



## Constitutional Safeguards for SCs and STs in Indian Higher Education: An Analytical Study (with Reference to UGC Regulation 2026)

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### Abstract

The paper critically examines the constitutional safeguards provided to Scheduled caste (SCs) and Scheduled Tribes (STs) in the sphere of Indian Higher Education with special reference to recent policy developments by the University Grants Commission.

The study adopts an analytical approach to explore key constitutional provisions, including reservation policies, protective discrimination and institutional safeguards. It also investigates persistent challenges such as caste-based discrimination, social exclusion, academic marginalization within higher education institutions.

The paper concludes by emphasizing the need for an inclusive responsive and enforcement-oriented approach to ensure substantive equality in Indian Higher Education.

**Keywords:** Scheduled Caste, Schedule Tribes, Higher Education, Constitutional Safeguards, UGC Regulation 2026, Justice, Reservation, Discrimination

### Introduction

Higher Education in India is both a site of opportunity and inequality. SCs and STs have historically faced systemic exclusion from education and socio-economic opportunities. However, Structural barriers rooted in caste hierarchies continue to shape their educational experiences.

B.R. Ambedkar emphasized education as a tool of emancipation. Consequently, constitutional Safeguards were designed to ensure representation, equality and dignity for marginalized communities.

In recent years, growing incidence of caste-based discrimination in existing safeguards. This has led to significant policy developments, most notably the 'UGC Regulation, 2026, which aims to institutionalize anti discrimination mechanisms. This paper examines these developments in relation to constitutional principles.

### Constitutional Framework for SC/ST Safeguards

The Indian Constitution Provides a Strong normative foundation for Protecting Backward Communities:

#### 1. Equality and Non-discrimination :

- Article 14, 15 and 16 guarantee equality and prohibit caste-based discrimination.
- Article 15(4) and 15(5) empower the state to make special provisions for SCs and STs in educational institutions

#### 2. Directive Principles of State Policy :

- Articles 46 directs the state to promote the educational and economic interest SCs and STs and protect them from social injustice.

#### 3. Reservation Policy in Higher Education :

- Reservation is the most visible constitutional safeguard.
- SCs : 15%
- STs : 7:5 %
- The Supreme Court has consistently upheld reservation as a tool of social Justice, while recognizing its evolving interpretation.

#### 4. Institutional Oversight Bodies:

Such as 'The National Commission for Scheduled Castes and National Commission for Scheduled Tribes' monitor implementation and address grievances effectively.

#### Research Objectives

1. To critically examine the scope and limitations of constitutional safeguards available to Scheduled castes (SCs) and Scheduled tribes (STs) in India.
2. To analyze the role of institutional mechanisms in addressing caste discrimination.
3. To understand how caste-based hierarchies continue to influence access, participation and experiences of SC/ST students in higher education institutions.
4. To assess the gap between constitutional ideals of equality and the lived realities of SC /ST students within the universities.
5. To propose policy recommendations aimed at strengthening accountability and inclusivity in the higher education.

#### Research Methodology

This study adopts a qualitative and analytical approach. It is descriptive in nature and focuses on understanding constitutional safeguards for SC/ST and their implementation in higher education.

This research mainly uses secondary data, including books, research articles, government reports and guidelines from ' University Grants Commission'.

Relevant news reports have also been used to highlight recent instances of caste-based discrimination.

The study applies a doctrinal method to analyze constitutional provisions. No primary data has been collected for this study.

#### Evolution of policy: From 2012 Guidelines to UGC Regulation 2026

Earlier, the UGC issued the 2012 equity guidelines, which were largely advisory in nature. But increasing incidents of discrimination and institutional failure led to the introduction of the ' UGC Regulation 2026 ' marking a shift from guidelines to enforceable law.

#### Key Features of UGC Regulations 2026

The UGC (Promotion of equity in Higher Education Institutions) Regulations, 2026, aims to eliminate discrimination and ensure inclusive campuses:

- **Legally Enforceable Framework:** unlike earlier guidelines, the 2026 regulations are mandatory and binding.
- **Zero Tolerance for Discrimination:** covers caste- based harassment, exclusion and denial of opportunities.

#### Institutional Mechanisms

1. Equal Opportunity Centers
2. Equity committees
3. Equity squads and ambassadors
4. 24- hour Equity Helpline

- **Time - bound Grievance Redressal:** Complaints must be addressed within a fixed time frame.
- **Penalties for non-compliance:** Institutions may face funding cuts or suspension of recognition. These provisions aim to translate constitutional ideas into enforceable institutional practices.

## Significance of UGC Regulations 2026 in SC/ST protection

The 2026 regulations represent a major shift in Indian's higher education governance:

- **Strengthening constitutional values:** The regulations operationalize articles 14, 15 and 46 by embedding equality mechanisms within institutions.
- **Addressing Institutional Failure:** Earlier, SC/ST Cells often lacked effectiveness. This regulation introduces accountability and monitoring mechanisms.

## Expanding Scope of Protection

The regulation covers not only students but also faculty and staff, ensuring a comprehensive anti – discrimination framework. (India Today)

## Contemporary Challenges in Higher Education

- **Persistent Caste – Based Discrimination:** Cases like Rohith Vemula highlight the structural nature of caste discrimination in universities.
- **Implementation Gap:** Even with strong regulation, implementation remains uneven due to institutional resistance and lack of monitoring.
- **Social Backlash:** Resent protests indicate that equity measures can generate social and political resistance, complicating implementation. (The Times of Ind.)
- **Legal and Political Controversies:** The 2026 Regulation has faced legal challenges and were even temporarily put on hold by the Supreme Court.

## Case developments and policy context (2026)

### Recent developments indicate a dynamic policy environment

- The government has emphasized inclusive campuses and anti- discrimination measures
- UGC has introduced holistic well-being policies, including mental health support for students, recognizing the psychological impact of discrimination
- Student organizations and civil society continue to demand stronger legal protections and accountability mechanisms.

These developments reflect a growing recognition of the need for inclusive and safe educational spaces.

## Critical Analysis

While the constitutional and regulatory framework for safeguarding Scheduled castes (SCs) and Scheduled Tribes (STs) in the Indian higher education appears comprehensive, a closer examination reveals a significant gap between normative commitments and institutional realities. This gap highlights the limitations of relying solely on legal provisions to address deeply entrenched social inequalities.

1. **Formal vs. Substantive Equality:** While reservation policies ensure access, they do not guarantee substantive equality. Many students continue to face exclusion, discrimination, and lack of academic support within institutions.
2. **Structural and Cultural Barriers:** Caste discrimination persists in subtle and institutionalized forms. Universities often reproduce existing social hierarchies, making legal safeguards alone insufficient.

3. **Weak Implementation Mechanisms:** Institutional bodies such as SC/ST cells often lack autonomy and resources. Although the 'University Grants Commission Regulation 2026' aims to strengthen enforcement. Their success depends on effective monitoring and accountability.

## Recommendation

1. **Strengthen Monitoring Mechanisms:** Independent audits and regular reporting should be mandatory.
2. **Capacity Building:** Universities must train faculty and administrators on caste sensitivity.
3. **Legal clarity:** Clear definitions and procedural safeguards should be introduced to avoid misuse.
4. **Students support system:** Academic, financial and psychological support should be expanded.
5. **Inclusive Institutional culture:** Universities must actively promote diversity and inclusion beyond compliance.

## Conclusion

The constitutional safeguards for SC and ST communities represent a foundational commitment of social justice in Indian. However, the persistence of discrimination in higher education reveals the limitations of formal legal provisions. The 'UGC Regulations 2026' mark a significant step toward bridging this gap by introducing enforceable mechanisms and accountability structure. Yet their success depends on effective implementation, institutional transformation and societal change. Ultimately, achieving equality in higher education requires not only legal safeguards but also a deep commitment to dignity, inclusion and Justice.

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