Learning from Global Models: Reforming India's Legal Framework for Student Mental Health

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Abstract: Mental health among students has become a significant issue in higher education, especially in India, where increasing instances of psychological suffering and student suicides emphasize systemic shortcomings. Although there are legislative and policy tools like the Mental Healthcare Act of 2017, the National Education Policy 2020, and UGC guidelines, the existing framework is still disjointed, non-enforceable, and inadequately suited to meet the particular needs of students.

This paper analyzes the development of mental health as an essential human right and positions student well-being within a legal framework based on rights. It examines global frameworks from regions like the United States, United Kingdom, Australia, and Finland to pinpoint effective practices, including required institutional responsibilities, cohesive service provision, and proactive mental health measures. The study, viewed through a comparative perspective, emphasizes considerable deficiencies in India's legal and institutional frameworks, such as ineffective enforcement, absence of accountability, insufficient trained personnel, and ongoing social stigma.

Drawing from these insights, the paper suggests a robust and binding legal framework for India that highlights the statutory acknowledgment of student mental health, well-defined institutional duties, safeguarding of student rights, regulatory oversight, crisis intervention systems, and sustainable funding strategies. The research advocates for a change in perspective from a welfare-oriented response to a proactive, rights-focused framework that incorporates mental health into the central operations of higher education institutions.

These reforms are crucial not only for protecting student welfare but also for advancing academic achievement, social inclusion, and national progress.

Keywords: Mental Health of Students, Tertiary Education, Legal Structure, Rights-Oriented Perspective, Institutional Accountability, India

INTRODUCTION

The growing global recognition of student mental health as a critical public health and educational concern underscores the need for comprehensive intervention strategies. This issue is particularly acute in India, where rising student suicides, academic pressure, and institutional deficiencies indicate a serious crisis (Roy et al., 2019). Although frameworks such as the Mental Healthcare Act, 2017, UGC guidelines, and the National Education Policy

2020 exist, they remain fragmented and lack effective enforceability within educational institutions (Mehrotra, 2020; Seervi & Sharma, 2025). This fragmentation reveals the absence of a cohesive legal framework specifically addressing student mental health in higher education.

In this context, the present study critically examines global models to identify structural and legal gaps in India and to propose a reform-oriented framework (Shrivastava et al., 2025). It advocates for a rights-based, enforceable legal structure tailored to Indian higher education, drawing upon international best practices. The Supreme Court's recent observations in Sukdeb Saha v. State of Andhra Pradesh & Ors. further emphasize the need to strengthen institutional mental health systems (Mehrotra & Vijayakumar, 2025). However, such judicial interventions operate without a dedicated legislative mandate, resulting in significant implementation gaps (Bhuyan et al., 2020).

Although policies like NEP 2020 and the Rights of Persons with Disabilities Act, 2016 provide some support for inclusion, a comprehensive legal framework addressing the specific mental health needs of students remains insufficiently developed (Roy, 2024).

CONCEPTUAL FRAMEWORK: STUDENT MENTAL HEALTH AS A RIGHT

Central to this framework is the recognition that mental health extends beyond the absence of illness to include an individual's ability to "flourish" within their environment (Sanghi & Jaswal, 2021). This aligns with the World Health Organization's holistic definition of health as a state of complete physical, mental, and social well-being. Such an understanding reframes mental health as a dynamic condition shaped by social, environmental, and institutional factors, particularly within the high-pressure context of higher education.

Viewing mental health as a fundamental human right, closely linked to dignity and health, calls for a shift from a welfare-based to a rights-based legal approach for students (Modh, 2025). This shift requires educational institutions to bear clear legal obligations to promote and protect student mental well-being, rather than merely providing reactive support. It also highlights the heightened vulnerability of students, who navigate critical developmental stages under significant academic and social pressures, necessitating robust institutional support systems (Kaminer & Shabalala, 2019).

Mental Health: Meaning

The concept of mental health extends beyond the traditional biomedical model to include psychological, emotional, and social well-being, shaping an individual's cognitive and behavioural functioning. This broader view aligns with Keyes' concept of "flourishing," which places mental health on a continuum from languishing to well-being, emphasizing proactive promotion rather than deficit-based intervention. It recognizes that mental health is not merely the absence of disorder, but a positive state enabling individuals to cope with stress, realize their potential, work productively, and contribute meaningfully to society (Sokal & Martin, 2020).

Mental Health as a Human Right

A rights-based approach to mental health, grounded in instruments such as the International Covenant on Economic, Social and Cultural Rights and the WHO Constitution, obligates states and institutions to ensure access to conditions supporting mental well-being (Patel et al., 2018). In India, this is reflected in Article 21, which has been interpreted to include the right to health and dignity, thereby extending to mental well-being (Ozamiz-Etxebarria et al., 2025). The Mental Healthcare Act, 2017 reinforces this approach by emphasizing dignity and non-discrimination, in line with global standards such as the UN Convention on the Rights of Persons with Disabilities (Patterson et al., 2023; Raveesh et al., 2019).

Vulnerability of Students

This perspective treats mental health as a public good requiring a comprehensive approach, including preventive, promotive, curative, and rehabilitative care (Gundi & Sharma, 2024). It highlights the need to move beyond fragmented policies towards a legally enforceable framework integrating mental health support within educational institutions.

Students in higher education face a unique combination of stressors, including academic pressure, social adjustment, financial constraints, and identity formation during the transition to adulthood. This stage, along with institutional dependency and possible exposure to discrimination, makes them particularly vulnerable to mental health challenges (Li, 2025). These issues are often intensified by stigma, which discourages students from seeking support (Mehrotra, 2020). The shift to university life can further aggravate existing conditions or trigger new psychological difficulties due to increased independence and academic demands (Chaconas, 1990; Li et al., 2025). As a result, universities carry a

responsibility to create supportive environments that promote student well-being (Coleman et al., 2023).

Need for Legal Recognition

The lack of a clear legal framework recognizing student mental health as an institutional obligation sustains a reactive, welfare-based approach, leading to inconsistent support systems. A shift toward legally enforceable rights is necessary to ensure that institutions are obligated to provide comprehensive mental health services (Gair & Baglow, 2018). Such a framework would promote proactive strategies, adequate infrastructure, and proper funding, while standardizing mental health support across institutions to ensure equitable access for all students.

GLOBAL LEGAL AND POLICY MODELS

Examining established international models offers valuable insights into legislative and policy approaches addressing student mental health in higher education . These comparisons highlight best practices such as mandatory counselling services, disability accommodations, and crisis response systems, providing a useful blueprint for adaptation in India. Many countries have implemented legislative mandates or comprehensive policy frameworks that clearly define institutional responsibilities for student well-being, supported by integrated strategies and evolving technological tools (Duraku et al., 2024; Li et al., 2025; Ertem, 2025; Ryan et al., 2023).

United States: The U.S. has developed a multifaceted framework through laws such as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Title IX, ensuring non-discrimination and accommodations for students with mental health conditions (Mehrotra et al., 2025). Universities commonly provide structured counselling services and crisis response systems, driven by both legal mandates and institutional commitments. However, challenges remain due to fragmented funding and limited accessibility, despite reforms like the Mental Health Parity and Addiction Equity Act and the Affordable Care Act aimed at improving integration of mental health services (Watson et al., 2022; Odilibe et al., 2024).

United Kingdom: The UK has adopted proactive and preventive approaches through initiatives such as “Step to Change” and strong collaboration with the National Health Service. Legal frameworks like the Equality Act 2010 and the Health and Safety at Work Act

1974 guide institutional obligations, while universities increasingly emphasize early identification, awareness, and flexible academic accommodations (Assassi & Chenini, 2023; Worsley et al., 2022). Nonetheless, stigma, disclosure concerns, and barriers to help-seeking continue to affect service utilization (Campbell et al., 2022).

Australia: Australian universities have implemented comprehensive wellbeing strategies supported by national bodies recommending reforms to higher education standards (Ryan et al., 2023). Institutions have appointed dedicated personnel and developed campus-wide mental health policies. However, persistent challenges such as social isolation, financial stress, and unclear institutional roles continue to impact student well-being, particularly among diverse and international student populations (Elkhodr et al., 2024; Coleman et al., 2023).

Finland: Finland represents a best-practice model with a strong emphasis on early intervention and prevention embedded within public health systems. Its integrated framework, including the Finnish Student Health Service, ensures accessible and destigmatized mental health support. Collaboration between educational institutions, healthcare providers, and social services creates a holistic ecosystem, supported by national strategies focused on early identification and student well-being (Helfer et al., 2023; Salminen-Tuomaala et al., 2023).

Comparative Analysis

These distinct national approaches to student mental health, ranging from the legally mandated provisions in the US to the integrated public health model in Finland and the evolving policy landscape in the UK and Australia, reveal a spectrum of strategies for institutional responsibility, service delivery, and legal recognition. This comparative lens highlights the critical interplay between legislative mandates, proactive support systems, and the socio-cultural factors that either facilitate or impede effective mental health interventions within higher education (Liverpool et al., 2024; Sæther et al., 2021).

EXISTING LEGAL FRAMEWORK IN INDIA

Despite recognition of mental health in policies such as the Mental Healthcare Act, 2017 and the National Education Policy 2020, India's higher education system lacks a comprehensive, legally enforceable framework specifically addressing student mental health . Supreme Court guidelines aim to strengthen support systems, yet their implementation is limited by the

absence of clear institutional mandates and enforcement mechanisms (Mehrotra & Vijayakumar, 2025). This results in fragmented and inconsistent mental health services across universities, highlighting the need for a robust national strategy (Mehrotra, 2020; Sanghi & Jaswal, 2021).

Constitutional Framework: Although the Constitution does not explicitly recognize mental health, Article 21 has been interpreted to include the right to health and dignity. This judicial expansion supports a rights-based approach, requiring proactive institutional measures for student well-being (Girase et al., 2022).

Mental Healthcare Act, 2017: The Act adopts a rights-based framework ensuring access to quality mental healthcare and aligns with international standards (Kaur et al., 2023; Math, 2025). It decriminalizes suicide and emphasizes community-based care. However, its implementation remains limited, particularly in addressing the specific needs of students. The absence of explicit provisions related to academic stress and campus environments creates gaps in its applicability (Zadey, 2023; Raghavan & Sanjana, 2022).

UGC Guidelines: The UGC has issued guidelines promoting counselling services and student well-being, but these lack binding force and enforcement mechanisms. This results in disparities in access and quality of mental health services, with many institutions relying on ad hoc measures rather than structured systems (Campbell et al., 2022). Additionally, relaxed mandates for professional training contribute to shortages in mental health personnel (Mishra, 2024).

National Education Policy 2020: NEP 2020 acknowledges student well-being and promotes flexible curricula and reduced academic stress. However, its provisions remain largely aspirational, lacking clear implementation strategies or enforceable mandates, leading to inconsistent institutional responses (Kulal et al., 2024; Liverpool et al., 2024).

Judicial Developments: Courts have increasingly interpreted existing laws to address mental health concerns in cases of institutional negligence. While these interventions promote accountability, they remain reactive and do not establish comprehensive preventive frameworks (Singhai et al., 2021).

Key Gaps: Overall, India's framework is characterized by fragmentation, weak enforcement, and lack of accountability. The absence of a dedicated statutory mechanism results in inconsistent service delivery and a reactive approach to student mental health (Devkota et al.,

2023; Girase et al., 2022). This underscores the need for a unified, enforceable legal framework informed by global best practices.

CHALLENGES IN IMPLEMENTATION

Examining models that prioritize psychological portfolios and systematic planning in mental health education, as seen in some international contexts, could also illuminate strategies for a more coherent and effective Indian approach (SHANG et al., 2025). These comparative insights are crucial for developing policy formulations that address existing shortcomings and align with national strategic needs, ensuring a holistic and integrated construction of mental health education (SHANG et al., 2025; Yu et al., 2025).

Structural Challenges: A primary structural challenge lies in the insufficient financial allocation for mental health programs and a critical shortage of trained mental health professionals, particularly in rural areas, which severely limits service availability and accessibility.

Institutional Challenges: Institutional challenges frequently stem from bureaucratic inefficiencies and a lack of adequate infrastructure within educational establishments, impeding the effective integration of mental health care into primary health systems.

Social Barriers: Societal stigma surrounding mental health issues also presents a significant barrier, discouraging students from seeking help and perpetuating a culture of silence. Moreover, the absence of robust digital mental health tools tailored for the Indian higher education context further exacerbates these barriers, despite high internet penetration among youth.

Legal and Policy Gaps

These gaps are further compounded by a lack of clear implementation guidelines and accountability mechanisms for existing policies, hindering their translation into actionable, institution-specific frameworks. Consequently, a comprehensive analysis of the existing policies reveals systemic weaknesses, including resource scarcity, workforce deficits, and significant socio-cultural impediments that collectively undermine effective policy execution (Yadav, 2025).

LEARNING FROM GLOBAL MODELS: LESSONS FOR INDIA

A significant challenge globally remains the persistent stigma associated with mental health, which often deters students from seeking necessary help, even when services are available (Li et al., 2025; Rahim et al., 2025). This pervasive stigma, often rooted in cultural values and misconceptions, necessitates the implementation of targeted awareness campaigns and destigmatization initiatives as integral components of any comprehensive mental health framework (Day, 2023). Effective policies should therefore prioritize comprehensive stigma-reduction campaigns that extend beyond mere awareness to cultivate behavioral and attitudinal shifts, promoting help-seeking as a strength rather than a weakness (Ntumi et al., 2025). Moreover, a multi-pronged approach encompassing educational interventions, peer support programs, and integrated mental health literacy within academic curricula can further dismantle entrenched societal prejudices and foster a more supportive campus environment.

PROPOSED LEGAL REFORM FRAMEWORK FOR INDIA

Drawing upon the deficiencies identified in India's current mental health landscape and insights from successful international models, this section proposes a multi-faceted legal reform framework designed to establish a cohesive, enforceable, and rights-based approach to student mental health within Indian higher education institutions. This framework will integrate legislative mandates, detailed implementation guidelines, and robust oversight mechanisms to ensure the effective provision and accessibility of mental health services.

Enactment of a Dedicated Law

This proposed legislation would serve as the foundational pillar, specifically defining the scope of mental health services, outlining institutional responsibilities, and establishing clear accountability measures for compliance. It would explicitly delineate the rights of students to accessible mental healthcare and mandate institutions to provide a continuum of support services, including preventive, curative, and rehabilitative interventions.

Institutional Obligations

Further, these obligations would extend to ensuring the availability of qualified mental health professionals, establishing confidential reporting mechanisms, and integrating mental wellness modules into the academic curriculum. The framework would also necessitate the

development of standardized protocols for crisis intervention and post-vention support, ensuring timely and appropriate responses to student mental health emergencies.

Student Rights

This framework would further enshrine students' entitlements to a supportive and non-discriminatory educational environment that actively promotes mental well-being, including protection against discrimination based on mental health status and the right to reasonable accommodations. Moreover, the framework would emphasize the harmonization of domestic and international legal provisions, particularly those concerning the right to health and dignity, to ensure a progressive and comprehensive approach to student mental health.

Regulatory Mechanisms

A robust regulatory body, possibly an independent commission or a dedicated division within an existing educational regulatory authority, would be empowered to monitor compliance, investigate grievances, and enforce penalties for non-adherence to the mandated provisions. Such an entity would be crucial for ensuring systemic accountability and driving continuous improvements in mental healthcare provisions across all higher education institutions.

Preventive Measures

Proactive strategies focusing on mental health literacy, early identification of at-risk students, and creating inclusive campus environments are crucial components to mitigate the onset and progression of mental health challenges. These measures would include comprehensive mental health education embedded within curricula, proactive screening programs, and the cultivation of a supportive campus culture that de-stigmatizes help-seeking behaviors.

Crisis Intervention Systems

These systems would establish clear protocols for immediate response, assessment, and referral for students experiencing acute psychological distress, ensuring rapid access to appropriate care. Furthermore, such systems would necessitate the training of faculty and staff in mental health first aid, enabling them to recognize warning signs and facilitate initial support effectively.

Funding Mechanisms

Sustainable and dedicated funding streams, derived from both governmental allocations and institutional budgetary commitments, are indispensable for the effective implementation and sustained operation of comprehensive student mental health services. This would encompass not only direct service provision but also investments in infrastructure, technology, and continuous professional development for mental health practitioners within higher education settings. Moreover, the framework would mandate institutions to develop and regularly update comprehensive campus-wide mental health plans, integrating both preventative and responsive strategies.

Accountability and Enforcement

Establishing clear metrics for evaluating the effectiveness of mental health programs and creating transparent reporting mechanisms will be vital for ensuring adherence to the proposed legal framework. This includes regular audits, student feedback mechanisms, and defined consequences for institutions failing to meet their obligations, thereby fostering a culture of continuous improvement in student mental health provision.

CONCLUSION

This paper has meticulously examined the pressing issue of student mental health in India, highlighting the fragmentation and unenforceability of existing frameworks.

By conducting a comparative analysis of global models and dissecting India's current legal and institutional gaps, a robust, rights-based legal framework has been proposed to address these systemic deficiencies. The proposed framework advocates for a dedicated legal instrument to mandate institutional obligations, safeguard student rights, and establish robust regulatory and funding mechanisms, thereby fostering a holistic ecosystem for student mental well-being. This systemic reform is intended to move beyond a reactive, welfare-based approach towards a proactive, preventative, and rights-oriented paradigm, positioning mental health as an integral component of educational success and human dignity. Such an approach aligns with international human rights standards, recognizing mental well-being as fundamental to an individual's overall developmental trajectory and capacity for societal contribution. This comprehensive legal framework, therefore, stands as a critical imperative to transform the current fragmented landscape into a cohesive, enforceable, and rights-affirming system, ultimately fostering an environment where every student can thrive

academically and personally. This necessitates a paradigm shift from fragmented guidelines to a legally binding instrument that ensures accountability and consistent implementation across all higher education institutions. This requires a multi-pronged approach encompassing policy development, resource allocation, and continuous evaluation to ensure the efficacy and adaptability of mental health support systems. Furthermore, integrating a national complaints process, similar to models in other jurisdictions, could provide a non-threatening and accessible pathway for addressing grievances and ensuring compliance with established mental health standards. This comprehensive approach, grounded in legal enforceability, seeks to rectify the current gaps, ensuring that mental health support is not merely aspirational but an intrinsic and accessible component of the Indian educational experience. A sustained commitment to this framework would not only elevate India's standing in global mental healthcare provisions but also ensure that its vast student population receives the necessary protections and support for their psychological well-being. Such a framework would promote a diverse and inclusive environment, encouraging participation and connectedness among students, thereby fostering overall academic and personal achievement. The successful implementation of such a framework would hinge on the active collaboration between governmental bodies, educational institutions, mental health professionals, and student representatives to co-create sustainable and culturally relevant solutions.

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