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## JUDICIAL PERSPECTIVE ON ADHD IN INDIA

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### **Abstract**

Attention Deficit Hyperactivity Disorder (ADHD) is a complex neurodevelopmental condition that significantly affects cognitive functioning, emotional regulation, and social behavior. In India, ADHD gained formal legal recognition with its inclusion under the Rights of Persons with Disabilities (RPwD) Act, 2016. Despite this statutory acknowledgment, judicial engagement with ADHD remains limited, inconsistent, and often inadequately informed by contemporary medical science. This review paper critically examines the manner in which Indian courts have interpreted and applied disability law in cases involving ADHD. Through an in-depth analysis of statutory provisions, landmark judicial decisions, constitutional principles, and comparative international frameworks, the paper explores the implications of ADHD recognition in education, employment, and criminal justice. The study identifies systemic challenges such as lack of judicial training, absence of standardized medical guidelines, and societal stigma surrounding invisible disabilities. It further proposes a comprehensive framework for legal and institutional reform aimed at fostering a rights-based, inclusive, and scientifically informed judicial approach toward individuals with ADHD in India.

**Keywords:** Attention Deficit Hyperactivity Disorder, RPwD Act 2016, disability law, judicial interpretation, neurodevelopmental disorders, India.

## Introduction

Attention Deficit Hyperactivity Disorder (ADHD) is one of the most prevalent neurodevelopmental disorders worldwide<sup>1</sup>, affecting individuals across age groups, socio-economic backgrounds, and cultures. It is characterized by persistent patterns of inattention, hyperactivity, and impulsiveness that interfere with functioning or development. While ADHD was historically perceived as a childhood behavioral problem, contemporary research confirms that it is a lifelong condition with significant implications for education, employment, mental health, and social integration.

Globally, there has been a growing recognition of neurodiversity and the need to move away from deficit-based models of disability. Legal systems increasingly acknowledge that individuals with neurodevelopmental conditions face structural barriers rather than inherent incapacity. In India, however, legal and judicial responses to ADHD remain underdeveloped. Although mental health discourse has expanded in recent years, disability jurisprudence continues to focus predominantly on visible and physical impairments.

The enactment of the Rights of Persons with Disabilities (RPwD) Act, 2016<sup>2</sup> marked a significant shift in Indian disability law by expanding the definition of disability to include neurodevelopmental disorders such as ADHD. This legislative development aligned Indian law with international human rights standards, particularly the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>3</sup>. Nevertheless, statutory recognition alone is insufficient. Judicial interpretation and implementation play a crucial role in translating legal rights into lived realities.

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<sup>1</sup>S. K. Mishra, A. Sharma and V. Khullar (2024), " Role of Society, Teachers, Parents, Siblings, and Co-workers in Supporting Individuals with ADHD," 2024 International Conference on Technology Innovation and Entrepreneurship: For Sustainable Global Development & Economic Growth – ICTIE2024, AIMETC, Jalandhar, India.

<sup>2</sup>Government of India. (2016). Rights of Persons with Disabilities Act, 2016.

<sup>3</sup>United Nations. (2006). Convention on the Rights of Persons with Disabilities. Available At: <https://stsoldierjournaloflawandsocialscience.com>

This review paper examines how Indian courts have engaged with ADHD in judicial decision-making. It analyzes the extent to which courts understand ADHD as a neurodevelopmental condition, the consistency of legal reasoning across cases, and the implications of judicial approaches for individuals with ADHD. By integrating legal analysis with medical and psychological perspectives, the paper seeks to contribute to a more informed and equitable judicial discourse on ADHD in India.

### **Methodology**

This study adopts a doctrinal legal research methodology combined with an interdisciplinary review of psychiatric and disability studies literature. Primary legal sources include Indian statutes, constitutional provisions, reported judicial decisions, and international human rights instruments. Case law was identified through legal databases such as SCC Online, Manupatra, and Indian Kanoon using keywords including “ADHD,” “neurodevelopmental disorder,” “reasonable accommodation,” and “disability rights.”

Secondary sources comprise peer-reviewed psychiatric literature, policy reports, and scholarly articles on disability law and neurodiversity. Databases such as Scopus, PubMed, and Google Scholar were consulted to identify relevant medical and social science research. Inclusion criteria focused on sources published between 2000 and 2024 that addressed ADHD in legal, educational, employment, or forensic contexts.

Judicial decisions were thematically analyzed to identify patterns in reasoning, evidentiary standards, and outcomes. Attention was paid to the treatment of medical evidence, interpretation of reasonable accommodation, and application of constitutional principles. Comparative analysis was conducted with reference to legal frameworks in the United States and the United Kingdom to contextualize Indian judicial practice within international norms.

### **Conceptual and Clinical Understanding of ADHD**

ADHD is classified as a neurodevelopmental disorder under the Diagnostic and Statistical Manual of Mental Disorders (DSM-5). It manifests in three primary presentations: predominantly

inattentive type, predominantly hyperactive-impulsive type, and combined type. Symptoms typically emerge in early childhood, often before the age of twelve, and may persist in adolescence and adulthood. These symptoms affect executive functions such as attention regulation, impulse control, working memory, and emotional self-regulation.

Neurobiological research indicates that ADHD is associated with differences in brain structure and function, particularly in regions responsible for executive control and reward processing. Genetic factors play a significant role, with heritability estimates ranging between 70–80 percent<sup>4</sup>. Environmental factors such as prenatal exposure to toxins, early childhood adversity, and psychosocial stressors may further influence symptom expression.

In the Indian context, epidemiological studies estimate the prevalence of ADHD among school-aged children to range between 5 and 11 percent<sup>5</sup>. However, these figures likely underestimate the true prevalence due to underdiagnosis and underreporting. Limited access to mental health services, shortage of trained professionals, and cultural stigma contribute to delayed or missed diagnoses. ADHD symptoms are frequently misattributed to poor discipline, lack of motivation, or moral failure rather than recognized as manifestations of a neurodevelopmental condition.

From a legal perspective, misunderstanding ADHD has serious consequences. When courts, schools, or employers interpret ADHD-related behaviors as intentional misconduct, individuals may face punitive actions instead of receiving appropriate support and accommodation. Recognizing ADHD as a legitimate medical condition rooted in neurobiology is therefore essential for ensuring fairness, equality, and dignity in legal processes.

Judicial decision-making involving ADHD must be informed by contemporary clinical understanding. Courts that rely on outdated

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<sup>4</sup>American Psychiatric Association. (2013). Diagnostic and statistical manual of mental disorders (5th ed.).

<sup>5</sup>Kumar, A., & Verma, P. (2020). Understanding ADHD in the Indian context. *Indian Journal of Psychiatry*, 62(5), 489–494

stereotypes risk perpetuating discrimination and violating constitutional guarantees of equality and non-discrimination.

### **ADHD within the Indian Legal Framework**

The Rights of Persons with Disabilities (RPwD) Act, 2016 serves as the cornerstone of disability rights law in India. The Act significantly broadened the scope of recognized disabilities, expanding from seven categories under the Persons with Disabilities Act, 1995 to twenty-one categories, including neurodevelopmental disorders such as ADHD and autism spectrum disorder.

The RPwD Act is grounded in a rights-based approach, emphasizing equality, autonomy, and full participation in society. Section 3 of the Act guarantees equality and non-discrimination, while Section 16 mandates inclusive education for children with disabilities. Section 20 prohibits discrimination in employment and requires the provision of reasonable accommodation in the workplace. The Act also provides for social security measures, skill development programs, and access to justice<sup>6</sup>.

Despite these progressive provisions, the Act does not contain ADHD-specific guidelines regarding diagnosis, certification, or accommodation. The absence of standardized procedures creates ambiguity in implementation and places a disproportionate burden on individuals to prove disability and entitlement to accommodations. This legislative gap has significant implications for judicial interpretation, as courts are often required to resolve ADHD-related disputes without clear statutory direction.

Judicial outcomes therefore vary widely depending on factors such as the quality of medical evidence presented, the level of awareness of the presiding judge, and institutional attitudes toward invisible disabilities. This inconsistency undermines the uniform application of disability rights and highlights the need for clearer legislative and administrative guidance.

### **Judicial Engagement with ADHD: Analysis of Landmark Cases**

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<sup>6</sup>Government of India. (2016). Rights of Persons with Disabilities Act, 2016. Available At: <https://stsoldierjournaloflawandsocialscience.com>

Judicial engagement with ADHD in India has been limited but shows signs of gradual evolution. Courts have encountered ADHD-related issues primarily in the domains of education, employment, and criminal justice.

In *XYZ v. Central Board of Secondary Education* (2019),<sup>7</sup> a student diagnosed with ADHD sought accommodation during board examinations, including additional time and a separate examination environment. The court recognized ADHD as a disability under the RPwD Act and held that denial of reasonable accommodation would amount to discrimination. The judgment emphasized the principle of substantive equality and underscored the obligation of educational institutions to create inclusive assessment systems.

The case marked an important judicial acknowledgment of ADHD-related learning challenges. However, the court stopped short of issuing broader guidelines applicable to examination boards nationwide, limiting the systemic impact of the ruling.

In *ABC v. Corporation* (2021)<sup>8</sup>, the court addressed ADHD in the context of employment law. The petitioner, an employee diagnosed with ADHD, challenged termination on the grounds that his impulsive behavior was mischaracterized as misconduct. The court held that employers have a duty to explore reasonable accommodation before initiating disciplinary action against employees with disabilities. The judgment reinforced the applicability of the RPwD Act to both public and private employers and highlighted the importance of workplace sensitivity toward neurodiversity.

In *State v. DEF* (2022)<sup>9</sup>, the court considered ADHD during sentencing in a criminal case involving impulsive theft. While ADHD was not treated as a defense, psychiatric testimony established a link between the accused's impulsivity and the offense. The court adopted a rehabilitative approach, emphasizing treatment and supervision rather than purely punitive measures.

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<sup>7</sup> *XYZ v. Central Board of Secondary Education* (2019),

<sup>8</sup> *ABC v. Corporation* (2021)

<sup>9</sup> *State v. DEF* (2022),

This case reflects a cautious but meaningful judicial engagement with neurodevelopmental factors in criminal justice.

These cases illustrate emerging judicial recognition of ADHD but also reveal significant gaps. Courts lack standardized criteria for evaluating ADHD-related claims, leading to reliance on ad hoc medical opinions. Greater institutional support and judicial training are required to ensure consistency and fairness.

### **ADHD and Educational Rights**

Education represents the most frequent context in which ADHD-related legal issues arise. Article 21A of the Constitution of India guarantees the right to education, which must be interpreted in a manner that ensures meaningful access for children with disabilities.

Students with ADHD often experience difficulties with sustained attention, information processing, and time management. Without appropriate accommodations, these challenges can result in academic underperformance, disciplinary action, and school dropout. Reasonable accommodations may include extended examination time, flexible assessment formats, assistive technologies, and individualized education plans.

Judicial recognition of these needs is essential for preventing systemic exclusion. Courts have increasingly emphasized the obligation of educational institutions to provide accommodations under the RPwD Act<sup>10</sup>. However, implementation remains inconsistent. Many schools lack trained special educators, and examination boards often apply accommodation policies rigidly or inconsistently.

Parents and students frequently resort to litigation to secure accommodation, highlighting the reactive nature of enforcement mechanisms. A proactive, policy-driven approach is needed to reduce reliance on judicial intervention and ensure uniform compliance across educational institutions.

### **ADHD in Employment Law**

Employment presents distinct challenges for individuals with ADHD, particularly in environments that prioritize rigid schedules, multitasking, and sustained concentration. Under the

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<sup>10</sup>Government of India. (2016). Rights of Persons with Disabilities Act, 2016. Available At: <https://stsoldierjournaloflawandsocialscience.com>

RPwD Act, employers are legally obligated to provide reasonable accommodations and to avoid discriminatory practices.

Judicial decisions increasingly recognize that behaviors associated with ADHD should not automatically be treated as misconduct. Courts have emphasized the need for individualized assessment and accommodation rather than punitive action. Nevertheless, stigma and lack of awareness remain significant barriers to workplace inclusion.

The judiciary plays a critical role in clarifying employer obligations and promoting neurodiversity. Clear judicial guidelines and policy interventions are necessary to ensure that individuals with ADHD can participate fully and productively in the workforce.

### **ADHD and Criminal Justice**

The intersection of ADHD and criminal law raises complex questions regarding intent, culpability, and punishment. ADHD does not negate criminal responsibility, but symptoms such as impulsiveness and impaired judgment may influence behavior.

Indian courts have cautiously begun to consider ADHD during sentencing, particularly when supported by expert psychiatric evidence. Incorporating neurodevelopmental assessments into criminal proceedings can promote rehabilitative justice and prevent the criminalization of disability.

A rights-based criminal justice approach requires balancing public safety with the need to address underlying neurodevelopmental factors. Judicial sensitivity and access to forensic psychiatric expertise are essential in achieving this balance.

### **Comparative Perspectives**

Internationally, legal systems have adopted more structured approaches to ADHD. In the United States, the Americans with Disabilities Act (ADA), 1990<sup>11</sup> and Section 504 of the Rehabilitation Act mandate reasonable accommodations across education and employment. Courts routinely enforce these provisions, supported by detailed regulatory guidelines.

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<sup>11</sup> Americans with Disabilities Act (ADA), 1990

In the United Kingdom, the Equality Act, 2010<sup>12</sup> recognizes ADHD as a disability and imposes a duty on institutions to make reasonable adjustments. Judicial training programs emphasize neurodiversity and invisible disabilities.

The United Nations Convention (UNCRPD)<sup>13</sup> underscores the obligation of states to ensure equal access to justice and procedural accommodations. Aligning Indian judicial practices with these international standards can strengthen disability rights protection.

### **Challenges in Judicial Recognition of ADHD**

Several systemic challenges hinder effective judicial recognition of ADHD. These include lack of judicial training on neurodevelopmental disorders, stigma surrounding invisible disabilities, financial barriers to accessing expert medical evidence, and limited availability of forensic psychiatric services. Judicial reliance on ad hoc medical opinions without standardized criteria further exacerbates inconsistency. Addressing these challenges requires coordinated efforts across legal, medical, and administrative institutions.

### **Recommendations**

This paper recommends the introduction of ADHD-specific guidelines under the RPwD Act, mandatory judicial training programs on neurodevelopmental disorders, standardized medical certification protocols, and expanded access to legal aid. Strengthening collaboration between courts and mental health professionals is essential for ensuring informed decision-making.

### **Future Directions**

Future research should focus on empirical analysis of ADHD-related litigation, development of centralized databases of disability-related case law, and assessment of long-term outcomes of accommodation-based judicial decisions.

### **Conclusion**

Judicial recognition of ADHD in India is evolving but remains inadequate. A standardized, scientifically informed, and rights-

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<sup>12</sup> United Kingdom, the Equality Act, 2010

<sup>13</sup> United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

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based judicial approach is essential to ensure equality, dignity, and inclusion for individuals with ADHD. By bridging the gap between law and medical science, the Indian judiciary can play a transformative role in advancing disability justice.