
FROM SOFT LAW TO COERCIVE COMPLIANCE: A CRITICAL ANALYSIS ON UGC EQUITY REGULATION, 2026

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ABSTRACT

This paper includes the critical scrutiny of the transition of the UGC Equity Regulations, 2026, which gives an important turn to the advisory framework to the mandatory establishment of objectives to find out the discrimination and the inclusivity awareness within the Higher Education Institutions (HEIs). The analysis provides the administrative, structural, and legal implications of this drastic change, examining how the 2026 regulation intends to toughen the mechanisms and structured resolution time frame of the complaint in the institution and the consequences of non-compliance. The paper initiates the examination of the restrictions of the previous bill and the intent behind it, which became only for the name's sake as a structural procedure due to its advisory nature. Whereas the recent 2026 regulations came with the intent to fill the gap between the intent and reality, containing a mandatory equity committee, institutional accountability, and strict regulations. Whatever this finds out about the concern in the 2026 regulations, as this has vague, sweeping, undefined, multiple interpretative provisions; lack of proportionality in consequences; absence of clarity; and absence of an appeal channel for the institutions, the extreme exclusion of the unreserved and absence of a safeguard for them counter the fairness, which nullifies the principles of natural justice. Though the cases such as Rohith Vemula and Payal Tadvi highlighted the discrimination on campus, they also highlighted the institution's failure to handle this. This reveals the inadequacy of the institutions. This further gives the analysis that colleges in rural areas and mainly of less than tier 2 are unable to cope with the stricter regulations. This creates a window of mismatch between the UGC's intention and the institutions' incapability, which can have a severe consequence on the institutions. Concludingly, it shows that the UGC regulations had an intention for equity and effective implementation but lacked clearer procedures, so the Principles of Natural Justice were struck down. A cooperative approach between the UGC and institution is needed to achieve the intended goal without overburdening but to give an equitable and harmonious campus environment.

Keywords: University Grants Commission (UGC) Equity Regulations, 2026. Higher Education Institutions (HEI), Discrimination, Campus, Mandatory.

INTRODUCTION

The Indian higher education system is currently undergoing legal changes to improve the safety and protection of students within college campuses. Previously, the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2012, aimed to prevent discrimination by setting up Anti-Discrimination Officers¹ and Equal Opportunity Cells. These regulations were intended to stop discrimination based on religion, caste, race, gender, place of birth, or disability, ensuring a fair and supportive environment for all. However, they were more of an advisory framework than a mandatory set of rules. They lacked specific enforcement mechanisms, clear consequences for violations and proper procedures to identify those who engaged in discriminatory practices. Because of this, institutions often ignored these rules, creating a gap between policy goals and actual practice on campus.

The concept of discrimination, as outlined in these regulations, explicitly prohibits unfair treatment based on disability, gender, caste, place of birth, religion, race, ensuring a safe and inclusive learning environment for everyone.

Special attention was given to the protection of Scheduled Tribes (ST), Scheduled Castes (SC), Persons with Disabilities (PwD) Economically Weaker Sections (EWS) and Other Backward Classes (OBC). The goal was to promote full equity and inclusion in Higher Education Institutions (HEIs). The Supreme Court of India became involved when the case of Payal Tadvii raised concerns about campus discrimination. This led to the creation of the Promotion of Equity Regulations, 2026, which were aligned with the National Education Policy (NEP) 2020. Unlike the 2012 regulations, the 2026 framework turned these guidelines into mandatory institutional requirements. It introduced a mandatory Equity Committee, which is required to resolve complaints within 15 working days². More importantly, it imposed strict penalties for non-compliance, including the removal of an institution from UGC recognition and the suspension of its authority to award degrees.

¹ Univ. Grants Comm'n, *University Grants Commission (Promotion of Equity in Higher Educational Institutions) Regulations, 2012*, Gazette of India, Extraordinary, Part III, Sec. 4 (Dec. 17, 2012)

² Univ. Grants Comm'n, *University Grants Commission (Promotion of Equity in Higher Educational Institutions) Regulations, 2026*, Gazette of India, Extraordinary, Part III, Sec. 4 (Jan. 13, 2026)

Now, the head of an institution can be personally held accountable for non-compliance, facing penalties such as the loss of UGC recognition. However, these changes did not happen without challenges. The 2026 regulations include provisions for OBC and EWS but exclude the General category and they also remove measures for addressing false complaints that were part of the 2012 rules. These changes have led to public backlash against the UGC and the government. Students and parents took the matter to the Supreme Court, resulting in a stay on the implementation of the new regulations. Consequently, the 2012 regulations remained in effect until the Supreme Court passed further orders. The Supreme Court imposed this interim stay because it found the language in the 2026 regulations to be too broad and vague. It also raised concerns about the exclusion of General category students from the definition of caste-based discrimination, which, according to the court, creates inequality among students and violates the fundamental right to equality.

LITERATURE REVIEW

The rules published by UGC is not in a perfect manner, there are a lot of gaps which needs to be addressed. The ground of discrimination is widely spread and does not have particular interpretation of it. This also imposes the rigorous accountability on the Higher Education Institution (HEI), which provides heavily imposable penalties or non-obedience of the UGC regulations and attract inquiry by the UGC and lead to heavy consequences. The regulations do not specify at what gravity of non-obedience can lead to inevitable penalties following removal from degree awarding abilities, it is not specific in implementation and non-obedience which can get up to sanctions to the Higher Education Institutions. It also does not have a defined procedure and follow-ups for the complaints to be managed, in such conditions judiciary and writ petitions are the only means of relief that becomes alert for the HEI and UGC to bring review or revision on it, as people get their attention only on the extreme exclusion and inclusion of the students of unreserved and reserved, as the victims of the discriminations is lead for the unreserved category students and machinery is provided in a manner that Favor them³. There is no appeal mechanism for the institutions if they are convicted by the UGC on the grounds of non-compliances which creates a severe circumstance for the institutions who are yet to prove their point this will lead to approach them to High Court or The Supreme Court of India.

³ P. Puneeth, *Legal Uncertainties of Equity in Higher Education*, The India Forum (Mar. 4, 2026)

As a broad term it had multiple interpretation and can lead to a broader division in the campus, if it is unnoticed, so as a judicial activism and duty it is the natural behaviour to verify the validity and constitutionality of the regulation's impact. Every HEI needs to create Equal Opportunity Centre (EOC) to prevail equal opportunity social integration and equity to address the grievance of the stake holders in the HEI related to the social variables which leads to discrimination against the vulnerable. EOCs compulsorily present annual report twice and need to have yearly report on measures they've taken for the redressal of the discrimination related complaints, which leads to more accountability and reasonability of institutions before the UGC. As there is a restriction by the UGC to create equity of opportunity and demolish the discrimination. To put check on the HEIs there will be a team by the UGC having student member of the UGC and member of civil society and the scholars to assess the steps, complaint mechanism in campus the team will create a report on the same and will meet twice a year the non-compliance with the regulation will lead to debarment from various schemes such as removal from the list of recognised institution by the UGC, from participating in UGC conduction, offering degree programs. Which makes a transition from the advisory regulation to the mandatory by the UGC⁴.

HYPOTHESIS

Alternative Hypothesis (H₁): The UGC Equity Regulations, 2026 can make institutions fairer and more accountable if they are enforced properly. These regulations have some problems though. The language used in the BILL is not clear. Certain parts are too restrictive. This can cause problems, with the law. Lead to administrative failure in respect to the UGC Equity Regulations, 2026. People also get the chance to make their own interpretation and take advantage of the unclear Regulations. Also, there will be more burden with institutions and impractical implementation will be there and if there is non-compliance, they can face heavy sanctions and penalties. Also, every small institution is not capable to implement and align with the regulation, because of capacity especially in rural areas.

PROBLEM STATEMENT: A GAP OF REGULATION AND CAPACITY OF THE INSTITUTION.

The 2026 regulation has a drastic shift from its previous bill of 2012 makes it advisory to

⁴ Vajiram & Ravi, *UGC Act, New UGC Rules 2026, Provisions, Key Details*, Vajiram & Ravi (Mar. 2, 2026)

mandatory creates over burden for the Higher Education Institution which makes difficult for the institutions to make ground implementation and the undefined provisions creates a scope of arbitrary penalties or sanctions for non-compliance. Which creates a critical gap within the mandatory regulation of UGC and ground campus reality of the institution. A confusion in the regulation creates a factual error and doesn't provide the verification ground of an administrative error or non-compliance that can lead to harsher punishment such as sanction, UGC nonrecognition and stopping them from degree awarding.

There is no provision of “**Audi Alteram Partem**” which means **No person should be condemned unheard** which is one of the Principle of Natural Justice. As a result, the institution does not have a channel for appeal that create a lack of proper appeal mechanism which creates hurdle, as a result they do not have any choice but to approach The High Court or The Supreme Court of India and file the writ petition to prove their point.

CASES OF DISCRIMINATION

1. Rohith Vemula Case

N. Susheel Kumar v. State of Telangana, 2024.

Rohith Vemula was a Ph.D. scholar at the University of Hyderabad and a member of the Ambedkar Student's Association (ASA). A conflict arose due to the protest concerned with screening of the film, between ASA and Akhil Bhartiya Vidyarthi parishad (ABVP). ABVP leaders gave the statement before ASA members called them as anti-social elements which triggered the tension, followed the disciplinary action on the ASA members such as suspension and no entry to the hostel and common facilities by the university authorities. Followed this the Rohith Vemula was struggling before the university authorities as his scholarship was withheld for several months, as a consequence, **Rohith Vemula committed suicide on 17th January 2016 in his hostel room.** As a result, an FIR was registered on the university authorities on the grounds of SC\ST (Prevention of Atrocities) Act, 1989 and under the section 306 IPC (abetment to suicide).

Nandan Divakar, the then vice president of the BGP party, Ranga Reddy district, Krishna Chaitanya, the then General secretary, Akhil Bhartiya Vidyarthi Parishad (ABVP); Nandanam Susheel Kumar, the then President of ABVP, N. Ramchandra Rao, the then member of

Legislative Council for the state of Telangana. Podile Apparao, Vice chancellor, university of Hyderabad in collusion with university authorities and having been instigated by Bandaru Dattatreya, the then member of Parliament of Secunderabad, Harassed the de-facto complainant, Dontha Prasanth and Rohith Vemula and others who were belonging from the schedule caste and were members of ASA. The de facto complainant were the members of the ASA and were conducted the protest before he ABVP attack on the film screening, the President of ABVP gave statement on the Facebook expressing that the traits of the ASA candidates are like goons, on which he faced a criticism, he had to apologise. But as there is a political intervention, it makes the picture take a different shape as the names of the ASA members as anti-social elements which resulted as the suspension of some of the ASA members including Rohith Vemula, the university authorities restricted the ASA members in the hostel common areas of the campus which made them to shift in the open place of the campus. As a consequences Rohith Vemula faced stoppage of his scholarship for 7 months because of the existing situation and as he was the fellow-ship recipient of the UGC-JRF. Afterwards the humiliation, injustice, atrocities, insults came at a point that it became unendurable for the student named Rohith Vemula pursuing Ph.D. in science, technology and society studies from the University of Hyderabad took his own life.

Judgment (Telangana High Court, 2024): The Telangana High Court observed that Despite examination, absence of evidence could establish that the respondent drove Rohith to suicide. The prosecution had already filed a closure report mentioning “lack of evidence”⁵.

2. Case of Payal Tadv

Ankita Kailash Khandelwal v. State of Maharashtra, (2020) 10 SCC 670.

The case rounds to Dr. Payal Tadv studying at B.Y.L. Nair Hospital in Mumbai, A postgraduate medical student took her life on 22nd May 2019, A complaint made by her mother stating her seniors Ankita Khandelwal, Dr. Bhakti Mehare and Hema Ahuja humiliated and harassed her multiple times mainly on the basis of her admission on the grounds of reservation quota. she provided that it happened repeatedly with her daughter during her training she was threaten of life and destruction of her career, her excessive work put her in worst condition, the authorities were also involved in this. Her family raises concern to the Dean and other faculty

⁵ N. Susheel Kumar v. State of Telangana, 2024 SCC online TS 912.

members but there was no reason but rather she was told to bare the harassment. Dr. Tadvī shared her mother the detail of harassments and said that it intolerable on the day of commission of suicide, she was not allowed to enter the operation theatre training and was also publicly humiliated as a result she took her own life as given by her mother's complaint the registration of case under the section of 306 of the IPC as well as SC\ST (Prevention of atrocities) Act resulted in the arrest of the doctors.

Judgement of the case

Supreme Court gave his decision on the case of Ankita Kailesh Khandelwal v. State of Maharashtra at should they were given bail or not as the accusation were serious every harassment will not lead to cup their own life in the court of law. To held anyone responsible of section 306 of the Indian Penal Code their should some proofs of provocation, instigation or which action made the victim to take the step. The court come to a point providing bail as there is insufficient evidence for establishing link between the accused action and the suicide in other sense the circumstances maybe bad but there should be clear evidence of intention of abetment for the suicide. Therefore, the bail should be granted in the absence of evidence. The verdict shows that the concern between moral and legal the court is not defining or stating that the harassment didn't happen but there should be a clear proof or evidence for conviction of any person so that there should not be any reasonable doubt⁶.

3. Reported suicide cases of students based on caste discrimination within India's prestigious in HEIs like IIT & IIM:

As mentioned by the education minister Dharmendra Pradhan report of that in total of 122 students committed suicide from which 41 belongs to other backward classes (OBC), 3 students from minority categories, 24 from scheduled caste (SC) and 3 from scheduled tribe (ST)⁷.

ANALYSIS

The UGC Equity Regulations, 2026's shift from an advisory framework to a required regime is examined in this research study, with an emphasis on the ramifications for Indian higher education institutions (HEIs). It examines the administrative, structural, and procedural

⁶ *Ankita Kailash Khandelwal v. State of Maharashtra*, (2020) 10 SCC 670.

⁷ Press Trust of India, *122 Students of IITs, IIMs, Central Institutes Committed Suicide During 2014–21: Centre*, NDTV (Dec. 21, 2021)

constraints that institutions have while putting these regulations into practice. The nature, proportionality and effects on institutional autonomy and functioning of the penalties applied for non-compliance are also assessed in this study. The primary institutional instrument under the 2026 regulations is the Equal Opportunity Centre (EOC). It serves as the focal point for advancing inclusion and equity on campus.

Promotion of inclusivity among the campus of the HEIs needs a strong social oneness and strong law enforcement to ensure these things, the equity and equal opportunity centre for students in HEIs will ensure the fraternity and harmony in the campus. Erosion of discrimination will create fairness among the stakeholders because of evasion of long followed discrimination in the campus and in the society where inferiority complex developed among the students and teachers. An awareness can lead to the sensitization among all the stakeholders of the HEIs for the equity social acceptance and anti-discrimination. Assistance and protection of the unprivileged sections and give them assurance as secured and promote\awake them to bring actual cases of discrimination without hesitation. An online portal is suggested for grievance redressal to spread the information of the welfare of the cases of discrimination. Institutional support fusion process led to co-ordination between government NGOs for the students to increase academic mobilization by financial support to the underprivileged students.

As given in the cases above, the failure of the institution in the case of Rohith Vemula and Payal Tadvi created discriminative environment and harassment for them lead to their suicide but due to insufficient evidence in both of the cases failed to prove that the authority of the institutions was directly involved in their abetment to suicide. Both of the incidents give a reality check of discrimination but more importantly the institutional gap of effective administrative mechanism puts a problematic question of the practicality of the loss made by the UGC or the capacity of the institutions.

As in the case of Rohith Vemula, the actions taken against him for the protest contested by him results in no entry to him at the hostel and being socialized which resulted in facing him the harassment from the authorities of the university for being from the schedule caste (SC).

The case reveals the reality that even in the centrally supervised universities where the resources are better in compare to the state or regionally operated institutions, can lead to the administrative mismatch due to the undefined and vague structure accountability of the non-compliance before the regulations, also lack of resources unless support from the UGC or

monetary assistance and clearly defined rules and skill training can lead to such type of incidences.

Similarly, in the case of Payal Tadvī it was seen that the seniors as well as the professors both were involved in her harassment, her professor instead of giving warning to her seniors suppressed her voice and told to tolerate the happenings quietly which clearly gives reality check of the institutional mismatch even in cities like Mumbai, then how can we expect the remote or colleges less than tier 2 to be in capacity to follow the stricter guidelines without miss management.

When the analysis showed that the UGC equity regulations showed that it had a clear gap between stricter regulation and intend vs a ground level reality of the remote colleges. This exposes that there should be a structured mechanism rather than equal opportunity centre and equal compliance which can be effective for the tier 2 and remote institutions, because unlike central or prestigious institutions, these institutions lack financial resources and skilled faculty for effective infrastructure makes the implementation impractical for such type of remote institutions. Ahead of this, importance of this structural monetary assistance by the UGC can only help to implementation of these regulations.

Therefore, the both cases collectively showcased that these frameworks cannot be only left on the institution for fair implementation, but to get the resolution of issues such as capacity, accountability, stricter regulations can be structured down before the objective, so to achieve there is a need for the sensitive approach by the UGC with the legal mandates to support the remote institutions and backward colleges lacking resources.

So, according to the analysis of these articles and bills by the UGC the hypothesis is being proved that the institutions are solely not capable and need to be assisted by the UGC with the financial need and revision in the regulations can create a better and efficient framework and effective implementation of the UGC guidelines in respect to the non-discriminatory intent of the UGC.

RECOMMENDATION

The University Grants Commission, 2026, regulations have a broad intent and decision policy reflecting to the inclusions of non-discrimination, equality, inclusion within the institutions

throughout India.

1. **Audi Alteram Partem** is not for the HEIs as after the awardation of the penalty they cannot appeal to the UGC but rather they had to approach High Court and The Supreme Court of India to file writ petition, so the UGC should revise the regulations and provide a time frame for appeal after the inquiry of the UGC committee on the grounds of non-compliance so they can get the justice, as the penalties are heavy can cause severe consequences, so the “**Principles of Natural Justice**” prevails and Audi Alteram Partem is one of the Principles of Natural Justice.
2. The extreme exclusion of the unreserved category lead to the division in the campus, and gives extra advantage to the reserved categories as they can file a complaint against the discriminative action of the unreserved categories but there is no consequences for the false complainant, so there should a revision so that after the enquiry if the case is proven false the accused can counter case on the complainant if he wants and there should be compensation for the accused and some actions against the false complainant such as warning, fines and disciplinary actions.
3. Rather than one equal opportunity centre there should be a common equal opportunity centre for a particular number of students or institutions which is co-funded by UGC and the institutions which lesser the burden of the institutions which are less capable, small colleges or the colleges who are lesser than tier 2. This will make the centres unbiased and efficient as there is no direct control of the any particular head of the institutions also this will give relief to the smaller colleges who are financially not stable.

CONCLUSION

The UGC Equity Regulations, 2026 signify a important drift in administration of the Higher Education management by transition, advisory framework to mandatory and strict regime this gives a clear picture of aiming to promote equity, accountability of the institutions and inclusion, by having a structured enforceability in the form of grievance redressal time frame committees and penalisation for non-compliance the regulation intent in rectifying the far standing gap between the regulation and the practical implementation of the non-discriminatory provisions. However, with analysis of the regulation gives a clear picture that there is a

limitation in the act to cooperate with hurdles in implication, the absence of internal appeal for the institution creates a critical concern in respect to Principles of Natural Justice, the absence of safeguard against the false complaint and extreme exclusion of unreserved, vegetates the situation in the campus leads to misuse, uncertainty, multiple interpretations and imbalance. Moreover, the severe restriction, burden, undefined reasons and disproportionate penalties without a procedural standard creates a risk of arbitrary use of the regulations on the grounds of non-compliance. The examination reveals on the case studies of Rohith Vemula and Payal Tadvi highlights the discriminations but moreover the cause of the discrimination is rooted to the institutional incapacity and failures in handling it effectively. These happening reveals that not only the regulations but also the inadequacy on the implementation leads to such type of incidents and institutional structure need a framework that is not only rigorous but also align with practical gaps.

A major outcome of this research is the clear gap between the intended objectives of the UGC and the capability of the institutions to align with such type of rigorous mandatory framework. This hurdle is with the smaller institution mostly the rural ones and resource lacking institutions, mostly there is a financial and skilled faculty lacking. In such circumstances a structured and rigorous regulation will lead to opposite consequences and the difficulties for the institution as of rigorous penalties. Therefore, the UGC Equity Regulations, 2026 includes a positive and intended for anti-discriminatory environment but the achievement will depend on the regulatory and reality approach. There is a need of revision addition should be of recommendation such as Audi Alteram Partem for the institutional appeal and assistance by the UGC to the institutions who are lacking alone to implement. A cooperative measure assisted by the UGC as an initiative to fill the social gap between the implementation and the circumstances of the institutions.

In the end, our opinion say is to achieve a non-discriminatory campus environment in higher education needs not only a rigorous legal framework but also a visionary implementation and required support and sufficiency of the institutions. Only through a supportive and balanced approach the objectives of the UGC Equity Regulations, 2026 can have the actual acceptance and practicality for both institutions and students.

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