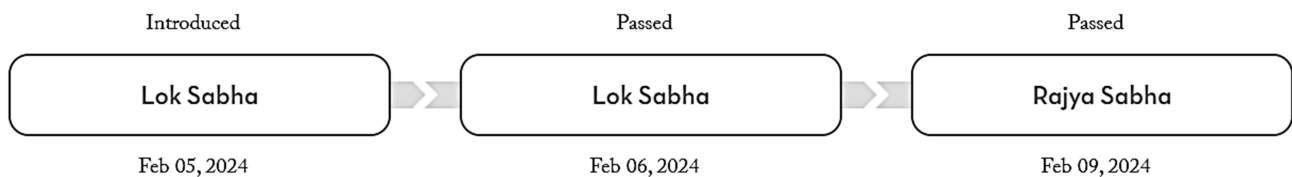


The Public Examinations (Prevention of Unfair Means) Act, 2024

Context:

- The honorable President on 12 February, 2024 gave assent to The Public Examinations (Prevention of Unfair Means) Act, 2024. It is aimed at preventing the use of 'unfair means' in public examinations and ensuring 'greater transparency, fairness and credibility'.



Which competitive examinations have been canceled in the last few years?

An investigation by The Indian Express found at **least 48 instances of paper leaks in 16 states over the last five years**, in which the process of hiring for government jobs was disrupted. The leaks touched the lives of at least 1.51 crore applicants for about 1.2 lakh posts. Below enlisted are some of the canceled exams:-

- Jharkhand CGL 2024.
- TPSC paper for Junior Engineer Town planning in 2023.
- Bihar police constable exam 2023
- Rajasthan Teacher Recruitment 2022
- Diploma in Elementary Education paper, West Bengal 2022.
- Rajasthan REET 2021
- Uttar Pradesh Teacher Eligibility Test (UPTET) 2021
- Haryana Civil Services, Judiciary 2017
- AIPMT 2015.
- UPPCS prelims paper 2015.
- UPCPMT 2014

What are some recent allegations of Paper leak?

- Allegations of RO/ARO exam, 2024 – paper leak (conducted by UPPCS).
- Allegations of paper leak in Uttar Pradesh Police Constable exam in 2024.
- Allegations of CSIR SO/ASO exam getting leaked from Dehradun along with wide spread mismanagement.

Enlist some of the major examination scams of India? What actions were taken after them?

1. Vyapam Scam (2013) :-

- Vyapam, the Madhya Pradesh Professional Examination Board, was tasked with carrying out large-scale competitive exams for entry to various technical courses and recruitment to government employment.
- The fraud included **13 separate exams** administered by Vyapam.
- Although the premium began from Rs 15 lakh for PMT, it was more than Rs 50 lakh for admission to PG (Medical).
- Since 2010, **more than 40** doctors, medical students, policemen and civil servants with links to the Vyapam scam have **died in mysterious circumstances**.

What were the actions taken after Vyapam scam:-

- CBI Investigation: The Central Bureau of Investigation (CBI) took over the probe into the Vyapam scam following a directive from the Supreme Court in 2015.
- More than **2,000 suspects** were detained in connection with the fraud. This included former Minister of Education, Laxmikant Sharma, and more than a hundred other lawmakers.

On 13 February 2017, the Supreme Court of India delivered an 83-page judgment and **canceled the degrees of 634 doctors**.

2. SSC CGL paper leak Scam 2017:-

Following the paper leak allegations, the Paper I conducted on February 21, 2018 was canceled by the Commission on account of **'technical issues'**.

Student Protest:

- It was reported that screenshots of the question paper along with the answers went viral on social media much before the exam was over.
- Thousands of candidates protested outside the SSC office at Lodhi Road, New Delhi, demanding a CBI inquiry into the paper leak issue.

Action taken:

- SSC accepted demands of protesting candidates and had given orders for a **CBI inquiry**.
- **Eventually SSC took following steps:-**
 - CCTV Surveillance: Enhanced exam hall monitoring with live and recorded CCTV footage to deter cheating.
 - TCS iON Partnership: Collaborated with TCS iON for secure, technology-driven online exam solutions.
 - Biometric Registration: Implemented biometric checks (fingerprints, Iris scan) at centers to prevent impersonation.
 - Question Paper Randomization: Utilized technology to ensure each candidate receives a uniquely ordered question set.
 - Strengthened Invigilation: Increased invigilator presence and stricter protocols to swiftly address exam hall issues.



Some other convictions:

- Rajasthan Teacher Recruitment 2022 leak(Rajasthan Public Service Commission (RPSC) member Babulal Katara was arrested.Police said Babulal Katara handed over the questions to suspended government school vice-principal Anil Kumar Meena for Rs 60 lakh.)
- CBI special court in Hyderabad has sentenced **Railway Recruitment Board - Mumbai chairman Satendra Mohan Sharma** and nine others to five years' rigorous imprisonment in connection with the leak of exam papers for the recruitment of 1,936 assistant loco pilot 2010.
- Former DAV Public School principal, two others convicted for leaking CPT exam papers in 2007.

What are the reasons for exam paper leakage?

Insider Involvement::

- Inadequate digital security enables unauthorized access to exam papers.
- It was seen in the **CBSE paper leak in 2018** highlighted vulnerabilities in the digital handling and storage of question papers.Mathematics and economics papers for class 10th and 12th were leaked directly from the official portal with the help of an insider and spread via whatsapp.

High Stakes:

- In the **AIPMT (All India Pre-Medical Test) leak in 2015**, answer keys were circulated using electronic devices.Whereby , students tried to cheat for seats in Medical colleges where otherwise they could only get in on merit . Even if they could get a seat in other medical colleges , that too would have cost them in lakhs.

Lack of Effective Regulation and Oversight:

- The **SSC (Staff Selection Commission) exam scandal in 2017** involved allegations of paper leak, pointing to inadequate regulatory measures to ensure the integrity of competitive exams.

Corruption and Lack of Accountability:

- The aforementioned **Vyapam scam** is also a stark example of corruption, where the systematic manipulation of exam processes was covered up for years without significant early accountability.

Poor Infrastructure and Process Management:

- The repeated leaks in the **Bihar School Examination Board (BSEB)** exams over the years have often been attributed to poor management and infrastructure, including instances where question papers were sold openly before the exams.

What are some international examples of Paper leaks and use of unfair means:

South Korea - SAT (Scholastic Aptitude Test) Cancellation:

In 2013, South Korea canceled its scheduled SAT exams nationwide after discovering that questions from upcoming tests had been leaked. The leak was linked to **private tutoring centers**.

United States - SAT and ACT Scandals:

The United States has seen multiple incidents involving the SAT and ACT college entrance exams. One notable case is the **2011 cheating scandal in Long Island, New York**, where **students paid others to take the SAT for them**.

More recently, the **2019 "Operation Varsity Blues"** scandal revealed a complex scheme where wealthy parents paid to fraudulently boost their children's SAT scores and college admissions prospects, leading to widespread scrutiny and calls for reform in college admissions.

Algeria - Bacallaureate Exam Leaks:

Algeria has faced significant issues with its **Bacallaureate exams (high school leaving exams)**. In 2016, the government **temporarily blocked access to social media sites** nationwide to prevent cheating, after exam papers were leaked online.

Pakistan

- Cheating in public examinations has become a common practice in Pakistan by way of fake ids.
- Burqas and hijabs allow the concealing of identities.

What are the laws to combat such practices in different countries?

China

- **Criminal Law Amendment (9) (2015 Amendment)**: China amended its Criminal Law to include specific provisions against cheating in exams. Article 284 of the amendment stipulates penalties for those who organize cheating in national education examinations, including **imprisonment of up to seven years** for serious cases.

United Kingdom

- Regulatory bodies like **Of qual (The Office of Qualifications and Examinations Regulation)** govern the conduct of exams and the actions to be taken in case of malpractice. The **Fraud Act 2006** is applied in cases of examination fraud, such as impersonation or possession of prohibited materials, under general provisions against fraud by false representation.

Bangladesh

- Bangladeshi school children as young as 14 caught cheating in final exams can in future be **jailed for up to 10 years** under a law approved by their parliament.

- Any teacher found guilty of leaking examination questions, falsifying marks or diploma certificates faces the same penalty. The **minimum jail term is five years**.
- The measures apply to offenses committed during the school and college finals. The minimum age of a child sitting school finals is 14.

South Korea

- **Act on the Establishment of Order in Taking National Examinations** : South Korea has specific legislation aimed at maintaining the integrity of national examinations. This act includes provisions against cheating, impersonation, and the leak of examination materials, with penalties that can include imprisonment and fines. Students caught cheating are disqualified and are imposed a fine up to \$5500 by the court.

Why is the youth preferring government jobs over the private sector?

Political scientist Pankaj Kumar, who headed the Public Service Commission of Uttar Pradesh state that recruits civil servants, says "it's the craze for a government position which makes people desperate".

Reason for students running behind Government jobs.

1.Role of Social Media.	Royal entry videos and exercise of authority via instant justice portrays a wrong image of government jobs.
2. "Baboo" Culture	Enjoying a slow and authoritative life at the cost of public money.
3.Poor productivity in Agricultural sector:	The share of agriculture in total Gross Value Added (GVA) of the economy has declined from 35% in 1990-91 to 15% in 2022-23. Agriculture became less remunerative.
4.Challenges of Green Revolution	Soil has become saline and productivity declined.Also fragmentation of land holdings is a reason.
5.Dominated informal sector	Around 80% of India's labor force is employed in the informal sector and the remaining 20% is in the formal sector.
6.Sense of security	Government jobs provide various benefits like health and post retirement.
7.Marriage and Dowry	Rise in female foeticide led to skewed sex ratio leading to females getting choices to marry. In order to get brides, demand for Government jobs has increased.
8.Caste Dominance	To reaffirm their caste dominance in the society. Dominant castes like Maratha,Jats,Gurjar are now seeking reservation in Government jobs.
9.High unemployment:	8.7 per cent in December 2023(Centre for Monitoring Indian Economy data).

What is the Exam cancellation frequency in Central Vs State govt. exams?

States	Centre
1. Rajasthan Between 2015 and 2023, the state witnessed more than 14 cases of question paper leaks of various competitive exams.	Center exams before 2019 SSC CGL leaked in 2017. AIPMT leaked in 2014
2. Uttar Pradesh Eight incidents of question paper leaks between 2017 and 2022. Inspectors Online Recruitment Test (2017), Teacher Eligibility Test (UPTET) (2021), Preliminary Eligibility Test (2021), B.Ed Joint Entrance Examination (2021)	Center exams post 2019 There are three major recruiting agencies of Central Government i.e. Staff Selection Commission (SSC), Union Public Service Commission (UPSC) and the Railway Recruitment Boards (RRBs). No leakage of question papers has been reported in the examinations conducted by these three agencies since June 2019
3. Gujarat State has witnessed 14 such incidents of question paper leaks in the last seven years.	UGC NET 2021 Paper leak.
4. Karnataka, Bihar, UP Police recruitment exam	



Has the UPSC exam ever been canceled ? What about state PCS exams?

- **The Civil Services (Preliminary) Exam 1991** was scheduled to be held on 9th June, 1991. The examination was, however, canceled due to the leakage of question paper before the exam. Investigations carried out by the CBI, identified the source of leakage as the printing press located at Ranchi. The reexamination was held on 29th September, 1991.
- **IPS officer Safer Karim** was caught cheating in the UPSC mains exam in 2017 with the help of wife via bluetooth headset.

Status of States PCS exams:-

- The UPPCS prelims exam was leaked in 2015.
- MPPSC 2012 Pre and mains leaked.
- Haryana HCS Judiciary 2017 Paper leak
- Orissa OSSC - JE civil exam paper leak.

What was punishment before this act and what are the provisions of this act :

- **Section 420 of the IPC:** In the context of exam cheating, if someone, for example, sells fake exam papers or falsely promises to increase exam scores in exchange for money or property, they are prosecuted under this section.
- **Section 120B of the IPC(Punishment of Criminal Conspiracy):** if a group of individuals conspires to leak exam papers, engage in impersonation during exams, or manipulate exam scores, they could be charged under this section for criminal conspiracy. The section is particularly relevant for organized cheating rings or cases where multiple individuals collaborate to commit or facilitate academic dishonesty.
- **States have their own law to deal with such crimes like:** The Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022; the Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998; the Chhattisgarh Public Examinations (Prevention of Unfair Means) Act, 2008; the Orissa Conduct of Examinations Act, 1988; the Andhra Pradesh Public Examinations (Prevention of Malpractices and Unfair means) Act, 1997; the Jharkhand Conduct of Examinations Act, 2001, the Uttarakhand Competitive Examination (Measures for Prevention and Prevention of Unfair Means in Recruitment) Act, 2023, the Gujarat Public Examination (Prevention of Unfair Methods) Act, 2023 the provisions have been explained below:-

Uttarakhand (2023)	Gujarat (2023)	Rajasthan (2022)	Chhattisgarh (2008)	Jharkhand (2001)	Uttar Pradesh (1998)	Andhra Pradesh (1997)	Odisha (1988)
<i>Exams to which the law applies</i>							
Exams for selection to any post in state government departments or in a body aided by the state government	Exams conducted by public service commissions, the Gujarat High Court, state-funded universities, and education boards	Exams conducted for recruitment to state government posts, including autonomous bodies	Exams conducted for awarding academic qualifications	Exams conducted for recruitment by the state government and exams conducted for awarding academic qualifications	Exams conducted for awarding academic qualifications and exams conducted by a state-level statutory body	Exams conducted for recruitment by the state government and exams conducted for awarding academic qualifications	Exams conducted for awarding academic qualifications
Cheating or use of unfair means by an examinee							
First Offence: Imprisonment for 3 years, and minimum fine of Rs 5 lakh.	Imprisonment up to 3 years, and minimum fine of Rs 1 lakh	Imprisonment up to 3 years, and minimum fine of Rs 1 lakh	Fine of up to Rs 5,000	Imprisonment of 1 – 6 months, and/or fine of up to Rs 2,000	Imprisonment up to 3 months, and/or fine of up to Rs 2,000	Imprisonment of 3 – 7 years, and fine of Rs 5,000 - Rs 1 lakh	Imprisonment up to 3 years, and/or fine of Rs 500 - Rs 3000
Second Offence: Imprisonment for at least 10 years, and a minimum fine of Rs 10 lakh							
Individuals/service providers indulging in conspiracy or unfair means							
Imprisonment for 10 years - life imprisonment, and fine of Rs 1 crore - 10 crore	Imprisonment for 5 - 10 years, and fine of Rs 10 lakh - Rs 1 crore	Imprisonment for 5 – 10 years, and fine of Rs 10 lakh - Rs 10 crore	Imprisonment of up to 1 year, and/or fine of up to Rs 25,000.	Imprisonment for 1 – 6 months, and/or fine of Rs 2,000	Imprisonment up to 1 year, and/or fine of up to Rs 5,000	Imprisonment of 3 – 7 years, and fine of Rs 5,000 - Rs 1 lakh	Imprisonment up to 3 years, and/or fine of Rs 500 - Rs 3000
Persons in organised crime conspiring with the Examination Authority or indulging in unfair means							
Imprisonment for 10 years - life imprisonment, and fine of Rs 1 crore - 10 crore	Imprisonment for 7 – 10 years, and minimum fine of Rs 1 crore	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision
Theft, extortion, robbery or destruction of question papers, answer/OMR sheet							
Imprisonment for 7 – 10 years, and a fine of Rs 50 lakh - Rs 1 crore	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision
Debarment from examinations							
For 2 to 5 years upon filing of chargesheet, and 10 years upon conviction	For 2 years upon conviction	For 2 years upon conviction	No specific provision	No specific provision	No specific provision	No specific provision	No specific provision

Provisions of the Public Examinations (Prevention of Unfair Means) Act, 2024:-

1. Defines Public Examination:-

Under Section 2(k), “**public examination**” is defined as any examination conducted by a public examination authority listed in the Schedule of the Bill, or any “such other authority as may be notified by the Central Government”.

2. Exams to be covered:

The schedule lists five public examination authorities:

- (i) **Union Public Service Commission (UPSC)**, which conducts the Civil Services Examination, Combined Defence Services Examinations, Combined Medical Services Examination, Engineering Services Examination, etc.;
- (ii) **Staff Selection Commission (SSC)**, which recruits for Group C (non-technical) and Group B (non-gazetted) jobs in the central government;
- (iii) **Railway Recruitment Boards (RRBs)**, which recruit Groups C and D staff in the Indian Railways;
- (iv) **Institute of Banking Personnel Selection (IBPS)**, which hires at all levels for nationalized banks and regional rural banks (RRBs);
- (v) **National Testing Agency (NTA)**, which conducts the JEE (Main), NEET-UG, UGC-NET, the Common University Entrance Test (CUET), etc.
- (vi) **Ministries or Departments of the Central Government** and their attached and subordinate offices for recruitment of staff” will also come under the purview of the new law.

Apart from these , Such other **authorities may be notified by the Central Government.**

3. Unfair Means and Offenses:

Section 3 of the Bill lists the following actions that amount to using unfair means in public examination done for monetary or wrongful gain, **include but not be restricted to:**

- Leakage of question paper or answer key or part thereof;
- Participating in collusion with others to effect leakage of question paper or answer key; Accessing or taking possession of question paper or an **Optical Mark Recognition response sheet without authority;**
- Providing solution to one or more questions by any unauthorized person during a public examination; Directly or indirectly assisting the candidate in any manner unauthorisedly in the public examination;
- Tampering with answer sheets including Optical Mark Recognition response sheets.
- Altering the assessment except to correct a bona fide error without any authority;
- Willful violation of norms or standards set up by the Central Government for conduct of a public examination on its own or through its agency.
- Tampering with any document necessary for short-listing of candidates or finalizing the merit or rank of a candidate in a public examination.
- Deliberate violation of security measures to facilitate unfair means in conduct of a public examination.
- Tampering with the computer network or a computer resource or a computer system. Manipulation in seating arrangements, allocation of dates and shifts for the candidates to facilitate adopting unfair means in examinations.

- Threatening the life, liberty or wrongfully restraining persons associated with the public examination authority or the service provider or any authorized agency of the Government.
- Obstructing the conduct of a public examination.
- Creation of fake websites to cheat or for monetary gain.
- Conduct of fake examination, issuance of fake admit cards or offer letters to cheat or for monetary gain. (prsendia)
- No person or group of persons or institutions shall collude or conspire to facilitate indulgence in any such unfair means.

4. Investigation:

- An officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police shall investigate any offense under this Act.
- The Central Government shall have the powers to refer the investigation to any Central Investigating Agency.

5. Punishment

- Section 9 of the Act states that all offenses under this Act, shall be **cognizable, non-bailable and non-compoundable**.
- **Any person or persons** : resorting to unfair means shall be punished with **Imprisonment** for a term **minimum three years** which **may extend to five years** and fine up to ten lakh rupees.
- **The service provider** : shall be punished with imposition of a **fine up to one crore rupees** and proportionate cost of examination shall also be recovered from them. The service provider shall also be **barred** from conducting any public examination for a period of **four years**.
- **The Director, Senior Management or the persons in-charge**: of the service provider firm found involved, he shall be liable for **imprisonment for minimum three years that can be extended to ten years and with fine of one crore rupees**. If a service provider who is engaged to provide “support of any computer resource or any material, by whatever name it may be called” for the conduct of the examination can be **fined up to Rs 1 crore**, along with other penalties.
- The Bill provides for harsher punishment in cases of organized paper leaks, where “**organized crime**” is **defined** as unlawful activity by a group of persons colluding in a conspiracy “to pursue or promote a shared interest for wrongful gain in respect of a public examination”.
- The punishment for **organized crime** will be “**imprisonment for a term not less than five years but which may extend to ten years**” and a fine “**which shall not be less than one crore rupees**”.

6. Protection to Candidates:

- The Bill is aimed at preventing organized gangs and institutions that are involved in unfair means for monetary gains, but it protects candidates from its provisions.

7. Establishment of a high-level national technical committee on public examinations:

- The committee is primarily responsible for enhancing the security and integrity of the computerized examination process.

- It will set standards for both IT and physical infrastructure.

8. Model draft for states:

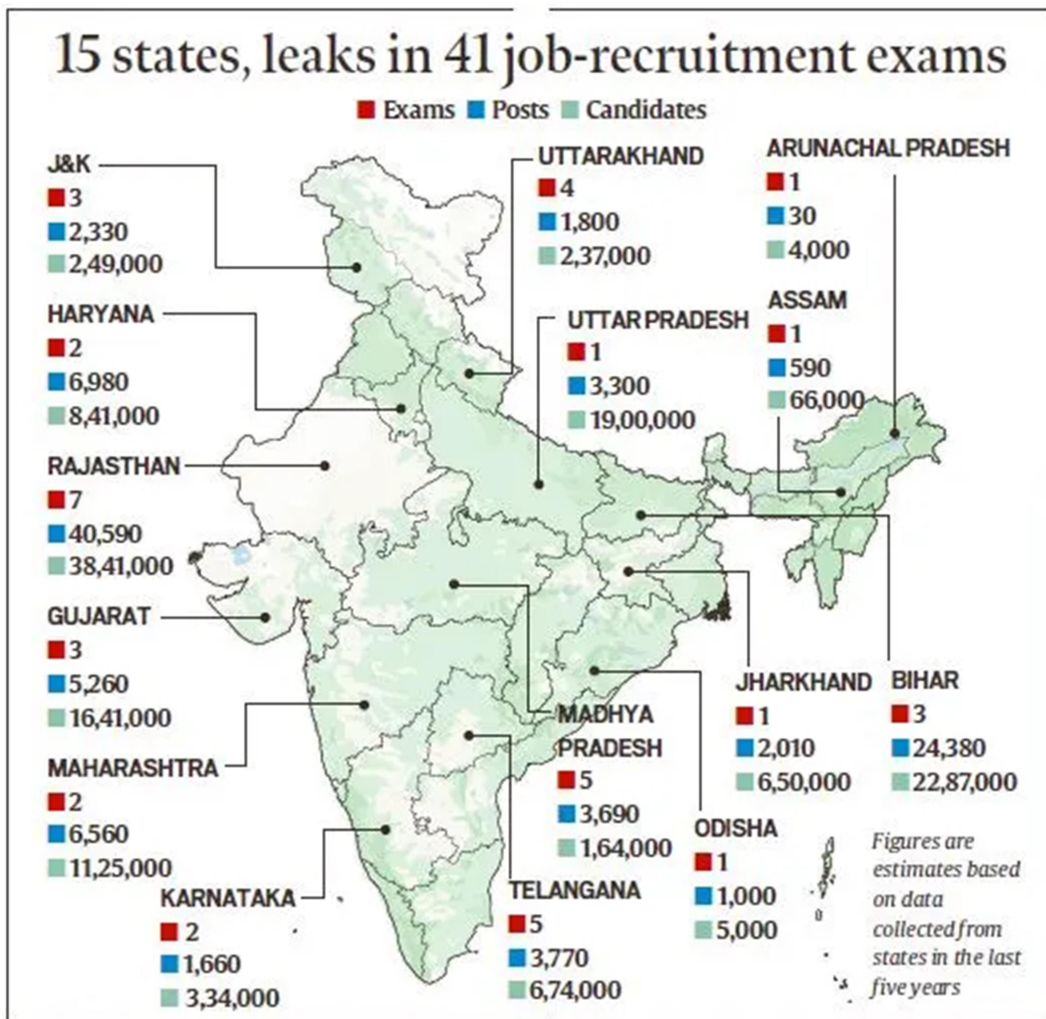
While the provisions will be binding for central public examination authorities, the bill will serve as a model draft for states.

9. AMENDMENT TO THE CRIMINAL LAW (AMENDMENT) ORDINANCE, 1944:

Added serial number 6 as An offense punishable under the Public Examinations (Prevention of Unfair Means) Act, 2024.

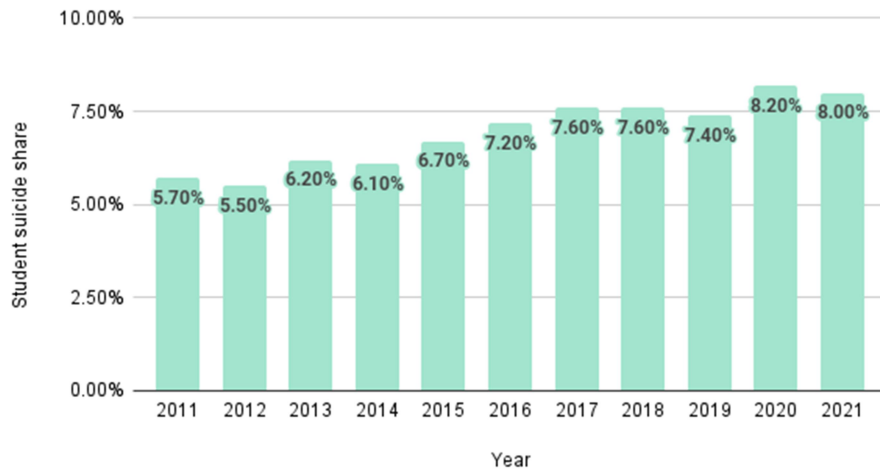
What is the impact on the career of students due to the practice of such unfair means?

- According to estimates, in the last seven years, more than **1.5 crore students** have been affected by the numerous question paper leaks that happened in various states.



- There have been more than **70 cases of question paper leaks in the country in the last seven years**, which have affected the future of lakhs of students.

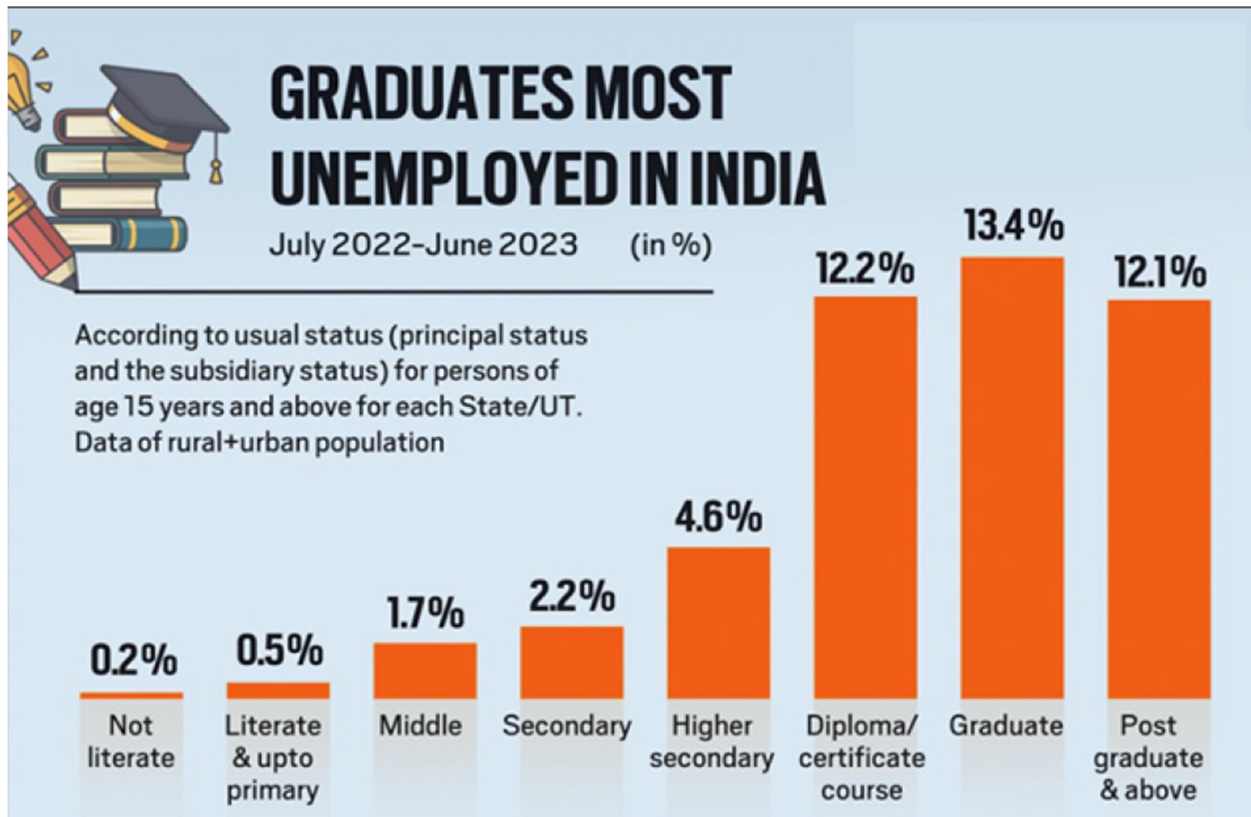
Student suicide share (%)



Source:NCRB Data.

What is Student’s unemployment level in the country?

- For the October-December 2023 quarter, joblessness among those in the age group of 20 to 24 grew to 44.49%, and it stood at 14.33% for the age group of 25-29 as per Centre for Monitoring Indian Economy (CMIE) report 2023.



How many times have the Board Exam Papers been leaked in India?

- Bihar Board’s class 10 examination papers have been leaked six times in the past.

- In West Bengal, the State Board examination paper has leaked at least 10 times in the last seven years.
- Tamil Nadu, both class 10 and 12 board examination papers have been leaked in 2022.

Some more instances are listed below:-

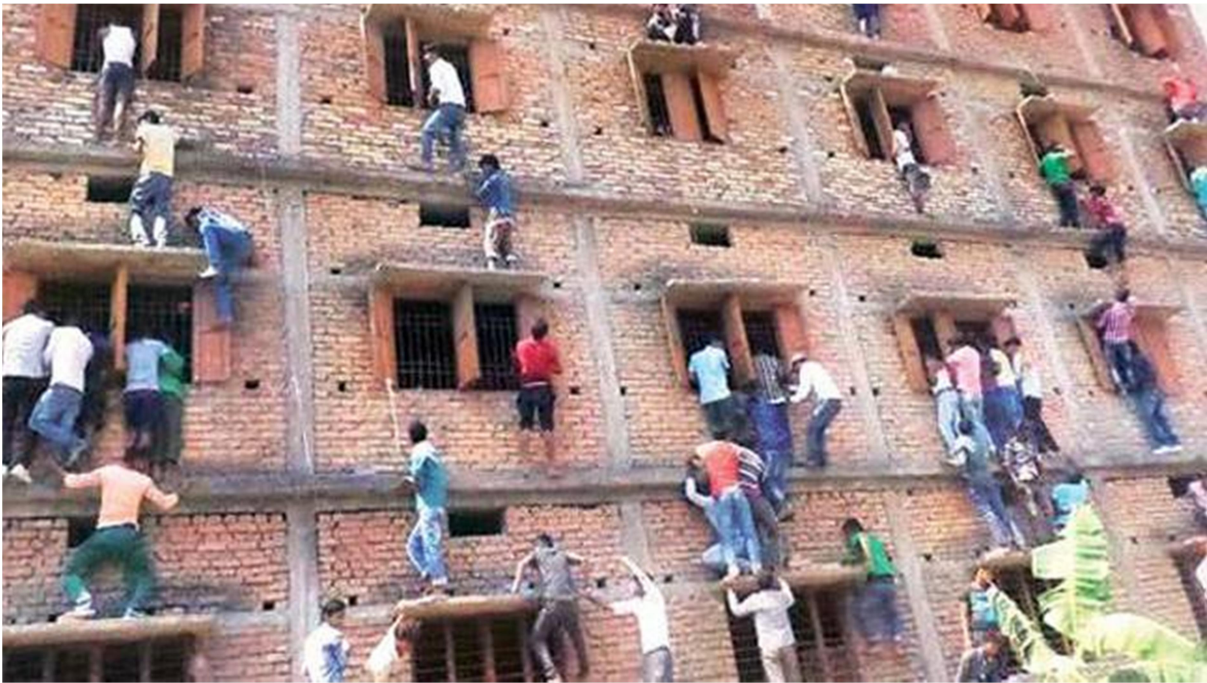
1. CBSE Paper Leak (2018):

One of the most infamous incidents involved the Central Board of Secondary Education (CBSE) in India, where the Class 10 Mathematics and Class 12 Economics exam papers were leaked. This led to widespread outrage among students, parents, and the general public, prompting the CBSE to re-conduct the Class 12 Economics exam.

2. Bihar State Education Board Leak (2016):

The Bihar School Examination Board (BSEB) faced a massive scandal when the Class 10 Science and Class 12 Humanities question papers were leaked. This incident was part of a larger controversy that year, including the infamous "toppers scam," where merit list toppers were found to be unable to answer basic questions related to their subjects.

"Maine to Papa se kaha tha pass karwa dijiye, unhone ne to top hi karwa diya." Ruby rai, 2016 topper Bihar board.



3. Haryana Board Paper Leaks (2014):

The Board of School Education Haryana (BSEH) had multiple instances of question paper leaks, including the Class 10 and 12 board exams.

4. Maharashtra SSC Board Paper Leak (2017):

The Maharashtra State Board of Secondary and Higher Secondary Education (MSBSHSE) saw the leak of the Class 10 Science exam paper through social media platforms.

Which mode of examination is safer, Online or Offline?

Online Examinations:

Advantages	Vulnerabilities
Advanced Security Measures like use of AI to detect irregularities can be used in the future	Digital literacy (only 40% of the population in the critical age group 15 to 29 years are digitally literate as per NSO report).
Secure browsers, biometric verification, and AI proctoring enhance exam integrity.	Connectivity problems and glitches can affect exam fairness.
Control Over time limit	Digital Cheating Tools and hacking
Digital format reduces risk of physical paper leaks.	Sophisticated cheating tools, like AI assistants, present new challenges.
Flexibility in Scheduling	Access and Equity Concerns
Offers potential to reduce cheating by allowing flexible exam times.	Not all students have equal access to required technology or suitable environments to practice mock tests
Real-time Monitoring	
Enables immediate action against misconduct through webcam feeds and screen sharing.	

CAUGHT BY TECH

As per the class WhatsApp group, the answer to this question is Option D

All answers on that WhatsApp group are wrong.

Test in progress

- ▶ A student has to download a software from a link sent from university website
- ▶ He/She has to pose in front of the device camera with his university photo ID to access question paper
- ▶ In background, the camera clicks his photo every minute during exam and sends it to proctor
- ▶ This is installed on computer/mobile/tablet
- ▶ Software also records video if any suspicious activity is caught on camera
- ▶ Proctor assigned to monitor immediately records the act
- ▶ One proctor is assigned to monitor 250 students

Offline Examinations:

Advantages	Vulnerabilities
Familiar Environment	Unstandardised Benches, weather , other amenities like washrooms.
Ensures fairness by having all students take the exam under similar conditions.	Physical security and distribution challenges can lead to leaks.
Familiarity with the process of using Pen and Paper.	Angrez Singh decided to don the disguise of his girlfriend Paramjit Kaur and take the test on her behalf in Amritsar.
Familiar protocols reduce confusion and anxiety among students and educators.	Easier for individuals to impersonate others without biometric checks.
Physical Proctoring	Mass Cheating in classrooms with lenient invigilators
Invigilators can deter cheating and intervene immediately,as they are already experienced with the usual methods of cheating .	Organized cheating where groups collaborate with the school staff can occur.

INTERNATIONAL CASE STUDY:

Western Governors University (WGU) in the United States is a notable example of how online examinations, coupled with robust online proctoring, have helped to maintain academic integrity and reduce cheating.

Key Strategies Implemented:-

- WGU utilizes **online proctoring services** that monitor test-takers through webcams, microphones, and screen-sharing technologies. This allows proctors to ensure that students are adhering to the examination rules from remote locations.
- The university employs **secure testing software** that locks down the examinee's computer, preventing access to browsers, applications, or files that could be used to cheat during the exam.
- **Biometric and keystroke recognition techniques** are used to verify the identity of students taking the exams, significantly reducing the risk of impersonation.

What was the need for this Act?

1.Unfair Practices and Unfair Means in Public Examination.	This leads to erosion of public trust which inturn creates chaos by way of student protests. Example: Recent Protests in UP(RO exam)
2.No Substantial Laws to deal with such Unfair means.	There is no specific substantive law at national level to deal with unfair means adopted by persons, organized groups that adversely impacts the conduct of Public Examinations by the Central Government and its agencies.

3.Encash the Demographic dividend	Such a bill will help in reaping demographic dividend (which in other case is turning to demographic disaster)
4.Will help in bringing some deterrence mechanism.	Such provisions will lead to spill over effect in curbing such unfair means
5.Restoration of Public Integrity and Upholding Gandhi's Talisman.	The bill will help in empowering the unempowered, as all will get the fair chance to get selected.

What are constitutional provisions for Education?

- The Indian constitution in its original enactment defined education under state subject.
- It was brought under **concurrent list** through 42nd Constitutional Amendment Act.

What are challenges to the Act:

Implementational Challenges:

- One of the primary challenges is ensuring effective implementation of the provisions outlined in the bill.
- This may require coordination among multiple stakeholders, including educational institutions, examination boards, law enforcement agencies, and government authorities.

Affects Federal spirit of the Constitution:

- The Bill aims to serve as a model for states to adopt.
- The discretion given to state governments may lead to variations in implementation across different states. This could even lead to center state tussle as well.

Might see opposition from some states:

- Tamil Nadu opposing National Eligibility-cum-Entrance Test(NEET) exam.

Data Privacy and Breach of Fundamental rights:

- The use of technology for monitoring and surveillance in examinations raises concerns about data privacy and security.

Changing Nature of Cheating:

- Cheating methods evolve over time, driven by advancements in technology and changes in societal norms.
- The bill needs to be flexible enough to adapt to new challenges and address emerging forms of cheating effectively.

Public Perception and Acceptance:

- Public perception and acceptance of the measures implemented under the bill can influence its effectiveness.

Technological Solutions:

- Developing and implementing robust technological solutions while ensuring accessibility and equity for all examinees is a challenge that needs to be addressed.
- Also there is a need to address digital illiteracy in the country.

Pendency of cases in judiciary: may further delay justice.

National Technical Committee lacks clarity:

- Regarding its composition, qualifications, and **mandate**.

Legal Challenges :

- Pertaining to its provisions on cognizability, non-bailability, and non-compoundability of offenses. This may lead to misuse of power and position.

Some other steps taken by the central government in recent years

1. Establishment of National Testing Agency (NTA):

- In 2013 the MHRD constituted a seven member task force to prepare a blueprint for creating a special purpose vehicle to take up the concept of National Testing Agency (NTA) forward.
- In 2017 an announcement about NTA was made by the Finance Minister in the budget speech of 2017.
- National Testing Agency (NTA) has been established as a premier, specialist, autonomous and self-sustained testing organization to conduct entrance examinations for admission/fellowship in higher educational institutions

2. UPSC for the Civil Service Examination:

- 9. Instruction in respect of uploading of Photograph while filling up online application form :-**
- (a) The photograph, uploaded by candidate should not be more than **10 days old** from the start of the online application process (i.e. the application commencement date).
 - (b) Ensure that **the name of candidate** and the **date on which the photograph was taken** are clearly mentioned on the photograph.
 - (c) The candidate's **face** should occupy **3/4th of the space** in the photograph.
 - (d) The candidates must ensure that their appearance must match with their photograph at each stage of the Examination Process i.e. at the time of Preliminary, Main (Written) and Interview/Personality Test. For instance, If a candidate uploads a bearded photograph, he must appear with the same look in the Preliminary, Main (Written) and Interview/Personality Test. Same would be the case with spectacles, moustaches, etc.

One Time Registration(OTR)

- Union Public Service Commission (UPSC) has launched 'One Time Registration' (OTR) platform on 24x7 basis on the Commission's official website upsc.gov.in and upsonline.nic.in to facilitate the process of submission of applications of candidates to be made convenient.

SOME PROBABLE TOPICS FOR PRELIMS 2024

- Union Public Service Commission(UPSC)
- Constitutional Provisions(Part 14: Article 315-323)
- State Public Service Commission(SPSC)
- Joint State Public Service Commission(JSPSC)

- Types of Offences (Cognizable Non Cognizable, Compoundable and Non Compoundable, Bailable and Non Bailable)

A PROBABLE QUESTION FOR MAINS 2024

The Public Examinations (Prevention of Unfair Means) Act, 2024 seeks to prevent use of unfair means in public examinations. In light of this act try to discuss the need of such an act. Also discuss the various provisions in the bills and challenges in its implementation? (250 words).

SOME PROBABLE PRELIMS QUESTIONS

Q.1 Consider the following statements regarding The Public Examinations (Prevention of Unfair Means) Act, 2024.

1. The term public examination is defined under section 2(k) of the act.
2. It covers only group A and group B services examinations.
3. An officer not below the rank of Superintendent of Police is responsible to investigate offenses under this Act.
4. Offenses under this Act are both cognizable and bailable.

How many of the above statements is/are correct?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All of the above

Answer: (a)

Only One

Explanation:

Statement 1 is correct: Under Section 2(k), “public examination” is defined as any examination conducted by a public examination authority listed in the Schedule of the Bill, or any “such other authority as may be notified by the Central Government”.

Statement 2 is incorrect: Exams to be covered:

The schedule lists five public examination authorities:

- (i) Union Public Service Commission (UPSC), which conducts the Civil Services Examination, Combined Defence Services Examinations, Combined Medical Services Examination, Engineering Services Examination, etc.;
- (ii) Staff Selection Commission (SSC), which recruits for Group C (non-technical) and Group B (non-gazetted) jobs in the central government;
- (iii) Railway Recruitment Boards (RRBs), which recruit Groups C and D staff in the Indian Railways;
- (iv) Institute of Banking Personnel Selection (IBPS), which hires at all levels for nationalized banks and regional rural banks (RRBs); and
- (v) National Testing Agency (NTA), which conducts the JEE (Main), NEET-UG, UGC-NET, the Common University Entrance Test (CUET), etc.

Apart from these designated public examination authorities, all “Ministries or Departments of the (vi) Central Government and their attached and subordinate offices for recruitment of staff” will also come under the purview of the new law.

Statement 3 is incorrect: An officer not below the rank of Deputy Superintendent of Police or Assistant

Commissioner of Police shall investigate any offense under this Act.

Statement 4 is incorrect:Section 9 of the Act states that all offenses under this Act, shall be cognizable, non-bailable and non-compoundable.

Q.2 Consider the following terms:-

1. Public Examination
2. Organised Crime
3. Service Provider
4. Online Mode of Examination

How many of the above provisions are defined under The Public Examinations (Prevention of Unfair Means) Act, 2024?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All of the above

Answer: (c)

Only Three

Explanation:

The Public Examinations (Prevention of Unfair Means) Act, 2024 defines candidate , communication device,competent authority ,computer network, conduct of public examination,institution,**organized crime,public examination** , public examination authority,public examination center, **service provider**.

Online mode of examination is **not** defined under the act.

A Mains Previous Year Ethics Case study:

1. Rameshwar successfully cleared the prestigious civil services examination and was excited about the opportunity that he would get through the civil services to serve the country. However, soon after joining the services, he realized that things are not as rosy as he had imagined.He found a number of malpractices prevailing in the department assigned to him. For example, funds under various schemes and grants were being misappropriated. The official facilities were frequently being used for personal needs by the officers and staff. After some time, he noticed that the process of recruiting the staff was also not up to the mark. **Prospective candidates were required to write an examination in which a lot of cheating was going on. Some candidates were provided external help in the examination.** Rameshwar brought these incidents to the notice of his seniors. However, he was advised to keep his eyes, ears and mouth shut and ignore all these things which were taking place with the connivance of the higher-ups. Rameshwar felt highly disillusioned and uncomfortable. He comes to you seeking your advice.

Indicate various options that you think are available in this situation. How would you help him to evaluate these options and choose the most appropriate path to be adopted? 250 words.(2014)

Some Questions from this year and previous years Interview Transcripts:

Board - B B Swain Sir (2023)

- Why so many incidents of cheating in Uttar Pradesh

Board - Sujata Mehta Mam(2019)

- Why so mass cheating?
- Why is education quality so low till now in bihar?

Board - Sujata Mehta Mam(2019)

- There are a lot of cheating cases coming nowadays.
- Also cases like SSC paper leaks.
- What do you think about the role of police in such cases?
- Especially from a law and order perspective?

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