturally competent counselling for first-generation learners, Dalit and Adivasi students, students with disabilities, and LGBTQIA+ individuals. Furthermore, effective policy requires robust, transparent data. The BCI and UGC should jointly mandate that all law schools conduct annual, anonymized mental health and diversity climate surveys. The aggregate results of these surveys must be published as part of the institution's mandatory public disclosures. This transparency will not only provide critical epidemiological data on student well-being but also incentivise institutions to proactively improve their campus environments to avoid public and regulatory censure.

Conclusion

The psychological crisis afflicting Indian law students can no longer be dismissed as the inevitable collateral damage of a rigorous professional education. It is, fundamentally, a crisis of constitutional compliance and institutional accountability. The Supreme Court of India, through its expansive interpretation of Article 21 and the explicit, forceful directives issued in *Sukdeb Saha* and *Amit Kumar*, has unequivocally established that the right to life encompasses the right to a safe, supportive, and psychologically viable educational environment. The Mental Health Care Act, 2017 further codifies this right, demanding absolute parity between physical and mental healthcare provisions within state-funded institutions.

Yet, a profound structural chasm remains between these high constitutional principles and the daily realities of legal education. The rigid regulatory framework of the Bar Council of India, embodied most starkly in inflexible attendance mandates that penalise psychiatric vulnerability, prioritises administrative compliance over compassion and equity. Simultaneously, the hyper-competitive NLU ecosystem, combined with deep-seated socio-economic inequities, rising instances of campus discrimination, and a professional culture of silence, systematically produces distress while offering minimal avenues for redress.

To bridge this chasm, regulatory bodies must abandon their historical silence. The implementation of binding infrastructure mandates, the humanization of academic rules

⁵⁵ Shreyas Alevoor & Swati Agrawal, 'The Empathy Deficit at National Law Universities' (*Newz Hook* 1 June 2020) <<https://newzhook.com/story/national-law-universities-idia-disabled-pwd-swati-agarwal-national-law-universities/>> accessed 2 August 2026.

regarding attendance, the establishment of robust, accessible support systems, and the active dismantling of elite homogeneity are not merely matters of institutional benevolence; they are legally enforceable duties. India's legal education system bears the profound responsibility of shaping the future defenders of justice, equity, and human rights. It cannot credibly fulfil this mandate while remaining administratively complicit in the psychological degradation of its own students. Aligning the architecture of legal education with the constitutional imperative of human dignity is not only legally required, but it is the foundational prerequisite for a humane, inclusive, and just legal profession.