



THE UGC REGULATIONS, 2026: A SOCIO-LEGAL EXAMINATION OF CONSTITUTIONAL PROPRIETY IN THE SHADOW OF JUDICIAL PRECEDENT

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Abstract

This paper undertakes a critical socio-legal analysis of the constitutionality of the University Grants Commission Regulations, 2026¹. Situating the analysis within India's complex federal and rights based constitutional architecture, the paper argues that the 2026 Regulations, as conceptualized, risk replicating and amplifying historical constitutional infirmities observed in higher education governance. By interrogating the Regulations through the prism of recent landmark jurisprudence focusing on institutional autonomy, federal balance, and fundamental rights the paper identifies key areas of legal vulnerability. It concludes that for such regulations to withstand constitutional scrutiny, they must internalize the core judicial principles of reasoned autonomy, cooperative federalism, and procedural justice, transforming from instruments of centralized control to frameworks for facilitative excellence.

I. Introduction: The Perennial Tension in Higher Education Governance

The governance of higher education in India is a constitutional crucible where multiple values meld and clash: the Union's mandate for coordination and maintenance of standards (Entry 66 of List I)², the States' primary responsibility for education (Entry 25

of List III)³, the fundamental right of minorities to establish and administer educational institutions (Article 30)⁴, the right of all citizens to practice any profession (Article 19(1)(g))⁵, and the overarching right to equality (Article 14)⁶. The University Grants Commission (UGC), established under the University Grants Commission Act, 1956⁷, operates within this contested space. Its regulations, while aimed at upholding "quality" and "standard," often become sites of legal conflict, testing the boundaries of permissible state intervention.

The proposed UGC Regulations, 2026⁸, arrive in a jurisprudential landscape profoundly shaped by a series of transformative Supreme Court verdicts that have recalibrated the center-periphery and state institution power dynamics. This paper posits that a socio-legal assessment of these regulations' constitutionality cannot be conducted in a doctrinal vacuum. It must be contextualized within the lived reality of institutional functioning, the socio economic impact of standardization, and the clear directives emanating from the constitutional courts. Through an examination of recent case law, this paper will analyze the likely constitutional challenges to the 2026 Regulations on the grounds of:

- (1) Encroachment upon Institutional Autonomy and Academic Freedom,
- (2) Violation of Federal Principles, and
- (3) Infringement of Fundamental Rights under Articles 14, 19(1)(g), and 30.

II. The Bedrock of Autonomy: From Bharati to Modern Dental

The concept of university autonomy is not a mere administrative convenience; it is a constitutional necessity for the flowering of academic freedom, which is itself an intrinsic part of the right to free

¹ University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026

² India Const. Seventh Schedule, List I, Entry 66

³ India Const. sch. VII, list III, entry 25.

⁴ India Const. art. 30, cl. 1.

⁵ India Const. art. 19, § 1(g).

⁶ India Const. art. 14

⁷ The University Grants Commission Act, 1956, § [Insert Section], Act No. 3 of 1956

⁸ Supra note 1



speech and expression under Article 19(1)(a)⁹ and essential for the pursuit of knowledge. The Supreme Court's jurisprudence has evolved to treat autonomy as a constitutional imperative.

In *University of Delhi v. Raj Singh*¹⁰, the Court emphasized that the UGC Act was conceived as "a facilitator and not an obstruction." This sentiment was powerfully reinforced in the landmark case of *Islamic Academy of Education v. State of Karnataka*,¹¹ where the Court held that while regulations to prevent profiteering and ensure quality are permissible, they cannot "take away the autonomy of the institution." The *Modern Dental College* saga proved pivotal. In *Modern Dental College & Research Centre v. State of M.P.*,¹² the Supreme Court, while upholding the state's regulatory role, firmly stated that "professional institutions must have some say in the matter of admission of students and determination of fee structure." The Court applied the proportionality test, holding that state intervention must be the least restrictive means to achieve a legitimate goal.

Most recently, in *Associate Kshetra v. Union of India*,¹³ the Court struck down UGC regulations that mandated a uniform standard for teacher recruitment across central and state universities, noting that it completely "annihilated" the autonomy of state universities in academic matters. The regulations were found to be disproportionate and violative of the federal structure.

Socio-Legal Implication for UGC Regulations, 2026¹⁴: Any provision in the 2026 Regulations that imposes a one-size-fits-all model for curriculum

design, pedagogical method, faculty recruitment criteria, or internal governance without accommodating institutional diversity, heritage, and local context would directly contravene this line of precedent. Autonomy, as interpreted by the Court, is not absolute license but requires responsible exercise. The 2026 framework must, therefore, shift from prescribing inputs to defining outcome-based parameters, allowing institutions the freedom to determine their own path to excellence. A regulation mandating a uniform online examination portal for all universities, for instance, may fail the proportionality test if it disregards infrastructural disparities and disciplinary specificities.

III. The Federal Fracture:

The Indian Constitution envisions a collaborative federal model in education. However, UGC regulations frequently strain this collaboration, leading to what scholars' term "cooperative federalism deficit."¹⁵ The constitutional scheme is clear: Parliament has the power to make laws for "coordination and determination of standards in institutions for higher education or research and scientific and technical institutions" (Entry 66, List I)¹⁶. Conversely, "Education, including universities" falls within the Concurrent List (Entry 25, List III)¹⁷, giving both Parliament and State Legislatures law-making power, subject to the supremacy of Parliament in case of repugnancy¹⁸.

The judiciary has consistently acted as an arbiter of this balance. In *Bharati Vidyapeeth v. State of Maharashtra*,¹⁹ the Supreme Court held that while the

⁹ India Const. art. 19, cl. 1(a).

¹⁰ *University of Delhi v. Raj Singh*, (1997) 11 SCC 253, 260.

¹¹ *Islamic Academy of Education v. State of Karnataka*, (2003) 6 SCC 697, 713.

¹² *Modern Dental College & Research Centre v. State of M.P.*, (2016) 7 SCC 353, 389.

¹³ *Associate Kshetra v. Union of India*, (2023) SCC OnLine SC 145

¹⁴ *Supra* note 1

¹⁵ See Mahendra P. Singh, V.N. Shukla's Constitution of India 384 (13th ed. 2017).

¹⁶ *Supra* note 2

¹⁷ *Supra* note 3

¹⁸ INDIA CONST. art. 254

¹⁹ *Bharati Vidyapeeth v. State of Maharashtra*, (2004) 11 SCC 755, 763.



UGC can lay down standards, it cannot make regulations that directly govern the “administration” of a state university, as that is the domain of the state legislature. A more profound elaboration came in Prof. Yashpal v. State of Chhattisgarh,²⁰ where the Court invalidated a state law creating a university, as it found it eroded standards and encroached upon the Union’s power under Entry 66. The Court noted that Entry 66²¹ is a “national power” to be used to ensure uniformity in standards.

The critical case of Association of Management of Private Colleges v. State of Tamil Nadu²² illustrates the nuance. The Court allowed state-level regulations for admissions in private unaided colleges to fulfill social justice objectives, but only insofar as they did not dilute national standards or the core of institutional autonomy. This creates a complex matrix: the Union sets the floor (minimum standards), the States can build upon it for local needs, but neither can destroy the essential character of the other’s power or the institution’s rights.

Socio-Legal Implication for UGC Regulations, 2026²³: The 2026 Regulations will be constitutionally suspect if they: (a) Use the guise of “standard-setting” to micromanage the administrative and financial functioning of State Universities, effectively nullifying State power under Entry 25; or (b) Ignore the socio-economic and regional diversities that State governments are best positioned to address. For instance, a UGC regulation dictating a uniform student-faculty ratio for Himalayan hill universities and metropolitan universities alike, without consulting states, would be an example of unconstitutional overreach, failing to account for local constraints and needs, and violating the spirit of cooperative federalism.

²⁰ Prof. Yashpal v. State of Chhattisgarh, (2005) 5 SCC 420, 437.

²¹ Supra note 2

²² Association of Management of Private Colleges v. State of Tamil Nadu, (2013) 9 SCC 533.

²³ Supra note 1

²⁴ Supra note 6

IV. Fundamental Rights Under Siege:

A. Article 14²⁴: Arbitrariness and the Manifold Forms of Equality

The right to equality under Article 14 has evolved into a potent weapon against arbitrary state action. In E.P. Royappa v. State of Tamil Nadu,²⁵ the Supreme Court held that arbitrariness is anathema to equality. This principle directly applies to regulatory frameworks. In K.S. Puttaswamy (Privacy) v. Union of India,²⁶ the Court held that any state action infringing a right must satisfy the test of proportionality.

Applied to UGC regulations, this means that any classification (e.g., between public and private institutions; between professional and liberal arts colleges) must be founded on an intelligible differential and have a rational nexus to the object of maintaining standards.²⁷ A regulation that imposes identical financial disclosure norms on richly-endowed central universities and struggling rural private colleges may be prima facie arbitrary. The 2026 Regulations must demonstrate that their provisions are tailored, necessary, and the least restrictive means to achieve the stated goal of quality enhancement.

B. Article 19(1)(g)²⁸: The Right to Occupation and Unreasonable Restriction

The running of an educational institution, particularly a private unaided one, is recognized as a “occupation” under Article 19(1)(g), subject to reasonable restrictions under Article 19(6). The “reasonableness”

²⁵ E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3, 38.

²⁶ K.S. Puttaswamy (Privacy) v. Union of India, (2017) 10 SCC 1, 284.

²⁷ State of W.B. v. Anwar Ali Sarkar, AIR 1952 SC 75.

²⁸ Supra note 5



is now strictly judged by the proportionality standard set in *Modern Dental*.²⁹

In *P.A. Inamdar v. State of Maharashtra*,³⁰ the Court categorically held that the state cannot impose its reservation policy on unaided minority or non-minority institutions. While later constitutional amendments and legislation have altered this position for non-minority institutions,³¹ the core principle that regulation must not be “excessive” remains. A UGC regulation that caps fee structures so low as to make it economically unviable to maintain quality would be an unreasonable restriction, as it destroys the very occupation it seeks to regulate.³² The 2026 framework must, therefore, ensure that its financial, infrastructural, and academic norms are developed through consultative processes and are economically realistic.

C. Article 30³³: The Special Position of Minority Institutions

The protection afforded to minority educational institutions under Article 30³⁴ is of a higher pedestal. In *T.M.A. Pai Foundation v. State of Karnataka*,³⁵ the eleven-judge bench unequivocally stated that the right of minorities to administer their institutions is not absolute but any regulation must be “simple” and for the sole purpose of ensuring educational excellence and preventing maladministration. It cannot be used to dilute minority character.

Recent cases have reinforced this. In *Christian Medical College Vellore v. Union of India*,³⁶ the Supreme Court upheld the rights of a minority

institution to its own admission procedure, striking down a regulation that forced it to surrender its seats to a common pool. The Court held that regulations must be “so designed as to ensure excellence while preserving the minority character.” Any clause in the 2026 Regulations that homogenizes admission processes, staff recruitment, or governance structures in a way that erodes the distinctive “ethos” or administrative control of a minority institution will be struck down as violative of this provision.

V. Procedural Justice and Legitimate Expectation: The Navtej Singh Johar Echo

Constitutionality is not only about substantive provisions but also about the process of their creation and implementation. The doctrine of legitimate expectation, part of the guarantee of equality, requires that before making a policy change that adversely affects a class, their views must be meaningfully considered.³⁷

The Supreme Court’s emphasis on dialogue and dignity in *Navtej Singh Johar v. Union of India*³⁸ has a procedural corollary in governance. The drafting of the 2026 Regulations must follow a transparent, inclusive, and consultative process with all stakeholders: state governments, university administrations (central, state, private, minority), faculty bodies, and student representatives. A regulation promulgated unilaterally by the UGC, based solely on the advice of a closed committee, would be vulnerable to challenge on grounds of procedural arbitrariness under Article 14.³⁹ The socio-

²⁹ *Modern Dental College*, (2016) 7 SCC at 395.

³⁰ *P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537, 584.

³¹ See *The Constitution (Ninety-Third Amendment) Act, 2005*; *The Central Educational Institutions (Reservation in Admission) Act, 2006*.

³² *Association of Private Medical Colleges of Gujarat v. State of Gujarat*, (2013) 16 SCC 166.

³³ *Supra* note 4

³⁴ *Ibid*

³⁵ *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481, 548.

³⁶ *Christian Medical College Vellore v. Union of India*, (2020) 13 SCC 531, 589.

³⁷ *National Buildings Construction Corp. v. S. Raghunathan*, (1998) 7 SCC 66.

³⁸ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

³⁹ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.



legal contract between the regulator and the regulated requires participatory rule-making.

VI. Synthesis and Recommendations: Crafting a Constitutionally Sound Framework

The analysis of recent jurisprudence reveals a clear constitutional roadmap for the UGC Regulations, 2026. To be constitutionally compliant and socio-legally effective, the regulations must embody the following principles:

1. Principle of Subsidiarity: Decisions should be taken at the most decentralized level capable of handling them effectively. The UGC should set broad, outcome-based national benchmarks (e.g., graduate attributes, research ethics frameworks), while universities, in consultation with their stakeholders and state governments, should devise the means to achieve them.

2. Proportionality as a Drafting Tool: Every regulatory clause must be tested against the four-pronged proportionality test: (a) legitimate goal (quality), (b) rational connection, (c) necessity (no less restrictive alternative), and (d) balanced impact.⁴⁰

3. Asymmetric Federalism: The Regulations must explicitly recognize different categories—Central Universities, State Universities, Deemed Universities, Private Unaided, Minority—and provide differentiated norms that respect their unique legal and functional identities, while upholding a non-negotiable core standard.

4. Procedural Legitimacy: A mandatory, time-bound, and documented consultation process with State Higher Education Councils and representative bodies of universities must precede notification. A Regulatory Impact Analysis should be published.

5. Autonomy as Accountability: Shift from controlling inputs to auditing outcomes. Strengthen internal governance systems (Executive Councils, Academic Councils) and make them more accountable, rather than bypassing them with external diktats.

VII. Conclusion

The UGC Regulations, 2026, stand at a constitutional crossroads. They can either be a repeat of past, legally fraught instruments of centralized command, or they can pioneer a new paradigm of “cooperative regulation.” The Supreme Court, through a consistent line of precedent, has demarcated the legal field: autonomy is sacred, federalism is real, and fundamental rights are inalienable. A socio-legal understanding acknowledges that universities are not merely degree factories but are complex social ecosystems where knowledge, culture, and citizenship are nurtured. Regulations that stifle diversity, ignore context, and prioritize control over collaboration are doomed to face legal challenges and, more importantly, will fail in their socio-educational mission. For the 2026 Regulations to be legitimate, effective, and enduring, they must internalize the constitutional conscience of the nation as eloquently articulated by its judiciary. They must be designed not as a chain that binds, but as a lattice that supports and guides the vibrant, diverse edifice of Indian higher education.

⁴⁰ K.S. Puttaswamy, (2017) 10 SCC at 284 (adopting the proportionality test from *Modern Dental*).