
THE UGC REGULATIONS, 2026 (PROMOTION OF EQUITY IN HIGHER EDUCATION INSTITUTIONS)

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ABSTRACT

The University Grants Commission (UGC) plays a significant role in regulating and sustaining standards of higher education in India as a statutory entity formed under the UGC Act, 1956. This article looks at the UGC's legislative structure, operations, and regulatory powers, especially as they relate to its ability to create rules and regulations and the parliamentary monitoring of those rules. It also examines new legislative initiatives that support social justice, fairness, and institutional responsibility in higher education, such as the creation of Equal Opportunity Centres, helplines, and fairness Committees to handle complaints pertaining to discrimination. The study also examines the debates and legal issues surrounding these policies, particularly those pertaining to their application, reach, and effects on various student populations. The paper attempts to illustrate the changing role of the UGC in striking a balance between regulatory control and the values of justice and inclusivity in Indian higher education by analysing both the legislative provisions and recent judicial interventions.

Keywords: University Grants Commission (UGC), UGC Act 1956, higher education regulation, Promotion of Equity Regulations 2026, parliamentary oversight, institutional accountability, judicial intervention.

INTRODUCTION

The study also examines the debates and legal issues surrounding these policies, particularly those pertaining to their application, reach, and effects on various student populations. The paper attempts to illustrate the changing role of the UGC in striking a balance between regulatory control and the values of justice and inclusivity in Indian higher education by analysing both the legislative provisions and recent judicial interventions.

The rule or regulation will only go into force in its amended form, or it will not go into effect at all, if both Houses agree to change it before the conclusion of the session that follows this time, or if they determine that it should not be made at all. Any such change or cancellation, however, won't impact the legality of any previous activities conducted in accordance with that rule or regulation furthermore, just because a rule was established or alleged to have been made with retroactive effect under section 25 of the main Act prior to the start of this Act does not mean that it is illegal.

According to recent events, the University Grants Commission (UGC) is tackling a number of urgent issues in Indian higher education, such as institutional regulation, academic ethics, and social justice issues. The most contentious of them is the need to tighten equity-related standards in order to combat the rising issue of caste discrimination in higher education. In order to remedy this, Equity Committees, Equal Opportunity Centres (EOCs), and 24-hour helplines were required to receive complaints within 24 hours and report them within 15 working days. These clauses have, nevertheless, sparked debate and legal issues. The Supreme Court delayed the laws in January 2026, citing worries over their vague and expansive nature, especially with regard to the exclusion of students in the general category and the potential for reverse discrimination.

RESEARCH OBJECTIVES / QUESTIONS

WHAT IS DISCRIMINATION?

The phrase "caste-based discrimination" describes a deeply ingrained system of social exclusion and denial of fundamental rights in which people are treated unfairly only because they were born into a predefined social group with a strict and inherited status. Despite being outlawed in India's constitution, this type of discrimination has historically been upheld by

ideas of ceremonial purity and occupational segregation, leading to structural disparities in access to housing, work, education, and human dignity.

Major Causes of caste discrimination in India: -

- Concept of Purity and Pollution.
- Inherited Status and Occupation.
- Economic Dependence.

Key features of UGC Promotions of Equity regulations 2026: -

- Mandatory Inclusion of OBCs.
- Establishment of Equal Opportunity.
- Time bound Grievance redressal.
- 24/7 Help and reporting.
- Equity Committees.
- Accountability of Institutions.

ANALYSIS / DISCUSSION

In India's higher education institutions, caste-based discrimination is still a serious and enduring problem. Students from Scheduled Castes, Scheduled Tribes, and Other Backward Classes are disproportionately affected by discriminatory practices, which include social exclusion, biased academic evaluation, harassment in dorms, and a lack of efficient grievance redressal procedures. Expert committees, court rulings, and the testimonies of impacted pupils have all repeatedly recognized and recorded these systematic problems. The University Grants Commission implemented anti-discrimination measures in 2012 in response to these worries, requiring colleges to set up Equal Opportunity Cells. However, due to insufficient control and enforcement, these measures' execution remained mostly ineffectual. The persistence of discriminatory practices on college campuses brought to light the shortcomings of the current system and the need for a stronger, more open, and responsible regulatory system.

UGC PROMOTION OF EQUITY IN HIGHER EDUCATIONAL INSTITUTIONS REGULATIONS 2026

In an effort to bridge the gap between constitutional ideals and campus reality, the UGC has promulgated the 2026 Equity Regulations. These updated rules supersede the 2012 guidelines, which were increasingly viewed as insufficient for addressing the modern complexities of caste-based harassment. By introducing a more "stringent and enforceable" framework, the UGC aims to provide a concrete legal shield for marginalized groups who have historically faced systematic bias in university settings.

The justification for this overhaul is rooted in both data and human tragedy. The 2026 regulations acknowledge that the "incidence of discrimination" is not declining; rather, empirical evidence shows it more than doubled in a five-year span. By citing specific instances of institutional negligence—most notably the cases of Rohith Vemula and Dr. Tadvi—the UGC underscores that these new measures are a necessary intervention to prevent further loss of life and to ensure that higher education remains a space of dignity rather than a site of inherited prejudice.

FEATURE'S

By requiring institutional mechanisms, broadening definitions of discriminatory misconduct, and improving accountability standards and structural governance, the UGC (Promotion of Equity in Higher Education Institutions) Regulations 2026 aim to strengthen anti-discrimination safeguards within higher education institutions. By holding institutional leaders directly accountable for any acts of harassment or discrimination that take place within their purview, the regulations aim to bring about systemic change. Additionally, the structure offers ongoing oversight by selected authorities to guarantee adherence and efficient execution.

1. Other Backward Classes (OBCs) Must Be Included Concerns raised by previous versions that did not specifically protect members of the Other Backward Classes (OBCs) from caste-based discrimination have been addressed by the regulations. The scope of institutional safeguards has been expanded to include Scheduled Castes (SCs), Scheduled Tribes (STs), OBCs, Persons with Benchmark Disabilities (PwBDs), and women.

2. Equal Opportunity Centres (EOCs) establishment in order to foster diversity, offer institutional assistance, and handle complaints about discrimination, all higher education institutions are required to establish Equal Opportunity Centres. If this criterion is not met, the UGC may take strict regulatory action, which could result in fines and the loss of accreditation or recognition.
3. 3. Equity Committees' Constitution According to the regulations, every institution must establish an Equity Committee, which must be presided over by the institution's president. The task of reviewing complaints and guaranteeing procedural justice falls to this body. To ensure inclusive involvement in decision-making processes, it must include representation from women, SCs, STs, OBCs, and PwBDs.
4. Time-bound Grievance Resolution Process the Equity Committee must take prompt action after receiving a complaint, resolve the issue as soon as possible, and provide a thorough report within 15 working days. These clauses are designed to provide timely corrective action and avoid excessive delays in the administration of justice in institutional settings.
5. A round-the-clock hotline and an online reporting system to enable easy and private reporting of discriminatory acts at any time, institutions must set up a 24-hour helpline and an online complaint registration system.
6. Accountability of Institutions The rules hold the institution's leader directly responsible for any discriminatory behaviour, especially when it involves members of underrepresented groups. By enforcing compliance norms, the framework strengthens institutional responsibility and removes the possibility of administrative evasion.

SIGNIFICANCE

The regulation's goal is to establish a learning environment that promotes fair development and is devoid of discriminatory behaviours that undermine students' progress and dignity. The UGC formally implemented the 2026 Regulations by notification dated January 13, 2026. This marked a significant shift from a mostly advisory regulatory framework to a legally binding and enforced regime designed to prevent and address discrimination in higher education institutions. The Regulations are in line with the goals and tenets of the NEP 2020, especially

with regard to equal access and inclusivity, and they replace the previous 2012 framework. By legally requiring higher education institutions to avoid, confront, and eradicate caste-based discrimination, the 2026 Regulations aim to institutionalize equity and inclusion. The Promotion of Equity Regulations, 2026 are important because they take a structural, enforceable, and accountability-driven approach to guaranteeing that there is no discrimination in academic settings.

STRINGENT CONSEQUENCES FOR NON COMPLAINEE

Under the UGC Regulations 2026, the University Grants Commission has established a zero-tolerance policy regarding institutional negligence. Higher educational institutions (HEIs) that fail to implement the mandated equity and anti-discrimination measures face a tiered system of severe regulatory sanctions. The Commission now possesses the authority to systematically strip non-compliant universities of their operational privileges, moving beyond mere warnings to tangible, high-stakes consequences.

These "stringent consequences" are designed to ensure that equity is not treated as an optional guideline but as a core requirement for institutional standing. The progression of penalties includes

Financial Disqualification: Restricting or completely barring the institution from receiving grants, funding, or any other benefits under various UGC schemes.

Academic Prohibitions: Revoking the institution's authority to launch new degree programs or, in more serious cases, barring them from offering existing academic degrees altogether.

Institutional Derecognition: In instances of extreme or persistent non-compliance, the UGC may exercise its ultimate power to "derecognize" the school, effectively removing it from the official list of recognized higher educational institutions in India.

LAW ENFORCEMENT SYSTEM

Furthermore, the 2026 framework bridges the gap between administrative policy and the broader Law Enforcement System. When an institution fails to act, the UGC may trigger regulatory sanctions that function as a form of "institutional sentencing." By threatening the very existence and legal recognition of a university, the new regulations aim to force a systemic

shift in how campus administrations prioritize the safety and dignity of SC, ST, and OBC members.

CASE LAW

In *Mritunjay Tiwari v. Union of India* (order dated January 29, 2026), the Supreme Court conducted an initial review of the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026 (henceforth referred to as the "2026 regulations" or Impugned regulation) after hearing arguments from the petitioner, the learned Solicitor General of India, and other senior counsel who appeared. The Court gave notice at the threshold and set a return date of March 19, 2026.

On behalf of the Union of India and the relevant responders, the Solicitor General acknowledged the notice. The petitioners' main objection is to Clause 3(c) of the 2026 regulations, which defines "caste-based discrimination."

It was argued that the contested definition is structurally exclusionary and unduly restrictive because it does not provide remedial protection to members of non-reserved or general categories who might also face prejudice based on caste in higher education. The petitioners claim that the regulatory structure functions under the implicit premise that caste-based discrimination only occurs in one direction, leaving certain impacted individuals without recourse under the statutory scheme. Based on a preliminary analysis, the court noted that certain of the 2026 regulations' provisions seem to be unclear and that it is impossible to rule out the possibility of their abuse. As a result, the court determined that the following significant legal issues required authoritative decision-making:

1. Whether the addition of clause 3(c) has a logical connection to the goal of the 2026 regulations, especially in light of the lack of a specific procedural mechanism for dealing with caste-based discrimination, in contrast to the more inclusive and expansive definition of "discrimination" found in clause 3(e).
2. Whether the constitutionally and legally recognized sub-classification of Most Backward or Extremely Backward classes within the Scheduled Castes, Scheduled Tribes, and other backward classes may be affected by the conceptualization and operationalization of "caste-based discrimination" under the 2026 framework, and whether sufficient protections are

offered to address structural disadvantage affecting such groups.

3. Whether the mention of "segregation" in Clause 7(d), especially when it comes to the distribution of dorms, classrooms, mentorship groups, or similar institutional arrangements, may amount to an unconstitutional "separate but equal" classification, violating Articles 14 and 15 of the Constitution when read in light of the preamble's commitment to equality and fraternity.

4. Whether the 2012 regulatory framework's recognition of "ragging" as an explicitly listed form of discrimination constitutes a regulatory departure that results in uneven victim protection and asymmetry in access to remedies, raising concerns under Articles 14 and 21 of the constitution.

In light of the overlapping constitutional issues, the court additionally ordered that the current writ petitions be heard in conjunction with W.P. (Civil) No. 1149 of 2019. A three-judge bench was mandated to hear all cases. The court mandated that the 2026 regulations be put on hold until a final decision is made. The court further ordered that the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2012 be retained in abeyance (be restored/functional) in the exercise of its plenary powers under Article 142 of the constitution.

The Supreme Court maintains the 2026 UGC Equity Regulations. The UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2026 were put on hold by the Supreme Court of India. It also examines the primary obstacle related to: Exclusionary Scope: Students in the General category are not included in the definition of caste-based discrimination, depriving them of equal legal protection. For instance, the petitioners claimed that the 2026 regulations would not provide a particular recourse for such targeted harassment, citing instances at JNU in 2022 where Brahmins-leave-campus graffiti emerged.

Social Polarization: Rather than promoting a casteless academic atmosphere, there is rising concern that the regulations institutionalize caste identities.

For example, the CJI cautioned that 75 years of progress toward social assimilation would be reversed if distinct hostels or wards were read as such. Redesign the definition of discrimination to be inclusive so that any student, regardless of caste or category, can seek redress.

CONCLUSION

Caste-based discrimination continues to pose a serious challenge to the realization of equality and dignity within India's higher education system, despite constitutional guarantees and longstanding legal protections. The evolving regulatory role of the University Grants Commission (UGC) under the UGC Act, 1956 reflects an increasing institutional commitment to address these systemic inequalities through structured policy interventions. The Promotion of Equity Regulations, 2026 represent a significant shift from earlier advisory frameworks toward a more enforceable, accountability-driven mechanism aimed at preventing discrimination and ensuring inclusive academic environments. Provisions such as Equal Opportunity Centres, Equity Committees, time-bound grievance redressal, and institutional responsibility highlight an effort to create safer and more equitable spaces for marginalized students. However, the debates and judicial scrutiny surrounding these regulations demonstrate the complexity of balancing social justice objectives with principles of fairness, clarity, and constitutional validity. Concerns regarding scope, implementation challenges, and potential reverse discrimination indicate the need for careful refinement and transparent enforcement mechanisms. Ultimately, the effectiveness of these regulations will depend not only on statutory mandates but also on institutional willingness, administrative sensitivity, and continuous monitoring. A comprehensive and balanced approach is essential to ensure that higher education institutions become spaces of genuine equality, inclusivity, and academic dignity for all sections of society. But the discussions and judicial examination of these rules show how difficult it is to strike a balance between social justice goals and the values of justice, clarity, and constitutional validity. The necessity for meticulous improvement and open enforcement procedures is highlighted by worries about scope, implementation difficulties, and possible reverse discrimination. In the end, institutional willingness, administrative sensitivity, ongoing monitoring, and statutory demands will all play a role in how effective these restrictions are. To guarantee that universities become places of true equality, inclusion, and intellectual dignity for all facets of society, a thorough and balanced approach is necessary.

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