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Guardians of Grades: Exam Integrity in India

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The Public Examinations (Prevention of Unfair Means) Act, 2024, introduces a paradigm shift in the approach toward ensuring the integrity of public examinations in India. Pitted against the rampant evils of question paper leakage, impersonation, and unauthorized help, stringent measures have been introduced through this legislation. It provides for strict penalties against unfair practices and precise definitions, aiming to restore public confidence in credibility. This paper discusses the main provisions of the Act, its consistency with the previous legal regime and international instruments, and possible challenges pertaining to its effective implementation. The research aims to engender a wholesome insight into how the Act is designed to address its existing shortcomings and its potential impact on maintaining examination integrity.

Keywords: *examination integrity, unfair practices, legislative reform, malpractice prevention.*

INTRODUCTION

The recent controversies over the scrapping of UGC NET and allegations of malpractice in NEET have brought to the fore once again the need for severe reforms regarding public examinations, as far as integrity is concerned. This has been happening occasionally In the

forms of cheating, impersonation and paper leaks also have been happening however with less frequency but this is slowly diminishing public faith in this education system. The Indian Parliament acted in response to those malpractices by enforcing the Public Examinations (Prevention of Unfair Means) Act, 2024. The rationale of this Act is to ensure proper conduct in examinations and prevent unfair means hence protecting the sanctity of the microcosm, which would establish a higher standard for all exams. This blog will analyze the Act in detail, explain its main features, and address key issues and concerns with which the Act has still to grapple.

ANALYSIS

The Public Examinations (Prevention of Unfair Means) Act, 2024, is a landmark legislation in which very stringent measures have been provided to ensure the integrity of public examinations in India. It has taken care of question paper leaks, impersonation, and unauthorized help to candidates—things instrumental in compromising the credibility of the outcome of the examinations and causing a loss of confidence among commoners. To fully understand the implications of the Act, there will need to be a deep dive into its legal intricacies, comparisons with previous statutes, and examination of integrity practices from international jurisdictions.

The 2024 Act provides a very rigorous legal framework for the prevention, detection, and punishment of unfair means in public examinations. Section 3¹ defines all schedules of unfair practices—leakage of question papers, tampering with the answer sheets, and assistance given to the candidate unauthorizedly. This complete definition brings lucidity regarding the proscribed conduct, facilitating efficient enforcement and effective adjudication. Where it differs most significantly from earlier Acts is that it contains many proactive measures to avoid such malpractices. Section 5² binds the examining authorities to implement strict security measures like technological protection for question papers and increased monitoring of examinations. Pre-emptive action, in contrast to reaction, ensures that the Act reduces risks much before they materialize.

¹ The Public Examinations (Prevention of Unfair Means) Act 2024, s 3

² The Public Examinations (Prevention of Unfair Means) Act 2024, s 5

In contrast, the Indian legislation preceding this, especially under the IPC, did deal with examination malpractices; however, all those provisions are very general and without any stringent penalties suited for contemporary problems. Sections 415 to 420 of the IPC ³ criminalize cheating and fraud, which were never exclusively dealt with about examinations and, therefore, remained outside the ambit of all types of misbehaviours relating to examinations now covered within the purview of the Act of 2024. The 2024 Act also differs from its earlier statutory responses by states, which were, at best, varyingly extensive in reach and application. While many of those state laws addressed particular malpractices, they were primarily silent on offenses and their corresponding penalties. Unlike the previous ones, clarity and consistency for the whole country are offered through a centralized approach under the 2024 Act, thus giving a fillip to the idea of the rule of law in examination governance.

The Public Examinations Act of 2024 brings in an exhaustive regime aimed at combating such malpractices and ensuring examination integrity. According to Section 10⁴ of the Act, conviction with unfair means can invite imprisonment or fine, which can extend to a heavy fine; its approach has been quite deterrent-like in that it will not only deter prospective offenders but also guard the purity of the results of examinations. Besides, Section 12⁵ grants investigating powers to all officers of the concerned law enforcement authorities for effecting a proper investigation of all offenses under the Act.

The Public Examinations (Prevention of Unfair Means) Act, 2024 is indeed a significant mile in the history of legislation, leading toward protecting the integrity of public examinations in India. This law will differ from the earlier Acts in terms of its comprehensiveness of provisions, strict penalties, and emphasis on preventive measures. Therefore, among others, it is poised as a cardinal tool geared towards fighting malpractices and accessories that restore public confidence and trust. A glimpse into the Act and the comparative elements it has borrowed from international frameworks and legal intricacies provides for a foundation of a fair and transparent examination process that becomes a means towards ensuring merit-based educational opportunities for all across the country.

ISSUES ADDRESSED BY THE ACT

³ The Indian Penal Code 1860

⁴ The Public Examinations (Prevention of Unfair Means) Act 2024, s 10

⁵ The Public Examinations (Prevention of Unfair Means) Act 2024, s 12

The Public Examinations (Prevention of Unfair Means) Act, 2024 is a landmark response to deep-rooted problems marring the public examination system in India. To purge these examinations of cheating, impersonation, and paper leaks—some very pervasive issues—the Act seeks to restore their integrity and credibility, often crucial to the educational and professional futures of millions of students.

The Vyapam scam, one of the most significant examination scandals in India that entailed the Madhya Pradesh Professional Examination Board's officials taking bribes to facilitate the employment of unfair means during exams concerning the recruitment of various government posts,⁶ brought to light the vulnerabilities of examination processes concerning impersonation and manipulation of results through fraudulent marks or degrees. This proved helpful in acting as a catalyst to bring legislation concerning the Public Examinations (Prevention of Unfair Means) Act, 2024, relating to such malpractices. Section 3⁷ of the Act enumerates an exhaustive definition of unfair means, extending to leakage of question papers and tampering with answer sheets. To that end, stringent penalties under Section 10⁸ have been provided in terms of imprisonment and substantial fines to deter such offenses from their commission and adequate accountability at all levels within the examination system.

Similarly, the leaks of question papers for Class 10 and 12 exams in connection with the 2018 CBSE paper leaks,⁹ which were circulated much before schedule, brought in front of the masses how question papers are handled and the lapses therein. This Act, under Section 6¹⁰, makes provisions for reporting immediately both to law enforcement agencies as well as to public examination authorities to ensure urgent remedial action and the consequences and recurrence of the act may be contained. This strengthens the vigilance and accountability of examining bodies in enhancing security measures that uplift the credibility of examinations.

⁶ 'What Was Vyapam Scam? 10 Must Know Facts' *Zee News* (11 June 2023) <<https://zeenews.india.com/india/what-was-vyapam-scam-10-must-know-facts-2620421.html>> accessed 02 June 2024

⁷ The Public Examinations (Prevention of Unfair Means) Act 2024, s 3

⁸ The Public Examinations (Prevention of Unfair Means) Act 2024, s 10

⁹ Chanchal Chauhan, 'Home Education CBSE Paper Leak 2018: Question Papers Sold For Rs 16,000 a Night Before Exam, Claim Students CBSE Paper Leak 2018: Question Papers Sold For Rs 16,000 A Night Before Exam, Claim Students' *India* (30 March 2018) <<https://www.india.com/education/cbse-paper-leak-2018-question-papers-sold-for-rs-16000-a-night-before-exam-claim-students-2971564/>> accessed 02 June 2024

¹⁰ The Public Examinations (Prevention of Unfair Means) Act 2024, s 6

In the case of the NEET 2015¹¹ paper leak, the Supreme Court ordered re-examinations given the many irregularities that came about. Section 12¹² of the Act adequately empowers investigating officers to sufficiently investigate all offenses under this Act with provisions for complete inquiries. This, hence, will build deterrence vis-à-vis future malpractices through proactive enforcement and stringent prosecution and shall restore public confidence in the examination system.

Section 5¹³ further provides for stringent security measures and follow-up mechanisms by the Examination Bodies and, where possible, embraces modern technologies to secure question papers and answer sheets. The attempt is to ensure that risks of leakage and tampering with information are reduced to the minimum on examinations conducted across different parts of the country, ensuring fairness.

CHALLENGES PERSISTING

Despite its comprehensive nature, many challenges persist and, in the near future may derail its successful implementation. One of the most critical challenges is the proper working and implementation of the Act. A lot depends upon the zeal and expertise brought into play by the enforcement authorities and the examining bodies. If there is an infiltration of corruption or inefficiency into these gatekeepers, the effectiveness of the Act will get diluted, and the malpractice will continue unabated. For example, the Vyapam scam in Madhya Pradesh brought to the fore intrinsic corruption at the very root of the Indian examination system, involving officials, candidates, and intermediaries who manipulated examination results by unfair means. Stringent oversight will be needed for the new Act to ensure such corrupt practices do not undermine its efficacy.

The Act currently caters only to public examinations alone, which opens a gaping hole in the regulatory framework for private exams. The 2018 Manipal University paper leak has proved there were chinks in the examination process, even in private institutions.¹⁴ Though one of the

¹¹ Puniti Pandey, 'How Paper Leak In 2015 Led To Cancellation Of Medical Entrance Exam' *NDTV* (21 June 2024) <<https://www.ndtv.com/education/how-paper-leak-in-2015-led-to-cancellation-of-medical-entrance-exam-5936989>> accessed 02 June 2024

¹² The Public Examinations (Prevention of Unfair Means) Act 2024, s 12

¹³ The Public Examinations (Prevention of Unfair Means) Act 2024, s 5

¹⁴ 'Guard who worked at Manipal press stole question papers for Rs 17 lakh: Cops' *India Today* (5 February 2019) <<https://timesofindia.indiatimes.com/city/bengaluru/guard-who-worked-at-manipal-press-stole-question-papers-for-rs-17-lakh-cops/articleshow/67841088.cms>> accessed 02 June 2024

celebrated universities, the event brought out the security and monitoring lapses that caused significant academic and administrative consequences. Thus, the Act has an enormous gap, excluding coverage of private institution exams within this particular test. Furthermore, they are also challenged by the fact that technological advancement in the Act is fast.

Due to a highly fast-paced technological advancement, the ways of cheating and other unfair practices are also being discovered at a breakneck pace. This Act needs to be flexible and dynamic to be able to confront such challenges. This involves the use of technological solutions, especially for monitoring and detection purposes, and the impossibility of legal framework updating for continued applicability to new forms of malpractice. Within the last couple of years, with the proliferation of sophisticated cheating devices such as micro-earpieces and hidden cameras, many candidates have succeeded in their ill ways during examinations, thus the need for advanced technological countermeasures.

ALIGNMENT WITH INTERNATIONAL PRECEDENTS

Ensuring the integrity of public examinations is a global challenge, and various countries have enacted laws to combat unfair practices. This comparative analysis examines similar legislation from countries like China, the United States, and the United Kingdom to understand how they address examination malpractices and how the Public Examinations (Prevention of Unfair Means) Act, 2024, aligns with or differs from these approaches. China has stringent laws against examination malpractice, reflecting the high stakes of its national exams. The Education Law of the People's Republic of China and subsequent amendments criminalize cheating and related activities. For instance, the 2015 amendment made cheating on major exams, including the National College Entrance Examination (Gaokao), a criminal offense punishable by up to seven years in prison.¹⁵ This law also holds organizers and facilitators accountable, similar to India's Act. China's approach includes technological surveillance, severe penalties, and immediate action against any detected malpractice, demonstrating a robust and proactive stance against cheating. In the United States, examination integrity is governed more by institutional policies than federal law, given the decentralized education system. However, the Higher Education Opportunity Act of 2008 includes provisions to prevent fraud and abuse in educational assessments. Institutions use technology to verify

¹⁵ Education Law of the People's Republic of China 2009

student identity and monitor testing environments. Moreover, the Educational Testing Service (ETS) and other bodies enforce strict rules against cheating, with penalties ranging from score cancellation to bans on future testing.¹⁶ Unlike the Indian Act, which mandates nationwide enforcement, the U.S. approach relies heavily on individual institutions' vigilance and advanced technological measures. The UK addresses examination malpractice through a combination of statutory regulations and organizational policies. The Education Act 2011 introduced measures to tackle cheating in public examinations.¹⁷ The Joint Council for Qualifications (JCQ) oversees the implementation of strict regulations, including invigilator training, candidate identity verification, and secure handling of examination materials. Penalties for malpractice range from disqualification to legal action. The UK's emphasis on training and stringent procedural safeguards parallels India's focus on robust security measures and institutional responsibilities.

The Public Examinations (Prevention of Unfair Means) Act, 2024, aligns with global best practices by establishing clear definitions, severe penalties, and robust enforcement mechanisms. However, the Act could improve by including more technology solutions like the U.S. does to combat new cheating methods. India could also follow the UK's lead by providing better training for examiners and invigilators. While the centralized approach of the Act is strong, it should consider the flexibility of the U.S. decentralized system for quicker updates to tackle new challenges. While the Act is a step in the right direction, it needs to continue evolving to effectively combat cheating during exams.

CONCLUSION

The Public Examinations (Prevention of Unfair Means) Act, 2024, thus, becomes a move in the right direction for making public examinations ethical and fair in the country. It intends to use a detailed legal framework so that unfair practices can be prevented and credence given to the examination system. However, the actual effectiveness of this Act remains in its implementation and enforcement measures. This can be achieved through capacity building for examining bodies and enforcement authorities, enhancing security measures within all examination centers, promoting good ethics, harnessing a role for technology, and periodic review of the Act to tackle emerging challenges. It has the potential to give a fair and open

¹⁶ Higher Education Opportunity Act 2008

¹⁷ Education Act 2011

examination environment that can ensure merit and integrity are upheld in the education system. Unless there is collective effort and commitment to the provisions under this Act, it will impact the integrity of public examinations in India. It is in the fruitful implementation of such legislation that lies a strong future for the country's education system, and all stakeholders must work together toward this end.