

The 'Caste' Definition Row – SC Stays UGC Equity Regulations 2026

Case Title: *National Confederation of Dalit Organisations (NACDOR) v. University Grants Commission* (2026 INSC 115) **Key Constitutional Articles:** Article 15, Article 17 (Abolition of Untouchability), Article 46 **Date:** January 24, 2026

1. The Context: The "Equity Regulations 2026"

In early January 2026, the **University Grants Commission (UGC)** notified the "*Promotion of Equity and Prevention of Caste-Based Discrimination in Higher Education Institutions Regulations, 2026.*"

These regulations were intended to replace the previous 2012 guidelines, purportedly to streamline grievance redressal in universities following a spate of student suicides in 2025. However, they sparked immediate backlash for "**diluting**" the protective framework for SC/ST students.

2. The Controversy: "Generalisation leading to Invisibilisation"

The core legal dispute lies in two specific provisions of the new Regulations, which the Supreme Court has now **stayed**:

- **The "Single Window" Grievance Mechanism:** The Regulations proposed merging specific SC/ST Cells, OBC Cells, and Minority Cells into a single "**Common Equal Opportunity Cell (EOC).**"
 - *Critique:* Petitioners argued that caste-based discrimination is distinct from other forms of ragging or academic disputes. Merging it into a "general" grievance cell invisibilizes the specific nature of caste violence and violates the **Rohith Vemula** movement's demand for specialized protection.
- **The "Intent" vs. "Impact" Definition:** The Regulations defined "Caste-Based Discrimination" as acts committed with "*malicious intent*" to humiliate.
 - *Legal Flaw:* The Supreme Court observed that this definition is **too narrow**. Discrimination in modern institutions is often *structural* or *subconscious* (e.g., bias in viva-voce marks, isolation in hostels) without overt "malicious intent." By requiring proof of "intent," the UGC set the bar too high for victims to get justice.

3. The Supreme Court's Observations (The Stay Order)

The Bench, led by **Justice B.R. Gavai**, stayed the implementation of the Regulations, citing **Article 46** (State's duty to promote educational interests of weaker sections).

- **The "Substantive Equality" Test:** The Court noted that treating unequal groups equally is a form of inequality. A Dalit student facing historical prejudice cannot be equated with a student facing general administrative grievances.
- **The Role of NCSC/NCST:** The Court asked why the **National Commission for Scheduled Castes (Article 338)** was not adequately consulted before framing regulations that directly affect the safeguards of the community.

4. Federal Friction (The Tamil Nadu Angle)

For your **PSIR/State Politics** section, note the intervention by the **Tamil Nadu Government**.

- TN argued that education is in the **Concurrent List (Entry 25)**.

- The State argued that its own "**State Education Equity Policy**" provides *stronger* safeguards (mandatory SC/ST representatives on every interview panel). The UGC's "diluted" central regulations cannot override the "more beneficial" state legislation, invoking the doctrine of **Occupied Field**.

5. Mains Analysis: Institutional vs. Social Reform

This topic is a perfect case study for **Administrative Law**:

- **Delegated Legislation:** Can a statutory body (UGC) frame regulations that effectively restrict the scope of Fundamental Rights (Article 15)? The Court says *prima facie*, no.
- **The "Safe Space" Debate:** For universities to be "Centers of Excellence," they must first be "Centers of Equity." The judgment reinforces that **Administrative Efficiency** (one common cell) cannot come at the cost of **Social Justice** (specialized protection).

While the **Dalit/Bahujan (NACDOR)** groups opposed the regulation for being "**Toothless**" (due to the 'Malicious Intent' clause), the **Faculty Associations and General Category groups** are protesting the *same* regulation arguing it is "**Draconian**" and "**Anti-Academic**."

Why the "Upper Caste" / General Category is Protesting

(Key Argument: "*Academic Freedom vs. Subjective Harassment*")

1. The "Subjectivity" of the Definition

- **The Grievance:** While they support the "Malicious Intent" clause, they vehemently oppose the *list of prohibited behaviors* in the Regulation.
- **The Fear:** The Regulation includes vague terms like "Tone of voice," "Body language," or "Unwelcoming atmosphere" as indicators of discrimination.
- **The Protest:** Faculty associations argue that "**Strict Academic Evaluation**" is being conflated with "**Caste Harassment**." They fear that if a professor strictly corrects a student's thesis or denies a deadline extension based on merit, it could be subjectively interpreted as "creating an unwelcoming atmosphere," leading to career-ending inquiries without concrete evidence.

2. The "Anonymous Portal" Weaponization

- **The Grievance:** The 2026 Regulations mandate an "**Anonymous Online Grievance Portal**" where students can file complaints without revealing their identity initially.
- **The Protest:** Upper Caste groups argue this violates **Natural Justice**. They claim that "**He who accuses must stand by the accusation**." They fear this mechanism allows for personal vendettas (e.g., a student angry about low attendance) to be disguised as caste discrimination complaints, forcing the professor to face a humiliating inquiry while the accuser remains hidden.

3. The "Double Jeopardy" Fear

- **The Grievance:** The Regulations allow the "**Common Equal Opportunity Cell**" (EOC) to recommend police action (FIR under SC/ST Act) *and* simultaneous departmental disciplinary action.

- **The Protest:** They argue this leads to **Double Jeopardy** (being punished twice for the same act). They demand that Departmental Enquiries should be "Fact-Finding" only, and police action should wait until the internal enquiry proves guilt. They feel the Regulation puts the "Gun to the head" of faculty members, destroying the teacher-student trust.
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The "Mains" Synthesis (The Balanced Conclusion)

For a bureaucrat (and an aspirant), the challenge is drafting a law that prevents "**Institutional Murder**" (like Rohith Vemula's case) without creating a "**Chilling Effect**" on academic rigor.

- **Dalit View:** Structural bias is real; "Intent" is impossible to prove; strict laws are needed.
- **General View:** Due process is sacred; "Subjective feelings" cannot be grounds for punishment; protection from false complaints is needed.
- **Conclusion:** The Supreme Court's stay offers a window to create a "**Graded Mechanism**"—strict punishment for *overt* acts (slurs, segregation) but a mediation-based approach for *subjective* grievances (academic friction), ensuring neither dignity nor merit is compromised.