

# ANTI-CHEATING LAWS IN INDIA: A STUDY OF LEGAL FRAMEWORKS AND POLICY EFFECTIVENESS

## Abstract

On February 9, 2024, Parliament passed the Public Examination (Prevention of Unfair Means) Act 2024, however, it came into effect on June 21, 2024. The purpose of the Act is to 'prevent' unfair means and conduct fair and transparent public examinations. The problem is not new, as Andhra Pradesh and U.P. had laws on the subject since 1998. Therefore, this paper conducts a comparative analysis of what has been added by the latest law. Does it use a preventive approach, a deterrence approach, or a mixture of both? Besides this, a policy analysis of the incentives and disincentives of cheating and the use of unfair means has been done to examine if the latest Act disincentivizes the gain of cheating. Public examinations form one of the crucial aspects of society and the life of youths, as they form the first step for getting a government job or a seat in a higher educational institution. On the other hand, cheating in public examinations has also surged. For instance, cheating and paper leaks in NEET and UGC exams were in the news during the first half of the year 2024. There is a psychological and social impact of examination paper leaks on examinees' well-being, and these incidents raise ethical concerns about the fairness and integrity of the whole system. No studies have been conducted in India that analyze the laws, psychological and social impact of examination paper leaks on examinees' well-being, and compare different laws.

## I Introduction

RECENTLY, PARLIAMENT passed an anti-cheating law, the Public Examination (Prevention of Unfair Means) Act, 2024 (hereinafter referred to as the 2024 Act), which has been lauded for addressing the persistent problem of paper leaks and indulgence in unfair means in public examinations. A fundamental question arises: 'Why does anyone cheat or use unfair means?' A person decides to engage in such behaviour after weighing the rewards and costs, which is referred to as a battle between incentives and disincentives. A person may be motivated by incentives or gain, and the likelihood of engaging in such behaviours decreases when the potential disincentive or costs are more severe. Thus, the central question is whether the enactment of the 2024 Act by Parliament was aimed at reducing the incentives to cheat and imposing severe costs as deterrents.

People see exams, especially public examinations, as a system of opportunity and fairness. Public examinations are a crucial part of our education system and public services. Success for most of us means getting a government job or admission to a reputed higher-educational institution. Examinations become a scale for measuring a person's success. Success is weighed, more than quality education; therefore, there is a mushrooming of coaching centres, which adds to the expenses for exam preparation. Resultant, the expenses of preparation and better prospects endorse the behaviour of using unfair means. There is a requirement for urgent reform in the educational and examination system. However, this paper is limited to examining what new laws

have been proposed to curb this menace of cheating while analysing policy approaches, comparing them with earlier enacted State laws, and portraying the psychological and social impact of examination paper leaks on examinees' well-being through empirical research.

### **Problem statement**

The recurring irregularities in public examinations in India were further exemplified by the recent controversy surrounding the NEET-UG 2024 paper leak and UGC NET 2024, once again sparking concerns about fairness, transparency, and the future of merit-based evaluations. The National Eligibility cum Entrance Test is India's primary medical examination, conducted by National Testing Agency (hereinafter referred to as NTA) with lakhs of aspirants competing for limited seats in prestigious medical colleges. NEET was conducted on May 5, 2024, for over 23 lakh candidates, and shortly after, the news of the paper leak disseminated rapidly, with multiple FIRs being registered all over India. An unprecedented number of high scorers and multiple instances of students from the same centres getting full marks further raised the suspicion of a paper leak or some malpractice. The outrage intensified when 13 people, including four examinees, were arrested by the Bihar Police for paying huge sums of money to obtain the paper before the actual exam. Further, when the results were declared, it was found that 1563 candidates were awarded grace marks for making up for the unutilized time in the examination in certain centres following the recommendation of the Grievance Redressal Committee constituted by the NTA. The decision was met with considerable opposition and various writ petitions were filed for cancellation and conducting a fresh exam. The apex court, by its order dated June 13, 2024, noted that the 1563 candidates who were given grace marks will be given two options, *i.e.*, they could either choose to attempt the re-exam and be ranked based on the scores from that, or they could retain their old scores without the grace marks.<sup>1</sup> Further, the court on July 23, 2024, held that the matter lacked any indications of an overall systemic failure. It was further held that a re-test was not warranted since the standard prescribed by the apex court for the cancellation of the test was not met.<sup>2</sup>

Following the NEET UG incident, another significant breach shook the public examination system in India when the University Grants Commission National

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1 Decksha, "NEET UG-2024: SC takes on Record Center's Stand that Grace Marks Given to 1563 Candidates will be Cancelled", *SCC Online Times* (June 13, 2024), available at: <https://www.scconline.com/blog/post/2024/06/13/sc-neet-ug-2024-grace-marks-cancelled-option-retest-scc-times/> (last visited Nov 27, 2024).

2 Apporva, "No Re-test for NEET-UG 2024 as Supreme Court finds no Material Indicating Vitiating Results", *SCC Online Times* (July 23, 2024), available at: <https://www.scconline.com/blog/post/2024/07/23/no-re-test-for-neet-ug-2024-supreme-court-finds-no-material-vitiated-results-systemic-breaches/> (last visited Nov 27, 2024).

Eligibility Test conducted in June 2024 was cancelled after allegations of a paper leak surfaced. The exam that was cancelled a day after it was conducted was held in two shifts in pen and paper mode across 317 cities. A total of 11,21,225 candidates registered for the exam, out of which 9,08,580 appeared for it.<sup>3</sup> The matter was referred to the CBI for probe. While the probe was still ongoing, a petition challenging the government's decision to cancel the exam was filed in the apex court. Meanwhile, dates for the re-exam were announced, returning to the old method of computer-based testing. Further, a PIL was filed by a lawyer too, seeking to put a stop to the re-examination until the probe was over. The apex court dismissed the petitions, highlighting the need for 'certainty' for the candidates appearing for the exam and that interrupting at that stage would disrupt the process. The re-exam was conducted from August 21, 2024, to September 4, 2024.<sup>4</sup> Just as it appeared that the controversy surrounding the examination had subsided, the re-scheduled exam at a particular centre of Varanasi had to be re-re-scheduled on account of reported malpractice.<sup>5</sup> The same thing followed with the centres in Rajasthan,<sup>6</sup> Tamil Nadu,<sup>7</sup> and Gujarat,<sup>8</sup> although the reasons for the re-scheduling differed with the location, such as technical glitches in Tamil Nadu and floods in Gujarat. Such incidents of malpractice in some of the most prominent exams underscore the vulnerability of the mechanism and the yearning need for robust security measures to maintain the integrity of the academic assessment.

There has been widespread news about paper leaks and cheating across the States like Rajasthan, Haryana, Bihar, Gujarat, and Uttarakhand; many of those States

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- 3 Press Release, NTA, *Press Release for Successful Conduct of UGC-NET June 2024* (June 18, 2024), available at: <https://ugcnet.nta.ac.in/images/press-release-for-ugc-net-june-2024.pdf> (last visited Jan. 27, 2025).
  - 4 Public Notice, NTA, *Examination Schedule of UGC-NET June 2024* (Aug 2, 2024), available at <https://ugcnet.nta.ac.in/images/public-notice-for-schedule-of-ugc-net-june2024.pdf> (last visited Jan. 27, 2025).
  - 5 Public Notice, NTA, *Cancellation of Reschedule Examination at Dr. Ghanshyam Singh College of Education, Varanasi* (Feb. 20, 2025), available at: <https://ugcnet.nta.ac.in/images/public-notice-for-cancel-of-exam-for-centre-ghanshyam.pdf> (last visited Jan. 28, 2025).
  - 6 Public Notice, NTA, *Cancellation of Reschedule Examination at Shankra Group of Institution, Kukas, Jaipur, Rajasthan* (Aug. 27, 2024), available at: <https://ugcnet.nta.ac.in/images/public-notice-for-cancel-of-exam-for-centre-shankara-group-of-institutions.pdf> (last visited Jan. 28, 2025).
  - 7 Public Notice, NTA, *Cancellation of Reschedule Examination at Jainee College of Engineering and Technology, Tamin Naidu* (Aug. 28, 2024), available at: <https://ugcnet.nta.ac.in/images/public-notice-for-cancel-of-exam-for-centre-jainee-college-of-engineering-and-technology.pdf> (last visited Jan. 28, 2025).
  - 8 See Public Notice, NTA, *Cancellation of Reschedule Examination at Amatyas Global IT Solutions, Jammagar, Gujrat* (Aug. 30, 2024), available at: <https://ugcnet.nta.ac.in/images/public-notice-for-cancel-of-exam-for-centre-amatyas-global-it-solution.pdf> (last visited Feb. 25, 2025).

already have similar anti-cheating laws in place. Our line of argument focuses on identifying what new measures have been introduced to address the issue of cheating, whether the recently enacted law adopts a distinct approach from the already existing state legislations, and whether it more effectively deters the benefits of cheating. To explore these questions, A comparative study followed by policy analysis is undertaken.

### **Research questions**

- i. What are the current legal frameworks in place to prevent cheating in public examinations in different States of India?
- ii. What are the similarities or dissimilarities between existing State laws and the 2024 Act?
- iii. Does the 2024 Act effectively reduce the incentive to cheat?
- iv. What is the psychological and social impact of examination paper leaks on examinees' well-being, and how do these incidents raise ethical concerns about fairness and integrity in the education system? [empirical study via questionnaire; limited to the examinations conducted by NTA in India]
- v. What reforms are needed to improve the legal framework?

### **Objectives**

- (i) To examine the earlier State laws and the newly enacted 2024 Act.
- (ii) To identify the similarities and dissimilarities of the State laws and the 2024 Act.
- (iii) To evaluate the policy approach, whether it is pre-emptive or deterrence, or a mixture of both, and how the new law disincentivizes cheating.
- (iv) To study the psychological and social impact of examination paper leaks on examinees.
- (v) To suggest some reforms.

### **Methodology**

To address the objectives and research questions, a mixed-methods approach is employed, integrating both qualitative and quantitative methodologies. A legal and policy analysis is conducted with the help of doctrinal research employing both analytical and comparative approaches. It is limited to the State laws and the recently enacted law dealing with cheating and use of unfair means in examinations.

The empirical study uses a questionnaire, through which data is collected for discussion. Primary data was collected with a small survey through a Google Form questionnaire. A total of 58 participants were selected by purposive sampling. The survey is specifically

focused on the exams conducted by NTA in India, such as NEET, CUET, and UGC-NET.

## **II Legislative framework governing public examinations**

Since the ‘education’ falls under Concurrent list, both the Union and State governments can enact laws on the subject. Several States, including Uttar Pradesh, Rajasthan, Orissa, and Andhra Pradesh, introduced their legislation to ‘prevent’ exam malpractices, and the much-awaited central law was enacted in 2024. This section examines the State and Union laws governing public examination, analysing its objective, significance, key provisions, and overall impact.

### **State laws governing public examinations integrity**

Before the introduction of the 2024 Act, several States, including Rajasthan, Uttar Pradesh, Orissa, and Bihar, proactively enacted legislation to deal with the rampant malpractices in public examinations. However, the potency of these legislations is debatable. The oldest amongst them is the 1988 Act by the State of Orissa.<sup>9</sup> The most recent is the State of Uttarakhand’s Competitive Examination Act 2023.<sup>10</sup> Public examination relates to education, which is Entry 25 under the Concurrent list, empowering Union and State to legislate on the subject. The 2024 Central Act has restricted its application to examinations conducted by central agencies only as given under the Schedule. However, the Central Government reserves the power to include such other authorities as may be notified by it. On the other hand, since the States can legislate only for themselves, the application of their legislation is limited to the State agencies specified under their respective legislations.

A unifying thread across these State legislations is their shared objective: to “prevent” the use of unethical means in public examinations and to prescribe punitive measures against such acts. Although the State laws employ the term ‘prevention’, they fail to prescribe concrete or, for that matter, any preventive strategies. Instead, their focus leans towards prohibition, applying the principle of deterrence by outlining penalties for misconduct. This suggests a reactive approach centred on punishment rather than a proactive one aimed at eliminating such practices beforehand.

Unlike the 2024 Act, the State laws define ‘unfair means’ encompassing not only external malpractices but also misconduct committed by the examinee himself by

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9 The Orissa Conduct of Examination Act, 1988, Orissa Act 2 of 1988 (Mar. 11, 1988), *available at*: [https://www.indiacode.nic.in/bitstream/123456789/10520/1/the\\_orissa\\_conduct\\_of\\_examinations\\_act%2C\\_1988.pdf](https://www.indiacode.nic.in/bitstream/123456789/10520/1/the_orissa_conduct_of_examinations_act%2C_1988.pdf) (last visited Jan. 20, 2025).

10 The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023, Act No. 13 of 2023 (April 26, 2023), *available at*: [https://prsindia.org/files/bills\\_acts/acts\\_states/uttarakhand/2023/ActNo13of2023UKD.pdf](https://prsindia.org/files/bills_acts/acts_states/uttarakhand/2023/ActNo13of2023UKD.pdf) (last visited Jan. 30, 2025).

taking unauthorized help from any person or the unauthorized use of any electronic device or gadget. Using unfair means by anyone other than the examinee includes acts like leaking the exam papers, unauthorized access to question papers, tampering with OMR sheets, and threatening the supervisory staff on duty to show any concessions. The Gujarat Act<sup>11</sup> and the Rajasthan Act<sup>12</sup> incorporate a distinctive provision prohibiting any examinee convicted for two years under the Act from appearing in any examination. Another unique provision found under the Rajasthan Act and the Uttarakhand Act<sup>13</sup> is for designating Sessions Courts as ‘Special Courts’ to adjudicate offences under these statutes. Such courts are to be established by the respective State governments in consultation with the Chief Justice of the concerned high court. Although the intention behind such a measure is to provide for more focused and efficient trials, the effectiveness depends on several factors, such as the capacity of the courts or the investigative mechanisms, amongst other things.

Increasing the deterring factor, certain State laws provide that any individual or entity involved in examination-related activities such as management, printing, transportation, or supervision, *etc.*, if found guilty under the Act, be liable to reimburse all the expenses and costs incurred in conducting examination and will be barred from participating in future examination processes. Jharkhand<sup>14</sup> and Chhattisgarh<sup>15</sup> anti-cheating laws lay down provisions for summary trial by Executive Magistrate and Judicial Magistrate of the first class, respectively, to leverage the efficacy of streamlined procedure. To ensure the effective application of the law, all state governments reserve the right to make rules *via* notification for carrying out the purposes of their respective legislation on the subject.

While these States have extensive anti-cheating laws in place, paper leaks remain a recurring problem, eventually undermining the integrity of public examinations and raising doubts on the efficacy of these legislations. For instance, despite the stiffer

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11 Gujarat Public Examination (Prevention of Unfair Means) Act, 2023, Gujarat Act No. 2 of 2023 (March 3, 2023), *available at*: [https://prsindia.org/files/bills\\_acts/acts\\_States/gujarat/2023/Actno2of2023Gujarat.pdf](https://prsindia.org/files/bills_acts/acts_States/gujarat/2023/Actno2of2023Gujarat.pdf) (last visited Feb. 20, 2025).

12 The Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022, Act No. 6 of 2022 (April 6, 2022), *available at*: [https://prsindia.org/files/bills\\_acts/acts\\_States/rajasthan/2022/Act%20No.%206%20of%202022%20RJ.pdf](https://prsindia.org/files/bills_acts/acts_States/rajasthan/2022/Act%20No.%206%20of%202022%20RJ.pdf) (last visited Mar. 10, 2025).

13 *Supra* note 10.

14 The Jharkhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023, Act No. 15 of 2023 (Nov. 29, 2023), *available at*: [https://prsindia.org/files/bills\\_acts/acts\\_States/jharkhand/2023/Act15of2023Jharkhand.pdf](https://prsindia.org/files/bills_acts/acts_States/jharkhand/2023/Act15of2023Jharkhand.pdf) (last visited Jan., 2025).

15 The Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008, Act 2 of 2009 (Mar. 17, 2009), *available at*: [https://prsindia.org/files/bills\\_acts/acts\\_States/chhattisgarh/2009/2009CG2.pdf](https://prsindia.org/files/bills_acts/acts_States/chhattisgarh/2009/2009CG2.pdf) (last visited Mar. 10, 2025).

punishments laid down under the Rajasthan Public Examination Act of 2022, the Rajasthan Teacher Recruitment exam conducted by the State's Public Service Commission was cancelled at the last minute. The scam unravelled when Udaipur Police, operating on a tip, arrested 44 people, including 37 students, in possession of leaked question papers.<sup>16</sup> Further, even after four decades of law being in existence, Jharkhand still witnessed multiple instances of paper leaks, with the most recent one being that of JSSC CGL of 2023 conducted on January 28, 2024. The third paper of general knowledge was cancelled after the paper was leaked, followed by the cancellation of the remaining three papers too. The incident became graver when the re-exam in September 2024 was also marred by the question paper being leaked.<sup>17</sup> One can scarcely fathom the adverse implications of paper leaks on the candidates appearing for the exam.

### **Public Examinations (Prevention of Unfair Means) Act, 2024: A national approach towards examination integrity**

The objective of the 2024 Act is to “prevent” unfair means in public examinations.<sup>18</sup> The term “prevent” refers to *stopping something from happening*,<sup>19</sup> giving the impression that it is better to prevent or stop these situations from occurring in the first place. Does it outline preventive measures to curb cheating and paper leaks, or establish any procedure for preventing such incidents from happening?

The Act is divided into six chapters with a total of 19 provisions. Section 2 is an interpretational clause defining some important terms used in the Act.<sup>20</sup> As discussed above, ‘Public examination’ includes only the examination conducted by the enumerated authorities in the schedule.<sup>21</sup> ‘Candidate’ is a person who is permitted to sit in public examination and also includes a scribe on behalf of such a person. ‘Conduct of public examination’ consists of the whole process for organizing any public examination. ‘Institution’ is defined as any agency, organization, body, association

16 Sachin Saini and Sohail Khan, “Rajasthan Teacher Recruitment Cancelled after 44 Arrested for Paper Leak”, *Hindustan Times* (Dec 22, 2024), available at: <https://www.hindustantimes.com/cities/jaipur-news/rajasthan-teacher-recruitment-exam-cancelled-after-44-arrested-for-paper-leak-101671886312431.html> (last visited Mar. 25, 2025).

17 Chanderjit Mukherjee, “HC Issues Notice to State and JSSC Over Exam Paper Leak”, *The Times of India* (Oct 23, 2024), available at: <https://timesofindia.indiatimes.com/city/ranchi/jharkhand-high-court-demands-cbi-probe-into-jssc-exam-paper-leak-scandal/articleshow/114481008.cms> (last visited Mar. 10, 2025).

18 See the Preamble of the Act, *Public Examinations (Prevention of Unfair Means) Act, 2024*, Preamble, available at: [https://www.indiacode.nic.in/handle/123456789/20100?view\\_type=browse](https://www.indiacode.nic.in/handle/123456789/20100?view_type=browse) (last visited Mar 11, 2025).

19 See Cambridge Dictionary, “Meaning of prevent in English”, available at: <https://dictionary.cambridge.org/dictionary/english/prevent> (last visited Apr. 17, 2025).

20 The Public Examinations (Prevention of Unfair Means) Act, 2024 (Act 1 of 2024), s. 2.

21 *Id.*, sch.



of persons, any business entity, company, partnership firm, or single proprietorship firm, by whatever name, engaged by a public examination authority; however, public examination authority and service provider are excluded from the definition of institution. ‘Service provider’ means any agency, organisation, association, business entity, company, or partnership firm, by whatever name, engaged by a public examination authority to provide support of any computer resource or material.

Section 3 provides what acts or omissions amount to ‘unfair means’ relating to the conduct of public examination, and it lists fifteen such acts or omissions; although the list is not exhaustive, it is indicative.<sup>22</sup> ‘Unfair means’ includes:

- i. Any act or omission (including fifteen acts/ omissions enumerated therein)
- ii. Such an act or omission may be done or caused to be done by any person, group of persons, or institutions
- iii. Such an act or omission must be for monetary or wrongful gain

The list includes leaking question papers, accessing them without permission, tampering with answer sheets, or deliberately breaking security measures to cheat. The legislature provides a comprehensive list of actions and omissions. What is essential is that the act or omission must be for ‘monetary or wrongful gain’, which is not clarified anywhere in the Act. Section 2 of BNS defines the term ‘wrongful gain’ as gaining property or monetary gain by unlawful means, and the person gaining is not lawfully entitled to it.<sup>23</sup>

Section 4 prohibits any form of plotting or collusion by individuals or institutions to facilitate the use of unethical means. Conspiracy to indulge in or facilitate unfair means is an offence.<sup>24</sup> As per section 5, any unauthorised person entering the examination centre to disrupt the examination process is an offence. However, the Act is silent if the candidate, who is otherwise authorised to enter the examination centre, causes disruption. Any person engaged in conducting a public examination if opens, leaks, or accesses any questions before the scheduled time for the paper distribution in any unauthorized manner or reveals any confidential information related to the examination for financial or personal gain is committing an offence. If any person indulges in any act of unfair means under sections 3, 4, and 5, the service provider is responsible to report immediately to the concerned public examination authority and police.<sup>25</sup> If any service provider facilitates unfair means, the concerned public examination authority must report the police immediately. But what if the

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22 *Id.*, s.3.

23 The Bharatiya Nyaya Sanhita, 2023 (45 of 2023), s. 2, *available at*: [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf) (last visited on jan. 27, 2025).

24 *Supra* note 20, s.4.

25 *Id.*, s.6.



public examination authority or service provider does not report the matter to the police? Does this provision restrict reporting a matter to the police? Generally, anyone who is responsible for the work wants to hide their mistakes; therefore, candidates should be allowed to report the matter to the concerned police.

Further, the Act outlines an offence by service providers if a service provider, without written permission from the public examination authority, uses any premises other than the approved examination centre unless a force majeure event occurs.<sup>26</sup> A prior written authorisation is required from the public examination authority to change the venue of the examination. Following the principle of agency, section 8 states that any individual affiliated with the service provider will be considered to have committed an offence related to unfair practices if they, alone or in collaboration with others, assist in using unfair means. They will also be held responsible if they fail to report the incident unless they prove that the offence was committed without their knowledge and that due diligence was exercised.<sup>27</sup> Further, if an investigation reveals that the service provider committed an offense with the consent or assistance of the director, manager, or secretary, those individuals will also be liable for prosecution unless they can establish that offense occurred without their knowledge and that they took all necessary precautions to prevent it.<sup>28</sup>

Punishment related to offences and use of unfair means, as laid down in the Act can be divided into three parts:<sup>29</sup>

- i. For person or persons, the maximum punishment is 5 years and the minimum is 3 years, in addition to fines of up to 10 lakh rupees.
- ii. For service providers, the fine can go up to 1 crore, along with the proportionate examination cost, and they may be debarred from the responsibility of conducting exams.
- iii. For directors, senior management, or persons in charge of the service provider, the maximum punishment is 10 years, minimum is 3 years, and a fine of 1 crore. As a legal entity, the service provider is subject to a fine of up to one crore.

There may be a possibility that sometimes, monetary gains or incentives of using unfair means earned by service providers are more than the fine imposed. Owners of service providers should also be made liable for imprisonment if the service provider entity indulges in facilitating unfair means. Additionally, this provision does not address the liability of the public examination authority. Another provision pertains to punishment for organized crime, which involves acts carried out through collusion

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26 *Id.*, s.7.

27 *Id.*, s.8.

28 *Ibid.*

29 *Id.*, s.10.

and conspiracy to gain an unfair advantage in public examinations. For organized crime, a person or a group, service provider, institution, or even examination authority is subject to a maximum punishment of 10 years and a minimum of five years, in addition to a fine of not less than one crore rupees.<sup>30</sup> If the public examination authority is responsible for organized crime, why shouldn't it be held accountable for its liabilities? Overall, the provisions of offences and punishment have been put together hastily and lack coherence.

### III State laws versus The 2024 Act: A comparative analysis

The enactment of the 2024 Act marks a significant intervention by the legislature to address the menace of using unfair means in public examinations. However, existing State laws reflect a region-specific approach towards maintaining examination integrity. While central and State laws share the overarching objective of 'preventing' unfair means, they differ in scope, enforcement mechanism, definitional clarity, and punishment. Could it be inferred that State laws are incapable of curbing and preventing the use of unfair means? Therefore, a comparative analysis becomes essential to assess whether any substantive improvements have been made in the 2024 Act or merely consolidates existing provisions. It helps to understand the efficacy of the law. The following section examines the key provisions of both the State legislation and the 2024 Act.

#### What constitutes 'unfair means'?

There are two ingredients of offence- *actus reus* and *mens rea*. Generally, an offence can be committed when a mental fault element accompanies physical action, although some strict liability offences do not require a fault element. While providing the meaning of 'unfair means', most State laws focused on the *actus reus* rather than *mens rea*. Sometimes, the usual difference between conduct and mental element is difficult to apply in cases relating to possessing, permitting and appropriating. Most of the State laws define 'unfair means' as what action amounts to unfair means concerning the examinee but lacks in providing mental element, for instance, as per Orissa Conduct of Examination Act of 1988, it is an action of taking or giving or attempting to take or give an impermissible help from any material or any person;<sup>31</sup> AP Public Examination Act of 1997 and Uttar Pradesh Public Examination Act of 1998 describe this action as an unauthorized help from any person or unauthorized use of instruments;<sup>32</sup> Rajasthan Public Examination Act 2022 divided this action for both

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30 *Id.*, s.11.

31 *Supra* note 9, s. 2(b).

32 The Andhra Pradesh Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997, s. 2(f) (Aug 21, 1997), available at: [https://www.indiacode.nic.in/bitstream/123456789/16551/1/act\\_no\\_25\\_of\\_1997.pdf](https://www.indiacode.nic.in/bitstream/123456789/16551/1/act_no_25_of_1997.pdf); also see The Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1998, s. 2(d) (Mar. 18, 1998), available at: [https://www.indiacode.nic.in/bitstream/123456789/11640/1/public\\_exam\\_.pdf](https://www.indiacode.nic.in/bitstream/123456789/11640/1/public_exam_.pdf). (last visited on Jan. 30, 2025).

examinee and other people, for examinee it is an action of taking unauthorized help in examination from any person or any material and in relation to any person it enumerates some specific acts like, to impersonate or leak or to procure or attempt or to possess question paper or to solve or attempt to solve or directly or indirectly assist the examinee in public examination in an unauthorized manner.<sup>33</sup> From the above discussion, it can be inferred that *actus reus* without a mental element is sufficient to constitute an offence.

The latest 2024 Act attempts to provide a comprehensive definition that includes both *actus reus* and *mens rea*. It enumerates a list of acts and omissions done by any person with the intention of monetary or wrongful gain.<sup>34</sup> If a person does not have that intention, he is not liable. However, this intention expressly reveals one of the incentives to use such practices.

### Scope of applicability

Most State public examination laws address the use of 'unfair means' in educational settings, including university, secondary, and higher secondary examinations. However, the state government has the power to include other examinations. For instance, the Orissa Conduct of Examination Act applies to examinations conducted by or under the authority of any University, Board of Secondary Education, State Council of Higher Secondary Education, Orissa, and any other examination specified by the government in the official gazette<sup>35</sup>; The Andhra Pradesh Public Examination Act applies to any public examination conducted by the government or any authority or any university for awarding any degree, diploma, or certificate, or any other examination declared by the government;<sup>36</sup> The Uttar Pradesh Public Examination Act applies to high school, intermediate, and university examinations and examinations by any other board or body established under the Act.<sup>37</sup> Recently enacted the Rajasthan Public Examination Act provides a wide range of examinations conducted by the agencies of government, State-funded universities, Board of Secondary Education, Rajasthan Police Recruitment, Public Sector Undertakings, and examinations administered by any societies, corporations, local bodies, PSUs owned by the state government.<sup>38</sup>

The 2024 Act is limited to examinations conducted by the agencies enumerated in the schedule. However, it does not include university, senior, and senior secondary

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33 *Supra* note 12, s.2(f).

34 *Supra* note 20, s.3.

35 *Supra* note 9, s. 2(a).

36 *Supra* note 32, s. 2(e).

37 *Supra* note 32, s. 2(c) with sch.

38 *Supra* note 20, s. 2(e) with sch.

examinations.<sup>39</sup> Most of the authorities enumerated indulge in recruitment in Central Government services or admission in higher study institutes.

### **Offences, classification, and punishments under anti-cheating laws**

The Orissa Conduct of Examination Act provides for offences of use of unfair means in examinations, leakage by persons entrusted with examination work, fake papers, loitering near examination centres, and refusal of duties connected with examination as punishable offences.<sup>40</sup> The Andhra Pradesh Public Examination Act provides offences for the use of unethical means, unauthorized disclosure and possession of question paper, leakage by a person entrusted with examination work, manipulation of evaluation or record of such assessment, inducement for admission, and publication of false or misleading information.<sup>41</sup>

The Rajasthan Public Examination Act criminalizes unauthorized possession and disclosure of question papers, answer sheets, or OMR sheets, unauthorized entry into the examination center, and leaks by individuals entrusted with examination duties. Additionally, public examinations must be conducted only at designated examination centres.<sup>42</sup> It also includes offences committed by management, institutions, or others.<sup>43</sup> Whereas, the 2024 Act includes the offence of conspiracy for unfair means and offences concerning service providers and other persons.<sup>44</sup> Under the 2024 Act and State laws, all offences are cognizable and non-bailable. Under the 2024 Act and some State laws, offences are non-compoundable, too. The Orissa Conduct of Examination Act lays down punishment of imprisonment of up to three months and a fine of up to three thousand rupees, but not less than five hundred rupees for all offences.<sup>45</sup> Under the Andhra Pradesh Public Examination Act, the penalties are stricter compared to the Orissa Act. Offenders face imprisonment ranging from a minimum of three years to a maximum of seven years, along with a fine between 5,000 and 1,00,000. If the offence involves intent to cause harm, death, assault, or wrongful restraint, the punishment becomes more stringent, with imprisonment ranging from five to ten years and a fine between 10,000 and 1,00,000. Additionally, failure to perform duty is punishable with imprisonment of at least six months, extending up to three years.

Under the Uttar Pradesh Public Examination Act, penalties are divided into three categories. The punishment for the use of unfair means is imprisonment for up to

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39 *Supra* note 20, s. 2(k) with sch.

40 *Supra* note 9, ss. 4, 5, 6, 7 and 8.

41 *Supra* note 32, ss. 3, 4, 5, 6, 7, and 7A.

42 *Supra* note 12. ss. 3, 4, 5, 6, 7, and 8.

43 *Id.*, s.9.

44 *Supra* note 20, ss. 4, 5, 6, 7 and 8.

45 *Supra* note 9, s.9.

three months and a fine of up to two thousand rupees<sup>46</sup> and for leakages imprisonment for up to one year and up to five thousand rupees. The Rajasthan Public Examination Act is different than the above-discussed legislations. In the above Acts, penalties are divided based on the offence committed; under the Rajasthan Act, they are divided based on the person who committed the crimes.<sup>47</sup> If the examinee commits an offence, he is liable for an imprisonment of up to three years and a fine; if committed by any other person, including the examiner authorized to conduct an examination conspires or attempts to use unfair means, is liable for an imprisonment up to ten years but not less than five years and fine.

#### IV Policy analysis of examination integrity laws

The success of any legal framework depends not only on the offences or punishments it lists down but also on how considerate the law is towards the root causes of the issues it seeks to regulate. This section critically analyses the effectiveness of the laws dealing with examination integrity through key policy dimensions like the effectiveness of deterrence as a strategy, the psychology of cheating, and the economic aspect of cheating, amongst other things.

##### Deterrence as a strategy in anti-cheating laws

Do the Central or State Acts “prevent” unfair practices (as stated in the long title of the Acts) or do they merely choose the deterrence path? Most of the anti-cheating laws in States and the Central Act of 2024 prefer to use the word “prevent” while describing the objective. Do the laws enumerate the preventive measures for stopping cheating and using unfair means? The answer is ‘no’; the laws, at best, deter the cheating rather than taking any pre-emptive measures to prevent it in the first place.<sup>48</sup>

In the criminal justice system, punishment may prevent the crime in three ways- crime averted by physical isolation of offender during imprisonment, general deterrence as a threat of punishment may discourage criminal acts by others and specific deterrence as an effect of the experience of punishment on offender if he again wants to commit the offence.<sup>49</sup> The proponents of deterrence theory, Beccaria and Jeremy Bentham, laid down three concepts- certainty, severity, and immediacy of punishment. According to Daniel S. Nagin, certainty is the most effective deterrence.

46 *Supra* note 32, ss. 9, 10, 11 and 12.

47 *Supra* note 12, s.10.

48 Meena Kumari, *Anti Cheating Act does not Reduce the Incentive of Cheating*, Spontaneous Order (Aug 5, 2024), available at: <https://spontaneousorder.in/anti-cheating-act-does-not-reduce-the-incentive-to-cheat-in-exams/> (last visited Jan 27, 2025).

49 Daniel S. Nagin, “Deterrence”, in Erik Luna (eds.) *Reforming Criminal Justice: volume 4 Punishment, Incarceration, and Release* 19 (Phoenix, Arizona State University 2017), available at: [https://law.asu.edu/sites/default/files/pdf/academy\\_for\\_justice/Reforming-Criminal-Justice\\_Vol\\_4.pdf](https://law.asu.edu/sites/default/files/pdf/academy_for_justice/Reforming-Criminal-Justice_Vol_4.pdf) (last visited on Jan 8, 2025).

Certainty means probability of legal sanction on committing a crime, which results from the probability of apprehension and the likelihood of conviction on apprehension. He recommends that certainty of being caught and increasing this perception is the most potent deterrence than punishment, while severity of punishment has less effect on deterrence.<sup>50</sup>

Punishment, as a means of deterrence, is the end resort when there is no possibility of prevention. General deterrence is a threat of punishment for others and that too, depends on the certainty and immediacy of punishment. On the other hand, offender has already committed the offence and revealed the system's vulnerability. Therefore, policy should be focused on identifying and curing that vulnerability so that such incidents do not happen frequently or at all again. An effective deterrence policy should focus on certainty and immediacy of punishment. Merely providing severe and rigorous punishment is not an effective deterrent policy. Further, our policymakers use deterrence policy and recourse to other policies but should not be limited to one policy only.

### **The psychology of cheating: Understanding examinee behaviour**

To analyze the policy of such legislation, one must first grasp the psychology of cheating or employing unfair techniques in tests. Ferric C. Fang and Arturo Casadevall, in their research, found that cheating behaviour is not confined to humans but is also common in other living species, ranging from bacteria to Hamadryas baboons.<sup>51</sup> Why does someone cheat? They stated that cheating is used when there is competition for limited resources and to obtain an edge over others without putting in the necessary effort. This is true for India's exam system. There is tough competition in public examinations; for instance, 14 lakh applications were submitted for the Common University Entrance Test-Undergraduate,<sup>52</sup> around 36 lakh applicants applied for various Central Government services,<sup>53</sup> 1.26 crore applicants submitted applications for around 35 thousand vacancies in non-technical popular categories.<sup>54</sup>

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50 Daniel S. Nagin, "Deterrence in the Twenty-First Century", in Michale Tonry (eds.) *Crime and Justice* 199 (University of Chicago Press, 1<sup>st</sup> edn. 2013).

51 Ferric Fang and Arturo Casadevall, "Why We Cheat" 24 *Scientific American Mind*, 30 (2013).

52 PTI, "Nearly 14 lakh applications for CUET-UG, maximum or DU", *The Economic Times* (April 4, 2023), available at: <https://economictimes.indiatimes.com/jobs/exams-results/nearly-14-lakh-applications-for-cuet-ug-maximum-for-du-highest-number-of-candidates-from-up/articleshow/99242863.cms?from=mdr> (last visited on Jan 8, 2025).

53 Rajeev Mani, "Over 36 Lakhs Aspirants apply for 17000 Central government Departments", *The Times Of India* (Aug. 27, 2024), available at: <https://timesofindia.indiatimes.com/city/lucknow/over-36-lakh-aspirants-apply-for-17000-posts-in-central-government-departments/articleshow/112844815.cms> (last visited on Jan 8, 2025).

54 TOI- Online, "RRB NTPC Exam", *Times Of India* ( Mar 12, 2020), available at: <https://timesofindia.indiatimes.com/education/news/railway-group-d-recruitment-after-fixing-of-eca-dates-for-examinations-will-be-announced-says-railways-minister/articleshow/74587036.cms> (last visited on Jan 8, 2025).

Further, they listed several causes scientists have identified for the tendency to cheat or use unfair means, including inventiveness, fear of loss, ‘what the hell effect’<sup>55</sup> and ‘copycat behaviour’.<sup>56</sup> Cheating is also encouraged or discouraged by school culture, as it is significantly lower in cultures that strongly disapprove of it.<sup>57</sup> Therefore, it is necessary to curb this behaviour in the first instance. These reasons look very trivial, however have a profound psychological effect and policymakers should consider them.

### **The economics of cheating: Incentives and disincentives**

According to Robert A. Hazel, a cheater would cheat if the projected advantages outweigh the penalties.<sup>58</sup> From the policy point of view, we can see anti-cheating laws and cheating behaviour from the economics of incentives and disincentives. What should be the projected advantages/incentives for cheating? Getting a government job, getting a seat in prominent government higher studies institutions, no or less study, and no coaching classes are required, which saves the boarding and fee expenses, all with less effort. It gets on lower costs through reduced study time, effort, and coaching fees. What is the disadvantage/disincentive of cheating? punishment and fine imposed by anti-cheating laws. Weighing the two, the incentives are higher than the disincentives, and actually, this disincentive of punishment and fine depends on whether he/she (offender) is caught. If the offender is not caught, there is no disincentive at all, but it irreversibly damages society and the country.

There has always been an approach to resort to punishments by enacting laws to discourage cheating or the use of unfair means for instance, Orissa enacted a law in 1988, Andra Pradesh in 1997, and Uttar Pradesh in 1998. If the punishment provided under the existing laws were sufficient to prevent cheating in examinations, the necessity for enacting a new law would not have arisen, and secondly, it is worth questioning whether the provision of punishment is sufficient to curb cheating and use of unfair means. There is very little evidence to support the notion that rigorous penalties are more productive.<sup>59</sup> Therefore, it is necessary to reevaluate the policy. With a punishment policy, it is also imperative to consider the psychological and economic factors. Reinforcement of personal barriers to self-image to dishonesty and cheating, as it is shown by research that people do not cheat if it makes them feel bad. It may be

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55 See *supra* note 52, when a person may find it easier to resort to dishonest behaviour if they have already committed an early (maybe in school or any small exam) impediment to cheating.

56 *Id.*, when someone cheats without getting caught, they inspire others to follow suit.

57 D. N. Bunn, B. S. Caudill and D. M. Gropper, “Crime in the Classroom: An Economic Analysis of Undergraduate Student Cheating Behaviour” 23(3) *Journal of Economic Education* 197 (1992).

58 Robert A. Hazel, “The Law and Economics of Online Cheating” 52(1) *Journal of Law and Education* 104 (Spring 2023).

59 *Supra* note 52.



connected with public reputation by publishing profiles of such persons and their behaviour in public through newspapers, magazines and other means. A policy of analyses of such offenders consistently can also be incorporated. It may be helpful to weigh the disincentive of cheating. Simultaneously, it is also essential to protect whistleblowers and improve methods of detecting cheating, such as by using psychologists and behaviour analysts and training invigilators.

### **V Empirical analysis of examination malpractices: psychological and social implications**

This part contains a comprehensive empirical analysis of a short survey conducted to assess the psychological and social impact of the use of unfair means in public examinations on the well-being of the examinees. The study also focuses on the examinees' perception of fairness, adequacy of existing legal measures, and their level of familiarity with the 2024 Act. The survey specifically focused on the exams conducted by NTA to ensure a targeted analysis within a standardized examination framework. A total of 58 responses were collected, giving valuable insight into the decided parameters as discussed above. This part presents a detailed analysis of the responses and their implications for examination integrity and policy reforms.

The responses were gathered to ensure that the demographics of respondents reflect a diverse pool of examinees. The majority of respondents belonged to the age group of 19-25. Out of the 58 responses received, 47 respondents (81%) appeared for exam(s) conducted by NTA. The analysis is limited to this number. A significant proportion had appeared for major NTA-administered exams like NEET, CUET, and UGC-NET, ensuring a variety of representation across academic disciplines and career trajectories, *i.e.*, different stages of their academic journey.

A substantial majority of 34 respondents (72%) reported being aware of incidents of unfair practices like paper leaks, unauthorized assistance, etc, in NTA-administered exams in the past. The majority cited the 2024 incidents of NEET and UGC-NET in the open-ended question of listing down the incidents in the NTA-conducted exam. Of these 34 respondents, 13 (38%) reported being directly affected by such incidents in the NTA-conducted exams. When asked about whether they felt their chances of success were unfairly diminished by such incidents, the response table looked like the following: 6 respondents (46%) reported "Strongly agree"; another 6 (46%) chose "Agree" and only 1 (8%) reported, "Neutral".

For the remaining 21 respondents (62%), a majority of 11 (52%) reported "Very anxious" when asked if the news of the unfair activity made them feel anxious about the fairness of their *own* exam(s) followed by 6 respondents (29%) reporting "Somewhat anxious", and only 4 (19%) reporting "Not very anxious."

The 34 respondents who reported the awareness of incidents of examination malpractices in exams conducted by NTA were further asked whether they experienced any negative emotional reactions, such as frustration or hopelessness, when they learned about the incidents. The responses were unevenly distributed between the three categories out of five available in the options, *i.e.*, 16 (47%) reported “Strongly agree”; 13(38%) reported “Agree”, and lastly, only 5 (15%) chose “Neutral”.

The psychological impact of the examination malpractices amongst the examinees emerged as a significant concern. A substantial proportion of the respondents reported experiencing stress and anxiety while preparing for their exams due to worries about unfair practices in the exams. Out of the 34 respondents, 7 (21%) reported experiencing stress and anxiety “Very often” and 14 (41%) “Often”, accounting for the majority of the population. In addition, eight respondents (24%) reported “Occasionally”; two (6%) chose “Rarely”, and three (9%) reported “Never” to their experience of stress and anxiety.

The integrity of public examinations is fundamental for a merit-based education system. The survey aimed to analyze the examinees’ perception of integrity in the exams conducted by NTA. An overwhelming majority of 46 respondents (98%) felt that the repeated incidents of examination malpractices harm the credibility of public examinations conducted by NTA. Furthermore, 43 (92%) reported that such breaches create an unfair advantage for certain candidates, creating an uneven playing field and devaluing the efforts of sincere candidates. 43 respondents reported with resounding clarity, 3 (6%) chose “Maybe”, and 1 (2%) chose “No” for the question of the perceived impact of unfair practices on certain candidates’ advantage.

The survey also sought to evaluate respondents’ perceptions regarding the effectiveness and efficiency of legal measures against the use of unfair means in public examinations. On the question of whether enactment of laws can serve as an effective deterrent to use of unfair means in public examinations, a significant number of respondents *i.e.*, 23 (49%) expressed uncertainty followed by 22 respondents (47%) reporting affirmative response and lastly, a small fraction of two (4%) answered in negative.

Furthermore, respondents expressed concerns over the stringency of existing laws. A predominant share of 29 respondents (62%) believe that the laws on the subject are not strict, indicating a strong concern about the adequacy of the legal framework in deterring unfair practices. In contrast, twelve (26%) reported in the affirmative on the strictness, and six (13%) expressed uncertainty. The data shows serious apprehensions about the effectiveness of the existing laws in curbing malpractices.

Our survey also included a question to assess respondents’ level of familiarity with the newly enacted 2024 Act, which aims to “prevent” malpractices in public examinations. The respondents for this survey are a mix of people from both legal and non-legal backgrounds, allowing us to capture a broad spectrum of awareness

levels. A significant number of 19 (40%) reported being aware of the legislation to the extent of limited knowledge of its purpose, whereas 12 (26%) reported being informed, *i.e.*, they understand its basic purpose and some key provisions. Only nine respondents (19%) reported being well-versed, *i.e.*, having detailed knowledge of the Act, followed by seven respondents (15%) reporting complete unawareness. The distribution suggests that a majority lacks in-depth knowledge of key provisions and penalties, suggesting the latency in the dissemination of legal information and awareness initiatives.

The survey also sought to assess the primary reasons for unfair activities in public examinations. The respondents were given the liberty to choose multiple options from the list of reasons provided in the questionnaire. The most commonly cited reason was ‘Systemic issues’, such as weak monitoring, corruption, *etc.*, with 35 respondents reporting it. 30 respondents reported ‘Desire for quick success’ as the cogent reason for malpractices, suggesting that aspirational tendencies overpower ethics amongst people. Among personal factors, 20 respondents pointed to ‘Peer pressure and normalization of unfair practices’, suggesting unethical behaviour may be reinforced in social circles. 14 reported ‘Academic pressure and fear of failure’, and 13 chose ‘Inadequate preparation and lack of confidence’, suggesting the psychological impact of stress associated with public examinations.

### **What the respondents said**

The respondents were asked to share their thoughts or suggestions on how to effectively curb the problem of unfair means in public examinations. The primary concern was shown towards an efficient implementation of laws in the existing legal framework. Suggestions like implementing double-proctored examinations, using blockchain technology, *etc.*, were given. Some even showed uncertainty about the possibility of unfair means-free public examination by stating, “No matter how much we digitise the process there will eventually be human intervention, which is the ultimate reason for paper leaks”. Some cited a lack of transparency as the reason for the issue, while others pointed to the role of political intervention as the main reason. One suggestion that stood out the most was, “To give tenders for conducting exams to *only trusted organizations* and appointing government nodal officers for the exams conducted by private agencies”. Another suggestion given by one of the respondents is “The centres where the use of any unfair means is reported should be investigated and blacklisted and there should be a re-exam for the candidates appearing from that centre”.

### **Limitations of the study**

While the above study gives an insight into the psychology and social impact of malpractices in public examinations, certain limitations of this study need acknowledgment. The present study is based on a small sample size, restricted to respondents who have appeared for an NTA-administered exam. Although the study analyses the awareness levels of the respondents of the 2024 Act, it does not establish

a direct correlation between the existing legal framework and its impact on curbing malpractices. However, this does offer a scope of research for the future.

## **VI Conclusion and suggestions**

The integrity of the public examinations is of concern to ensure a fair and meritocratic selection process in both education and employment. The present paper presents a comprehensive comparative analysis of the 2024 Act and various state legislations on the same subject. The paper analyses the effectiveness of these legislations to curb the menace of the use of unfair means in public examinations. In analysing both State legislations and the 2024 Act, one thing is conclusive: they operate on the principle of deterrence at best rather than ensuring any proactive measures to 'prevent' the use of unfair means. Although the 2024 Act introduces stricter penalties, its effectiveness is still questionable due to its narrow ambit and primary reliance on deterrence rather than structural reforms. A comparative assessment of the working of state legislation revealed a troubling pattern of continued instances of examination malpractices despite the laws being in place for years. It brings out a clear conclusion that punitive measures alone have failed to act as a sufficient deterrent. It would be reasonable to expect that such an observation should have been a learning for the drafters of the 2024 Act. In the Indian context, where the stakes are high in public examinations, psychological factors cannot be overlooked. The intense competition coupled with limited resources and opportunities creates a pressuring environment for the candidates, often resulting in their inclination towards resorting to unfair means to increase their chances. Factors like fear of failure, societal expectations, and the normalization of such practices contribute heavily to a culture of academic dishonesty. Studies have shown that cheating can be discouraged in an environment that strongly upholds integrity, not merely in theory but in practice too. This highlights the need for a strategic mix of stringent laws, effective enforcement, ethical education, and mental health support to be put in place to reshape societal perspectives towards examinations. In the wider picture, prioritizing learning over testing could change the deeply entrenched motivations that drive individuals to engage in unfair practices. Another aspect that requires attention to analyze these laws better is the economic analysis of cheating behaviour. It is found that the perceived benefits of cheating outweigh the risks of punishment. As long as the incentives outweigh the disincentives, people will be tempted to exploit the loopholes in the system. The innumerable instances of unfair practices in the past suggest that the mere imposition of penalties is an insufficient deterrent unless accompanied by higher detection and enforcement. The empirical study further highlights the psychological and social impact of the use of unfair means in public examinations, demonstrating how such incidents erode the examinees' trust in the system and the credibility of public examinations. The findings of the study revealed that the majority perceive peer pressure and normalization of such practices as the cogent reason for engaging in public examinations, followed by

academic pressure and fear of failure. Thus, it becomes necessary to understand the psychological motivations behind cheating and to put psychological intervention in place. The study also focused on the degree of awareness among the people regarding the 2024 Act. There is a clear need for greater awareness, as the majority displayed limited to no knowledge. Based on these findings, it becomes evident that there is a need to inculcate a multi-dimensional approach to deal with the menace of unfair means in public examinations, and merely providing for stricter punishments isn't enough. It has to be effectively accompanied by proactive preventive measures (to stay true to the objective of the Act), transparency in examination processes, and psychological interventions at the least to ensure long-term credibility and fairness in the exams in India. Adopting technology-driven solutions becomes necessary to address the issue of examination integrity in an increasingly digital landscape. For instance, using AI in proctoring software to assess remote exam takers in all public examinations that analyzes behaviours like eye movements, facial expressions, *etc*, in real time and large amounts of data collected during the exam to identify any patterns of potential cheating in the examination. Taking inspiration from China, a Central Offender Registry could be established to keep a record of repeat or organized offenders in public examinations, for long-term academic and professional consequences, subject to legal safeguards. Further, utilizing the fundamental features of blockchain, such as its resistance to tampering, openness in record-keeping, and distributed control, can help examination bodies create systems that enhance security and strengthen public confidence in the integrity of the process. In addition, an autonomous body should be established to monitor the implementation of anti-cheating laws in India, to oversee tech procurement for the same, audit high-stakes public examinations, and publish annual reports of its work. *Lastly*, the findings of the paper open avenues for further inquiry into various other dimensions of examination integrity, not just limited to the legal framework, but also include technological interventions, institutional accountability, and a comparative study of the international legal framework, amongst other things. By delving deeper into these research avenues, future scholarship can contribute significantly to maintaining the integrity of examinations.

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