

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

SOCIO-LEGAL DYNAMICS OF CASTE EXCLUSION: A COMPREHENSIVE ANALYSIS OF INSTITUTIONAL DISCRIMINATION AND THE REGULATORY IMPASSE IN INDIAN EDUCATION

AUTHORED BY - SHIVAM YADAV

Student, 3RD YEAR BALLB (H)

CO-AUTHOR - HARNESH SANCHIHAR

Student, 3RD YEAR BALLB (H)

Abstract

Caste-based discrimination remains a formidable barrier to equity in the Indian educational landscape, manifesting through both ritualized exclusion in schools and sophisticated institutional microaggressions in universities. Despite Article 17 of the Constitution and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, marginalized students navigate a "dystopian universe" of systemic neglect. This paper examines the sociological architecture of this exclusion, emphasizing the mental health crises and the recurring phenomenon of "institutional suicides" among Dalit-Bahujan students. A central focus is placed on the regulatory transition from the 2012 University Grants Commission (UGC) Equity Regulations to the more robust 2026 framework, which notably included Other Backward Classes (OBCs) and mandated stricter institutional accountability. However, the January 2026 Supreme Court stay on these regulations, predicated on concerns of "exclusionary" definitions and potential misuse, has created a significant legal impasse. By integrating ethnographic narratives with socio-legal analysis, this study reveals a persistent "disconnect" between progressive policy ideals and everyday institutional practice. It further compares the Indian reservation system with the American "colorblind" judicial shift following *Students for Fair Admissions v. Harvard*, arguing that the current stay risks privileging abstract equality over substantive equity. The paper concludes with the necessity of adopting the National Task Force recommendations from *Amit Kumar v. Union of India* to address the structural stressors—such as scholarship delays and faculty under-representation—that underpin caste-based marginalization.

Keywords: Caste Discrimination, Higher Education, UGC Equity Regulations 2026, Scheduled Castes and Scheduled Tribes, Institutional Exclusion

Introduction

The historical trajectory of the Indian educational system is marked by a profound tension between the egalitarian promises of the post-colonial Constitution and the persistent structural hierarchies of the caste system. While Article 17 of the Constitution of India formally abolished the practice of "untouchability" in 1950, the transition from ritualized exclusion to institutionalized discrimination remains a defining feature of the contemporary academic landscape. This analysis examines the multi-layered manifestations of caste-based discrimination in schools and universities, the legislative mechanisms designed to protect marginalized communities, and the recent judicial interventions that have halted the implementation of progressive equity regulations.

Research Questions

1. How do institutional microaggressions and "epistemic caste discrimination" manifest in the daily academic and social experiences of marginalized students in Indian Higher Education Institutions (HEIs)?
2. What are the legal and constitutional implications of the Supreme Court's 2026 stay on the UGC Equity Regulations, particularly regarding the definition of caste-based discrimination under Article 14?
3. To what extent has the SC/ST Prevention of Atrocities Act failed to provide effective redressal for "academic harassment," and how have HEIs historically "individualized" systemic failures to avoid legal liability?
4. In what ways do structural stressors—such as financial distress and faculty under-representation—contribute to the mental health crisis among marginalized students?

Methodology

This research employs a qualitative socio-legal methodology, integrating a critical analysis of legal statutes and judicial pronouncements with a review of existing ethnographic and sociological literature. The study utilizes:

- **Legal/Doctrinal Analysis:** A comparative evaluation of the UGC (Promotion of Equity) Regulations of 2012 and 2026, alongside an examination of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- **Case Law Review:** Close readings of landmark Supreme Court judgments, including *Amit Kumar v. Union of India* (2026) and the stay order in the *UGC Regulations* challenge, to identify evolving judicial trends.
- **Systematic Literature Review:** Synthesis of data from over 10 peer-reviewed articles and institutional reports focusing on caste-based microaggressions, mental health disparities, and the "meritocracy" debate.
- **Data Triangulation:** Combining official data from the National Crime Records Bureau (NCRB) with qualitative narratives from Dalit biographies and RTI-based institutional audits to map implementation gaps.

Literature Review

The following ten articles provide the foundational evidence for understanding the persistence of caste in Indian education:

1. **Sukumar (2022):** This book documents the "dystopian universe" Dalit students navigate in HEIs, emphasizing that academic spaces like hostels and labs function as sites of ritualized humiliation and social death.
2. **Lee (2019):** A quantitative assessment of the efficacy of India's quota system for OBCs, finding that while affirmative action increases educational attainment, it also raises the salience of group divisions in the absence of institutional integration.
3. **Komanapalli & Rao (2020):** This study analyzes how mental health policies in India are complicit in denying the reality of caste discrimination by "individualizing" suicides and labeling victims as "depressed" rather than acknowledging structural violence.
4. **OnEducation (2025):** Introduces the concept of "epistemic caste discrimination," explaining how dominant knowledge systems intentionally neglect Dalit-Bahujan contributions and enforce a "politics of citation" that excludes marginalized scholars.
5. **Journal of Exclusion Studies (2017):** Adapts the "microaggression" model from the U.S. racial context to India, classifying the subtle, routine interactions that erode the self-esteem and academic performance of lower-caste students.
6. **IJSSER (2022):** Focuses on the "self-devaluating tendencies" and social withdrawal developed by SC/ST students in response to constant belittling by upper-caste peers and faculty.
7. **IJARMT (2024):** Highlights the "continuity of exclusionary practices," showing how traditional untouchability in rural schools has morphed into modern "hidden curricula" in elite urban institutions.

8. **UNU-WIDER (2023):** Provides a comparative review of affirmative action in India and the US, noting that India's "hard" quota system has more significant representational effects but faces increasing judicial challenges regarding "reverse discrimination."
9. **WHO-SAGE (2024):** Documents large disparities in mental health between dominant and marginalized castes, proving that these gaps persist even after controlling for socioeconomic status, suggesting discrimination as the ultimate cause.
10. **University of Edinburgh (2023):** Analyzes the "emotive experiences" of Dalit students, identifying a pervasive sense of "unseeability" within university environments that fosters despair and self-harm.

Theoretical Frameworks and the Sociological Architecture of Caste

Caste in the Indian context functions as an identity status that often overrides class, shaping access to resources, social mobility, and psychological well-being. In educational settings, this identity is not merely a background variable but an active determinant of institutional experience. Modern scholarly discourse has increasingly adopted the "microaggression" model to understand the subtle, complex, and often invisible forms of discrimination that occur on university campuses. This theoretical lens allows for a taxonomic classification of discrimination, identifying four primary types of microaggressions conveyed to lower-caste students by dominant groups, which collectively undermine academic outcomes and mental health.

A critical evolution in this discourse is the concept of "epistemic caste discrimination," which describes how dominant knowledge systems marginalize the perspectives, contributions, and lived realities of Dalit and Bahujan communities. This form of injustice is rooted in the "pathological silence" or "intentional neglect" of caste as an analytical unit in Indian academia.

Type of Epistemic Injustice	Manifestation in the Academic Context
Testimonial Injustice	Prejudice-led deflation of a speaker's credibility, where a Dalit student's or scholar's word is given less weight due to caste bias.
Hermeneutical Injustice	A gap in collective interpretive resources that prevents marginalized groups from making sense of their social experiences of oppression.
Contributory	Purposeful ignorance by privileged groups, involving the rejection of a

Type of Epistemic Injustice	Manifestation in the Academic Context
Injustice	marginalized individual's epistemic contribution to maintain the status quo.
Politics of Citation	The practice where privileged faculty members discourage researchers from citing scholars from marginalized backgrounds, effectively discrediting their knowledge production.

These theoretical foundations underscore that discrimination is not always overt or violent; rather, it often operates through a "hidden curriculum" that privileges upper-caste cultural capital, language usage, and social behaviors, thereby disadvantaging first-generation learners from rural or non-English speaking backgrounds.

Caste Discrimination in Primary and Secondary Education

The manifestation of caste bias in the schooling system often retains a visceral and traditional character, particularly in rural and semi-urban regions. Despite the Right of Children to Free and Compulsory Education Act of 2009, which mandates equity and non-discrimination, many schools continue to serve as sites for the reproduction of social hierarchies.

Physical Segregation and Ritualized Humiliation

In many government schools, Dalit and Adivasi children face systematic segregation during daily activities. The practice of forced separate seating in classrooms is widely documented, with students from marginalized backgrounds often relegated to the back rows or forced to sit on the floor or verandahs. This physical distance is frequently justified through notions of "pollution" and ritual purity. For instance, reports from Gujarat highlight cases where Dalit girls dropped out of school because they were forced to sit at the back of the class after other students complained of being "polluted".

The midday meal program, intended to foster social cohesion, frequently becomes a site of conflict. Dalit children are often served last, made to sit separately, or forced to bring their own plates to avoid "contaminating" the school's utensils. In some instances, upper-caste students refuse to consume meals cooked by Dalit staff, leading to the effective social boycott of the meal program.

Forced Labor and the Institutionalization of Scavenging

One of the most egregious forms of discrimination involves the use of Dalit children for menial labor. Teachers and school administrators frequently force children from the Valmiki community—historically associated with manual scavenging—to clean school toilets, urinals, and offices. This practice is not merely an occasional chore but a systematic imposition that reinforces caste-based occupational roles. Children as young as seven have reported being tasked with cleaning human and animal excrement near school premises, a practice that constitutes a modern form of slavery and a gross violation of the Right to Education.

Barriers to Participation and Violent Backlash

Caste-based exclusion extends to extracurricular and leadership roles. Students from marginalized communities are frequently excluded from cultural programs, sports teams, and leadership positions like class monitor. When these students attempt to assert their rights or excel academically, they often face violent retaliation. In 2023, a Dalit student in Tamil Nadu was maimed by dominant-caste schoolmates for calling out caste oppression, while another student in 2025 was assaulted for riding a motorcycle in front of dominant-caste individuals. Such violence serves as a mechanism of social control, intended to remind marginalized students of their "place" in the hierarchy.

The Crucible of Higher Education: Institutions and Internalized Bias

Higher education institutions (HEIs) often present a veneer of meritocracy that masks deeply entrenched caste prejudices. While reservation policies have increased the enrollment of SC, ST, and OBC students, these individuals often enter environments that are structurally and psychologically hostile.

The Narrative of Merit and the "Quota" Stigma

The most pervasive tool of exclusion in elite HEIs is the weaponization of the concept of "merit." Students admitted through reserved categories are routinely stigmatized as "quota kids" or "free-loaders," implying that their presence in the institution is a compromise of academic standards. This critique fundamentally ignores the "accumulated advantages"—such as quality schooling, private coaching, and parental guidance—that characterize the upper-caste experience.

Dynamic of Exclusion	Manifestation in Higher Education Institutions
Labeling and Stigmatization	Use of derogatory terms and identifying students publicly by their entrance exam ranks or categories.
Social Ostracization	Exclusion from informal study groups, dormitory interactions, and peer networking.
Faculty Microaggressions	Publicly questioning a student's caste affiliation or attributing their poor performance to their social background.
Institutional Apathy	Failure of administration to act on complaints or provide mental health support tailored to caste stress.

The "merit" debate often results in Dalit-Bahujan students developing self-devaluing tendencies, depression, and social withdrawal. The pressure to "pass" as upper-caste is significant; some students change their surnames to hide their identities, only to face profound identity crises when their backgrounds are eventually revealed.

Institutionalized Stressors and the Mental Health Crisis

The intersection of academic pressure and caste discrimination has led to a documented surge in student suicides. Data from the National Crime Records Bureau (NCRB) recorded over 13,000 student suicides in 2022 alone. High-profile cases, such as those of Rohith Vemula at the University of Hyderabad (2016) and Dr. Payal Tadvi in Mumbai (2019), exposed the catastrophic failure of institutional safeguards.

In the case of Rohith Vemula, the administration's decision to suspend him and withhold his scholarship—combined with labeling his activism as "anti-national"—was identified as a primary driver of his distress. Similarly, Dr. Payal Tadvi's suicide was linked to relentless harassment by peers who targeted her tribal identity. These tragedies highlight a pattern where HEIs "individualize" suicides to avoid legal accountability under caste protection laws, frequently labeling the victims as "troubled" or "depressed" rather than acknowledging structural violence.

The SC/ST Prevention of Atrocities Act: Legislative Power and Judicial Restraint

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (the PoA Act), is the central legislative pillar for protecting marginalized communities from violence

and humiliation. It defines an "atrocities" not just as physical violence, but as any act that violates the dignity and social standing of SC/ST individuals.

Key Provisions and the 2015 Amendment

The Act establishes criminal liability for a wide range of specifically defined atrocities. The 2015 Amendment (implemented in 2016) significantly expanded the scope of punishable offenses to include :

- Denying access to educational or health institutions (Section 3).
- Intentionally insulting or intimidating a member of SC/ST in any "place within public view" (Section 3(1)(r)).
- Forcing someone to dispose of human or animal carcasses or perform manual scavenging.
- Using sexual gestures or words against SC/ST women.

The Act also mandates the establishment of Exclusive Special Courts and Special Public Prosecutors to ensure the speedy trial of such cases.

Judicial Interpretations and Implementation Gaps

Despite the Act's broad scope, its implementation in academic settings remains fraught. Courts have often interpreted the "public view" requirement of Section 3(1)(r) very narrowly, requiring that the humiliation be witnessed by strangers in a public place to qualify as a crime. Furthermore, the Supreme Court has emphasized that the mere use of abusive language is not an offense under the Act unless it is laced with caste-based slurs and intended specifically to humiliate based on identity.

Metric of PoA Act Implementation	Performance and Challenges
Case Registration (2023)	57,789 cases of crimes against SCs reported nationally.
Conviction Rate	Consistently low, leading to a sense of impunity for offenders.
Investigation Delay	Large backlogs; out of 1.76 lakh pending cases in one decade, thousands remained uninvestigated.
Public Accountability	Official Section 4 makes it a crime for public servants to neglect their duties under the Act, yet prosecution is rare.

The 2018 Supreme Court judgment in *Dr. Subhash Kashinath Mahajan* introduced a requirement for preliminary inquiries and prior approval for arrests, citing concerns over "false complaints". This led to a massive national backlash and a subsequent legislative amendment to restore the Act's original provisions, which the Court eventually upheld in 2020.

The UGC Regulatory Saga: The 2026 Equity Regulations and the Stay Order

The persistence of discrimination in HEIs led to the formulation of the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026. These regulations were intended to supersede the 2012 framework, which was criticized for being largely advisory and lacking enforcement teeth.

The Shift from 2012 to 2026

The 2026 Regulations represented a proactive move toward institutional accountability. Key provisions included the mandatory establishment of Equal Opportunity Centers (EOCs) and Equity Committees, personal liability for institutional heads in cases of negligence, and the threat of grant withdrawal for non-compliance. Crucially, the 2026 framework explicitly included Other Backward Classes (OBCs) within the definition of "caste-based discrimination," a major omission in previous drafts.

The Supreme Court Stay of January 2026

On January 29, 2026, a Supreme Court bench comprising Chief Justice Surya Kant and Justice Joymalya Bagchi stayed the implementation of the 2026 Regulations. The stay was issued in response to a batch of writ petitions challenging the constitutional validity of the regulations on the ground that they were "exclusionary" and "unfair" to general-category students.

Primary Legal Objections to Regulation 3(c)

The core of the controversy centers on the definition of "caste-based discrimination" in Regulation 3(c), which defines it exclusively as discrimination against members of SC, ST, and OBC communities. Petitioners argued that this violates Article 14 (Right to Equality) because it denies grievance redressal to general-category students who may also experience harassment based on their caste identity.

The Court flagged four substantial questions of law:

1. **Exclusionary Rationality:** Does defining "caste-based discrimination" only for SC/ST/OBC groups lack a "rational nexus" with the objective of promoting equity?

2. **Ambiguity and Misuse:** Are the provisions so vague that they could be misused for "personal vendetta" or to falsely implicate students in PoA Act cases?
3. **Constitutional Segregation:** Does the term "segregation" in Regulation 7(d)—intended to prevent separate facilities—actually risk creating social division and violating constitutional fraternity?
4. **Non-Regression on Ragging:** Does the omission of "ragging" from the 2026 framework constitute a regressive step, given that it was a key component of the 2012 rules?

The Court invoked its extraordinary powers under Article 142 to direct that the 2012 Regulations would continue to operate as a stopgap measure until the next hearing on March 19, 2026.

Implications of the Stay

The stay has been characterized as a "setback for social justice" by activists, who argue that it privileges "abstract equality" over the lived realities of institutional exclusion. Legal critics have noted that the Court failed to apply the three-pronged test for granting a stay (prima facie case, irreparable injury, and balance of convenience), effectively allowing "stays to assume the character of permanence" in a system prone to delay. For students from marginalized communities, the stay means a return to the 2012 framework, which petitioners in the *Abeda Salim Tadvi* case had already demonstrated was functionally dead, with only 419 out of 880 universities even responding to UGC compliance audits.

Amit Kumar v. Union of India and the National Task Force Recommendations

Separate from the stay on the equity regulations, the Supreme Court has issued binding directions in *Amit Kumar v. Union of India* (January 15, 2026) to address the systemic crisis of student suicides in HEIs. This case originated from petitions by parents of IIT Delhi students who died by suicide amid allegations of caste bias and academic pressure.

The National Task Force (NTF) Findings

The Court-constituted NTF identified several "normalized stressors" within Indian universities:

- **Expansion vs. Quality:** Rapid quantitative expansion has not been matched by qualitative support systems, leaving marginalized students isolated.
- **Structural Inequalities:** Persistence of rigid, non-inclusive curricula and a failure to redress the specific mental health concerns of students from disadvantaged backgrounds.

- **Financial Distress:** Chronic delays in the disbursement of scholarships exacerbate student anxiety.

Binding Directions under Article 142

The Supreme Court issued several "proactive measures" to curb student suicides, holding institutions directly accountable for their environment.

Mandate issued by the Supreme Court	Execution Timeline and Requirements
Scholarship Backlogs	All pending dues must be cleared within 4 months; institutions cannot bar students from exams due to such delays.
Faculty Vacancies	All vacant teaching and administrative positions must be filled within 4 months, prioritizing reserved posts.
Mandatory FIRs	HEIs have an "unequivocal moral and legal obligation" to promptly lodge an FIR for any student suicide or unnatural death.
Data Differentiation	The NCRB must now centrally record and differentiate between school and HEI student suicides to monitor specific trends.
Well-being Audits	The NTF is to develop model SOPs for faculty sensitization and suicide prevention protocols.

The Court explicitly rejected institutional attempts to "individualize" suicides, stating that HEIs cannot "shirk away from their fundamental duty" to ensure institutions are "safe, equitable, inclusive and conducive spaces of learning".

Faculty Recruitment and the Struggle for Representation

Caste discrimination is not limited to the student experience; it is deeply embedded in the recruitment and professional environment of the faculty. Data indicates that Dalit and Adivasi faculty are significantly under-represented, especially in elite science and technology departments.

The "One-Unit" Principle and the 2019 Act

The methodology of calculating reservation quotas has been a site of significant legal conflict. The Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019, was passed to restore the practice of treating the entire university or college as a single unit for calculating

reserved posts. This was a direct response to a 2017 Allahabad High Court ruling that mandated department-wise reservation—a shift that effectively decimated the number of reserved faculty positions because small departments often failed to meet the threshold for a reserved seat.

The De-reservation Controversy of 2024

In January 2024, the UGC released draft guidelines suggesting that reserved faculty vacancies could be "de-reserved" and filled by general-category candidates if sufficient reserved-category applicants were not found. The guidelines proposed that while a general ban exists, "rare and exceptional cases" in Group A posts could be opened up with government approval. This sparked massive national protests, leading to a swift clarification by the Ministry of Education that no such de-reservation would be implemented in HEIs.

Procedural Violations in Recruitment Drives

Recent judicial rulings have also targeted attempts to bypass reservation and transparency norms. In *Mandeep Singh v. State of Punjab* (2025), the Supreme Court quashed the recruitment of over 900 assistant professors in Punjab government colleges. The Court found that the state had arbitrarily removed the recruitment from the purview of the Public Service Commission (PPSC) and failed to follow the 2018 UGC Regulations, which mandate a fair and merit-based selection process. The ruling emphasized that Article 320(3) of the Constitution makes consultation with the PPSC mandatory for such appointments.

Comparative Affirmative Action: The Indian and American Contexts

The debate over the 2026 Equity Regulations reflects global trends in the judicial rollback of affirmative action. A comparison between the Indian reservation system and the American model provides insight into the "colorblind" and "caste-neutral" judicial shifts.

Rights Framework vs. Enabling Benefit

In India, the reservation system is anchored in a "rights framework," where special provisions are seen as an integral part of the constitutional guarantee of equality. In contrast, the United States has traditionally viewed affirmative action as an "enabling act" intended to achieve the benefits of diversity.

Feature of Policy	Indian Reservation System	US Affirmative Action (Pre-2023)
Constitutional Basis	Enshrined as "special provisions" under Articles 15(4) and 16(4).	Derived from Title VI and the 14th Amendment.
Methodology	Quota-based "hard" preferences.	Non-quota "soft" preferences (Holistic review).
Judicial Status	Entrenched but currently being challenged on "reverse discrimination."	Struck down by SCOTUS in 2023 (<i>SFFA v. Harvard</i>).
Breadth	Covers a large majority of the population (SC, ST, OBC, EWS).	Targeted at smaller minority groups and women.

The 2023 U.S. Supreme Court decision in *Students for Fair Admissions (SFFA) v. Harvard* held that considering race in admissions violates the Equal Protection Clause, endorsing a "colorblind" constitutional vision. Critics of the 2026 stay on the UGC Regulations argue that Indian courts are following a similar path, erroneously treating asymmetric protections for marginalized groups as a violation of abstract equality.

Conclusion: The Path Forward for Institutional Equity

The current state of caste discrimination in Indian education is characterized by a "disconnect between policy ideals and everyday practice". The transition from the 2012 to the 2026 UGC Regulations was an admission of this systemic failure, yet the judicial stay on the 2026 rules has effectively placed "equity on hold".

To move toward the "social revolution" envisioned by Dr. B.R. Ambedkar, institutions must move beyond nominal inclusion and address the "normalized stressors" that characterize the marginalized student experience. The findings from *Amit Kumar v. Union of India* provide a roadmap for this transformation, mandating financial accountability, faculty representation, and a departure from the "individualization" of student distress.

Ultimately, the resolution of the 2026 stay order will determine whether the Indian judiciary chooses to support a "substantive equality" framework—one that recognizes the historical and sociological reality of caste—or a "colorblind" vision that risks leaving marginalized students remediless against institutionalized bias. The future of equity in higher education depends on the ability of the state and its regulatory bodies to translate constitutional promises into enforceable institutional norms.