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**CASE COMMENT: AMIT KUMAR & ORS. V. UNION OF INDIA & ORS.**

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## **INTRODUCTION**

The Supreme Court's judgment in *Amit Kumar & Ors. v. Union of India & Ors.* [2025] INSC 384 (SC), delivered on 24 March 2025 by Justice J.B. Pardiwala and Justice R. Mahadevan, is a landmark intervention in the context of rising student suicides in India's Higher Educational Institutions (HEIs). The matter arose from the tragic deaths of two Scheduled Caste students at IIT Delhi in 2023 — Ayush Ashna and Anil Kumar — under circumstances alleged to involve caste-based harassment and institutional neglect of mental health. The Court examined whether the police's failure to register FIRs upon disclosure of cognizable offences violated the mandatory obligations under the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (BNSS), and whether systemic failures in HEIs could be addressed through its plenary powers under Article 142 of the Constitution of India. The judgment is notable for reaffirming the mandatory nature of FIR registration under Section 173 BNSS and condemning the substitution of such registration with inquest proceedings under Section 194 BNSS. It further acknowledges that the absence of effective mental health mechanisms in HEIs undermines the constitutional guarantees of Articles 14 and 21. The Court's most significant step was the constitution of a National Task Force (NTF) with a nationwide mandate to address mental health crises and anti-discrimination measures across HEIs, thereby extending judicial intervention into the realm of structural reform.

## **FACTS OF THE CASE**

The petitioners in *Amit Kumar & Ors v Union of India & Ors* were the immediate family members of two deceased students — Ayush Ashna and Anil Kumar — both belonging to the Scheduled Caste communities and enrolled at IIT Delhi. The petitioners alleged that their children had been subjected to sustained caste-based harassment by faculty and peers, academic

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bias in assessment and evaluation, and a lack of institutional redress mechanisms for mental distress. According to their statements, the hostile environment led to severe psychological trauma, culminating in the students' suicides on 26 July 2023 (Ayush Ashna) and 9 September 2023 (Anil Kumar). Despite the disclosure of cognizable offences under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act), the Delhi Police failed to register a First Information Report (FIR) as mandated under Section 173 of BNSS. Instead, it initiated an inquest under Section 194 BNSS, which is limited to inquiries into causes of suicide or suspicious deaths and does not carry the same procedural obligations as an FIR investigation. The petitioners filed Writ Petition (Criminal) No. 2945 of 2023 before the Delhi High Court, seeking directions to: Compel the police to register FIRs under the SC/ST Act, 1989 and relevant provisions of the Indian Penal Code; and appoint an independent agency to investigate the allegations. On 30 January 2024, the Delhi High Court dismissed the petition, holding that the inquest proceedings under Section 194 BNSS were a sufficient procedural response in the circumstances, and that FIR registration was not warranted. This reasoning, however, did not engage with the mandatory nature of FIR registration under Section 173(1) BNSS or the non-derogable procedural safeguards under Section 18A SC/ST Act, which prohibits preliminary inquiries before registration of an FIR in cases involving atrocities against Scheduled Castes or Scheduled Tribes. Aggrieved by the High Court's ruling, the petitioners filed Special Leave Petition (Criminal) No. 13224 of 2024 before the Supreme Court. The Supreme Court agreed to hear the matter on the merits, recognising its wider implications for student safety, anti-discrimination measures, and the integrity of criminal procedure.

## LEGAL ISSUES

1. Whether the failure of the police to register FIRs despite disclosure of cognizable offences violates Section 173(1) BNSS, which mandates that information relating to such offences must be reduced to writing and recorded as a First Information Report.
2. Whether reliance solely on an inquest under Section 194 BNSS — applicable to inquiries into suicides and suspicious deaths — can substitute mandatory FIR registration when allegations disclose cognizable offences.
3. Whether the alleged acts constitute offences under Sections 3(1)(r), 3(1)(s), and 3(2)(v) of the SC/ST Act, thereby invoking Section 18A, which bars any preliminary inquiry and mandates immediate FIR registration.

4. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, ss 3(1)(r), 3(1)(s), 3(2)(v), 18A.
5. Whether the absence of effective institutional mechanisms for mental health support and protection against caste-based discrimination violates Articles 14 and 21 of the Constitution of India.
6. Whether the Supreme Court can invoke Article 142 to constitute a multi-disciplinary National Task Force with nationwide jurisdiction to address mental health and discrimination issues in HEIs.

## **OBSERVATION OF THE SUPREME COURT**

The Supreme Court first addressed the procedural lapses by the Delhi Police. It reiterated that Section 173(1) BNSS, 2023 imposes a non-discretionary obligation to register an FIR when information discloses a cognizable offence. The Bench noted that in both cases, the complaints contained allegations that, if proven, would constitute offences under the SC/ST Act, 1989, as well as the Indian Penal Code. Despite this, the police relied exclusively on Section 194 BNSS (inquest into cause of suicide or suspicious death) without registering FIRs. The Court held this to be a clear violation of statutory duty, emphasising that an inquest is not a substitute for an FIR but a supplementary procedural step. The Bench drew on the precedent of *Lalita Kumari v State of Uttar Pradesh* (2014) 2 SCC 1, observing that the ratio remains fully applicable under BNSS since the operative language of Section 173 mirrors that of former Section 154 CrPC. The Court also cited *State of Haryana v Bhajan Lal* 1992 Supp (1) SCC 335 to underline that refusal to register an FIR in such circumstances constitutes dereliction of duty. Further, the Court examined the applicability of Section 18A of the SC/ST Act, 1989, which bars any preliminary enquiry where allegations disclose an offence under the Act. It observed that the allegations of caste-based harassment fell squarely within Sections 3(1)(r), 3(1)(s), and 3(2)(v), triggering the statutory mandate for immediate FIR registration. On the constitutional dimension, the Court linked the institutional failure to Article 14 (right to equality) and Article 21 (right to life with dignity), noting that prolonged inaction and lack of support systems in HEIs amount to a denial of these guarantees. The Bench recognised student suicides as a “systemic constitutional injury”, necessitating a structural solution beyond the redressal of individual grievances.

## DECISION

In its landmark pronouncement, the Supreme Court delivered a judgment that combined immediate remedial directions with far-reaching structural mandates, signalling a firm commitment to both procedural compliance and institutional reform. The Court began by addressing the procedural lapse that had triggered the litigation — the Delhi Police's refusal to register FIRs despite disclosure of cognisable offences under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), relevant provisions of the Indian Penal Code, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act). Invoking the mandatory language of Section 173(1) BNSS and the categorical bar in Section 18A of the SC/ST Act against preliminary inquiries in atrocity cases, the Bench directed the Delhi Police to register FIRs in both instances within seven days from the date of the judgment. This, the Court emphasised, was not a matter of discretion but a statutory obligation flowing directly from the scheme of the BNSS and the SC/ST Act. Recognising that the circumstances leading to the deaths of Ayush Ashna and Anil Kumar were symptomatic of a wider malaise in higher education, the Court moved beyond the individual facts to address systemic deficiencies in mental health support and anti-discrimination mechanisms in Higher education institutions (HEIs). To that end, it constituted a National Task Force (NTF) under the chairmanship of Justice (Retd.) S. Ravindra Bhat, comprising experts in psychiatry, education, law, and social work. The NTF was entrusted with the responsibility to examine, in a time-bound manner, the existing institutional frameworks for mental health support in HEIs, evaluate their accessibility and effectiveness, and recommend structural reforms to prevent recurrence of such tragedies.

The Court ensured that the NTF would have both the financial resources and administrative backing necessary to discharge its mandate effectively. It directed the Union of India to deposit a sum of ₹20 lakh with the Supreme Court Registry within two weeks, earmarked for the Task Force's initial operational expenses. The Ministry of Education was instructed to extend full logistical and secretarial support, enabling the NTF to function without bureaucratic impediments. In addition, the Court mandated that all States and Union Territories designate Joint Secretary-level nodal officers to coordinate with the NTF, thereby ensuring seamless cooperation between educational institutions, state authorities, and the central body. The timelines prescribed by the Bench were precise: the NTF was to submit an interim report within four months and a final report within eight months, with the liberty to the Court to extend the duration should the complexity of the task so require. Importantly, the Court anchored these

directions in its extraordinary powers under Article 142 of the Constitution of India, thereby granting them binding force until equivalent legislative or executive measures were put in place. This approach, the Bench clarified, was designed to ensure continuity in the reform process and prevent any regression in institutional accountability once immediate public attention subsided. Through these directions, the Supreme Court effectively bridged the gap between adjudication of individual grievances and formulation of structural solutions, underscoring that constitutional adjudication in the present era cannot be divorced from the realities of governance and policy-making.

## ANALYSIS

The judgment reflects a dual strategy by the Supreme Court:

The strict reading of Section 173 BNSS affirms that police have no discretion to avoid FIR registration where cognisable offences are disclosed. This directly addresses a common malpractice in Indian policing where “inquiries” or “inquests” are used to delay or avoid the criminal process. By integrating Section 18A SC/ST Act with Section 173 BNSS, the Court closed procedural loopholes historically used to dilute special protections for marginalised communities, particularly in academic environments. The Court’s reliance on Articles 14 and 21 reframed student suicides as systemic failures attributable to the State’s inaction, thus elevating them to the status of constitutional injuries. This creates a precedent for judicial intervention in other sectors suffering systemic neglect. The constitution of the NTF demonstrates judicial willingness to act as a policy catalyst in urgent situations where executive inertia prevails. While critics might view this as encroaching upon executive domain, the Court justified its stance by citing the gravity of the crisis and the absence of timely administrative measures. This approach places the Amit Kumar ruling at the intersection of criminal procedure enforcement, constitutional rights protection, and long-term institutional reform in higher education.

## CONCLUSION

The Amit Kumar judgment is a watershed moment in Indian educational and constitutional law. By integrating the mandates of the BNSS 2023, SC/ST Act 1989, and the Constitution of India, the Court not only remedied the procedural injustice in the present case but also laid the groundwork for long-term systemic reform in HEIs. The emphasis on FIR registration under Section 173 BNSS as a non-negotiable statutory duty, the reinforcement of SC/ST Act

protections, and the recognition of mental health as integral to the right to life with dignity collectively mark a progressive expansion of judicial protection for students. The establishment of the NTF signals a move towards preventative governance in educational spaces, with the potential to address both discrimination and mental health crises at a structural level. The true impact of this decision will depend on sustained compliance by law enforcement, educational institutions, and the executive machinery — but its jurisprudential value as a precedent in combining statutory enforcement with systemic intervention is already undeniable.

## REFERENCES

1. Amit Kumar & Ors v Union of India & Ors [2025] INSC 384 (SC).
2. Bharatiya Nagarik Suraksha Sanhita 2023, ss 173, 194; Constitution of India 1950, arts 14, 21, 142; Times of India, ‘SC-constituted mental health task force launches outreach website to tackle student suicides’ (8 August 2025) <https://timesofindia.indiatimes.com/education/sc-constituted-mental-health-task-force-launches-outreach-website-to-tackle-student-suicides/articleshow/123190761> cms accessed 14 August 2025
3. Bharatiya Nagarik Suraksha Sanhita 2023, ss 173, 194; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, ss 3(1)(r), 3(1)(s), 3(2)(v), 18A.
4. Bharatiya Nagarik Suraksha Sanhita 2023, s 173(1); Lalita Kumari v State of Uttar Pradesh (2014) 2 SCC 1.
5. Constitution of India 1950, arts 14, 21.
6. Constitution of India 1950, art 142.
7. Nidhi Jha and Rudraksh Lakra, ‘Reframing India’s Student Suicide Crisis as a “Constitutional Injury”’ The Leaflet (23 July 2025) <https://theleaflet.in/education/reframing-indias-student-suicide-crisis-as-a-constitutional-injury> accessed 14 August 2025.