



# Upholding Examination Integrity: The Public Examinations (Prevention of Unfair Means) Act, 2024

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## Abstract:

In an increasingly impatient world the roadmap to success can become shortcut with the desire to not be more than others and advantage over others interests is the flashpoint for many to compromise their integrity. With the rising trend of exam malpractice in public external examinations, the call for a halt to cheating in public examinations has never been louder. Consequently, the government on its part has enacted the Public Examinations (Prevention of Unfair Means) Act, 2024 to curb these illegal practices and safeguard the examination systems in the state from being compromised. In this study, this legislation is addressed as not only a means of preventing cheating, but also as a sounder ethical foundation demonstrating the application of university policy to the student, the educator, and the education system in its entirety.

Keywords: Cheating, Public Examinations, Academic Integrity, Unfair Means, Legislation, Education System.

## Introduction

The ubiquitous and immoral resort to unfair practices in public examinations has come to rank as one of the major threats to the credibility, integrity and validity of the Educational structure in India. The question of the magnitude of malpractices, including cheating, impersonation and undue influence, affects not just the integrity and credibility of academic evaluation, it also impacts the credibility and propriety of academic benefits. Furthermore, this type of malpractice may very much have completely sown away faith in the educational system, shadowing ahead the flow of worthy and academically sound students. The Parliament of India has now in track to remedy this pressing issue by passing a historic legislation to prevent injustice in public examinations in the form of The Public Examinations (Prevention of Unfair Means) Act, 2024, a law-punitive statute to prevention, prohibition and punishment of unfair means for public examinations. Through the enactment of this law, the government aims to encourage a culture of integrity, honesty and fairness in academia whereby a student career is a true testament to the knowledge, skills and good fortune of a candidate. This legislation represents a crucial step towards restoring the credibility and trustworthiness of the educational system, upholding the principles of equity and justice, and promoting a level playing field for all students. Making ensuring that public examination processes are trustworthy, open, and fair is the main goal. Public examinations are defined in section 2(k) as those that are either administered by the central government-notified authority or by the public examination

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authority according to the schedule. Its scope is broad enough to include all types of public exams, such as NTA, UPSC, SSC, IBPS, etc.

### Unfair means and offences:

Chapter II from sections 3 to 8 and chapter III from sections 9 to 11 deal with the unfair means and offences and punishment for offences respectively related to the conduct of public examination.

- a. **Unfair means:** According to Section 3 of the act prohibits unfair means, and Section 4 forbids any form of conspiracy or collusion for the same. Any act that is considered unfair includes: (i) leaking the question paper, answer key, or a portion of it; (ii) conspiring with others to cause the question paper or answer key to be leaked; (iii) obtaining the exam paper or an Optical Mark Recognition answer sheet without permission; (iv) answering one or more questions during a public test by an unauthorised individual; (v) giving the candidate unapproved assistance in any way during the public test; (vi) altering answer sheets, including those that use optical mark recognition; (vii) changing the evaluation without permission, unless it's to fix a legitimate mistake; (viii) wilfully breaking rules or guidelines established by the Central Government for administering a public test either directly or through its agency; (ix) submitting a false document in order to influence the selection of candidates or the results of a public exam; (x) the intentional use of measures to compromise security in order to facilitate unfair means of conducting a public examination; (xi) interfering with the computer network, computer resource, or computer system; (xii) manipulating seating arrangements, scheduling, or shifts for candidates to enable the use of unfair methods in exams; (xiii) endangering the life or freedom of anyone associated with the public examination authority, the service provider, or other approved governmental agency; (xiv) creating a phoney website to cheat or for financial gain; and (xv) conducting a fake exam or issuing phoney admit cards or offer letters to cheat for financial gain, for financial gain, or wrongful gain by an individual, group of individuals, or the institution.
- b. **Disruption to the conduct public examination:** section 5 restricted each and everyone to enter the premises of the examination centre with the mala fide intention just to disrupt the conduct of the exam when he is not even engaged in such examination. This section mandates that authorised officials ensure public examinations are free from doubt and bias, maintaining complete openness and fairness. No official shall, prior to the designated time for the opening and distribution of examination papers: i. unauthorised access, possess, open, solve, or request aid in solving these examination papers or any part of them for pecuniary or improper gain; ii. give up private information about the test or guarantee that they will not share it with anybody for financial or illegal gain; iii. disclose or facilitate the disclosure of any information or part thereof that has come to their knowledge for any undue advantage or improper gain.
- c. **Strict liability upon service providers:**
  - i. Service provider has to provide information of offences as mention from section 3 to 5 to the police authorities as well as to the public examination authorities and if service providers are also involved in the same then they are also liable for the punishment under the act. The purpose is to ensure that any instances of unfair means are promptly reported and addressed, and those responsible are held accountable.<sup>2</sup>
  - ii. Service providers can not use a different location for an exam without getting written permission from the exam authority. If there's an emergency or unforeseen circumstance using a different location without permission might be allowed.

<sup>2</sup>Section 6, The Public Examinations (Prevention of Unfair Means) Act, 2024

- iii. Service providers or their associates who don't report cases of cheating or other offenses will also be considered to have committed an offence.<sup>3</sup> If a service provider commits an offense, then the directors, managers, or other officials may also be held liable if they were involved or knew about it. However, they can avoid punishment if they prove they didn't know about the offence and took all necessary steps to prevent it.

### **Punishments:**

- a. Anyone who commits fraud or other crimes under this Act will face at least three years in prison, which could go up to five years, and a fine of up to ten lakh rupees. If you don't pay the fine, you will have to go to jail, according to the Bharatiya Nyaya Sanhita, 2023.
- b. In addition to recovering the associated examination expenses, the service provider may be fined up to one crore rupees. In addition, for a period of four years, the provider is not allowed to take on any duties associated with public examination administration.
- c. In the event that it is discovered during the investigation that an offence under this Act was carried out with the approval or complicity of any Director, Senior Management, or individuals responsible for the firm providing the service, they will face a fine of one crore rupees and a minimum prison sentence of three years, with the possibility of a maximum of ten years. Upon default of fine payment, supplementary imprisonment shall be enforced in accordance with the Bharatiya Nyaya Sanhita, 2023.
- d. The punishment for any institution—including the examination authority—found guilty of an organised crime is a fine of one crore rupees and a jail term of at least five years, with a maximum of 10 years. The Bharatiya Nyaya Sanhita, 2023 specifies that in the event of a fine not being paid, an extra penalty of jail would be applied.

### **Inquiry and investigation:**

Any violation of this Act must be investigated by a police officer not lower in rank than Assistant Commissioner of Police or Deputy Superintendent of Police.<sup>4</sup> However, the investigation can be handed over to any investigating agency of the centre. The offences are cognizable, nonbailable and non compoundable.

### **Conclusion**

The Public Examinations (Prevention of Unfair Means) Act, 2024 Revolutionizing Laws to Keep Unlawful Practices During Public Exams in Check in India. The law encourages a merit-based education system by changing the fight against cheating and illicit practices, bringing in an environment of hard work, integrity, and justice. The success of this solution relies on effective implementation carried out with cooperation and collaboration from all stakeholders. This law as it is very strict and with a strong framework will change the whole examination system and thus give everyone a fair chance so that a bright future can be built for India.

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<sup>3</sup>Section 8(2), The Public Examinations (Prevention of Unfair Means) Act, 2024

<sup>4</sup> Section 12, The Public Examinations (Prevention of Unfair Means) Act, 2024