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Critical Analysis of UGC Regulations: Whether it is Ultra Vires or Not

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Abstract

The University Grant Commission (UGC) has played a crucial role in directing the universities or to the institutions of higher learning and education to manage the university grants and education standards. As it was formally established on December 28, 1953 before it there was no such commission exist in our statutory form at that time. Later, it became a statutory organization of Government of India as the University Grant Commission Act, 1956 those regulations which are exceeding the powers granted by the same act of 1956, in India it can be deemed ultra vires meaning 'beyond the powers'.^[1] Section 25 grants the Central Government rule making powers to implement the University Grant Commission Act's objectives including member retirement procedure, disqualification Commission staff terms and others authorize matters.^[2] Number of private universities were set up through States acts and an effective regulatory procedure is required to be followed for the proper maintenance of standard of teaching research, examination and for other services in such universities but such established universities started acting more the mentioned rules and regulations slowly and gradually.^[3] Different Provisions are also mentioned for establishment of private universities which must have adequate facilities and it shall be operate mainly with the boundary of the state however the doctrine of ultra vires holds true for subordinate legislation like University Grant Commission regulations which goes beyond the parent statute's scope.^[4]

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1. Introduction

In the context of Indian higher education, the regulation become ultra vires on University Grant Commission Act when the University Grant Commission issues the subordinate legislation such as final regulation vice chancellor appointment or governance of institutions that infringes the Acts provision like empowering University Grant Commission to coordinate standards without proper selection processes.^[5] The Supreme Court recently upheld that Punjab Technical University Act's Section 14(5) was ultra vires University Grant Commission Regulations 2018, as it deviated from directed search committee composition (e.g., no University Grant Commission nominee, inclusion of biased officials). This 2026 judgment emphasized University Grant Commission regulations' prevailing effect on state deviations. University Grant Commission regulations must align with the University Grant Commission Act; excesses (e.g., draft rules on VC selection not explicitly authorized)

risk being struck down as ultra vires. State laws can't override them without repugnancy under Article 254, but University Grant Commission overcome on central matters. Precedents like University of Delhi v. Raj Singh support University Grant Commission's binding nature.^[6]

The original 1956 Act aims to coordinate university education, allocation grants and maintain teaching, examination and research standards across institution. The 2026 update shafts focus to outcome-based governance, promoting innovation, multidisciplinary education, equity (preventing social category injustice) and global collaborations while addressing over regulation.^[7]

2. Policies and Eligibility of Teachers and Students

University Grant Commission Regulations such as the 2018 minimum Qualifications for appointment of Teachers specify criteria like PhD requirements, NET scores and teaching experience weighting.⁴The Supreme Court held up these in

2026 ruling courts cannot 'read down' or invalidate them without proving ultra vires, as they fall within University Grant Commission policy domain for Standards Challenges typically fail unless exceed Act not tied scope like VC regulations appointments to teaching standards.^[8]

Student related rules cover various process including admissions, exams, fees (section 12A) and standards for degrees aligning with University Grant Commission's coordination mandate. COVID pandemic exam guidelines faced ultra vires claims under (article 14 and 21) but were not stuck down in recent 2026, equity regulation on admissions were state for vagueness, not ultra vires as held in *Praneeth K and others vs. UGC*. Regulations must remain within Act powers (example: no override of state laws without parliamentary approval), but core eligibility norms remain valid.^[9]

3. Fundamental Rights Challenges on University Grant Commission Act

The Supreme Court Judgements rarely declare regulations ultra vires the University Grant Commission Act even when challenged on fundamental rights or punishment grounds, courts typically uphold then under section 12 and 26 which grant broad powers for standards and enforcement.^[10] The Supreme Court struck down the *Chhattisgarh Niji Vishwavidyalaya (Sthapana Aur Sanchalan) Adhiniyam, 2004*, as ultra vires for allowing unchecked proliferation of private universities without adequate oversight, encroaching on University Grant Commission's domain under the University Grant Commission Act.^[11]

Objectives of the Study

1. To critically examine the scope and limits of regulatory powers vested in the University Grants Commission under the UGC Act, 1956, in light of the doctrine of ultra vires.
2. To analyze selected UGC Regulations (particularly 2018 and 2026 frameworks) to determine whether they exceed statutory authority or remain within the mandate of coordination and maintenance of academic standards.
3. To evaluate the role of the judiciary in interpreting and adjudicating ultra vires challenges against UGC regulations, with reference to recent Supreme Court and High Court decisions.
4. To assess the constitutional implications of UGC regulations on fundamental rights, federalism, and institutional autonomy, and propose a balanced framework for lawful and effective higher education governance.

Research Design

The present study adopts an exploratory research design using a mixed-method approach, combining both qualitative and quantitative analysis to critically examine the legality of UGC Regulations in light of the doctrine of ultra vires. An exploratory design is appropriate as the issue involves evolving legal interpretations, recent judicial developments, and limited consolidated empirical assessment. The study is exploratory and analytical in nature, aiming to investigate the extent to which UGC Regulations conform to or exceed the statutory framework of the UGC Act, 1956. It explores emerging legal challenges, judicial responses, and policy implications in higher education governance. The research follows a mixed-method research design, integrating qualitative and quantitative techniques to ensure a

comprehensive understanding. Mixed methods enable combining interpretive legal analysis with measurable trends and patterns, thereby strengthening the validity of findings.

Interpretation and Summary

4. Punishment and Legality for Ultra Vires

The University Grant Commission Act, 1956 confines penalties to fine upto 1 thousand for violations of section 22 or 23, or withholding grants under specific sections like 12A, 14 and 24. Any UGC- mandated punishment beyond these like debarring a University from Ph.D. enrollments is ultra vires and nullity, as ruled by the Delhi High Court in the *Singhania University case*.^[12]

4.1 Legal Principles

Courts apply 'nulla poena sine lege' (no penalty without law), requiring explicit statutory backing for penalties. Delegated regulation beyond the parents Act's scope are void, per supreme precedents on Ultra vires Doctrine. In 2025 Delhi High Court dismissed University Grant Commission's 5 years Ph.D. ban on Singhania University, carrying it lacked basis in the University Grant Commission Act and violated natural justice minimally but decisively on jurisdictional grounds. University Grant Commission cannot imply broader powers from its Coordination role under Section 12 (j).^[13]

5. Complaints Filed by Teachers and Students

The UGC data available covers general grievances like hierarchical social structure unfair treatment (1160 complaints from 2019-20 to 2023-24) mostly students via Equal opportunity cells, not ultra vires claims, and (Scheduled Caste/ Scheduled Tribe) cells-across 704 universities and 1553 colleges. Complaints of social category unequal treatment risen by 118.4% over past five year's in universities and colleges, according to data submitted by the University Grant Commission to a parliamentary panel and the court.^[14] One senior University Grant Commission official quoted by The Hindustan Times said that the rise in complaints could be attributed increase awareness among Students about the functioning of Scheduled Caste/ Scheduled Tribe and Equal Opportunity Cells. The official said these cells were resolving cases preemptively.^[15]

Recent controversies involve University Grant Commission's 2026 Promotion of Equity Regulation stayed by the Scheduled Caste/ Scheduled Tribe on Jan 28, 2026 after challenges alleging, they exceed the University Grant Commission Act's scope. Teacher's groups and students have protested called them 'Toxic' and ultra vires but no quantified ratio of complaints by teachers to Student exists in public reports. More Broader Complaint Trends include University Grant Commission grievance portals handle student focus issues- (eg. fees, ragging), with over 4,250 fee complaints resolved recently, while teacher complaints often target Service conditions like separate channels, unions, courts. No aggregated ratio ties directly to Ultra Vires arguments against University Grant Commission Act.^[16]

5.1 Recently Supreme Court's Stay on University Grant Commission Regulations

The Supreme Court of India stayed the enforcement of the University Grant Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026. On January 29, 2026, following multiple petitions challenging their validity. These petitions, filed by individuals like Vishnu Shankar Jain, Vineet Jindal, and Mrityunjay Tiwari, argued that the

regulations; particularly Clause 3(c) defining “social category unequal treatment” as limited to Scheduled Caste/Scheduled Tribe/Other Backward Classes groups; are ultra vires the University Grant Commission Act, 1956, and violate Articles 14, 15, and 21 of the Constitution by excluding general category students and teachers from protections.^[17] Petitioners state the narrow definition suppose unidirectional marginalized community’s unequal treatment, lacks safeguards against misuse like false complaints, and creates divisions without covering issues like ragging or intra-reserved category injustice. The Court found prima facie vagueness in provisions like Clause 3(c) and Regulation 7(d) on hostel allocations, noting risks of exploitation for personal vendettas. It directed the 2012 University Grant Commission regulations to remain in force under Article 142 until further orders, with the next hearing on March 19, 2026.^[18]

The 2026 regulations stemmed from the ongoing Abeda Salim Tadvī vs. Union of India case, addressing disparate treatment and suicides in institutions, but faced campus protests and political backlash shortly after notification on January 13, 2026. While not explicitly filed by “teachers and students” groups, the PILs represent stakeholder concerns from general category students and faculty over exclusionary grievance mechanisms.^[19]

The bench cautioned against politicizing the issue and ordered expert review. The Supreme Court stayed these regulations on January 29, 2026, citing vagueness and misuse risks, reverting to 2012 rules pending March 19 hearing.^[20]

5.2 Stay Orders by Supreme Court and Petitions Filed

The Supreme Court of India issued an interim stay on the University Grant Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026, on January 29, 2026, following multiple petitions challenging their validity. The stay applies to the entire set of 2026 regulations, reverting enforcement to the 2012 University Grant Commission regulations until further orders, with the next hearing on March 19, 2026. The Court specifically flagged Regulation 3(1)(c), defining “caste-based discrimination” as discrimination based on social status or tribe against Scheduled Castes, Scheduled Tribes, and Other Backward Classes members. Judges noted its “complete vagueness,” potential for misuse, and exclusion of general category protections, calling for re-modification.^[21]

The Bench Raised Issues, Regarding the Various Judgements, as Mentioned Below

- Dual definitions of “discrimination” (Regulation 3(1)(e)) and caste-based discrimination, creating ambiguity.
- Regulation 7(d) on “segregation” in hostels, classrooms, and groups, potentially divisive.
- Omission of ragging provisions present in the 2012 rules, seen as regressive.^[22]

Multiple Public Interest Litigations (PILs) challenged the University Grant Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026, leading to the Supreme Court’s interim stay. Advocate Vineet Jindal filed an early PIL, targeting Regulation 3(c) for excluding non-Scheduled Caste/ Scheduled Tribe/Other Backward Classes individuals from caste-based discrimination protections and violating Articles 14, 15, and 21. Rahul Diwan and Others filed another petition (Diary No. 5477/2026), arguing the clauses create an unconstitutional hierarchy of protection and deny general category access to grievance mechanisms.^[23]

Two more petitions were filed later, tagged for joint hearing on March 19, 2026, with responses sought from the Centre and University Grants Commission. These stemmed from 2019 PILs by Radhika Vemula and Abeda Salim Tadvī that prompted the 2026 rules, but challengers focused on vagueness and exclusionary scope.^[24]

5.3 Creation of Cells for Proper Regulation

Former University Grant Commission Chairperson Sukhadeo Thorat said Equal Opportunity Cells were created under the University Grant Commission’s Promotion of Equity in Higher Education Institutions Regulation 2012, while Scheduled Caste/Scheduled Tribe cells that came before the equal opportunity cells were originally meant to handle service and employment related matters. Problem arises when institutions blur this distinction and route all complaints through internal mechanism, he said.^[25] Professor N Sukumar of Delhi University told the paper that most Scheduled Caste/ Scheduled Tribe Cells function under administrative control and lack decision making powers as their members are administration nominated. He said this affects impartiality in serious cases. Similar concerns were raised by DK Loboīyal, a faculty member at JNU and former Scheduled Caste/Scheduled Tribe Cell member who said the member, who said the autonomy of such cell’s complaint numbers could indicate both increased reporting and continued unequal treatment.^[26]

6. Salient Features of The Regulations 2026

The University Grant Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026 focus on eliminating exclusionary practices in Indian higher education institutions (HEIs). Notified on January 13, 2026, they align with NEP 2020 to promote inclusion, though the Supreme Court issued a stay due to constitutional concerns.^[27]

These Regulations Mandate Higher Education Institutions to Create Unfair Treatment Environments

1. Institutions must establish an Equal Opportunity Centre to handle equity policies, support marginalized groups, maintain online complaint portals, and ensure inclusive processes like admissions and hostel allotments.
2. A 24x7 Equity Helpline is required for confidential reporting, with Equity Committees (chaired by the institution head) meeting within 24 hours of complaints and resolving them in 15 working days.
3. Equity Ambassadors in departments/hostels and Equity Squads for monitoring vulnerable areas promote proactive inclusion.
4. All students, faculty, and staff must submit an undertaking pledging equal treatment upon joining.
5. University Grant Commission oversees via a National Monitoring Committee meeting twice yearly, with annual/bi-annual reporting from institutions.^[28]

Key Regulations

1. Regulation 1(b): Applies to all Higher Education Institutions nationwide.
2. Regulation 3: Defines discrimination (unfair treatment on prohibited grounds) and equity (equal opportunities); mandates institution heads’ responsibility for implementation.
3. Regulation 7(a): Requires undertakings from stakeholders to uphold equity.

4. Regulation 10: Establishes University Grant Commission's National Monitoring Committee for oversight, visits, and recommendations.
5. Regulation 11: Penalties for non-compliance include debarment from University Grant Commission schemes/funding, suspension of degrees/online programmes, loss of autonomous status, or derecognition.
6. Regulation 3(c)-Caste-based discrimination: This clause specifically targets unfair treatment based solely on caste or tribe against members of Scheduled Castes, Scheduled Tribes, and Other Backward Classes.
7. Regulation 3(e)-General discrimination: Encompasses any unfair treatment, exclusion, or harm on grounds of religion, race, caste, gender, place of birth, disability, or combinations thereof. [29]

7. Increasing of Rigid Social Structure Injustice: Need for Changing of Guidelines

The data submitted by was in response to the Supreme Court directive from Jan 2025, which required the body to collate data on rigid social structure injustice complaints under the 2012 regulations. The directive came as part of a petition filed after the death of Ph.D. Scholar Rohith Vemula at The University of Hyderabad. The petition sought accountability and the establishment of adequate mechanisms by the University Grants Commission to address inequality within hierarchical social structure in university spaces. [30]

In Feb, 2025 the UGC filed an affidavit in the top court saying that it had received responses from 3522 higher education. The data showed 3,067 Equal Opportunity Cells and 3,273 Scheduled Caste/ Scheduled Tribe Cells that has received 1503 complaints of which 1,426 were resolved. The UGC's draft equity regulations submitted to the apex court last year received criticism from various quarters including Vemula's mother, one of the petitioners in the case, for diluting existing provisions. [31]

The new regulations include specific procedures and timelines for handling biased complaints (e.g., reporting within days), unlike the older framework, which lacked detailed enforcement mechanisms. The 2026 rules were also issued following direction from the Supreme Court and petitions highlighting failures of earlier guidelines to ensure meaningful protection and accountability on campuses. [32] Issues were raised about procedural fairness and capacity of institutions to implement the rules consistently. Complaints of biased routed in social group hierarchy in universities rose significantly, prompting the University Grants Commission to act with a more robust framework. [33]

8. Opposing of University Grant Commission's Draft Regulation by State Government

Non- BJP led State Government oppose the University Grant Commission's draft regulation on vice-Chancellor's appointments claiming it violates constitutional federal principles and have called for its immediate withdrawal. They oppose it because the draft regulations centralize power and dilute States Constitutional authority over State Universities which they say violates federalism. The University Grant Commission draft override State University Act's encroach upon state Legislative competency under the Concurrent list and thereby violate the federal structure and autonomy of States, which is the basic feature of Constitution. [34]

Six opposition-ruled states demand rollback, Ministers from Kerala, Tamil Nadu, Karnataka, Telangana, Himachal Pradesh & Jharkhand adopted a resolution opposing the

University Grant Commission draft rules, saying they impinge on federal rights and should be withdrawn. Karnataka vs University Grant Commission draft rules–The Karnataka government termed University Grant Commission's draft regulations "regressive" and rejected them, saying they undermine the federal structure and the role of states in education. Tamil Nadu Assembly passes resolution against University Grant Commission draft; the Tamil Nadu Legislative Assembly passed a resolution opposing University Grant Commission's draft regulations, citing threats to social justice and state autonomy in higher education policy. [35]

8.1 Penalties Under University Grant Commission Regulations 2026

Penalties under University Grant Commission 2026 Regulations primarily target institutions rather than individuals. These are outlined in Regulation 11, emphasizing institutional accountability for non-compliance with equity mandates like establishing Equal Opportunity Centers or handling biased complaints.

Non-compliant Higher Education Institutions face escalating measures from the University Grant Commission's National Monitoring Committee:

- Debarment from University Grants Commission schemes and funding, cutting off research grants, infrastructure support, and Faculty Development Programmes.
- Suspension of degree programmes, online, and distance learning approvals, halting new admissions and operations.
- Withdrawal of autonomous status or NAAC accreditation, reducing institutional flexibility and credibility.
- Complete derecognition by University Grants Commission in severe cases, effectively barring the institution from operating as a recognized Higher Education Institutions. [36]

9. Rate of Disposal of Cases

University Grants Commission ultra vires challenges typically arise when courts find University Grant Commission regulations or related state laws exceed constitutional or statutory powers, such as equity guidelines. As noted in case of Dr. Mohan v/s Secretary to chancellor Puducherry Technical University, Puducherry & others etc (2025). [37] In January 2026 the Supreme Courts stayed University Grant Commission's 2026 Equity Regulations as prima facie vague reverting to 2012 rules; this was not a final ultra vires ruling but highlights ongoing assessment. Supreme Court overall disposal rates include 90.68% upto 2023-24, 94.32% in 2024 and higher in some months. [38]

9.1 Role of Judiciary

Indian Judiciary plays a pivotal role in analyzing the University Grants Commission (University Grant Commission) Act, 1956 and its regulations for Ultra Vires actions, ensuring they align with constitutional limits and parliamentary intent. It can be seen that Supreme court and High Courts, exercise powers under Article 13, 226, 227 to declare University Grant Commission provision ultra vires if they exceed legislative competence (Entry 66, List1), violate fundamental or stray beyond the University Grant Commission Act's scope of coordination and standards setting. [39] Judiciary prevents University Grant Commission from encroaching on State domains or arbitrariness as seen in the Allahabad University 2025 on recruitment shortlisting,

using Article 142 for equitable relief while enforcing standards. No direct Supreme Court ruling has held the University Grant Commission Act itself ultra vires. ^[40]

10. Promotion of Equality and Present Scenario

The University Grant Commission Regulation 2026, aim to confront injustice in universities but face judicial scrutiny for vagueness and misuse potential, leading to an interim Supreme Court Stay on January 29, 2026. As Noted on January 13, 2026 these supersede, the 2012 version mandating equity cells in institutions to address harassment based on religion, caste, gender, race, birth place, economic status. They provide safeguards for marginalized groups, aligning with constitutional mandates under Article 14-17 but lack penalties for false complaints and mechanisms for inter caste issues. ^[41]

The Supreme Court has issued stay as such regulations as it concerns of potential division of society and undermining Campus unity. No final ultra vires declaration yet; courts are assessing constitutionality. Chief Justice Surya Kant, J. Joymalya Bagchi stayed implementation through Article 142, reviving 2012 rules pending expert review. There are key concerns, such as;

- Risk of social division
- Inadequate coverage (e.g. ragging, economic privilege) and potential for reverse injustice over unity. This contrasts jurisprudence which favour systematic caste protections. ^[42]

11. University Grant Commission Complaint Committee

The University Grant Commission Internal Complaint Committee (ICC) handles Sexual harassment Complaints in Indian Higher Education Institutions under University Grant Commission Regulations. It mainly addresses cases under the Sexual Harassment of women at workplace Act 2013 filed by Students and employees against staff. A safe environment inquiry and it maintain through timely inquires and recommendations. ^[43]

It is chaired by member a senior female faculty member with two other employees. It was made under University Grant Commission regulations, 2015 so that no person in such institutions can do anything beyond their powers. Here a student can submit written complaints within three months of the incident and committee conduct a preliminary inquiry, notifies the respondents in seven days and completes the full inquiry in ninety days. Respondent replies within ten days, and after this report must be submitted within 10 days post inquiry. Executive authority acts within thirty days; appeals possible. ^[44]

12. Suggestions

The University Grants Commission derives its powers strictly from the University Grant Commission Act.

- Any regulation must fall within the scope of authority expressly granted under Sections 12, 20, or 26 of the Act. If a regulation goes beyond coordination and maintenance of standards, it becomes substantive law-making, which only Parliament can do. The Act provides power to regulate standards of higher education.
- But if regulations interfere in areas like service conditions, internal administration, or matters governed by State laws, that exceeds the intended delegation. Such regulations change the character of the Act and therefore travel beyond its object and purpose.

If University Grant Commission regulations override valid State legislation without clear statutory backing, they may be ultra vires.

Even if framed under statutory power, the regulation becomes ultra vires due to manifest arbitrariness.

Not all University Grant Commission Regulations are Ultra Vires. Only those which

- Expand beyond statutory mandate
- Conflict with the Act
- Interfere in areas outside academic standards
- Emphasis on speed (e.g., 15-day resolutions) lacks inquiry protocols, witness handling, or balanced committees, potentially prioritizing compliance over fairness in resource-strapped institutions.
- Heavy bureaucracy burdens smaller colleges; episodic University Grant Commission enforcement may yield paperwork without cultural change.
- Regulation 3(c) on caste discrimination targets Scheduled Caste/ Scheduled Tribe/Other Backward Classes but risks broad interpretation, excluding general category victims and inviting abuse without safeguards for false claims or proof standards.
- Critics argue it institutionalizes caste focus, side-lining merit and creating one-way grievances that demonize non-reserved groups.

Conclusion

The University Grants Commission, established under the University Grants Commission Act, 1956, serves as a key regulatory authority to maintain standards in higher education. However, its powers are not absolute and must remain confined within the limits of the parent statute and constitutional principles. The doctrine of ultra vires plays a vital role in ensuring that University Grants Commission regulations do not exceed delegated authority or encroach upon areas beyond “coordination and maintenance of standards.”

Judicial trends indicate that while courts generally uphold University Grants Commission regulations related to academic standards, they intervene when such regulations become arbitrary, vague, or lack statutory backing. The recent stay by the Supreme Court on the University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2026 highlights these concerns, particularly regarding vagueness and potential misuse.

Thus, University Grants Commission regulations are not inherently ultra vires; only those exceeding statutory limits or violating fundamental rights may be struck down. A balanced approach is essential ensuring effective regulation of higher education while preserving federalism, institutional autonomy, and constitutional safeguards. Ultimately, legality depends on adherence to statutory intent, procedural fairness, and constitutional values.

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