

## How should law schools change attendance norms?

### What did the Delhi High Court's judgment in the Sushant Rohilla case stipulate?

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The story so far:

The Delhi High Court's judgment in *In Re: Suicide Committed by Sushant Rohilla, 2025* examines how universities should exercise disciplinary authority within the constitutional framework of fairness and reason. The case arose from the 2016 suicide of a law student barred from writing exams due to attendance shortage. The Court converted the incident into a public interest inquiry on whether attendance policies align with fairness and proportionality. Delivered amid growing concern for student welfare, the judgment underscores that academic autonomy must operate within constitutional discipline.

What was the core issue before HC?

The Court clarified that the case was not concerned with attendance per se but its enforcement. Many universities debarred students once attendance fell below the limit, without warning, counselling or discussion. Such mechanical application violated procedural fairness and constitutional standards.

The judgment draws from Article 14's doctrine of nonarbitrariness and procedural fairness. Universities exercising disciplinary powers are public authorities subject to constitutional accountability; their decisions must be reasoned, proportionate and just. Fairness here is not merely procedural but a constitutional value linked to Article 21's protection of dignity and mental wellbeing. It safeguards due process and students' welfare as part of the constitutional promise of life with dignity.

Did HC invalidate attendance rules?

The Court upheld attendance norms but objected to rigid enforcement. It affirmed the Bar Council of India's (BCI) authority under Rule 12 of the Legal Education Rules 2008 to require 70% attendance, relaxable to 65% in exceptional cases, but called the framework "extremely strict" and urged reconsideration in light of the National Education Policy (NEP), 2020 and UGC Regulations, 2003, both stressing flexibility and learnercentred education. Attendance, when enforced mechanically, can become an exclusionary barrier. The rule remained valid,

but its uncompromising application was held disproportionate. The Court viewed debarment as an extreme step with grave academic consequences.

What must universities now follow?

Postjudgment, certain procedural steps must be observed before any denial of examination on attendance grounds such as weekly attendance updates through portals or notice boards and monthly shortage notices to students and guardians for early intervention; counselling, and opportunities to address shortfalls through extra classes, home assignments or recognised academic activities such as legalaid work; recording medical or mentalhealth issues or hardship; and notice and opportunity for representation. Fairness requires prior notice and a real chance to respond before any final decision. If, despite these remedial efforts, a student still fails to meet the required attendance, they may be debarred.

What are the implications?

The implications are institutional, cultural and pedagogical. Universities must foster supportive environments, integrate counselling and establish Grievance Redressal Committees with student representation. Debarment can no longer be informal or automatic, they must be reasoned and open to representation. Experiential learning through moots, internships, research or legalaid work must count toward engagement. Attendance should encourage participation, not policing. Moreover, the BCI must revisit Rule 12 in light of NEP 2020. No law school may impose stricter norms than those prescribed.

The Sushant Rohilla judgment marks a milestone in aligning highereducation governance with constitutional values.

## **THE GIST**

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