

Duty of Care of Universities toward Students' Mental Health in India: A Doctrinal Analysis of Legal and Regulatory Frameworks.

Ms. Sapana N. Jaiswal^{1*}, Ms. Prajakta Balveer²

1 Assistant Professor, Department of Law, Tilak Maharashtra Vidyapeeth, Kharghar Navi
Mumbai, Maharashtra, India

sapana.jaiswal@yahoo.com

2 Assistant Professor, Department of Law, Tilak Maharashtra Vidyapeeth, Kharghar, Navi
Mumbai, Maharashtra, India

Abstract: Mental health concerns among university students have become an increasingly significant challenge for higher education institutions in India. Academic pressure, social transitions, financial difficulties, and competitive learning environments often contribute to psychological stress, making mental health support an important aspect of university governance. In recent years, policy debates and judicial developments have emphasized the responsibility of educational institutions to foster supportive environments that protect students' psychological wellbeing. These developments raise important legal questions regarding the extent to which universities owe a duty of care toward students facing mental health challenges. This paper examines the duty of care of universities within the Indian legal and regulatory framework. Using a doctrinal research methodology, the study analyses relevant legal provisions, regulatory guidelines, and policy initiatives, including the Mental Healthcare Act, 2017 and the National Education Policy 2020, along with regulatory measures issued by the University Grants Commission. The paper argues that although mental health support is increasingly recognized in educational policy, the existing framework lacks clearly defined and enforceable obligations for universities, highlighting the need for stronger legal accountability and institutional mechanisms to protect student wellbeing.

Keywords: Duty of Care, Higher Education law, Mental Healthcare Act 2017, Student Mental health, University Grants Commission

INTRODUCTION

Mental health has become an increasingly significant concern within higher education systems across the world. University students often experience a range of psychological pressures related to academic expectations, career uncertainty, financial constraints, and social adjustment. These challenges can contribute to anxiety, depression, and other mental health conditions that may negatively affect students' academic performance and overall wellbeing. In India, the transition to university life frequently coincides with intense academic

competition and societal expectations, which can intensify psychological stress among young adults. Universities, as institutions entrusted with fostering students' academic growth and personal development, have a crucial responsibility to cultivate supportive environments that encourage mental wellbeing and help reduce the risk of mental health crises.

Recent scholarship highlights that mental health issues among young people are becoming more visible in Indian colleges and universities, particularly as awareness of psychological wellbeing grows. Institutions are increasingly expected to move beyond traditional academic roles and provide structured support mechanisms such as counselling services, peer support initiatives, and early intervention systems. Research examining youth mental health policies in educational settings has emphasized the need for integrated approaches that combine public health strategies with institutional practices. Such approaches encourage universities to collaborate with mental health professionals, public health agencies, and policymakers in order to build comprehensive support systems capable of addressing the diverse needs of students.

In recent years, the legal and policy discourse surrounding student mental health in India has gained momentum, particularly through judicial interventions and national policy initiatives. Courts have increasingly recognized the seriousness of mental health concerns among students and have emphasized the need for institutional accountability. Judicial guidelines have encouraged universities to develop preventive mechanisms, including counselling facilities, grievance redressal systems, and awareness programs aimed at reducing stigma around mental illness. These developments signal a growing recognition that higher education institutions must actively contribute to safeguarding student wellbeing rather than treating mental health issues solely as individual problems.

Another important dimension of student mental health support involves the provision of reasonable accommodations for individuals experiencing psychological challenges. Universities may need to adopt flexible academic arrangements, modified assessment procedures, or additional academic support to ensure that students with mental health conditions are not disadvantaged in their educational pursuits. Scholars examining disability rights and educational policies in India argue that recognizing mental health conditions within accommodation frameworks is essential for ensuring equitable access to education. Such measures not only support individual students but also reflect the broader responsibility of educational institutions to foster inclusive and accessible learning environments.

Despite these evolving policy discussions and institutional initiatives, the legal contours of universities' responsibility toward student mental health remain insufficiently defined in India. While guidelines and policy frameworks encourage universities to establish support systems, there is limited clarity regarding the extent to which these responsibilities constitute a legally enforceable duty of care. This ambiguity raises important questions about the role of law in ensuring accountability and protecting student wellbeing within higher education institutions. Against this backdrop, the present paper undertakes a doctrinal analysis of the legal and regulatory frameworks governing student mental health support in India. It seeks to examine whether existing laws, policies, and judicial developments adequately establish a duty of care for universities and to identify potential gaps that may require further legal and policy reform.

This study uses a doctrinal research methodology, analysing existing legal materials to examine universities' duty of care toward students' mental health in India. It relies on secondary sources such as statutes, judicial decisions, government policies, and regulatory guidelines. Key frameworks including the Mental Healthcare Act, 2017, the National Education Policy 2020, and University Grants Commission guidelines are reviewed, along with academic literature, to assess legal obligations and identify gaps in protecting student wellbeing.

Concept of Duty of Care in Law

The legal doctrine of duty of care is a foundational principle in negligence law, establishing when one party is legally obligated to avoid causing harm to another. Its development reflects a gradual shift from rigid, category-based rules toward a more flexible, principle-driven approach grounded in foreseeability and relational proximity. Historically, courts were cautious in recognizing duties, limiting them to specific relationships, but over time, especially following landmark cases like *Donoghue v Stevenson*, the concept evolved to emphasize whether harm was reasonably foreseeable and whether it is fair, just, and reasonable to impose liability. Modern interpretations balance multiple considerations, including policy implications and the need to prevent indeterminate liability. As a result, the doctrine serves not only as a mechanism for compensating harm but also as a tool for shaping socially responsible behaviour by defining the scope of legal obligations between individuals.

The doctrine of duty of care in negligence law determines when a person must take reasonable care to avoid causing harm to others. It has evolved into a flexible principle based on

foreseeability, the relationship between parties, and whether imposing liability is fair and reasonable. To establish negligence, a claimant must prove four key elements: the existence of a duty of care, a breach of that duty, a direct causal link between the breach and the harm, and actual damage. Together, these principles ensure that liability is imposed only where careless conduct leads to real and foreseeable harm.

Institutions such as schools, hospitals, and prisons owe a duty of care due to relationships of control, dependence, and vulnerability. They must take reasonable steps to ensure safety, prevent harm, and uphold dignity, failing which may result in negligence liability. In India, this duty is reinforced by Article 21 of the Constitution, as interpreted by the Supreme Court to include the right to health and dignity, requiring institutions to act with care toward those in their charge.

Mental Health Challenges in Higher Education

Mental health challenges in higher education have become increasingly significant, with students often facing intense stress and academic pressure, as well as issues like bullying and ragging, social isolation, and difficulties in adjusting to new environments. These factors can adversely affect students' emotional well-being and academic performance, especially when adequate support systems are lacking. The absence of accessible counselling services further aggravates these concerns, leaving many students without the help they need. In this context, educational institutions bear a clear responsibility for student welfare, as they exercise supervision and influence over the student environment. This creates a duty to implement preventive measures, provide mental health support, and foster a safe and inclusive atmosphere, ensuring that students are not only academically supported but also protected in terms of their psychological well-being.

Institutional Responsibility and Duty of Care of Universities

universities have an important institutional responsibility to uphold a duty of care toward their students. As centres of learning and community life, higher education institutions must balance academic goals with the safety, health, and overall welfare of those they admit, recognising that authority over campus life creates foreseeable risks that demand proactive management. The concept of *in loco parentis* has shifted over time, with institutions now expected to go beyond traditional supervisory roles to adopt comprehensive risk assessment, clear policies, and support services that anticipate and respond to student needs. A failure to integrate

effective risk management with duty-of-care obligations can lead not only to legal exposure but, more importantly, to actual harm to students. Therefore, colleges and universities are responsible for continually evaluating their practices, aligning institutional policies with current legal and social expectations, and ensuring that organisational leadership actively mitigates foreseeable risks as part of their core commitment to student welfare.

Universities have moral, regulatory, and legal duties toward students' well-being. Their moral duty involves creating a supportive environment that addresses stress, prevents harassment, and promotes mental health awareness. Regulatory duties arise from policies and guidelines requiring measures such as counselling services and anti-ragging initiatives. Legally, institutions may be liable under negligence principles if they fail to take reasonable steps to prevent foreseeable harm. Key responsibilities include providing counselling, preventing harassment, managing academic pressure, and promoting mental health. Failure to fulfil these duties may constitute a breach of duty of care and result in institutional negligence.

Statutory Framework under the Mental Healthcare Act, 2017

The enactment of the Mental Healthcare Act, 2017 marks a significant shift toward a rights-based approach to mental health in India, emphasizing dignity, access, and non-discrimination. Although the Act does not explicitly impose a statutory duty of care on universities, its provisions have important implications for higher educational institutions. Section 18 guarantees the right to access mental healthcare services, thereby creating an indirect obligation on public institutions, including universities, to facilitate access within their institutional capacities. This is particularly relevant for students, who often face psychological stress due to academic pressure and social transitions.

Additionally, Section 21 prohibits discrimination on the grounds of mental illness, requiring universities to foster inclusive environments. A key feature of the Act is the decriminalization of suicide under Section 115, which recognizes severe stress as the underlying cause and promotes care-based responses. This has direct implications for student welfare policies in universities. Judicial developments, such as *Amit Kumar v. Union of India*, highlight the need for institutional accountability in addressing student mental health crises. However, the absence of explicit enforcement mechanisms results in a gap between legal recognition and implementation, underscoring the need for clearer statutory obligations.

Constitutional Perspective on Student Mental Health

The duty of care of universities toward student mental health is grounded in the Constitution of India, particularly Article 21, which guarantees the right to life and personal liberty. Judicial interpretation has expanded this right to include dignity and health, encompassing mental well-being. In *Bandhua Mukti Morcha v. Union of India*, the Supreme Court held that the right to life includes conditions necessary for a dignified existence, forming the basis for recognizing mental health as a constitutional concern.

Articles 14 and 15 further reinforce equality and non-discrimination, ensuring that students with mental health conditions are treated fairly. In *Avinash Mehrotra v. Union of India*, the Court emphasized institutional responsibility for student safety, a principle extendable to mental well-being. More recent cases, such as *Shivani Bhatia v. Union of India*, highlight the growing judicial focus on mental health support in educational settings. Despite these developments, constitutional protections remain broad and lack specific enforceable duties for universities.

Policy Framework under the National Education Policy 2020

The National Education Policy 2020 represents a progressive step in integrating mental health into the educational framework. It emphasizes holistic development, recognizing the importance of emotional well-being alongside academic achievement. The policy recommends establishing counseling systems, well-being centers, and trained professionals in educational institutions to address mental health concerns proactively. It also seeks to reduce academic pressure through flexible curricula and continuous assessment.

To operationalize these objectives, the University Grants Commission has issued guidelines encouraging universities to establish counseling cells and support systems. While these measures strengthen the institutional duty of care, they remain largely recommendatory. The lack of binding enforceability leads to inconsistent implementation across institutions. Consequently, despite advancing recognition of student mental health, the framework falls short of creating a clear legal obligation, highlighting the need for stronger regulatory accountability.

Gaps in the Existing Legal Framework

Despite the progressive recognition of mental health within the Mental Healthcare Act, 2017, constitutional jurisprudence, and the National Education Policy 2020, significant gaps persist in the existing legal framework governing student mental health in universities. Foremost among these is the absence of an explicit statutory duty of care imposed on higher educational institutions, leaving their responsibilities largely interpretative rather than mandatory. This ambiguity is compounded by inadequate mental health infrastructure across campuses, where counselling services, trained professionals, and crisis-response mechanisms remain either underdeveloped or entirely absent in many institutions. Furthermore, the lack of enforceable accountability mechanisms results in minimal consequences for non-compliance, reducing legal and policy provisions to largely aspirational standards. Although guidelines issued by bodies such as the University Grants Commission encourage the establishment of support systems, their non-binding nature leads to uneven and often superficial implementation. Consequently, the framework reflects a disconnect between normative recognition and practical enforcement, underscoring the urgent need for clearer statutory obligations and robust regulatory oversight.

RECOMMENDATIONS

1. Introduce a statutory duty of care under the Mental Healthcare Act, 2017 to make universities legally responsible for student mental health.
2. Improve campus mental health infrastructure by ensuring counselling centres, trained professionals, and crisis support systems in all institutions.
3. Strengthen accountability mechanisms through binding regulations and monitoring by the University Grants Commission.
4. Make policy provisions mandatory by enforcing key recommendations of the National Education Policy 2020.
5. Promote awareness and inclusivity through mental health programs and academic accommodations for affected students.

CONCLUSION

The evolving legal and policy landscape in India reflects a growing recognition of the importance of student mental health within higher education. Frameworks such as the Mental Healthcare Act, 2017, Constitutional principles, and the National Education Policy 2020 collectively underscore the need for institutions to foster safe and supportive environments. However, the absence of a clearly defined and enforceable duty of care continues to limit the effectiveness of these frameworks. While universities are increasingly expected to play a proactive role in addressing mental health concerns, existing measures remain largely advisory and inconsistently implemented. Bridging this gap requires a shift from broad policy recognition to concrete legal obligations supported by strong enforcement mechanisms. By establishing clearer statutory duties, strengthening institutional infrastructure, and ensuring regulatory accountability, India can move toward a more robust and responsive system that not only protects student well-being but also promotes a more inclusive and humane educational environment.

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