

**SYNOPSIS**

1. The Petitioners herein are public spirited individuals approaching this Hon'ble court for *bonafide* purposes, in public interest and under Article 32 of the Constitution of India ("Col"), to enforce fundamental rights, particularly the Right to Equality (Articles 14, 15, 16 & 17), Right to Prohibition of Discrimination Against Caste (Article 15), and the Right to Life (Article 21).
  
2. The present petition pertains to the rampant prevalence of caste based discrimination in higher educational institutions throughout the country. There have been several incidents of caste based discrimination against members of the SC, ST community which reflects flagrant non-compliance with the existing norms and regulations in place for the same. These incidents are violative of the fundamental rights to equality, right against discrimination, equal opportunity, abolition of untouchability, and right to life guaranteed under Article 14,15,16,17 and 21 of the Col.
  
3. The Petitioners herein, seek *inter alia* the following reliefs in the present petition:-
  - 3.1. To direct the Respondent No. 1- Union of India and Respondent No. 2- University Grants Commission to strictly ensure enforcement of and compliance with the *UGC, (Promotion of Equity in Higher Educational Institutions) Regulations, 2012* dated 17.12.2012 issued by UGC ("**UGC Equity Regulations**").

- 3.2. To direct Respondents No. 1 and 2 to ensure that all Universities including Deemed Universities and Higher Educational Institutions (“**HEIs**”) to ensure compliance with the UGC Equity Regulations in letter and in spirit.
- 3.3. To direct the Respondents to ensure that all Universities and HEI’s establish Equal Opportunity Cells on the lines of such other existing anti-discrimination internal complaints mechanisms and to include members from the SC,ST communities and independent representatives from NGO’s or social activists to ensure objectivity and impartiality in the process.
- 3.4. To ensure that all Universities and HEI’s upload on their websites all measures for elimination of caste based discrimination and procedure and punishments for breaching them and to ensure a wider outreach through publicity and participation of governmental and non-governmental actors on the Equity Regulations.
- 3.5. To direct all Universities and HEI’s to organise compulsory orientation courses, and workshops and trainings for staff, administrators and students to create separate modules for sensitisation on the issues of caste from time to time.
- 3.6. To direct Respondent no. 2 to revive and fund the activities of the Equal Opportunity Cells/ SC, ST Cells in colleges and Universities for sensitisation on caste issues.
- 3.7. To direct all Universities and HEI’s to conduct preparatory courses, bridge courses, including peer learning mechanisms, to

support SC/ST students and first/second generation learners from these communities on campus.

- 3.8. To direct all Universities to take strong disciplinary action against victimization of students/staff who file complaints alleging caste based discrimination and to take necessary steps in the nature of interim reliefs that restrain the HEI from creating a hostile environment against students who file such complaints.
- 3.9. To take necessary and strict actions on the lines of other such anti-discrimination regulations against any University or HEI that contravenes or repeatedly fails to comply with the obligations and duties laid out in the Equity Guidelines.
- 3.10. To impose sanctions on universities failing to take action in cases of complaints of caste - based discrimination.
- 3.11. To direct Respondent No. 3- National Assessment & Accreditation Council ("**NAAC**") to cater to diversity and affirmative action policy as a separate criterion and thus incentivize Universities to develop a congenial atmosphere that promotes diversity and also specifically include "*measures to prevent caste - based discrimination*" as compulsory criteria required to be fulfilled for assessment and accreditation.
- 3.12. To direct the Deans/Heads of Institution of all HEI's to register an FIR within 24 hours, if a complaint alleging caste based discrimination attracts penal laws.
- 3.13. To direct Respondent no.1 and 2 to improve the process of disbursement of scholarships and fellowships to SC, ST, OBC

students by digitization of the process, faster processing of applications and SMS reminders to students to apply for the said scholarships on time.

- 3.14. To direct all Universities and Deemed Universities to establish Monitoring Cells that oversees the implementation of the Equity Guidelines and other caste - based discrimination measures and that such monitoring cells be asked to file periodic status report to the UGC.
- 3.15. To direct all Universities and Deemed Universities to enact and implement guidelines that address grievances of faculty as well as other employees in HEIs related to caste – based discrimination.
- 3.16. To direct Respondent No. 1 to implement the directions contained by the Andhra Pradesh High Court in PIL No. 106/2013 dated 01.07.2013.
- 3.17. To direct Respondent 2 to enact and implement guidelines that ensure substantive compliance with the commitment to eradication of caste based discrimination on campus and to facilitate a diverse, inclusive and healthy atmosphere in HEIs.
4. The menace of caste based discrimination came to the fore for the first time in the year 2006. There were reports in the media that referred to the prevalence of caste discrimination on the campus of All India Institute Medical Sciences, New Delhi (“**AIIMS**”). The discrimination included referring to students from

the SC/ST community as unmeritorious, addressing them with derogatory slurs and remarks, discrimination by professors by purposely marking students from the SC/ST community with lower grades. In addition to this anti-reservation protests also took place at AIIMS around the same which further fuelled casteism on campus.

5. In order to look into the issue, the then Prime Minister, Dr. Manmohan Singh, set up a committee under the chairmanship of Professor Sukhdeo Thorat, which came to be known as the Thorat Committee. A comprehensive report prepared by the Thorat Committee reflected rampant prevalence of caste based discrimination on the campus. The Committee interviewed several students belonging to the SC, ST community who claimed to have been subjected to caste discrimination.
  
6. The Committee, in its enquiry, had found that there were several instances wherein students had felt discriminated on the basis of: a) their caste background, b) had been isolated by their fellow students in matters of cultural events, extracurricular activities, etc., c) and felt discriminated in examination evaluations, and more. Most of the students interviewed contented that they were asked about their caste background and felt discriminated on the basis of the same. The discrimination reached its heights in

matters of accommodation as the committee found evidence of caste based segregation in the hostels.

7. The report of the Committee was rejected by the AIIMS authorities and the recommendations therein were never implemented. Following this the National Commission for Scheduled Castes (“**NCSC**”) also released a report in 2008 titled “*Report of the NCSC into Incidents of Caste – Based Discrimination & Harassment at AIIMS*”. The report highlighted the continued prevalence of caste discrimination at the institute and the active role of the administration in the same.
8. In the years that followed, several other instances of caste based discrimination came to light. Since 2004, there have been over 20 documented instances of students committing suicides across the universities in the country. Various committees setup to look into these deaths have concluded that SC, ST students have faced systematic discrimination in matters of allotting supervisors, caste based abuses, problems in matters of scholarships, and more.
9. In 2008, Prof. Pavarala Committee, set up to investigate the death of Senthil Kumar, a PhD. student at University of Hyderabad, observed that the University was acting against the interests of the SC, ST students. Almost in continuation of the same, recently, in 2016, the administration of University of

Hyderabad was again held responsible for the death of another PhD. Student- Rohit Vemula. The Vice Chancellor of the University had suspended Rohit from the University, after terming him as an anti-national.

10. In order to address the growing instances of caste discrimination on campus, the University Grants Commission (“**UGC**”) notified “*UGC, (Promotion of Equity in Higher Educational Institutions) Regulations, 2012*” (“**Equity Regulations**”). The objective of these regulations was to “*eliminate discrimination in all forms in HEIs by providing preventive and protective measures...*”
11. The basic requirements of these regulations were that it required all Colleges/Universities to establish an Equal Opportunity Cell to oversee the promotion of equality in the institution and appoint an Anti-Discrimination Officer (“**ADO**”) to investigate complaints regarding discrimination in breach of equity. Although, UGC introduced the guidelines with the intention to address the complaints of caste-based discrimination on campus, the guidelines have not proven to be effective or sufficient. They do not provide for an independent mechanism of grievance redressal since the Anti- Discrimination Officer under the regulations and the appellate authority, are the Professor/ Associate Professor and the head of the institution respectively.

12. The regulations also lack several components available in some other analogous guidelines such as UGC Anti-ragging Regulations, 2009 and UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
  
13. The anti-ragging regulations and the UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) regulations provide for mandatory committees, Anti-ragging Committee, and Internal Complaints Committee respectively, which are missing in UGC Equity Regulations. The guidelines give the universities autonomy to design mechanisms to address caste based discrimination complaints. As has been shown by the data revealed through RTI with the UGC, many Universities have failed to adopt any comprehensive mechanism, using methods such as counselling, meetings, etc. to address the complaints on some occasions. The data also shows that in some instances, the perpetrators have also been let off with a warning. Many universities have also not provided any details of the mechanisms adopted by them.
  
14. The Equity Regulations are also lacking in many other aspects such as they do not apply to Faculty members and other employees belonging to SC, ST community, they do not ensure

prevention against creation of an hostile environment against a student who has filed a complaint, and do not ensure that the complainant is not victimized.

15. Further, the UGC has also failed to ensure implementation of the guidelines as is shown by the continued prevalence of caste based discrimination reflected in the cases of Rohit Vemula and Dr. Payal Tadv, as recently as May 2019. Even though the UGC has written letters on multiple occasions to all Universities to ask for Action Taken Reports, on a yearly basis, the response of the Universities has not been satisfactory. In an RTI filed by Amnesty International, it was revealed that only 155 out of the around 800 universities recognised had replied back with action taken reports for the year 2015-16. Another RTI filed asking for the same details for the year 2017-18 has revealed only 419 Universities out of around 880 recognised Universities replied back to UGC. The UGC has failed to take any action against the non-complying universities.
16. The non- implementation of Equity regulations has also resulted from lack of accountability on part of the University or College administration. The Anti-ragging Regulations and UGC (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) regulations have sought to impose personal liability

on members of university or college administration to ensure compliance which is missing in the Equity guidelines.

17. For all these reasons, the Equity guidelines in their present forms are not sufficient as they do not ensure their Right to Equality *vis-a-vis* Articles 14, 15, 16, 17 and the Right to Life under Article 21 Col. By failing to prevent caste – based discrimination on the campus of Higher Educational Institutions (**HEIs**), the State and its functionaries have violated Right to Equality, Right against Discrimination on the basis of Caste, and equal opportunity.
  
18. Article 17 Col imposes an obligation upon all persons, private, state or otherwise from indulging in or tolerating any form of untouchability. A Constitution Bench of the Supreme Court in the case of ***Indian Young Lawyers Association v. The State of Kerala -Writ Petition (C) No. 373 of 2006 dated 28.09.2018 [2018 SCC OnLine SC 1690]***, held that:

*“248.....Article 17 is the constitutional promise of equality and justice to those who have remained at the lowest rung of a traditional belief system founded in graded inequality. Article 17 is enforceable against everyone - the State, groups, individuals, legal persons, entities and organised religion - and embodies an enforceable constitutional mandate.*

The repeated inaction by state functionaries is resulting in increasing number of student suicides and is violative of right to life under Article 21. In the case of ***Bhajan Kaur v. Delhi***

**Administration -1996 (38) DRJ 203; (1996 SCC OnLine Del 484)**, the Hon'ble Delhi High Court held in Para 9 and 10 that:

*“The State must act in time so that the precious lives of the people are not destroyed or threatened. Otherwise, Article 21 will remain a paper guarantee. Time is long overdue for adopting measures that have more than a hortatory effect in enforcing Article 21 of the Constitution. The State cannot adopt a “do nothing attitude....”*

Hence the present petition.

#### **LIST OF DATES**

<b>DATE</b>	<b>PARTICULARS</b>
2006	Various reports arose from AIIMS on instances of rampant discrimination against students on the basis of caste. The Youth for India Movement used AIIMS as a hotspot for its anti reservation protests which further fuelled casteism on campus. On the basis of the outcry from AIIMS, the then Prime Minister set up a committee headed by Prof. Sukhdev Thorat to investigate into the happenings at AIIMS.
2007	The Thorat Committee gave its report titled “Report of the Committee to Enquire into Allegations of Differential Treatment of SC/ST students in AIIMS,

New Delhi.” The Committee provided for various measures to improve the University’s atmosphere to reduce caste - based discrimination on campus.

24.02.2008 Senthil Kumar, a student at Hyderabad Central University was found dead in his room, the post – mortem report indicated poisoning. After an outcry from the Dalit students of the University demanding an enquiry, a Committee headed by Prof. Vinod Pavarla was set up which in its report explicitly stated *“All the Physics students that this Committee could meet have reported their sense that the School was acting against the interests of the SC/ST students.”*

2008 The Thorat Committee Report, the NCSC also released a report titled, “Report of the NCSC into Incidents of Caste-Based Discrimination & Harassment at AIIMS” which highlights the apathy and deliberate non-compliance with law by college authorities that encouraged discrimination at AIIMS. The report investigated into the following areas of caste discrimination.

17.06.2009 The University Grants Commission (UGC) notifies the Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009.

Amongst other measures to deter ragging on campus and to ensure effective implementation. That the essence of these guidelines be similarly implemented in cases of caste – discrimination to ensure diligence and strict compliance by Universities.

2011 Documentary by the Insight foundation called 'Death of merit' points out the prejudices and humiliation in multiple forms faced by students belonging to socially marginalized and oppressed groups, primarily due to caste-based discrimination and how the increase in rate of suicide is attributed to the harassment and marginalisation which the students are subjected to.

17.12.2012 The UGC notifies the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2012 which provides for establishment of an Equal Opportunity Cell to oversee the promotion of equality in the institution and appoint an Anti – Discrimination Officer (ADO) to investigate complaints regarding discrimination in breach of equity. The said regulations are highly problematic since they do not provide for an independent mechanism of grievance redressal since the ADO

and the appellate mechanism both are either the head of the institution or the professor.

1.07.2013 The Hon'ble High Court of Andhra Pradesh at Hyderabad took *suo - moto* cognizance of a series of student suicides in Hyderabad University bearing PIL No. 106/2013. After the Hon'ble High Court issued notice, 29 impleadment applications were filed by various faculty members of Universities who wished to highlight the causes of student suicide. It emerged that caste-based discrimination was one of the major factors responsible for student suicides. Accordingly the DB of the Hon'ble High Court passed certain directions.

24.09.2013 The National Commission for Scheduled Castes (**"NCSC"**) submitted a Special Report to the President of India titled, "Special Report on Non – Implementation of Reservation Policy in BHU, Varanasi" in which it observed that there was blatant disregard to the reservation policy in BHU, where the Vice-Chancellor had not filled up substantial number of posts reserved for the SC/ST categories. The report was placed before

Parliament on 05.08.2014.

24.11.2013 Mr. Madari Venkatesh, a PhD (Chemistry) student at HCU committed suicide by consuming poison. A fact - finding enquiry conducted by Centre for Dalit Studies noted that the University had failed to implement the guidelines of the Pavarla Committee, the Krishna Committee after Senthil Kumar's and there was blatant non-compliance of the directions passed by the Hon'ble Andhra Pradesh High Court in PIL No. 106/2013. It also observed that discrimination in the form of professors refusing to be supervisors and guides to PhD students who were Dalits or from the SC/ST community was not being addressed. Even in the specific case of Venkatesh, he had not been allotted a PhD guide despite being enrolled in the University as a PhD scholar for more than three years.

17.01.2016 Rohit Vemula, a PhD Scholar at University of Hyderabad working for rights of the Dalit community, was a member of the Ambedkar Students Association. He committed suicide after he was suspended from his campus residence on the basis of a complaint by ABVP branding him as

casteist and anti – national. In his suicide note, he alludes to the constant discrimination against him on the basis of his cast by saying that, *“For some people life itself is a curse, my birth is a fatal accident.”*

29.01.2016 UGC sent a letter to the Vice Chancellor of all universities reiterating the recommendations regarding the establishment of the Equal Opportunity Cells in their respective Universities and requested all details of the working of the cell, the number of complaints received and the manner in which they were addressed within 15 days of receipt of the letter.

08.12.2016 The Ministry of Human Resource Development addresses a circular to the UGC dated 08.12.02016 Bearing F. No. 7-5/2016 asking the implementation of the following guidelines in all central universities:

- a. Strong induction programme for better acclimatization.
- b. As far as possible, establish a local guardian system for outstation students.
- c. Grievances to be discussed and dispensed on a weekly basis and the Vice Chancellor is required to hold meetings on a monthly basis.
- d. Deans should monitor all departmental problems and report issues to the Vice

Chancellor.

e. Suitable student volunteers should be appointed as mentors of students for their assistance.

- 12.01.2018 to April 2019 Dr. Subramahnyam Sadrela, a faculty member at IIT Kanpur files an official complaint against four of his colleagues who had circulated emails calling him unqualified and unfit to be a teacher and branded him as one who had obtained the job through “wrong means”. Two separate committees, one headed by the VC of the APJ Abdul Kalam University and one headed by a Retd. Justice of the Allahabad High Court both found the four members of having indulged in discrimination on basis of cast and suggested action under the Atrocities Act.
- 22.05.2019 Dr. Payal Tadvi, a resident doctor and student at the TN Topiwala National College in Mumbai committed suicide due to constantly being targeted by her peers and roommates due to her identity as an Adivasi.
- 26.06.2019 UGC issues a circular bearing D.O. No. F 1 – 7/2011/SCT to the Vice – Chancellors of all Universities and Deemed Universities titled, “Prevention of Caste Based Discrimination in

Higher Educational Institutions”. The letter states that it had sent seven annual directions dated 19.07.2011, 02.07.2013, 07.03.2016, 05.09.2016, 15.05.2017, and 04.06.2018 to all universities to adopt certain measures to prevent caste - based discrimination such as –

- a. May develop a page on the website of the college or maintaining a register in the office of the Principal to record complaints of discrimination.
- b. May constitute of a committee to look into complaints of discrimination on the basis of caste.
- c. Ensure that no faculty member and member of staff discriminates against students or colleagues on the basis of caste.

UGC *vide* the present circular has sought an action taken report from all universities within 30 days to bring on record all information regarding systems in place in universities to combat caste discrimination.

.08.2019 Hence, the present petition.

IN THE HON'BLE SUPREME COURT OF INDIA  
(CIVIL ORIGINAL JURISDICTION)  
WRIT PETITION (C) NO. \_\_\_\_\_ OF 2019  
[UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA]

PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

VERSUS

1. **UNION OF INDIA**  
Through Secretary,  
Ministry of Human Resource Development,  
Shastri Bhawan, New Delhi, Delhi – 110001
  
2. **UNIVERSITY GRANTS COMMISSION**  
Through its Secretary,  
Bahadur Shah Zafar Marg,  
New Delhi, Delhi – 110002
  
3. **NATIONAL ASSESSMENT &  
ACCREDITATION COUNCIL**  
Through its Director,  
NAAC Office,  
210, Anuvrat Bhavan,  
Deen Dayal Upadhyay Marg,  
ITO New Delhi, Delhi – 110002.

... RESPONDENTS

**WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION SEEKING ISSUANCE OF SPECIFIC  
GUIDELINES AND/OR DIRECTIONS IN RESPECT OF CASTE  
BASED DISCRIMINATION IN HIGHER EDUCATIONAL  
INSTITUTIONS**

**TO  
THE HONOURABLE CHIEF JUSTICE  
OF INDIA AND HIS COMPANION JUDGES  
OF THE HON'BLE SUPREME COURT OF INDIA**

**THE HUMBLE PETITION OF  
THE PETITIONERS ABOVE NAMED**

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioners herein are constrained to approach this Hon'ble Court under Article 32 of the Constitution of India ("CoI"), to enforce the Right to Equality (Articles 14, 15, 16 & 17), Right to Prohibition of Discrimination against Caste (Article 15), and the Right to Life (Article 21). The Petitioners are public-spirited individuals and are approaching this Hon'ble Court for *bona fide* purposes.
2. The Petitioner No. \_\_\_\_\_ is the mother of Dr. Payal Tadvi, a tribal student of TN Topiwala National Medical College who committed suicide on 22.05.2019 after being subjected to caste based discrimination by her Upper caste peers in the College. The case is pending before various Courts and Commissions. However, the

Petitioner in the present petition claims no relief in relation to the individual case. Her Details are as under:

3. The Petitioner is the mother of Rohith Vemula, a PhD scholar at Hyderabad Central University who committed suicide on 17.01.2016 after being subject to caste based discrimination in the University. The case is pending before various Courts and Commissions. Her details are as under:

4. The Petitioners in the present petition are not raising the issue of individual trial or the merits of the case, neither are they claiming relief in relation to the individual cases. The Petitioners are filing the present petitions in public interest.
5. The Respondent No. 1 is the Union of India represented by the Ministry of Human Resource Development, which is the appropriate ministry dealing with maintenance of discipline and compliance with the law in Higher Educational Institutions.
6. The Respondent No. 2 is the University Grants Commission ("**UGC**"), the statutory authority of the Government of India established through the UGC Act, 1956 for the coordination, determination and maintenance of standards of university education in India. It represented by its Secretary, the appropriate authority concerned with maintenance of discipline and compliance with the law in higher educational institutions.
7. The Respondent No. 3 is the National Assessment and Accreditation Council ("**NAAC**"), established as an autonomous institution of the UGC. It is represented by its Director, the appropriate authority that undertakes periodic assessment and accreditation of higher education

institutions making quality assurance an integral part of the functioning of Higher Educational Institutions (HEIs).

8. The Petitioners have not filed any similar petition either before this Hon'ble Court or in any other High Court. The Petitioners have not approached any of the Respondents/authority for reliefs sought in the present Writ Petition. Further, it is stated that there is neither civil, criminal nor revenue litigation, involving the Petitioners herein, which has or could have a legal nexus with the issues involved in the present Public Interest Litigation.
  
9. That the Petitioners herein have no personal gain, private motive or oblique reason in filing the instant Public Interest Litigation. The Petitioners herein have filed the Public Interest Litigation with the noble aim of assisting this Hon'ble Court in ensuring gender justice. That the Petitioners herein are not involved in any litigation before any other forum/ court/ authority, which has/ will have nexus with the instant petition.

**BRIEF FACTS:**

10. The brief facts that give rise to the present Writ Petition are as follows:

**10.1** There is a rampant prevalence of incidents of caste discrimination against members of the SC, ST community alongside institutional apathy to caste – based discrimination and flagrant non – compliance with the existing norms and regulations in place. Furthermore, the norms are inadequate insofar as they do not properly address the occurrence of caste - based discrimination on campus against both teachers and students, fail to provide an independent, unbiased complaint redressal mechanism and do not provide for any punitive sanction on Higher Educational Institutions (“**HEI**”) for failure to take positive steps to prevent discrimination on the basis of caste on campus.

**10.2** It is humbly submitted that caste - based discrimination on the campus of HEIs, which is violative of Article 15, came to be recognised by the media in the year 2006 with reports that highlighted the rampant prevalence of caste based discrimination on the campus of All India Institute of Medical Sciences New Delhi (“**AIIMS**”), which included instances such as referring to students from the SC/ST with derogatory slurs and remarks, unmeritorious, by Professors by purposely marking students from the SC/ST community with lower grades. Additionally, AIIMS served

as a hotspot for anti-reservation protests which further fuelled casteism on campus.

**10.3** Due to the severe backlash against the incidents on the campus of AIIMS, the then Prime Minister set up a committee headed by Prof. Sukhdev Thorat to investigate the incidents at AIIMS in the year 2006 which gave its report titled, "*Report of the Committee to Enquire into Allegations of Differential Treatment of SC/ST students in AIIMS, New Delhi*" in the year 2007. True copy of the report of the Thorat Committee is annexed at **ANNEXURE P-1** [Page Nos. \_\_\_\_ to \_\_\_\_].

**10.4** Thorat Committee, in its enquiry, found that there were several instances wherein students had felt discriminated on the basis of- a) their caste background, b) had been isolated by their fellow students in matters of cultural events, extracurricular activities, etc., c) felt discriminated in examination evaluations, and more.

**10.5** In order to counter this bias, the Committee gave recommendations to a) improve the teachers Consultation methods, b) suggestions for fair Evaluation and Examination, and c) to improve the social atmosphere on

the campus. Some of the important recommendations were:

- i. The examination system may be reformed in which the component of objective questions may be increased significantly and subjective elements in evaluation be reduced to the minimum.
- ii. To develop a more transparent method for practical examination and viva, probably with independent only to regain confidence in the system.
- iii. Setting up a Joint Committee, comprising of students, residents and faculty to examine and study the social atmosphere in campus and understand the reasons and means of discrimination.
- iv. The conduction of formal remedial classes and other courses such as language training to meet the additional needs of the students of the SC/ST, OBC Community. Interestingly, the Committee also recommended that the AIIMS should set up a special office called "Equal Opportunity Office", which was later introduced in UGC Regulation as "Equal Opportunity Cell", headed by a senior faculty, to deal with all the grievances relating to SC, ST and OBC students. This office should implement the remedial coaching programme and other schemes for the SC/ST students.

**10.6** On the basis of several complaints received regarding the incidents at AIIMS and the non-implementation of the recommendation of the Thorat Committee, the National Commission for Scheduled Castes also released a report in the year 2008 titled, "*Report of the NCSC into Incidents of Caste-Based Discrimination & Harassment at AIIMS*". True copy of report titled "*Report of the NCSC into Incidents of Caste-Based Discrimination & Harassment at AIIMS*" by the National Commission for Scheduled Castes is annexed and marked as **ANNEXURE P - 2** [Page Nos. \_\_\_\_to\_\_\_\_]. The report investigated into the following areas of caste discrimination and observed as follows:

- (i) Role played by the Governing Body at AIIMS – It observed that the administration facilitated the anti-reservation protests and even failed to implement the orders of the Delhi High Court instructing the AIIMS Governing Body that banned all anti- reservation protests at AIIMS.
- (ii) Biased Disciplinary Action – The NCSC observed that instead of implementing the Thorat Committee Report, the Governing Body of AIIMS tried to cover the misdeeds by constituting a committee of select faculty members to give a clean chit to the perpetrators of incidents of discrimination.

(iii) The most important observation of the NCSC report is regarding the rampant ghettoization of students from the reserved category in colleges and hostels. It specifically observed that authorities at AIIMS did not take any action where students in their dorms were segregated blatantly on the basis of caste.

(iv) Apart from this, it also investigated specific incidents of harassment and observed the existence of targeted caste - based harassment, denial of reservation benefits, denial of position despite fulfilling the required criteria against faculty members in relation to which it specifically discussed the following cases of Dr. Suman Bhasker, Dr. Ajay Kumar and Dr. Sukhbeer Badal whose career prospects suffered due to institutionalised caste based discrimination at AIIMS.

**10.7** On 24.02.2008, Senthil Kumar, a Dalit student at Hyderabad Central University was found dead in his room. While the University initially claimed it was a case of cardiac arrest, the post-mortem report indicated poisoning which was not made public. After the Dalit students of the University demanded an enquiry into his death, a Committee headed by Prof. Vinod Pavarla was set up.

**10.8** There were various incidents such as non allotment of PhD supervisors to 4 students, all of whom were Dalits which evidenced rampant discrimination. The same is made clear in explicit terms when the report of the Pavarla Committee says, *“All the Physics students that this Committee could meet have reported their sense that the School was acting against the interests of the SC/ST students.”* Prof. Pavarla committee had also recommended a strong mentoring and advisory system to "hand-hold" students. True copy of the report published in The Hindu dated 19.01.2016 highlighting serious lapses to prevent caste based discrimination in HCU titled, *“Dalit Student from Salem had Committed Suicide in HCU.”* Is annexed herewith and marked as **ANNEXURE P - 3** [Page Nos. \_\_\_\_to\_\_\_\_].

**10.9** Another committee headed by Prof V Krishna was set up the in year 2008 to probe the suicide of Pulyala Raju, another Dalit student from Integrated MA course in the University of Hyderabad. The Prof V Krishna committee had identified *“the need to implement measures to reduce the "estrangement and dissatisfaction" faced by students of marginalized sections.”*

**10.10** On 17.06.2009, the UGC notified the Regulation on curbing the menace of Ragging in HEIs, 2009 with the

intention to prohibit, prevent and eliminate the scourge of ragging. True copy of the Anti-Ragging Regulations of 2009 notified by UGC is annexed herewith and marked as **ANNEXURE P - 4** [Page Nos. \_\_\_\_ to \_\_\_\_].

**10.11** An independent study done by Insight Foundation of New Delhi headed by Anoop Kumar, in 2012 had compiled a list of 19 suicides of students from Dalit-Adivasi-Bahujan communities who had committed suicide in various Higher Educational Institutions in the country from the year 2007 to 2012. It has documented the events and experiences of many people related to suicides on campus due to caste – discrimination, in its documentary titled, “Death of Merit.” An article in The Hindu dated 08.05.2011 states that the Foundation compiled a list of 18 suicides by Dalit students in reputed HEI’s. True copy of the Article published in The Hindu titled, “*In Dalit Student Suicides, the Death of Merit*” dated 08.05.2011 is annexed and marked as **ANNEXURE P - 5** [Page Nos. \_\_\_\_ to \_\_\_\_].

**10.12** Upon allegations of biased correction of papers of students belonging to the SC/ST community of the Vardhaman Mahavir Medical College affiliated to Guru Gobind Singh Indraprastha University, Delhi in the year 2011, the NCSC appointed, Bhalchandra Mungekar, MP – Rajya Sabha to

conduct an investigation and report his findings. The committee submitted its report to the NCSC in October 2012. The report threw light on the wide-scale discrimination against students of the SC/ST community where 35 SC students were unjustly failed in the subject of physiology. It also directed that the students be paid Rs. 10,00,000/- (Rupees Ten Lakhs Only) as compensation. True copy of the article titled "*Probe Finds Discrimination Against SC/ST Students in Delhi Medical College*" published in the Times of India on 24.09.2012 is annexed herewith and marked as **ANNEXURE P - 6** [Page Nos. \_\_\_\_ to \_\_\_\_].

**10.13** The Respondent No. 2- UGC notified the "*UGC, (Promotion of Equity in Higher Educational Institutions) Regulations, 2012*" ("**Equity Regulations**") dated 17.12.2012 *vide* Circular Bearing No. 14 – 3/2012 (CPP - II). The UGC notified the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2012. The objective of these regulations was to "*eliminate discrimination in all forms in HEIs by providing preventive and protective measures...*" These regulations are focussed on caste based discrimination on campus of HEIs and Universities. The basic requirements of these regulations were that it required all Colleges/Universities to

establish an Equal Opportunity Cell to oversee the promotion of equality in the institution and appoint an Anti – Discrimination Officer (ADO) to investigate complaints regarding discrimination in breach of equity. True copy of the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2012 17.12.2012 vide Circular Bearing No. 14 – 3/2012 (CPP -II) is annexed herewith and marked as **ANNEXURE P - 7** [Page Nos. \_\_\_\_to\_\_\_\_].

**10.14**The composition of the Equal Opportunity Cell, ADO and is as follows:

*“The higher educational institution .....shall establish an Equal Opportunity Cell and an Anti-Discrimination Officer who shall not be below the rank of a Professor in the case of a University and an institution deemed to be a University, and not below the rank of an Associate Professor in the case of a college.*

*6. Appeal:*

*Subject to provisions made by the higher educational institutions, any person aggrieved by an order made by the Anti Discrimination Officer may prefer an appeal against such order made by the Anti Discrimination Officer may prefer an appeal against such order within a period of ninety days from the date of order to the Head of the higher educational institution.”*

**10.15** Although the said regulations are intended to advance the guarantee of equality and remove caste based discrimination, it is evident from the above that they do not provide for an independent mechanism of grievance redressal since the Anti- Discrimination Officer under the regulations and the Appellate Authority, are both the Professor/ Associate Professor and the head of the institution respectively. This has a chilling effect on the students who may fear adverse consequences if they raise complaints against the administration. Furthermore, the guidelines are insufficient and ineffective insofar as they are not in line with other analogous regulations such as Anti-Ragging Regulations of 2009 and the UGC Prevention, Prohibition, & Redressal of Sexual Harassment to Women Employees and Students in HEI's, 2015 as also the Thorat Committee recommendations. A tabular representation of the comparative analysis of the analogous regulations on ragging and gender by the UGC is annexed and marked as **ANNEXURE P - 8** [Page Nos. \_\_\_\_ to \_\_\_\_]. The guidelines are also only prescriptive and not preventive as they fail to impose sufficient obligation and sanction on universities to secure compliance.

**10.16** The Hon'ble Andhra Pradesh High Court based on a news report in the Times of India, took cognizance of the

increasing number of suicides in Hyderabad Central University (“HCU”) vide PIL No. 106/2013. Subsequent to the issuance of notice, 29 professors filed impleadment applications highlighting the various causes of student suicides amongst which caste - based discrimination was one of the major factors. After joint consultation amongst universities, a Division Bench of the Hon’ble High Court adopted various guidelines and sought strict compliance from all Universities and colleges in Andhra Pradesh. True copy of the order dated 01.07.2013 passed by the Hon’ble High Court of Andhra Pradesh in PIL No. 106/2013 is annexed herewith and marked as **ANNEXURE P - 9** [Page Nos. \_\_\_to\_\_\_]. True copy of the report by the NALSAR University of Law is annexed herewith and marked as **ANNEXURE P – 10**. These guidelines were:

- (i) *“All instances of suicide should be investigated by an internal committee having adequate representation from the SC, ST, OBC, and minority committees.*
- (ii) *All committees constituted by universities should have external members from the SC, ST, OBC and other minority communities.*
- (iii) *It also provided that the appeals from any orders of these committees should lie before the University Ombudsman.*

*(iv) All Universities should have preparatory courses, bridge courses, including peer learning mechanisms, to support SC/ST, OBC and other minority students, first generation learners and economically backward students”*

**10.17** On 24.11.2013, Mr. Madari Venkatesh, a PhD (Chemistry) student at HCU committed suicide by consuming poison. A fact finding enquiry conducted by Centre for Dalit Studies after meeting with the Vice Chancellor of the University, Venkatesh’s peers and his professors noted that the University had failed to implement the guidelines of the Pavarla Committee after the death of Senthil Kumar and there was blatant non compliance with the orders of the Hon’ble Andhra Pradesh High Court in PIL No. 106/2013. It also observed that discrimination in the form of professors refusing to be supervisors and guides to PhD students who were Dalits or from the SC/ST community was not being addressed. Even in the specific case of Venkatesh, he had not been allotted a PhD guide despite being enrolled in the University as a PhD scholar for more than three years solely because he belonged to the SC/ST community. True copy of the report of the Fact Finding Enquiry conducted by the Centre for Dalit Studies is annexed and marked as **ANNEXURE P - 11** [Page Nos. \_\_\_to\_\_\_]. It is obvious

form the above that the UGC (Promotion of Equity in Higher Education Institutions) Regulations, 2012 have remained on paper alone and have not made a difference to the lives of the Dalit students or faculty.

**10.18** On 17.01.2016, Rohit Vemula, a PhD Scholar at University of Hyderabad working for rights of the Dalit community, was a member of the Ambedkar Students Association. He committed suicide after he was suspended from his campus residence on the basis of a complaint by ABVP branding him as casteist and anti-national. In his suicide note, he alludes to the constant discrimination against him on the basis of his caste by saying that, "*For some people life itself is a curse, my birth is a fatal accident.*" The suicide of Rohith Vemula triggered a series of protests in Hyderabad, where demands for a "Rohith Act" were made along the lines of the "Nirbhaya Act" to the Union Minister of HRD to specifically address issues of caste - based discrimination against students in higher educational institutions.

**10.19** On 29.01.2016, UGC sent a letter to the Vice Chancellors of all universities reiterating the recommendations regarding the establishment of the Equal Opportunity Cells in their respective Universities and requested all details of

the working of the cell, the number of complaints received and the manner in which they were addressed within 15 days of receipt of the letter. The response of the universities is not in the public domain. However, it is submitted that the said communication draws attention to the setting up of Equal Opportunities Cell and SC, ST Cell in these Universities but does not make the compliance mandatory and again fails to impose any sanction on the institution for failure to comply. As a consequence caste discrimination continues in HEIs and the said ADO and the Equal Opportunities Cells have not been set up in all the HEIs. True copy of the letter dated 29.01.2016 by UGC to the Vice Chancellors of all Universities regarding the establishment of the Equal Opportunity Cells in their respective Universities is annexed herewith and marked as **ANNEXURE P - 12** [Page Nos. \_\_\_\_ to \_\_\_\_].

**10.20** On 01.03.2016, the UGC wrote another letter to Universities asking them to submit 'Action Taken Reports' on whether they had constituted cells to look into complaints of caste-based discrimination, whether they had webpages and complaints registers in place as well as details of the complaints. True copy of the letter dated 01.03.2016 by UGC to the Universities asking them to

submit the 'Action Taken Reports' is annexed herewith and marked as **ANNEXURE P - 13** [Page Nos. \_\_\_\_ to \_\_\_\_].

**10.21** On 02.05.2016, the UGC issued UGC Prevention, Prohibition, & Redressal of Sexual Harassment of Women Employees and Students in HEI's Regulations, 2015. The regulations provided for a mechanism to address complaints of Sexual Harassment on campus.

**10.22** On 19.09.2016, the UGC issued another letter to the Vice Chancellors of all Universities seeking an action taken report on the basis of the same directions as the previous letters.

**10.23** It was also highlighted in this letter that the Ministry of Human Resource Development (MHRD) and National Human Rights Commission (NHRC) is seeking urgent action from the UGC and hence all Universities are requested to file a compliance report within 15 days. The letter again did not put strictures on the Universities to implement the guidelines, with words like "may develop a webpage" for this purpose were used to direct the Universities. The letter does not mention about the constitution of a committee to address the issues of caste discrimination in HEIs.

**10.24** These letters were a consequence of Rohith Vemula's suicide and are an admission of the failure of the Universities to comply with the regulation. Once again the said letters by UGC did not make the compliance mandatory and failed to impose sanctions for non-compliance on Universities.

**10.25** Subsequently, Amnesty International India filed RTI application seeking details of these reports. According to the UGC's response to the RTI application:

- (i) Only 155 universities appeared to have responded to the UGC's letter for the year 2015-16 (India has about 800 universities).
- (ii) That out of around 100 Deemed Universities recognised by the UGC, only 24 Deemed Universities have filed action taken reports for the year 2015-16.
- (iii) Of them only about half had a webpage where SC/ST students could lodge complaints of discrimination.
- (iv) Less than half (47%) had constituted committees or cells specifically meant to look into complaints of discrimination against SC/ST students
- (v) 87% of universities reported that they had received zero complaints of caste-based discrimination. Of the 146 complaints that were received, some were

apparently addressed through 'lectures', 'counselling' and 'mentorship'.

**10.26** The NCSC submitted a special report to the President of India on "*Problems Faced by Scheduled Caste Students in Obtaining Scholarships*" dated 17.10.2016 which was subsequently presented before the Parliament on 09.08.2018. The NCSC found many discrepancies in the process of disbursement of scholarship funds such as misappropriation of allocated amounts, slow verification of documents, payment of money to 85,653 students only after two years. It recommended the digitization of the process, faster processing of applications and SMS reminders to students to apply for the said scholarships on time.

**10.27** In the aftermath of Rohith Vemula's death and the protests that followed, to ensure the prevention of caste - based discrimination on campus, supplementing the recommendations of the UGC, the Ministry of Human Resource Development addressed a circular to the UGC dated 08.12.02016 bearing F. No. 7-5/2016 asking the implementation of the following guidelines in all central universities. The letter reads as under:

- (i) Strong induction programme for better acclimatization.
- (ii) As far as possible, establish a local guardian system for outstation students.
- (iii) Grievances to be discussed and dispensed on a weekly basis and the Vice Chancellor is required to hold meetings on a monthly basis. Deans should monitor all departmental problems and report issues to the Vice – Chancellor.
- (iv) Suitable student volunteers should be appointed as mentors of students for their assistance. Effective administration and supervision of hostels and strict compliance of rules to ensure that only current students are residing on campus.”

**10.28** On 06.10.2017, UGC issued yet another letter to the Vice Chancellors of all Universities seeking an action taken report on the basis of same directions as the previous letter. The letter again did not put strictures on the Universities to implement the guidelines, with words like “may develop, a webpage” for this purpose were used to direct the Universities. The letter does not mention about the constitution of a committee to address the issues of caste discrimination in HEIs. Once again the said letter did

not make the compliance mandatory and failed to impose sanctions for non-compliance on all HEIs.

**10.29** On 12.01.2018, Dr. Subramahnyam Sadrela, a faculty member at IIT Kanpur filed an official complaint against four of his colleagues who had circulated emails calling him unqualified and unfit to be a teacher and branded him as one who had obtained the job through “wrong means”. Two separate committees, one headed by the VC of the APJ Abdul Kalam University and one headed by a Retd. Justice of the Allahabad High Court both found the four members of having indulged in discrimination on basis of caste and suggested action under the Atrocities Act. Subsequently, as an act of vengeance on the basis of an anonymous complaint dated 15.10.2018, Dr. Sadrela’s PhD was called into question, through an anonymous complaint, for being plagiarized. Subsequently, even though the Academic Ethics Cell of 9 members did not find any form of plagiarism, the Senate of IIT – K’s Senate has recommended the revocation of his PhD. The final decision of the Board of Governors on the report of the Senate is awaited. This case indicates that the discrimination is not just against students but also faculty members belonging to the SC, ST community.

**10.30** On 04.06.2018, UGC issued yet another letter to the Vice – Chancellors of all Universities seeking an action taken report on the basis of same directions as the previous such letters. The letter again did not put strictures on the Universities to implement the guidelines, with words like “may develop, a webpage” for this purpose were used to direct the Universities. The letter does not mention about the constitution of a committee to address the issues of caste discrimination in HEIs. Once again the said letter did not make the compliance mandatory and failed to impose sanctions for non-compliance on all HEIs.

**10.31** An RTI filed by Kushal Nandwani with the University Grants Commission (UGC) in July 2019 has revealed:

- (i) that out of around 880 Universities recognised by the UGC, only 419 universities have filed action taken reports for the year 2017-18.
- (ii) that only 27 universities have received complaints of caste discrimination on campus during the year 2017-18, which means 393 universities have reported that they did not receive a single complaint of caste discrimination during the given period.
- (iii) that 91 out of the 419 Universities that responded, do not have a separate website for the SC,ST Cell. On a general reading and verification of the RTI responses,

many of the Universities that claim to have a dedicated webpage to file SC, ST complaints have either broken links or the general homepage of Universities which does not show any dedicated link to register online complaints by SC, ST students.

(iv) that the mechanism adopted to address these complaints differs drastically from “in-house committees” to “grievance redressal cells” to complaints before “concerned authorities” to “counselling and mediation” to “warnings to not repeat mistake again”.

(v) That the criterion given by UGC does not provide for universities to disclose the mode of solving complaints against students, faculty and other employees, though such details have been asked from colleges.

**10.32** Dr. Payal Tadvi, a Scheduled Tribe girl who was a resident doctor and student at the TN Topiwala National College in Mumbai committed suicide on 22.05.2019 due to constantly being harassment and torture by her upper caste peers and roommates due to her Adivasi identity She was constantly admonished in front of her peers as incompetent for being a “quota student”. Payal Tadvi’s suicide note clearly mentions that she was being discriminated due to her caste location.

**10.33** On 04.06.2019, a news report titled, "*Payal Tadvī's Suicide Exposes How Under-Representation of Dalits, Adivasis, Caste Discrimination Affect Higher Education Institutes*", which was an independent survey carried out by Professors from TISS, BITS Pilani, IISC, etc was published on **www.firstpost.com**. It stated that on the basis of a survey conducted across 132 institutes, it was discovered that only 42 institutes had information in place that would enable students and faculty to access the EOC/SC – ST Cell. True copy of the news report titled "*Payal Tadvī's Suicide Exposes How Under-Representation of Dalits, Adivasis, Caste Discrimination Affect Higher Education Institutes*", published on the webpage of First Post dated 04.06.2019 is annexed herewith and marked as **ANNEXURE P - 14** [Page Nos. \_\_\_ to \_\_\_].

**10.34** With Dr. Payal Tadvī's suicide, attention was again drawn towards the failure of universities to adequately address caste-based discrimination in HEI's forcing the UGC to issue another circular to the Vice Chancellors of all Universities bearing D.O. No. F1-7/2011/SCT dated 26.06.2019 titled, "*Prevention of Caste Based Discrimination in Higher Educational Institutions*". The letter stated that it had sent seven annual directions dated 19.07.2011, 02.07.2013, 07.03.2016, 05.09.2016, 15.05.2017 and 04.06.2018 to all universities to adopt

certain measures to prevent caste-based discrimination. Even now the letter did not put strictures on the Universities to implement the guidelines, with words like “may develop, may constitute” used to direct the Universities. UGC vide the present circular sought an action taken report from all universities within 30 days to bring on record all information regarding systems in place in universities to combat caste discrimination. True copy of the D.O. No. F1–7/2011/SCT dated 26.06.2019 issued by UGC to the Vice Chancellor of all Universities is annexed herewith and marked as **ANNEXURE P - 15** [Page Nos. \_\_\_ to \_\_\_].

**10.35** It is humbly submitted that over the last decade there has been a constant increase in the number of incidents of caste-based discrimination on the campuses of HEI’s. A list providing the facts and circumstances of the incidents of caste discrimination as well as the names of the victims is annexed herewith as **ANNEXURE P - 16** [Page Nos. \_\_\_ to \_\_\_].

**10.36** The incidents highlighted above are not isolated incidents and are indicative of a prevalent culture of discrimination and institutional apathy towards SC, ST students. The

incidents reported in various news paper articles that give rise to the present petition are as follows:

- a. True typed copy of the news article titled “*CSMMU Student Kills Self*” dated 01.02.2010 reported in The Indian Express is annexed herewith and marked as **ANNEXURE P - 17** [Page Nos. \_\_\_\_to\_\_\_\_].
- b. True typed copy of the news report published on [www.scroll.in](http://www.scroll.in) dated 18.01.2016, titled “*This Tragic Documentary Series Tells the Stories of Dalit Students who were Driven to Suicide*” drawing attention to the suicide of Manish Kumar Guddolian is annexed herewith and marked as **ANNEXURE P - 18** [Page Nos. \_\_\_\_to\_\_\_\_].
- c. True typed copy of the news report published in The Hindu titled, “*A Thousand Voices, A Thousand Stories Ignored*” dated 28.01.2016 which highlighted Insight Foundation’s documentation of the suicides of Pulayala Raju, Anil Kumar Meena, and Mudasir Kamran is annexed herewith and marked as **ANNEXURE P - 19** [Page Nos. \_\_\_\_to\_\_\_\_].
- d. True typed copy of the news report published in the Hindustan Times titled, “*UGC Warning to Bhimrao Ambedkar University Faculty on Discrimination Against SC/ST Students*” dated 29.07.2017 is

annexed herewith and marked as **ANNEXURE P - 20**  
**[Page Nos. \_\_\_\_ to \_\_\_\_]**.

e. True typed copy of the news report published in The Hindu titled, "*IIT Kanpur 'Vendetta' Against Dalit Teacher Flayed*" dated 04.04.2019 is annexed herewith and marked as **ANNEXURE P - 21** **[Page Nos. \_\_\_\_ to \_\_\_\_]**.

f. True typed copy of the news report published in The Indian Express titled, "*Probe on after BHU Professor Makes Students Clean Toilet*" dated 29.05.2019 is annexed herewith and marked as **ANNEXURE P - 22** **[Page Nos. \_\_\_\_ to \_\_\_\_]**.

**10.37** These frequent episodes of caste discrimination demonstrate that the state has not only completely failed to protect the fundamental rights of the SC/ST/OBC students, faculty and employees on campus but also refused to take action against the perpetrators of these incidents. In multiple incidents it is noted that Universities have refused to take action against incidents of caste-based discrimination or have been perpetrators of such discrimination themselves resulting in the institutionalised form of discrimination on the basis of caste. It is also noticed that the UGC has abdicated its responsibilities by turning a blind eye to multiple lapses of universities by

failing to enforce existing regulations in Universities and not developing effective mechanisms to combat caste based discrimination.

**10.38** By failing to prevent caste based discrimination on the campus of HEI's, the state and its functionaries have violated the fundamental rights guaranteed under Part – III of the Constitution of India including the Right to Equality *vis-a-vis* Articles 14, 15, 16 and 17 and the Right to Life under Article 21 Col. Repeated inaction by state functionaries is resulting in increasing number of student suicides due to complete social exclusion, harassment and trauma of being treated in an inhuman manner, justifying intervention by this Hon'ble Court. The Executive inaction by the Universities in failing to implement the advisories from time to time by the University Grants Commission, and by failing to take any concrete steps to prevent caste based discriminatory practice has resulted in a serious violation of the Fundamental Rights of not only the students but also professors, teachers, staff and other employees who are employed or are otherwise associated with the Higher Education Institutions.

11. That the Petitioners have no other alternate efficacious remedy but to approach this Hon'ble Court for the relief prayed for herein.
12. That the Petitioners have paid the requisite Court fees on this Petition.
13. The Petitioner has not filed any other petition in this Court or any other High Court or in the Supreme Court of India in respect of the subject matter of this Petition. That the Petitioner has not made any representation before filing of the filing of the instant Petition to the Respondent.
14. That in the circumstances mentioned hereinabove this Writ Petition in being preferred by the Petitioners inter alia on the following amongst other grounds without prejudice to each other:

**GROUND**

- A. Because the rampant occurrence of multiple incidents of caste-based discrimination on campus, the apathetic response by Universities, the inadequacies in relevant Equity Guidelines to address the issue and the non implementation of the existing Equity Guidelines is a gross violation of the right to equality and the right to life of

students, faculty and other employees in HEIs under the Indian Constitution.

- B. Because it has been settled in a plethora of judgments of this Hon'ble Court as well as High Courts that there was a failure to protect against discrimination not only by acts of commission but also of omission when the state failed to act in time from preventing such violence from taking place. Most notably in the case of ***Bhajan Kaur v. Delhi Administration -1996 (38) DRJ 203; (1996 SCC OnLine Del 484)***, the Hon'ble Delhi High Court held in Para 9 and 10 that:

*“9. The sweep of Article 21 is wide and far reaching. Article 21 is not to be restricted to the violation of right to life and liberty committed by the State alone. **That right is also to be protected and safeguarded by the State from being violated or interfered with by private individuals...** .*

*10. ...The conduct of any person or group of persons has to be controlled by the State for the lofty purpose enshrined in Article 21 of the Constitution. It is the duty of the State to create a climate where the cleavage between members of the society belonging to different faiths, caste and creed are eradicated. **The State must act in time so that the precious lives of the people are not destroyed or threatened. Otherwise, Article 21 will remain a paper guarantee. Time is long overdue for adopting measures that have more than a hortatory effect in enforcing Article 21 of the Constitution. The State cannot adopt a “do nothing attitude. ... The State has to enforce minimum standards of civilized behaviour of its citizens so that the life, liberty, dignity and worth of an***

*individual is protected and preserved and is not jeopardised or endangered. If it is not able to do all that then it cannot escape the liability to pay adequate compensation to the family of the person killed during riots as his or her life has been extinguished in clear violation of Article 21 of the Constitution which mandates that life cannot be taken away except according to the procedure established by law.”*

**(Emphasis Supplied)**

- C. Because the State has a duty of due diligence and a responsibility to safeguard and protect the life and liberty of each of its citizens. Thus, it is for the state functionaries to evolve methods and strategies to safeguard every citizen's right as guaranteed under Article 21 Col.
- D. Because in any case the guidelines are applicable only to students and not to faculty and other employees in HEIs as they ought to be and hence there is a failure of due diligence to protect the rights of faculty and employees from SC,ST community.
- E. Because the failure of the UGC to strictly enforce the Equity Guidelines despite seeking merely multiple Action Taken Reports and having requisite knowledge of non implementation has resulted in a gross violation of fundamental rights of students from SC,ST community under Articles 14, 15, 16, 17 and 21 of the Col.

- F. Because the failure of HEI's to implement the Equity Guidelines as has been revealed by information under the RTI Act, 2005 from the RTI application filed by Amnesty International India seeking information regarding compliance with and implementation of the Equity Guidelines has resulted in a gross violation of fundamental rights under Articles 14,15,16,17 and 21 of Col.
  
- G. Because the spaces of higher education continue to be dominated both in terms of curriculum, faculty, administration and student profile by upper castes, leading to the conclusion that there is gross discrimination and denial of equal opportunity for students, faculty and other employees of the SC, ST community.
  
- H. Because the suicides and dropout rates are disproportionately high amongst the SC, ST students resulting from physical exclusion, psychological discrimination and indifference they face in the institutional structure.
  
- I. Because there is a form of social boycott in operation in HEI in that SC, ST students often find themselves alienated from rest of the class on the basis of their caste

location, social status and background of being mostly first generation learners and leading to a denial of equal opportunity in institutions of higher learning many a times, especially in higher education, their caste identity comes in between getting guidance from their supervisors and professors, finding a guide for research, getting research approved, unreasonably and disproportionately lower grades in viva-voce and internal evaluations, segregation in hostels and mess, less time allocated in practical and labs compared to their upper caste counterparts, administrative apathy in helping with scholarship and fellowships to these students. Moreover, this leads to exclusion from equal opportunity to the right to higher education solely based on their caste identity and is a form of unconstitutional discrimination.

- J. Because the SC, ST Cells, where they exist, have done nothing at all to stop the verbal abuse and discriminatory remarks against SC,ST students but rather isolate them as being from the “reserved category” or being called “undeserved” or “meritless” by Upper Caste students and faculty, leading to exclusion from public spaces and the denial of the right to education, free from all forms of discrimination. Such vast exclusionary mechanisms of public humiliation and institutionalised discrimination based on caste are violative of Article 15 of the Constitution.

- K. Because such constant remarks and behaviour by upper caste students and faculty adversely affects the confidence and has a severe psychological impact on the SC/ST students leading to suicides by SC, ST students, which is a denial, of the right to life under Article 21 of the Col.
- L. Because it is the duty of the Respondents to ensure a conducive and nurturing environment for these students to grow and attain their fullest potential. It is also their duty to ensure the protection of fundamental rights guaranteed by the Constitution to SC, ST students, faculty and other employees in HEIs.
- M. Because Article 17 Col imposes an obligation upon all persons, private, state or otherwise from indulging in or tolerating any form of untouchability. The Committee headed by Prof. Sukhdeo Thorat described that the SC, ST students face unwholesome academic learning, academic differentiation, hostel segregation, social segregation in games and cultural events. These are nothing but untouchability practices that have adapted themselves to modern institutions and forms. Deliberate neglect by the UGC and HEI's in enforcing measures to curb such exclusionary practices, is violative of Article 17 of the Constitution. A Constitution Bench of the Supreme Court in

the case of ***Indian Young Lawyers Association v. The State of Kerala -Writ Petition (C) No. 373 of 2006 dated 28.09.2018 [2018 SCC OnLine SC 1690]***, held that:

*“Article 17 is the constitutional promise of equality and justice to those who have remained at the lowest rung of a traditional belief system founded in graded inequality. Article 17 is enforceable against everyone - the State, groups, individuals, legal persons, entities and organised religion - and embodies an enforceable constitutional mandate. It has been placed on a constitutional pedestal of enforceable fundamental rights, beyond being only a directive principle, for two reasons. First, “untouchability” is violative of the basic rights of socially backward individuals and their dignity. Second, the framers believed that the abolition of “untouchability” is a constitutional imperative to establish an equal social order. Its presence together and on an equal footing with other fundamental rights, was designed to “give vulnerable people the power to achieve collective good”. **Article 17 is a reflection of the transformative ideal of the Constitution, which gives expression to the aspirations of socially disempowered individuals and communities and provides a moral framework for radical social transformation. Article 17, along with other constitutional provisions, must be seen as the recognition and endorsement of a hope for a better future for marginalized communities and individuals, who have had their destinies crushed by a feudal and caste-based social order.**”*

(Emphasis supplied)

- N. Because the failure of the Universities to tackle diverse manifestations of caste discrimination on campus such as unfair correction of papers, greater weightage to subjective marking schemes in internal assessments and viva-voce, exclusion from participation in college activities, extra-curricular, festivals, etc denies students from the SC/ST community to compete on a level playing field with their peers. It is submitted that these omissions and commissions are violation to the right to equal opportunity guaranteed under Article 14 of the Col.
- O. Because one of the most important and transformative objectives of the Constitution was to create an enabling system for the members of the Scheduled caste and tribes by bringing them to the fore through pragmatic reform and providing adequate opportunities for their amelioration and development, education, employment and the like.
- P. Because the Constitution of India is a constantly evolving document which has been interpreted by the Court in a transformative manner to ensure attainment of socio - economic goals of the Constitution. The constant neglect of the sufferings of the SC/ST community, the non - addressal of their grievances and rampant caste discrimination on the campus of HEI's is derogatory of these constitutional goals which also find place in Article

46 of the Constitution. The importance of these transformative goals of the Constitution *vis- a-vis* Chapter III of the Constitution has been rightly articulated by this Hon'ble Court in the case of **Vikas Sankhala v. Vikas Kumar Agarwal, (2017) 1 SCC 350:**

*“65. Going by the scheme of the Constitution, it is more than obvious that the Framers had kept in mind social and economic conditions of the marginalised section of the society, and in particular, those who were backward and discriminated against for centuries. Chapters on “Fundamental Rights” as well as “Directive Principles of State Policies” eloquently bear out the challenges of overcoming poverty, discrimination and inequality, promoting equal access to group quality education, health and housing, untouchability and exploitation of weaker section. **In making such provisions with a purpose of eradicating the aforesaid ills with which marginalised section of Indian society was suffering (in fact, even now continue to suffer in great measure), we, the people gave us the Constitution which is transformative in nature.**”*

(Emphasis supplied)

Q. Because the failure of the UGC to strictly enforce the Equity Guidelines and create a conducive environment for the holistic development of students from marginalized communities in Universities by imposing various sanctions and creating enabling environment is a result of the lack of efforts by the UGC to perform its constitutional and

statutory obligations to prevent caste discrimination on campus.

- R. Because in absence of imposition of strict forms of liability on HEI's and their administration in cases of failure to enforce the Equity Guidelines or negligence in dealing with cases of caste discrimination the positive rights guaranteed to prevent caste based discrimination under Article 15 and 17, and to preserve dignity and right to life under Article 21 cannot be achieved. It is hence submitted that guidance may be taken from instances of ragging and the success of Anti-Ragging guidelines, where this Hon'ble Court in the case of *Vishwa Jagriti Mission v. Central Govt.*, [(2001) 6 SCC 577] held that:

***“15. Failure to prevent ragging shall be construed as an act of negligence in maintaining discipline in the institution on the part of the management, the principal and the persons in authority of the institution. Similar responsibility shall be liable to be fixed on Hostel Wardens/Superintendents.”***

**(Emphasis supplied)**

- S. Because the Equity Guidelines are evasive and illusory and do not attempt to substantively address the problems of caste discrimination on campus. The mechanisms provided in the form of Equal Opportunity Cells (EOC) and

Anti Discrimination Officer(ADO) to look into complaints of caste based discrimination are evasive and are not in consonance with principles of impartiality and fairness.

- T. Because the Equity Guidelines are insufficient and ineffective insofar as they are not in line with other analogous regulations such as Anti – Ragging Regulations of 2009 and the UGC Prevention, Prohibition, & Redressal of Sexual Harassment to Women Employees and Students in HEI's, 2015 as also the Thorat Committee recommendations.
  
- U. Because the Equity Regulations are insufficient and unfair because despite the recommendations of the Thorat Committee that stress on the importance of bridging the gap between members of the SC/ST community and other empowered classes which has also been similarly approved by the A.P. High Court in PIL No. 106/2013 through bridge courses, remedial lectures, etc have not been mandated in the regulations.
  
- V. Because the Equity Regulations are inadequate insofar as they do not provide measures to secure compliance of Universities and guarantee their strict enforcement. On an analysis of corollary guidelines that have been issued by the UGC to prevent ragging on campus, it is observed that

they have taken due care to give themselves the power to take punitive action against universities for non – compliance. It has been settled by this Court that the mere formulation of guidelines is not sufficient and due measures have to be taken to ensure implementation as well. In the context of the increasing number of incidents of caste – based discrimination and resultant suicides, the following observations of this Hon'ble Court in the case of ***University of Kerala v. Council Principals' Colleges, Kerala & Ors., [(2009) 7 SCC 726]*** become relevant. The Court held that:

***“4. The Draft Regulations on Curbing the Menace of Ragging, formulated by UGC, should be implemented with the urgency it deserves and to be adopted by all other regulatory bodies, such as AICTE, MCI, DCI, NCI, etc. The recent incident involving the death of Aman Kachroo clearly indicates that **the formulation of guidelines and regulations is not sufficient. Such regulations shall have to be enforced strictly, and penal consequences for the heads of the institutions/administration of the institution who do not take timely steps in the prevention of ragging and punishing those who rag. In addition to penal consequences, departmental enquiries be initiated against such heads of the institutions/members of the administration/faculty members/non-teaching staff, who display an apathetic or insensitive attitude towards complaints of ragging.**”***

**(Emphasis supplied)**

- W. Because Regulation Nos. 3(2)(f) of the Equity Regulations prescribe that a Professor/Associate Professor shall be appointed as the ADO is violative of the principles of fairness since they do not provide students recourse to an independent and unbiased adjudicatory mechanism since as has been evidenced by the cases referenced above, often it is the professors and deans itself who are responsible for such discrimination. Thus, the ADO who is often likely to be a colleague/employee of the accused and functions as the sole adjudicator, is not capable of functioning in an independent and unbiased manner.
- X. Because the problem of the lack of an independent adjudicatory mechanism is further aggravated by the absence of recourse to an independent appellate authority under the Equity Guidelines. As per Regulation No. 6 of the Equity Guidelines, any decision of the ADO can be appealed before the Head of the Institution. Given that caste – discrimination often manifests itself in various forms which includes institutional cultures of segregation, discriminatory policies which are enacted/sanctioned by the Head of the Institution itself, deliberate misconduct by Heads of Institutions, the Appellate Authority is likely to

have a predisposed bias in its own favour and is hence in violation of the principles of fairness and natural justice.

- Y. Because the importance of having an independent mechanism with representatives from various sections of society, in cases of discrimination and harassment has to be drawn from an analogous anti-discrimination legislation- Sexual Harassment (Prevention, Prohibition, and Redressal) Act, 2013, Guidelines approved by the A.P. High Court in suo moto PIL No. 106/2013, Anti – Ragging Regulations, 2009 which require an independent internal complaints committee. The importance of an independent authority has been explained in the case of ***Ruchika Singh Chhabra v. Air France India, (2018) SCC OnLine Del 9340***, where the Hon’ble Delhi High Court held that:

*“26. The appellant urged that the ICC constituted did not meet the criteria under the Workplace Harassment Prohibition Act as the independent member appointed on the panel of members to conduct inquiry into the allegations made by the Appellant, Mr. Michael Dias is not associated with any non-governmental organization and his qualifications have not been informed to the Appellant. It is necessary to reproduce the relevant provision of the Workplace Harassment Prohibition Act hereunder:*

*“4. (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the “Internal Complaints Committee”:*

*(2) The internal Committee shall consist of the following members to be nominated by the employer. namely:-*

*.....*

*(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.”*

*27. Air France contended that the independent person appointed is a lawyer with expertise in deciding labour issues. His curriculum vitae is on record for confirming the averments made with regard to the criteria for his selection. According to Air France, the requirement of a person familiar with issues pertaining to sexual harassment under Section 4(2)(c) of the Workplace Harassment Prohibition Act is to be read with Rule 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 which provides that this would be a person who is familiar with labour, service, civil or criminal law. However, Air France is clearly in error in relying on Rule 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 which is to be applied only to Section 7(1)(c) of the Workplace Harassment Prohibition Act which deals with the constitution of the Local Complaints Committee and not the ICC as in the instant case.*

*28. There is nothing on record, in the facts of this case to show the experience of Mr. Michael Dias in dealing with cases of sexual harassment, the cause of women in general and that he is from a non-governmental organisation. After repeated inquiries by the Appellant in this regard, only vague clarifications were given by the*

ICC. It is important here to recollect and underline Parliamentary intent in enacting the Workplace Harassment Prohibition Act. **The objective behind the requirement of a member from non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment in the Workplace Harassment Prohibition Act is to prevent the possibility of any undue pressure or influence from senior levels as was laid down by the Supreme Court in the case of Vishaka (supra). In fact, Parliamentary objective of providing a NGO member is to keep in ICC, an independent and impartial person in position to command respect and compliance from influential management (Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University, decision of Bombay High Court in writ petition nos. 3449, 3450 & 3451 of 2013). One of the cardinal principles of natural justice is: 'Nemo debet esse judex in propria causa' (No man shall be a judge in his own cause). The deciding authority must be impartial and without bias. The basic object of the Parliament is to provide security to the woman. It is imperative that a woman who is alleging sexual harassment feels safe during the course of the proceedings of the ICC and has faith that the proceedings are unbiased and fair.**

29. This court in **U.S Verma, Principal and Delhi Public School Society v. National Commission for Women, 163 (2009) DLT 557 (delivered by the author of this judgment), held that the entire thrust of the complaints committee procedure and its underlying premise is that the complainant employees are assured**

***objectivity and neutrality in the inquiry, insulated from the employers' possible intrusions. To achieve that end, the requirement under law with respect to the qualification of the independent member on the ICC is an indispensable necessity for meting out justice under the Workplace Harassment Prohibition Act.”***

**(Emphasis supplied)**

Z. Because the importance of independence of the ADO and representation of members from the SC/ST Community as a part of disciplinary authorities that investigate into complaints of caste – based discrimination has also been recognized by the Andhra Pradesh High Court in PIL No. 106/2013 where it suggested that:

***“- All instances of suicide should be investigated by an internal committee having adequate representation from the SC, ST, OBC, and minority committees.***

***- All committees constituted by universities should have external members from the SC, ST, OBC and other minority communities.***

***- It also provided that the appeals from any orders of these committees should lie before the University Ombudsman.”***

**(Emphasis supplied)**

AA. Because the Equity Guidelines do not vest the UGC with any form of powers to ensure complete enforcement and

compliance with the guidelines by HEI's unlike analogous regulations such as the Anti – Ragging Regulations of 2009 and the UGC Prevention, Prohibition, & Redressal of Sexual Harassment to Women Employees and Students in HEI's, 2015.

BB. Because the absence of the power to take action against HEI's in cases of failure of substantive compliance with the Equity Guidelines such as withdrawal of fitness certificate, withholding of grants, issuing advertisements to inform the public that the college/university does not possess the minimum academic standards, recommending the Central Government/State Government for withdrawal of status of a HEI as a University/Deemed University, etc. as available under analogous anti-discrimination regulations such as the Anti – Ragging Regulations of 2009 and the UGC Prevention, Prohibition, & Redressal of Sexual Harassment to Women Employees and Students in HEI's, 2015 renders the Equity Guidelines as toothless and the remedies prescribed thereunder as illusory.

CC. Because the Equity Guidelines are only an illusory measure without any substance since they do not guarantee an effective redressal mechanism in cases of caste – based discrimination in a definite and time bound manner as opposed to the Anti – Ragging Regulations,

2009 which under Regulation 9.3 allows the UGC to take action against HEI's in the manner discussed above in cases where a HEI fails to take action against a complaint for ragging or does not adequately punish a student found guilty of ragging.

DD. Because the Equity Guidelines are insufficient insofar as they do not account for the apathetic behaviour of the staff of HEI's which unlike the Anti – Ragging Regulations, 2009 does not impose personal liabilities including the initiation of departmental enquiries upon the staff of HEI's including the Head of the Institution in cases of any lapses or negligent behaviour of the staff which results in ragging. In the absence of such mechanisms that forces the staffs of HEI's to be cognizant of caste – discrimination on campus, the Equity Guidelines are virtually ineffective and non – deterrent.

EE. Because the optional nature of the Equity Guidelines, non implementation by HEI's and absence of any alternative recourse mechanisms as present under the Sexual Harassment at the Workplace (Protection, Prohibition & Redressal) Act, 2013 like the Local Committee which receives complaints from offices where either a complaint is filed against the employer itself or when there is no Internal Complaints Committee constituted, has left

students and staff members who bear the brunt of caste discrimination remediless.

FF. Because unlike the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, the Equity Guidelines under Regulation 4 does not provide for a definite procedure that should be adopted by the ADO in conducting an enquiry into a complaint that it has received vesting the ADO with excessive discretion without any guiding principle and is hence, unfair and opposed to the principles of justice.

GG. Because the absence of a prescribed procedure that has to be followed by the ADO while investigating and preparing a fact – finding report, is arbitrary since it vests the ADO with excessive discretion without any checks and balances and is antithetic to the principles enshrined under Article 14 Col.

HH. Because the Equity Guidelines in the present form do not acknowledge forms of latent forms of caste discrimination that result in the creation of hostile environments such as referring to one as “quota students”, “non – meritorious”, etc. which is ignored since it is not an explicit casteist slur. However, it flows from the same caste mind-set that seeks

to discriminate and often creates an environment that is hostile and unpleasant making it necessary to borrow analogous provisions from the Sexual Harassment at the Workplace (Protection, Prohibition & Redressal) Act, 2013 and the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 which recognize the creation of hostile environments in relation to harassment recognizing such acts to constitute harassment itself.

- II. Because the Equity Guidelines in their present form do not equip the ADO/EOC and the HEI to take emergency steps or pass necessary interim orders in cases of complaint to ensure there is no further detriment caused to the aggrieved such as in the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 which allows the HEI to grant leave for a period of 3 months without any detriment to the student, ensure that the accused is not allowed to be present in the vicinity of the aggrieved, etc. hence resulting in further discrimination and exclusion by peer groups even after approaching the ADO for grievance redressal.

JJ. Because the importance of adoption of positive steps to prevent exclusion and ghettoization of students has been highlighted multiple times by the Thorat Committee, NCSC, MHRD, UGC through the Anti – Ragging Guidelines, 2009 and the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 which make it incumbent upon the HEI to take steps to promote awareness regarding caste discrimination, orientation courses and seminars to encourage inclusiveness, meetings of students and staff to discuss issues faced and develop solutions to address them, etc which are lacking in the Equity Guidelines consequently creating an atmosphere that encourages caste based discrimination.

KK. Because the Equity Guidelines do not contain sufficient measures unlike the Anti-Ragging Guidelines, 2009 that create provisions obliging affiliating universities to monitor implementation of the Ragging Guidelines by way of creation of a Monitoring Cell under Regulation 6.4.3 who shall seek reports of compliance regarding institution of anti-ragging measures, conducting orientation programmes, counselling sessions, review the efforts made by institutions to publicize its anti-ragging measures. On the basis of this, it also makes it incumbent upon the Monitoring Cell to initiate action to suitably amend

University Bye-Laws to ensure implementation of these guidelines.

LL. Because the UGC has failed to stress upon the importance of fighting caste based discrimination under the Equity Guidelines where it has not sanctioned any action against the accreditation and rankings of the HEI if any case of caste based discrimination is discovered on the campus of a HEI unlike the Anti Ragging Regulations, 2009 which under Regulation 8.2(d) allows for the NAAC or any other accreditation agency to adversely mark a HEI for the prevalence of ragging on campus.

MM. Because the parameters followed by the NAAC are insufficient insofar as there exists no criteria which grades a HEI on the basis of measures it takes to promote inclusiveness and diversity and prevent caste based discrimination. There only exists a vague key indicator of 'Catering to Student Diversity' (key indicator 2.2.) under the criteria of 'Teaching-Learning and Evaluation' (Criteria II) which is limited to learning levels of students and bridging the gap between those that are advanced learners and slow learners. Another mention of diversity in the assessment procedure, too, is inadequate – under 'Curriculum Enrichment' (Key Indicator 1.3) there is no

explicit acknowledgment or recognition of caste-based diversity and corresponding inclusivity.

NN. Because the Equity Guidelines unlike the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 does not acknowledge the prevalence of caste based discrimination against faculty and other employees of a HEI which is equally prevalent in HEI's as is evidenced by the reports of the NCSC.

OO. Because the Republic of India has signed the International Convention on Elimination of all Forms of Racial Discrimination (CERD), 1965, under which signatories, under Article 1 are required to take steps to eliminate all forms of discrimination including on that on the basis of descent, which includes caste as has been clarified by the Committee on Elimination of Racial Discrimination. The Committee has also recommended India to adopt measures that ensure full implementation of reservation policy, reduce dropout rates amongst Dalit Students and reduce classroom segregation amongst students.

PP. Because the failure of the Governments, UGC, and Universities in curbing the menace of caste based discrimination in HEI's requires the intervention of this

Hon'ble Court to exercise its powers under Articles 32 and 142 to issue guidelines to ensure prevention of caste based discrimination on campus. It is necessary to take note of previous occasions exercised its discretion to issue guidelines when the existing mechanisms created by the State have failed such as in the case of ***Vishwa Jagriti Mission v. Central Government, through Cabinet Secretary, (supra)***, where it was held that:

*“2. This public interest litigation highlights a menace pervading the educational institutions of the country which in spite of efforts made by the Central Government, the University Grants Commission, State Governments and some of the educational institutions is unfortunately showing an upwards trend. The petitioner seeks directions of this Court so as to curb the menace of ragging.*

xxxx

*4. In exercise of the jurisdiction conferred by Article 32 and Article 142 of the Constitution we issue the following guidelines:*

*This Court views with concern the increase in the number of incidents of ragging in educational institutions. Some of the reported incidents have crossed the limits of decency, morality and humanity. Some of the States have acted by enacting legislations and making ragging as defined therein, a cognizable and punishable offence. However, we feel ragging cannot be cured merely by making it a cognizable*

*criminal offence. Moreover, we feel that the acts of indiscipline and misbehaviour on the part of the students must primarily be dealt with within the institution and by exercise of the disciplinary authority of the teachers over the students and of the management of the institutions over the teachers and students. Students ought not ordinarily be subjected to police action unless it be unavoidable. The students going to educational institutions for learning should not remain under constant fear of being dealt with by the police and sent to jail and face the courts. The faith in the teachers for the purpose of maintaining discipline should be restored and the responsibility fixed by emphasising the same.”*

QQ. Because the nature of powers vested with this Hon'ble Court under Article 142 are wide and enable the Supreme Court to issue a wide range of directions to ensure complete justice. A Five Judge Bench of this Hon'ble Court in the case of **Supreme Court Bar Association v. Union of India**, [(1998) 4 SCC 409] while explaining the powers under Article 142 held that:

*“47. The plenary powers of this Court under Article 142 of the Constitution are inherent in the Court and are complementary to those powers which are specifically conferred on the Court by various statutes though are not limited by those statutes. These powers also exist independent of the statutes with a view to do complete justice between the parties. These powers are of very wide amplitude and are in the nature of supplementary powers. This power*

*exists as a separate and independent basis of jurisdiction apart from the statutes. It stands upon the foundation and the basis for its exercise may be put on a different and perhaps even wider footing, to prevent injustice in the process of litigation and to do complete justice between the parties. This plenary jurisdiction is, thus, the residual source of power which this Court may draw upon as necessary whenever it is just and equitable to do so and in particular to ensure the observance of the due process of law, to do complete justice between the parties, while administering justice according to law. There is no doubt that it is an indispensable adjunct to all other powers and is free from the restraint of jurisdiction and operates as a valuable weapon in the hands of the Court to prevent "clogging or obstruction of the stream of justice".*

- RR. Because the UGC has failed in its duty to exercise regulatory powers over Deemed Universities and it is therefore, necessary that Deemed universities are also strictly governed by the same regulations as other HEIs since they too enrol SC,ST students, faculty and employees and are equally bound by the mandate of Articles 14,15,17 and 21 of the Col
- SS. Because the NAAC ought not to recognize and accredit educational institutions which have failed to implement "*measures adopted to curb caste – based discrimination*" and the failure of the NACC in this regard amounts to an abdication of responsibility by the State to ensure non-

discrimination on the basis of caste and is hence violative of Article 15.

TT. Because it has been settled by this Hon'ble Court that its powers under Article 142 of the Constitution are unbridled and have to be exercised to ensure the delivery of justice. The repeated failures of the UGC to address issues of caste-based discrimination and ensure compliance of its regulations and the insufficiency of the guidelines reek of executive inaction resulting in violation of the fundamental rights of students in HEI's and hence is a fit case for the intervention of the Supreme Court. Most notably, in the case of ***Vineet Narain v. Union of India*, [(1998) 1 SCC 226]** this Hon'ble Court held that:

*“49. There are ample powers conferred by Article 32 read with Article 142 to make orders which have the effect of law by virtue of Article 141 and there is mandate to all authorities to act in aid of the orders of this Court as provided in Article 144 of the Constitution. In a catena of decisions of this Court, this power has been recognised and exercised, if need be, by issuing necessary directions to fill the vacuum till such time the legislature steps in to cover the gap or the executive discharges its role.”*

15. The Petitioners herein have filed the present petition to protect and safeguard fundamental rights of students, faculty members and staff of HEI's belonging to socially

and educationally backward classes under Articles 21 and 14, 15, 16 and 17 of the Col. The Petitioners have no alternate efficacious remedy but to approach this Hon'ble Court under Article 32 of the Col for the reliefs prayed for herein.

16. That this Hon'ble Court has the jurisdiction to entertain and try this Petition.
17. That the Petitioners craves leave to alter, amend or add to this Petition.
18. That the Petitioners seek leave to rely on documents, a list of which, along with true typed copies has been annexed to this Petition.
19. That this Petition has been made bona fide and in the interest of justice.

### PRAYER

**In these facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to: -**

- a) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent No. 1 and 2 to strictly ensure enforcement of and compliance with the *UGC, (Promotion of Equity in Higher Educational Institutions) Regulations, 2012* dated 17.12.2012 issued by UGC ("**UGC Equity Regulations**");

- b) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 1 and 2 to direct all Universities including Deemed Universities and Higher Educational Institutions (“**HEIs**”) to ensure compliance with the UGC Equity Regulations in letter and in spirit;
- c) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 1 and 2 to direct all Universities and HEI’s to establish Equal Opportunity Cells on the lines of such other existing anti-discrimination internal complaints mechanisms and to include members from the SC,ST communities and independent representatives from NGO’s or social activists to ensure objectivity and impartiality in the process and any such direction that the Court may issue;
- d) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 1 and 2 to direct all Universities and HEI’s to upload on their websites all measures for elimination of caste based discrimination and procedure and punishments for breaching them and to ensure a wider outreach through publicity and participation of governmental and non-governmental actors on the UGC Equity Regulations;

- e) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 1 and 2 to direct all Universities and HEI's to organise compulsory orientation courses, and workshops and trainings for staff, administrators and students to create separate modules for sensitisation on the issues of caste from time to time;
- f) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 2 to revive and fund the activities of the Equal Opportunity Cells/ SC, ST Cells in colleges and Universities for sensitisation on caste issues;
- g) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 1 and 2 to direct all Universities and HEI's to conduct preparatory courses, bridge courses, including peer learning mechanisms, to support SC/ST students and first/second generation learners from these communities on campus and any such direction that the Court may issue;
- h) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no. 1 and 2 to direct all Universities to take strong disciplinary action against victimization of students/staff who file complaints alleging caste based discrimination and to take necessary steps in the nature of

interim reliefs that restrain the HEI from creating a hostile environment against students who file such complaints;

- i) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent No. 1 and 2 to take necessary and strict actions on the lines of other such anti-discrimination regulations against any University or HEI that contravenes or repeatedly fails to comply with the obligations and duties laid out in the Equity Guidelines and any such direction that the Court may issue;
- j) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent No. 2 to impose sanctions on universities failing to take action in cases of complaints of caste - based discrimination;
- k) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent No. 3 to cater to diversity and affirmative action policy as a separate criterion and thus incentivize Universities to develop a congenial atmosphere that promotes diversity and also specifically including "*measures to prevent caste - based discrimination*" as compulsory criteria required to be fulfilled for assessment and accreditation;
- l) Issue a Writ, Order or Direction in the nature of Mandamus directing the Deans/Heads of Institution of all HEI's to

register an FIR within 24 hours, if a complaint alleging caste based discrimination attracts penal laws;

- m) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no.1 and 2 to improve the process of disbursement of scholarships and fellowships to SC, ST, OBC students by digitization of the process, faster processing of applications and SMS reminders to students to apply for the said scholarships on time;
- n) Issue a Writ, Order or Direction in the nature of Mandamus to all Universities and Deemed Universities to establish Monitoring Cells that oversees the implementation of the Equity Guidelines and other caste - based discrimination measures and that such monitoring cells be asked to file periodic status report to the UGC;
- o) Issue a Writ, Order or Direction in the nature of Mandamus to all Universities and Deemed Universities to enact and implement guidelines that address grievances of faculty as well as other employees in HEIs related to caste – based discrimination;
- p) Issue a Writ, Order or Direction in the nature of Mandamus to Respondent no.1 to implement the directions contained by the Andhra Pradesh High Court in PIL No. 106/2013 dated 01.07.2013;

- q) Issue a Writ, Order or Direction in the nature of Mandamus directing Respondent 2 to enact and implement guidelines that ensure substantive compliance with the commitment to eradication of caste based discrimination on campus and to facilitate a diverse, inclusive and healthy atmosphere in HEIs;
- r) Pass any such other orders as may be deemed fit in the facts and circumstances of this case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONERS SHALL AS IN DUTYBOUND EVER PRAY.**

**DRAWN BY:**

Disha Wadekar, Adv  
Kushal Nandwani, Adv

**SETTLED BY:**

Ms. Indira Jaising,  
Senior Advocate

**FILED BY:**

**[SUNIL FERNANDES]**  
Advocate for the Petitioners

NEW DELHI

**DRAWN ON:** 08.2019  
**FILED ON:** 08.2019