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Whose Discrimination Counts? Regulation 3(c) of the UGC (Promotion of Equity in Higher Education Institutions) Regulations 2026 and the Limits of Category-based Anti-Discrimination Law

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The author highlights the constitutional question surrounding Regulation 3(c) of the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026, which was raised in the Supreme Court of India in the case of Vineet Jindal v Union of India. The crux of Regulation 3(c) is that the concept of caste discrimination, according to law, only comes as a form of discrimination that is limited to hurting people of Scheduled Castes, Scheduled Tribes and Other Backward Classes, thus excluding the protection offered in the regulation to regular students. On January 29, 2026, the Supreme Court put a stop to the Regulations, indicating that they were too vague and open to misuse, thus restoring the educational institutions to their position in 2012. The present essay maintains that making the interim decision based only on the argument of vagueness makes sense because we can distinguish between the situation in which a law has been affirmed to be good in general and the situation that relates to the particular case of the violation of Article 14 of the Indian Constitution in question. Furthermore, the problem of defining a group that is exempt from any grievance procedure should not be compared to the requirement of Article 14 of the Indian Constitution; that entails that classification must have a rational connection with the purpose of the law: in this case, to fight against discrimination on campuses. It is also important to point out that Sukhadeo Thorat himself, who created a report about discrimination on the basis of caste at AIIMS in 2007, challenges this interpretation of the Regulation at issue. The essay suggests drafting Regulation 3(c) again, but with emphasis on the balance between providing advantages to certain groups and establishing procedures for grievances for all the groups.

Keywords: *anti-discrimination law, equal protection, higher education, caste discrimination.*

INTRODUCTION

On January 29, 2026, a Supreme Court bench comprising Chief Justice of India, Surya Kant, put a hold on the implementation of the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026 ('the Regulations') because they were vague and subject to misuse.[1] The decision was made in one of the several petitions, in which the lead case was *Vineet Jindal v Union of India*,[2] which challenges Regulation 3(c),[3] which describes 'caste-based discrimination' to mean discrimination done solely against Scheduled Castes, Scheduled Tribes, and Other Backward Classes. The petitioners argued that such a definition would ensure that the entire general category of students would not be able to take advantage of the measures stipulated in the Regulations such as the grievance procedure, Equal Opportunity Cells, Equity Helplines, and Ombudsperson proceedings without being subjected to caste-based discrimination.[4] The Union ministry has since been issued a notice, and the Chief Justice has suggested the possibility of forming a committee to oversee the redrafting of the Regulation.[5]

This issue arises at an awkward crossroads of two Constitutionally-based commitments that Indian Equality law had successfully kept separate thus far; these commitments are the formal equality guarantee enshrined in Article 14 and the allowance for protective/group-based discrimination in favour of backward classes as outlined in Articles 15(4), 15(5), and 16(4).[6] The author makes the argument that the interim stay was rightly granted on the

[1] 'Vague, prone to misuse': Supreme Court stays UGC equity regulations 2026' *The News Minute* (29 January 2026) <https://www.thenewsminute.com/news/vague-prone-to-misuse-supreme-court-stays-ugc-equity-regulations-2026> accessed 18 August 2026; Aishwarya Iyer, 'Supreme Court stays UGC Regulations, 2026, stating that they are "vague" and "capable of misuse"' *Law Beat* (29 January 2026) <https://lawbeat.in/top-stories/breaking-supreme-court-stays-ugc-regulations-2026-1560780> accessed 18 August 2026

[2] *Vineet Jindal v Union of India* Diary No 5196/2026

[3] University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations 2026, reg 3(c)

[4] Debby Jain, 'Plea In Supreme Court Challenges UGC Regulation Defining 'Caste Discrimination', Seeks Caste Neutral Provision' *Live Law* (27 January 2026) <https://www.livelaw.in/top-stories/supreme-court-plea-challenging-non-inclusionary-definition-of-caste-based-discrimination-in-ugc-regulations-for-higher-education-institutions-520733> accessed 18 August 2026

[5] Subhi Vishwakarma, 'UGC Equity Rules Stayed: What the Supreme Court order says' *Organiser* (30 January 2026) <https://organiser.org/2026/01/30/337536/bharat/ugc-equity-rules-stayed-unity-of-india-must-reflect-in-campuses-what-else-the-supreme-court-order-says/> accessed 18 August 2026

[6] Constitution of India 1950, arts 14, 15(4), 15(5) and 16(4)

narrow ground of vagueness rather than being a challenge to caste-based affirmative action measures. However, Regulation 3(c) raises yet another constitutional issue, which may arguably be more legitimate. The difficulty in dealing with a definitional provision that essentially deprives an entire category of complainants of any possibilities of grievance is quite obvious in the context of the rational nexus test provided for by Article 14, regardless of one's stance regarding reservations.

FROM THE 2012 FRAMEWORK TO THE 2026 REGULATIONS

In 2012, the UGC introduced equity regulations that mandated the formation of Equal Opportunity Cells in universities for documenting complaints regarding caste, religious, and other forms of discrimination while not limiting the definition of discrimination in terms of the class of complainants.[7] These regulations were later enhanced, not subsumed, by the UGC (Redressal of Grievances of Students) Regulations, 2023, which expanded the institutional infrastructure, ombudspersons, helplines, and online portals, without affecting the underlying definition of discrimination.[8]

The 2026 Regulations, announced on January 13, 2026, have been distinguished as a consolidation and modernisation of this apparatus.[9] It should be stated, however, that in practice, it has had a limiting effect on the definition of caste discrimination owing to Regulation 3(c), which confines itself to actions involving SC, ST and OBC students.[10] The applicants in the matter of *Vineet Jindal* and the connected case of *Mritunjay Tiwari v Union of India* argue that there are cases of caste discrimination against general category students, in particular at Jawaharlal Nehru University in 2022 and at Ashoka University in 2024, hence revealing that caste-related discrimination is not confined in its conduct to one direction.[11] However, it can be noted that there is a controversy over whether these particular cases of discrimination qualify as caste discrimination; moreover, this question has not been answered by the Court at the interim stage.[12]

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[7] University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations 2012
[8] University Grants Commission (Redressal of Grievances of Students) Regulations 2023
[9] University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations 2026
[10] University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations 2026, reg 3(c)
[11] *Mritunjay Tiwari v Union of India & Anr* WP(s)(C) No(s) 101/2026; Jain (n 4)
[12] Monalisha Sethi, 'Supreme Court Issues Notice on Challenge to UGC Equity & Grievance Regulations of 2026, 2023 and 2012' *Law Chakra* (08 May 2026) <https://lawchakra.in/supreme-court/ugc-grievance-regulation-2026-2023-2012/> accessed 18 August 2026

The origin of the 2012 framework can be traced to a particular institutional failure. A UGC committee, headed by Sukhadeo Thorat and set up to examine the complaints regarding differential treatment of SC/ST students at AIIMS, New Delhi, discovered in May 2007 that 84% of the SC/ST respondents studied believed that caste had an impact on their academic results, and that other than the committee formed to resolve complaints, there were no complaint committees that were working. The 2012 regulations were issued as the response to this particular finding, and the 2026 regulations are considered to continue this line of developments.[13]

It is important to point out, honestly, that the drafters of Regulation 3(c) have also been criticised for the exclusionary character of Regulation 3(c), among others, by Thorat, the man whose committee has established the foundation of the whole system. In a public interview following the stay, Thorat stated that the interpretation of Regulation 3(c) offered by the petitioners was not correct, arguing that the 2026 Regulations prevent caste-based discrimination by 'anyone', including members of upper castes and OBC students, and that his interpretation of the regulations provided no information as to who could discriminate against others or who could file complaints.[14] The disagreement between those filing the petition and the architect of the underlying framework regarding the interpretation of Regulation 3(c) does not solve the constitutional problem posed in this paper; it instead strengthens the conviction of vagueness made by the Supreme Court: a legal provision that is undergoing arguments over its actual meaning cannot be said to be transparent and make the necessary communication of a meaning. The forthcoming discussions will be based on the interpretation of the petitioners since it represents the version that has been accepted by the Court as valid enough to secure a temporary injunction.

REGULATION 3(C) AND THE ARCHITECTURE OF EXCLUSION

There are two significant issues that the constitutional question concerning Regulation 3(c) does not raise. Firstly, there is no indication that there is a change in the basic philosophy of the law pertaining to reservation in education, which remains the same as suggested by

[13] Thorat Committee, *Report of the Committee to Enquire into the Allegation of Differential Treatment of SC/ST Students in AIIMS, New Delhi* (University Grants Commission, 2007)
[14] Aakriti Handa, 'SC Backed Upper-Caste Petitioners on New UGC Rules: Ex-Chairman Sukhadeo Thorat' *The Quint* (11 February 2026) <https://www.thequint.com/news/education/ugc-2026-regulations-caste-discrimination-former-chairman-sukhadeo-thorat-interview-supreme-court-latest-news> accessed 18 August 2026

Articles 15(4) and 15(5) along with the related jurisprudence.[15] Secondly, it does not create any problems for SC/ST/OBC complainants in establishing discrimination. It does not work in any fashion but works in the opposite direction by presuming discrimination against these communities without defining it. The thinking underpinning the regulation is quite different, which is concerned with the exclusion of a whole category of complainants, namely general category students, from the whole process while reducing their obligation to prove discrimination, i.e. by depriving these students of the right to complain as a consequence of it.[16]

Regulation 3(c) is easier to interpret by identifying what it does not accomplish. The regulation can be said neither to take a stand on changes in laws related to reservations in education, with both the content of Articles 15(4) and 15(5) staying the same and their interpretation remaining relevant, nor to stop members of SCs, STs, and OBCs from proving that they have been discriminated against.[17] In fact, one can make a point that it assumes discrimination against these classes can be established without any obstacles arising from its definition. In other words, the regulation works differently as it makes it impossible for one group of complainants, members of the general category, to file complaints not because they are subjected to additional requirements, but because their complaints are not legally valid.[18]

TESTING REGULATION 3(C) AGAINST ARTICLE 14

Article 14 allows for classification based on a differentia that is intelligible and which has a rational relationship with the object of the provision.[19] The object of the 2026 UGC Regulations is, as per the UGC itself, to prevent and remedy caste-based discrimination in institutions of higher education.[20] The differentia used by Regulation 3(c), which limits 'caste-based discrimination' to cases of SC, ST, and OBC students, is intelligible in the sense that it is not arbitrary or vague; it only deals with categories that have been acknowledged as historically disadvantaged under the Constitution.[21] The question that needs to be answered now is the second part of the test: whether the particularisation of the mechanism of

[15] The Constitution of India 1950, arts 15(4) and 15(5)
[16] University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations 2026
[17] *Indra Sawhney Etc Etc v Union of India & Ors Etc Etc* (1993) 1 SCT 448
[18] *State of Kerala & Anr v N M Thomas & Ors* (1976) 2 SCC 310
[19] *The State of West Bengal v Anwar Ali Sarkarhabib Mohamed, The State of Hyderabad, and I* (1952) SCR 284
[20] Sethi (n 12)
[21] The Constitution of India 1950

grievance redressal only for these categories has any rational relationship with the object of preventing and remedying caste-based discrimination.

When we consider the subject from the point of view of resolving the historical disadvantages that socially disadvantaged groups face, one can state that those are closely related. If we approach the subject from the definition of prevention and remedy of any caste discrimination cases occurring in higher education establishments, the relationship between them becomes significantly less obvious. Indeed, caste inequality does not necessarily mean discrimination against the people who do not belong to any group stated by the definitions, even in the case when it occurs much less frequently. Therefore, it can be maintained that the definition that does not enable us to take into account the cases outside the indicated groups contradicts the definition itself.[22]

This is precisely the type of definitional expansion that vagueness review, as utilised by the Court in the interim order, can address without even having to consider the more difficult question of whether reservations are still constitutionally valid after 80 years.[23] Vagueness review examines whether the provision provides adequate guidance to the citizens regarding what is allowed or prohibited and whether it effectively restricts the discretion of those implementing it;[24] a definition that totally excludes one type of grievance from consideration but does not spell out how an Ombudsman is supposed to act when he or she receives a complaint that falls into the grey area, such as harassment of a Dalit student by another Dalit student on the grounds that have nothing to do with caste system, and discrimination of a so-called universal student who is discriminated against at least partly on grounds of caste system, poses a real challenge for officials on the ground.[25]

There is an alternate reason behind this conclusion. In the *Shayara Bano v Union of India* case, the Supreme Court established that Article 14 can be applied to strike down any law or regulation for manifest arbitrariness even if there is no negative distinction drawn between classes that are comparable in other aspects, as long as the law is unreasonable, arbitrary or

[22] Jain (n 4)
[23] Tanya Arora, 'Equity on Hold: Supreme Court's interim stay of the UGC Regulations, 2026' (*CJP*, 02 February 2026) <https://cjp.org.in/equity-on-hold-supreme-courts-interim-stay-of-the-ugc-regulations-2026/> accessed 18 August 2026
[24] *Shreya Singhal v Union of India* (2015) 5 SCC 1
[25] Sethi (n 12)

disproportionate to the objective.[26] Regulation 3(c) has inherent shortcomings from the viewpoint of this test, irrespective of its classification, because the definition of the regulation makes it impossible for the class of complaints to be under consideration by the authority rather than distinguishing it in comparison to the other classes.

WHAT A VIEWPOINT-NEUTRAL REDRAFT WOULD PRESERVE, AND WHAT IT WOULD NOT?

The assertion made in this portion of the paper is narrower than that for caste-like non-specific positive action, which really does not have any backing from the Constitution and which the existing law of reservations, including cases like *Indra Sawhney v Union of India* and *State of Punjab v Davinder Singh,* does not alter in any way.[27] In reality, the original point of Regulation 3(c) that SC, ST, and OBC students are discriminated against on the basis of caste is not constitutionally problematic and is famous in the history consulted by the Constitution.[28] The less encompassing remark is that even if the special importance can be used and the variation of Regulation 3(c) can preserve the postulate regarding SC, ST, and OBC students, the complaints still cannot be considered to be accepted regarding the students who do not fall into this group.

In this way, the positive and protective character of the Regulations could be preserved, all the while correcting the particular deficiency pointed out by the Court, namely that a whole group of complainants has no forum to present their claims.

Opponents of this version of the proposal would rightly raise the concern that, in the course of expanding the grievance machinery, there is a danger of diluting the institutional focus, thus allocating considerably fewer resources toward the protection of students who have become intended targets of the Regulations. Moreover, instances of 'reverse discrimination' have often been exploited in practice not to strengthen, but to weaken the protective system. Although this danger exists and should be taken into account in determining priorities and resources in the new provision, this does not justify excluding such kinds of complaints from consideration altogether.

[26] *Shayara Bano v Union of India & Ors* (2017) 9 SCC 1
[27] *State of Punjab & Ors v Davinder Singh & Ors* (2024) INSC 562
[28] *Indra Sawhney Etc Etc v Union of India & Ors Etc Etc* (1993) 1 SCT 448

CONCLUSION

The Supreme Court's ruling on the 2026 Regulations was correct, since it is based on the rather narrow legal point that the provision that is viewed as vague and liable to abuse cannot be in action while its constitutionality remains unresolved. Nevertheless, it should be noted that the question of vagueness does not settle the main issue, which is whether excluding a specific group of people in its definition of discrimination is justifiable in view of the requirement of Article 14 that there should be a connection between classification and purpose. It seems that the answer is negative, not because the action is discredited, but because there is a difference as regards how

(i) an accidental and
(ii) (ii) a protocol act is enacted.

By the time the deemed issue is resolved (possibly with the involvement of a panel of interdisciplinary experts recommended by the Chief Justice of the Supreme Court), a more sustainable solution may lie in a revision of Regulation 3(c).