



## UGC's Draft Guidelines on De-reservation

**For Prelims:** [University Grants Commission's \(UGC\)](#), [Scheduled Castes \(SCs\)](#), [Scheduled Tribes \(STs\)](#), [Reservations](#)

**For Mains:** [Government Policies & Interventions, Issues](#) Related to SCs & STs, Reservation

**Source:** [IE](#)

### Why in News?

The [University Grants Commission's \(UGC\)](#) **draft guidelines** on implementing [reservations](#) in higher education have sparked significant debate, largely due to the proposal of '**de-reservation**' in **certain exceptional cases**.

- In response, the Union government and the UGC have clarified that faculty positions in universities reserved for [Scheduled Castes \(SCs\)](#), [Scheduled Tribes \(STs\)](#), [Other Backward Classes \(OBCs\)](#), and [Economically Weaker Section \(EWS\)](#) candidates will not be opened to the general category.

### Note

- De-reservation refers to the **potential removal of reserved seats or quotas allocated to specific categories**, such as SCs, STs, OBCs and EWS.

### What do the UGC Draft Guidelines Encompass?

- The UGC had tasked a committee, led by **Dr H S Rana**, the director of the Institute of Public Administration, to formulate new draft guidelines for implementing reservations in higher education, considering the changes and new government instructions since the 2006 guidelines.
  - The aim was to clarify existing rules and incorporate updates from **Department of Personnel and Training (DoPT)** circulars based on court orders.
- The draft encompasses various chapters covering aspects like **quotas in faculty posts, preparation of reservation rosters, de-reservation, verification of caste claims, and reservation in student admissions**.
- The **chapter on de-reservation** is at the centre of the debate, as it suggests that **reserved faculty positions could be dereserved in "exceptional cases"** with adequate justification from the university concerned.
  - The guidelines state that a vacancy reserved for SC/ST or OBC candidates **can be declared unreserved if enough candidates from these categories are not available**.
  - Proposals for de-reservation of Group A and Group B level jobs must be submitted to the **Education Ministry**, while Group C and D level posts require approval from the

## Why did this De-reservation Chapter cause an Outcry?

### ▪ Reasons for Protest:

- Contrary to **current academic practices**, where reserved **faculty positions are not converted for general candidates**, the draft guidelines appeared to pave the way for de-reservation in faculty positions leading to a public outcry.
  - The controversy arose as this provision extended Group A posts to include Group B, C and D.
- The Education Ministry officially maintains a ban on the de-reservation of reserved vacancies for SC, ST, and OBC in direct recruitment.
  - Historically unfilled quota positions are **traditionally re-advertised, and special recruitment drives** are conducted until suitable candidates are identified.
- This was seen as a violation of the constitutional mandate of reservation and a **threat to the representation and empowerment of the marginalised communities in higher education.**

### ▪ UGC and Government's Reaction:

- In response to the public outcry, the Ministry of Education and UGC swiftly issued clarifications, emphasizing that there is **no new instruction permitting de-reservation.**
  - The Ministry reiterated that the **Central Educational Institutions (CEI) Act, 2019, prohibits the de-reservation of reserved posts**, and all vacancies must be filled as per the 2019 Act.
- UGC Chairman clarified that the guidelines were only in draft form, assuring that any provision related to de-reservation would not be part of the final document.

## What is the University Grants Commission?

- The University Grants Commission (UGC) came into existence on 28th December, 1953 and became a **statutory Organization of the Government of India by an Act of Parliament in 1956**, for the coordination, determination and maintenance of standards of teaching, examination and research in university education.
- The UGC operates under the **Ministry of Education**, the Central Government appoints a Chairman, a Vice-Chairman, and ten other members to the UGC.
  - The Chairman is chosen from people **who are not officers of the Central Government or any State Government.**
- Apart from **providing grants** to eligible universities and colleges, the Commission also advises the Central and State Governments on the measures that are necessary for the development of Higher Education.
- It functions from **New Delhi** as well as its six Regional offices located in Bangalore, Bhopal, Guwahati, Hyderabad, Kolkata and Pune.
- It also regulates the recognition of fake universities, autonomous colleges, deemed to be universities and distance education institutions.

## Constitutional Provisions Governing Reservation

- The Indian Constitution contains several provisions for reservation. **Part XVI deals with SC and ST reservations in Central and State legislatures.**
- Articles 15(4) and 16(4) enable the reservation of government service seats for SCs and STs.
  - The **Constitution 77<sup>th</sup> Amendment Act of 1995** introduced Article 16(4A) in the Indian Constitution, allowing the government to **implement reservation in promotions.**
  - Subsequently, the 85<sup>th</sup> Amendment Act of 2001 modified Article 16(4A) to provide **consequential seniority to SC and ST candidates** promoted through reservation.
- Article 16(4B) allows the state to fill unfilled SC/ST vacancies in the succeeding year, bypassing the 50% reservation cap.
- **Articles 330 and 332** provide specific representation for SCs and STs in Parliament and State Legislative Assemblies.
- Panchayats and Municipalities also have reservation provisions under **Articles 243D and 243T.**

## UPSC Civil Services Examination, Previous Year Questions (PYQs)

### **Mains:**

**Q.** Whether the National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. **(2018)**

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