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# SUPREME COURT'S STANCE ON UGC EQUITY REGULATIONS

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## ABSTRACT

The UGC Equity Regulations 2026 aimed to promote fairness in Indian higher education amid increasing discrimination but faced judicial stay, stakeholder polarisation, and implementation issues. This analysis reviews UGC's historical mandate, Supreme Court critiques, institutional uncertainties, and the need for reform to ensure balanced enforcement.

From equity origins post-1956 Act and 2012 gaps, through the Supreme Court's vagueness concerns under Regulation 3(c), to divided student/faculty reactions and clarity imperatives for misuse-proof rules.

Proactive protections versus risks of division, with phased pilots and symmetric safeguards proposed to align constitutional goals (Articles 14-17) with campus realities.

**Keywords:** Equity Regulations, Education, Discrimination, Equal Opportunity

## BACKGROUND

The University Grants Commission (UGC) in India aims to promote equity in higher education to address historical and systemic discrimination, especially based on caste biases against marginalized groups like Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backwards Classes (OBC).<sup>1</sup>

This goal stems from the Constitution of India's commitments to social justice under Articles 14, 15, and 17, and has evolved through key policy milestones. The equity on the UGC initiative builds on decades of policy development, working to close persistent gaps in access and inclusion despite existing mandatory policies. The recent 2026 regulations show a proactive move, although they might face legal and public challenges.

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<sup>1</sup> NEWS9 LIVE 'UGC Mandates Equity Committees in All Indian Colleges | Inclusion & Anti-Discrimination' < [https://m.youtube.com/watch?v=Ivej-Xeu\\_jk&pp=4gcMEgpwZXJwbGV4aX](https://m.youtube.com/watch?v=Ivej-Xeu_jk&pp=4gcMEgpwZXJwbGV4aX) > accessed on February 5<sup>th</sup>, 2026

## Historical Foundations

In the Sargent Report 1945, the UGC traced its origin, which called for regulated higher education to advance social progress, leading to its formal founding in 1953 and its statutory recognition through the UGC Act of 1956. The UGC enforced reservation quotas—15% for SC and 7.5% for ST—and required universities to establish Equal Opportunity Cells and SC/ST Cells to support implementation and fight discrimination from the start.<sup>2</sup> In 2006, the 93rd Constitutional Amendment extended OBC reservations to central institutions, strengthening the equity on UGC's commitment amid increasing reports of campus discrimination. In 2026, the Regulations were announced in January 2026, replacing the rules of 2012 and requiring the creation of Anti-Discrimination Cells, Equity Officers, and annual UGC reports on complaints.

## Key Drivers for Equity:

From 2019 to 2024, the insistent issues, including a 118% increase in caste discrimination cases and over 114 student suicides in elite institutions like IITs and IIMs linked with harassment, highlight the failure of implementing previous guidelines. The Supreme Court directives in cases such as Rohith Vemula and Payal Tadvi led to stronger measures, culminating in the 2026 Promotion of Equity Regulations aimed at institutionalizing anti-discrimination efforts through mandatory Equal Opportunity Centres. These regulations follow PILs alleging violations of Articles 14, 15, and 21, amid nationwide protests divided by support and fears of misuse or reverse discrimination.<sup>3</sup> These regulations shift from reactive complaint handling to proactive prevention, requiring equity committees, helplines, and annual reporting, with penalties such as grant withdrawals for non-compliance.

## The Supreme Court's intervention

Regarding the UGC Equity Regulations 2026, the Supreme Court took decisive action due to concerns about ambiguity and potential misuse, issuing an interim stay on January 29, 2026. A bench led by *Chief Justice Surya Kant* and *Justice Joymalya Bagchi* pointed out ambiguities in provisions, such as Regulation 3(c) of the UGC (Promotion of Equity in Higher Educational Institutions) Regulations 2026, warning that they could lead to unfair treatment, social division,

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<sup>2</sup> Sarnath Shirsat 'UGC's Equity Regulations: Its History, Implementation, and Institutional Failure '( The Ambedkarian Chronicle, 30-01-2026)< <https://theambedkarianchronicle.in/ugc-equity-regulations-history-implementation-failure> > accessed on 7<sup>th</sup> February, 2026

<sup>3</sup> NDTV 'What Are New Equity Regulations For Higher Education Institutions'< <https://www.ndtv.com/education/ugc-notifies-new-equity-regulations-for-higher-education-institutions-all-you-need-to-know-10800122> > accessed on February 5<sup>th</sup>, 2026

and personal vendettas rather than promoting equity.

**Key Proceedings:** The court reviewed multiple writ petitions challenging the constitutionality of the regulation under Articles 14, 15, and 21. Petitioners argued bias against general category students and arbitrary definitions of discrimination. Notices were issued to the Union government and UGC, with responses due by March 19, 2026. The court invoked Article 142 to suspend the 2012 regulations pending review, possibly by an expert committee. *Indira Jaising* opposed the stay, citing prior court directives, but the bench chose to exercise caution amid protests.

**Broader Impact:** This halted mandates for new Equity Committees and proactive measures, reverting to the 2012 framework's complaint-based Equal Opportunity Cells. The ruling emphasises judicial scrutiny of equity policies balancing affirmative action with equality, amid criticisms of reverse discrimination fears.<sup>4</sup>

### **Context of Regulations**

The UGC Equity Regulations, 2026, arose from longstanding demands to shift higher education from reactive grievance handling to enforceable anti-discrimination norms and standards. They address rising caste atrocities and suicides in institutions like IITs, fulfilling Supreme Court mandates from cases such as *Payal Tadvī (2019)*.

Triggering factors like campus violence surged 118% in caste-related cases from 2019-2024, with over 114 suicides in elite HEIs linked to harassment of SC/ST/OBC students. The 2012 regulations proved ineffective due to poor implementation, prompting the SC in *Abeda Salim Tadvī v. Union of India* to direct UGC for stricter rules.<sup>5</sup> Reports like *Rohith Vemula (2016)* exposed systemic failures, aligning with constitutional equity under Articles 14 to 17. UGC's equity policy push began with the 1956 Act reservations (15% SC, 7.5% ST), expanded by 2006 OBC quotas through the 93rd Amendment, and notified January 13, 2026. The rules mandate proactive Equal Opportunity Centres (EOCs), equity committees with reserved

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<sup>4</sup> TANYA ARORA, 'Equity on Hold: Supreme Court's interim stay of the UGC Regulations, 2026' (CJP, 2feb, 2026) < <https://cjp.org.in/equity-on-hold-supreme-courts-interim-stay-of-the-ugc-regulations-2026/> > accessed on 7<sup>th</sup> February, 2026

<sup>5</sup> ADVAY VORA, 'Supreme Court Stays 2026 UGC Equity Regulations' (SCO, 29<sup>TH</sup> JAN 2026) < <https://www.scobserver.in/journal/supreme-court-stays-2026-ugc-equity-regulations/> > accessed on 7<sup>th</sup> February, 2026

representation, bi-annual reports, and UGC penalties like grant cuts. They target caste, gender, and disability biases through sensitisation, helplines, and a national portal, but faced immediate PILs over vagueness, stayed by the Supreme Court on January 29.

## SUPREME COURT'S DECISION

The Supreme Court's interim stay on the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2026, remains in effect as of February 12, 2026, with no further hearing until March 19.<sup>6</sup> Issued on January 29, 2026, by a bench of Chief Justice Surya Kant and Justice Joymalya Bagchi, the order keeps the 2026 rules in abeyance due to *prima facie* vagueness and misuse risks. Decision Rational the bench flagged Regulation 3(c)'s broad definition of caste-based discrimination as arbitrary and exclusionary, potentially fostering vendettas and societal division.<sup>7</sup> Chief Justice Surya Kant questioned whether it regresses India's progress toward a casteless society after 75 years of independence. It invoked Article 142 to revive the 2012 UGC regulations pending Centre/UGC responses. Heard on writ petitions by Rahul Dewan, Vineet Jindal, and Mrityunjay Tiwari challenging the constitutionality under Articles 14, 15, and 21.

Notices issued to Union and UGC; Indira Jaising opposed the stay, citing prior Supreme Court directives, but UGC offered no counter-arguments.

The court suggested an expert committee review for redrafting.

### Reasons Cited by the Court

The Supreme Court cited several key reasons for staying the UGC Equity Regulations 2026 on January 29, 2026, primarily highlighting constitutional and practical flaws. Chief Justice Surya Kant's bench emphasised "complete vagueness" in provisions like Regulation 3(c), which broadly defines caste-based discrimination as arbitrary, exclusionary, and presumes harm only against specific groups.

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<sup>6</sup> TIME OF INDIA 'Supreme Court stays UGC equity regulations 2026: A timeline of protests, politics and the court's intervention' (TOI Education / Jan 29, 2026) < <https://timesofindia.indiatimes.com/education/news/supreme-court-stays-ugc-equity-regulations-2026-a-timeline-of-protests-politics-and-the-courts-intervention/articleshow/127775787.cms> > accessed on 8<sup>th</sup> February

<sup>7</sup> ADVAY VORA, 'Supreme Court Stays 2026 UGC Equity Regulations'( SCO, 29<sup>TH</sup> JAN 2026) < <https://www.scobserver.in/journal/supreme-court-stays-2026-ugc-equity-regulations/> > accessed on 7<sup>th</sup> February, 2026

The court warned that such ambiguities make the rules "prima facie vague and capable of misuse," potentially enabling personal vendettas, campus conflicts, and societal division rather than genuine equity.

It questioned the regression to caste consciousness after 75 years of independence, undermining progress toward a casteless society and campus unity.<sup>8</sup>

Legal grounds related to petitioners' claims of violations of Articles 14 (equality), 15 (non-discrimination), and 21 (life/liberty), which the bench examined at the "threshold of constitutionality," favouring caution via Article 142 to revive the 2012 rules. No substantive defence from UGC strengthened the interim suspension pending the March 19 hearing and possible expert redraft.

### IMPACT ON INSTITUTION

The Supreme Court's stay on the UGC Equity Regulations 2026 has created significant uncertainty for higher education institutions (HEIs) in India, halting new compliance initiatives while reverting to the weaker 2012 framework.<sup>9</sup> Institutions face paused investments in mandatory Equal Opportunity Centres (EOCs), equity committees, and training programs, risking wasted early efforts post-January 13 notification.<sup>10</sup>

Higher Education Institutions (HEIs) cannot proceed with proactive mandates like curriculum sensitisation, national portals, or bi-annual reporting, leading to confusion over accountability for heads and equity officers. Penalties such as grant withdrawals or program bans loom indefinitely, deterring budget allocations amid the March 19 hearing.<sup>11</sup> Ongoing 2012 Equal Opportunity Cells continue reactively, but lack the 2026 rules' teeth, exposing gaps in addressing caste/gender/disability discrimination.

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<sup>8</sup> DRISHTI IAS 'Supreme Court Stays UGC's 2026 Regulations' (31 January 2026) < <https://www.drishtiiias.com/daily-updates/daily-news-analysis/supreme-court-stays-ugcs-2026-regulations> > accessed on 7<sup>th</sup> February

<sup>9</sup> TIME OF INDIA 'Supreme Court stays UGC equity regulations 2026: A timeline of protests, politics and the court's intervention' (TOI Education / Jan 29, 2026) < <https://timesofindia.indiatimes.com/education/news/supreme-court-stays-ugc-equity-regulations-2026-a-timeline-of-protests-politics-and-the-courts-intervention/articleshow/127775787.cms> > accessed on 8<sup>th</sup> February

<sup>10</sup> Saswati Sarkar, 'UGC's 2026 equity regulations: A serious idea, an uneven instrument' (TOI Education / Jan 26, 2026) < <https://timesofindia.indiatimes.com/education/news/ugcs-2026-equity-regulations-a-serious-idea-an-uneven-instrument/articleshow/127545639> > accessed on 8<sup>th</sup> February

<sup>11</sup> NEWS9 LIVE 'UGC Mandates Equity Committees in All Indian Colleges | Inclusion & Anti-Discrimination' < [https://m.youtube.com/watch?v=Ivej-Xeu\\_jk&pp=4gcMEgpwZXJwbGV4aX](https://m.youtube.com/watch?v=Ivej-Xeu_jk&pp=4gcMEgpwZXJwbGV4aX) > accessed on February 5<sup>th</sup>, 2026

Smaller colleges struggle with administrative overload from dual frameworks, while elite institutions like IITs fear stalled anti-suicide measures amid prior campus unrest. This limbo undermines NEP 2020 equity goals, with institutions adopting a wait-and-see approach, potentially delaying inclusion for SC/ST/OBC students.

The Supreme Court's stay on UGC's 2026 Equity Regulations highlights deep challenges in tackling discrimination in Indian higher education, even as the rules aimed to institutionalise protections. Potential hurdles include misuse risks, implementation gaps, and definitional flaws that could undermine trust rather than build equity.

Regulation 3(c) narrowly defines caste discrimination against SC/ST/OBC alone, excluding general category harms and lacking clarity on "marginal" cases, inviting arbitrary probes or vendettas.<sup>12</sup> Courts flagged this as presuming guilt by identity, fostering division over unity after 75 years post-independence.<sup>13</sup>

No penalties for frivolous claims or safeguards for the accused risk weaponisation against faculty/students, deepening campus polarisation. Critics note procedural imbalances, like strict timelines without due process, echoing fears of "reverse discrimination."

Administrative overload hits smaller HEIs hard—new EOCs, committees, and portals demand resources amid prior 2012 failures from denial/delay. Upper-caste dominance in leadership may bias probes, while suicides persist without neutral enforcement.<sup>14</sup>

## STAKEHOLDER REACTIONS

Stakeholders in academia and among experts have sharply divided views on the UGC Equity Regulations 2026, praising their intent to combat discrimination while criticising design flaws

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<sup>12</sup> ADVAY VORA, 'Supreme Court Stays 2026 UGC Equity Regulations' (SCO, 29<sup>TH</sup> JAN 2026) < <https://www.scobserver.in/journal/supreme-court-stays-2026-ugc-equity-regulations/> > accessed on 7<sup>th</sup> February, 2026

<sup>13</sup> TIME OF INDIA 'Supreme Court stays UGC equity regulations 2026: A timeline of protests, politics and the court's intervention' (TOI Education / Jan 29, 2026) < <https://timesofindia.indiatimes.com/education/news/supreme-court-stays-ugc-equity-regulations-2026-a-timeline-of-protests-politics-and-the-courts-intervention/articleshow/127775787.cms> > accessed on 8<sup>th</sup> February

<sup>14</sup> Sarnath Shirsat 'UGC's Equity Regulations: Its History, Implementation, and Institutional Failure' (The Ambedkarian Chronicle, 30-01-2026) < <https://theambedkarianchronicle.in/ugc-equity-regulations-history-implementation-failure> > accessed on 7<sup>th</sup> February, 2026

exposed by the Supreme Court stay.<sup>15</sup> Reactions range from student protests to faculty analyses, highlighting tensions between inclusion and practicality.

Academics and Dalit scholars hail the rules as a vital shift from access-focused equity to lived experience protections, fulfilling SC mandates like Payal Tadvi (2019).<sup>16</sup> They argue mandatory EOCs and timelines address chronic denial in IITs and IIMs, where 114+ suicides tied to caste harassment demand proactive enforcement<sup>17</sup>. Groups like AISA at JNU defend them against "reverse discrimination" claims, seeing the stay as upper-caste pushback.

Legal experts like Gautam Bhatia decry the stay as "troubling," noting irony since CJI Surya Kant's bench ordered the regulations in 2025.

Smaller colleges face "procedural fatigue" from committees/portals without capacity, risking symbolic compliance over change. Vice-chancellors express relief at the stay, citing misuse fears from vague definitions (e.g., Regulation 3(c)), fostering vendettas amid resource strains. Some elite HEIs quietly support the revival of 2012 cells, avoiding polarisation while NEP 2020 equity goals hang in limbo. Protests at JNU, DU, and UoHyd reflect this split: Pro-equity rallies versus anti-BJP marches fearing bias.

### Students and Faculty Perspectives

Students and faculty perspectives on the UGC Equity Regulations 2026 reveal stark divides, shaped by lived experiences of discrimination versus fears of overreach and administrative strain. Marginalised voices demand enforcement to address systemic failures, while others highlight risks amplified by the Supreme Court stay.

Student Support (SC/ST/OBC): Students from Ambedkar Students' Association (ASA) at JNU,

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<sup>15</sup> Saswati Sarkar, 'UGC's 2026 equity regulations: A serious idea, an uneven instrument'(TOI Education / Jan 26, 2026) < <https://timesofindia.indiatimes.com/education/news/ugcs-2026-equity-regulations-a-serious-idea-an-uneven-instrument/articleshow/127545639> > accessed on 8<sup>th</sup> February

<sup>16</sup> Prof. (Dr) Hitesh D Raviya, 'UGC's Equity Regulations 2026: Reforming campuses without losing academic trust' (Published On Feb 11, 2026 at 12:55 PM IST) <<https://education.economicstimes.indiatimes.com/news/higher-education/ugcs-equity-regulations-2026-reforming-campuses-without-losing-academic-trust/>> accessed on 11<sup>th</sup> February 2026

<sup>17</sup> Sarnath Shirsat 'UGC's Equity Regulations: Its History, Implementation, and Institutional Failure '( The Ambedkarian Chronicle, 30-01-2026)< <https://theambedkarianchronicle.in/ugc-equity-regulations-history-implementation-failure> > accessed on 7<sup>th</sup> February, 2026

UoH, and BHU organised rallies post-notification, framing the rules as vital after Rohith Vemula (2016) and Payal Tadvi (2019) exposed 2012 cells' ineffectiveness. AISA-JNU issued statements praising mandatory EOCs, sensitisation, and penalties, citing 118% caste case surge (2019-2024) and 114+ suicides in IITs/IIMs as proof that proactive measures are overdue. They argue curriculum reforms and helplines fulfil NEP 2020 equity, rejecting "reverse discrimination" claims as upper-caste anxiety.

**Student Opposition (General Category):** Thousands protested at Jantar Mantar (Jan 20-25), Lucknow University, and DU, with ABVP leading #RollbackUGCEquityRules; they fear one-sided probes under Regulation 3(c) targeting merit-based decisions as "discrimination."<sup>18</sup> "Petitioners like Rahul Dewan (general category student) told SC the rules presume guilt by caste, excluding harms to non-reserved groups and enabling vendettas without accused safeguards. Campus tension spiked, with viral videos of clashes; students worry stalled academics amid compliance limbo.

**Faculty Support:** Progressive academics like Prof. Hitesh D Raviya (ex-IIT) endorse binding duties on Vice-Chancellors, noting 2012's voluntary cells failed due to denial; they call for training to ensure fair probes. The News Minute analysis (Feb 11) cites research showing upper-caste dominance biases leadership, making enforceable committees essential for neutral grievance handling.

**Faculty Criticism:** Teachers' associations at DU, BHU, and IITs condemned the "surveillance state" through equity officers monitoring classes, arguing it erodes academic freedom and adds burdens without funding. Professors in Times of India op-eds labelled it "uneven," fearing frivolous complaints paralyse teaching; no general category rep in committees risks partiality.<sup>19</sup> LiveLaw faculty contributors urged the Supreme Court to grant a stay extension, prioritising harmony over hasty mandates amid implementation doubts.<sup>20</sup>

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<sup>18</sup> NEWS9 LIVE, 'UGC 2026 Regulations: Equity Rules Trigger Massive Student and Leader Backlash' < [https://youtu.be/IYc8\\_wkD3MI?si=LSOU3TRbaBdlrz6n](https://youtu.be/IYc8_wkD3MI?si=LSOU3TRbaBdlrz6n) > accessed on 11<sup>th</sup> February 2026

<sup>19</sup> Saswati Sarkar, 'UGC's 2026 equity regulations: A serious idea, an uneven instrument'(TOI Education / Jan 26, 2026) < <https://timesofindia.indiatimes.com/education/news/ugcs-2026-equity-regulations-a-serious-idea-an-uneven-instrument/articleshow/127545639> > accessed on 8<sup>th</sup> February

<sup>20</sup> Kanishka Chaudhary, 'Examining Equity: Analysing UGC Regulations, 2026 And The Judicial Directive' (LiveLaw 10 Feb 2026| 8:00 pm) < <https://www.livelaw.in/articles/ugc-regulations-2026-examining-equity-522470> > 11<sup>th</sup> February 2026

## NEED CLARITY IN REGULATION

Moving forward, the UGC Equity Regulations 2026 urgently need refined clarity to balance anti-discrimination goals with constitutional safeguards, as flagged by the Supreme Court and stakeholders. Experts advocate precise definitions, balanced processes, and robust implementation to avoid misuse and ensure efficacy. Regulation 3(c)'s vague caste discrimination scope—limited to SC/ST/OBC harms—must expand inclusively to all identities, specifying "marginal" acts with examples to prevent misinterpretation. The Supreme Court urged clarity on "discrimination," distinguishing structural bias from personal disputes; broader Regulation 3(e) could unify coverage.

Incorporate accused rights: Hearings, evidence standards, and frivolous complaint penalties (e.g., fines) to curb vendettas, per ABVP demands. Tighten timelines (15-30 days inquiries) with extensions justified, plus independent appellate panels including general category reps for impartiality.

Phase rollout with UGC-funded training for EOCs/committees, pilot in 100 HEIs to test feasibility before nationwide mandates. Mandate parliamentary tabling (Section 28 UGC Act) and expert committee redraft, as SC hinted, integrating stakeholder inputs for proportionality. It links to NEP 2020 via metrics tracking equity outcomes (e.g., retention rates), with audits and no-grant penalties only post-due process. This clarity would honour constitutional equity (Articles 14-17) while fostering campus harmony, avoiding the 2012 framework's toothless advisory pitfalls.

### **Balancing Equity goals with implementation concerns**

Balancing equity goals with implementation concerns in UGC's 2026 regulations requires refining enforceable duties while mitigating administrative burdens and misuse risks, as highlighted by the Supreme Court stay. Experts advocate structured reforms like precise definitions, training, and phased rollouts to translate intent into fair practice without campus discord.<sup>21</sup>

The regulations shift equity from aspirational (2012 advisory) to mandatory via Equal

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<sup>21</sup> <sup>21</sup> Kanishka Chaudhary, 'Examining Equity: Analysing UGC Regulations, 2026 And The Judicial Directive' (LiveLaw 10 Feb 2026| 8:00 pm) < <https://www.livelaw.in/articles/ugc-regulations-2026-examining-equity-522470> > 11<sup>th</sup> February 2026

Opportunity Centres (EOCs), equity committees with SC/ST/OBC/women/disability reps, and Vice-Chancellor accountability—addressing systemic discrimination like 118% caste case rise. However, vagueness in Reg. 3(c) presumes caste harm only against reserved groups, risking bias; clarity demands inclusive definitions covering all (e.g., general category exclusions) with evidence thresholds.

Time-bound probes prevent delays but lack accused safeguards, false complaint penalties, or appeals; balance via mutual hearings, independent ombudspersons, and UGC-monitored pilots. Bi-annual reports and national committees enhance transparency but overload small HEIs; tiered scaling by size and funding support is needed.

Enforceable penalties (grants cuts, debarment) deter inaction, but pressure untrained leaders; mandatory sensitisation, equity ambassadors, and helplines foster culture if paired with anti-misuse training. Expert panels (per SC suggestion) for redraft, NEP-aligned audits ensure goals like inclusion prevail without "bureaucratic overload" or polarisation.

## CONCLUSION

The UGC Equity Regulations 2026 aimed to institutionalise equity in Indian higher education but faced immediate hurdles from vagueness, stakeholder divides, and judicial intervention. A balanced path forward hinges on refined rules that uphold constitutional equity without compromising fairness or campus harmony.

The regulations addressed critical gaps—118% rise in caste cases, institutional suicides—by mandating proactive EOCs, sensitisation, and penalties, fulfilling SC directives from Vemula/Tadvi and NEP 2020 goals. Marginalised students and supportive academics hailed this shift from 2012's ineffective cells to enforceable protections.

The Supreme Court's January 29 stay cited Regulation 3(c)'s ambiguities as misuse-prone, regressing toward caste consciousness; reverting to 2012 rules creates limbo until March 19. Faculty/student protests exposed fears of vendettas, resource strains, and procedural bias, amplifying uncertainty for HEIs. Redraft for clarity—symmetric definitions, accused safeguards, pilots, and funding—via expert committee to balance Articles 14-17 with practical enforcement. This evolution could transform backlash into sustainable reform, ensuring equity advances India's casteless vision without division.