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REGULATING THE OUTSOURCING OF PUBLIC EXAMINATIONS IN INDIA: EXAMINATION GOVERNANCE, CONSTITUTIONAL ACCOUNTABILITY AND ADMINISTRATIVE LAW

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ABSTRACT

Public examinations play an important role in ensuring merit-based admission to higher education and recruitment to public employment in India. Every year, millions of candidates appear for examinations conducted by authorities such as the Union Public Service Commission (UPSC), National Testing Agency (NTA), Staff Selection Commission (SSC), Railway Recruitment Boards (RRBs) and various State recruitment agencies. The credibility of these examinations is essential for protecting the constitutional principles of equality, fairness and transparency.

During the last decade, India has witnessed nearly 90 major paper leak incidents affecting around 1.5 crore candidates across Central and State examinations. Repeated controversies relating to question paper leaks, organised cheating, technological failures and operational lapses have exposed weaknesses in examination governance. The growing use of private service providers in technology-based examinations has also raised concerns regarding institutional accountability, vendor regulation and cybersecurity.

This paper examines whether the existing legal framework adequately regulates the outsourcing of public examinations while preserving constitutional accountability. It analyses the Constitution of India, the Public Examinations (Prevention of Unfair

Means) Act, 2024, judicial decisions, committee reports, major examination controversies and comparative international practices. The paper argues that examination integrity cannot be protected through criminal law alone. It also requires effective governance supported by institutional accountability, technological security and continuous regulatory oversight. The paper concludes by suggesting legal and policy reforms to strengthen examination governance and preserve public confidence in India's merit-based examination system.

Keywords: Public Examinations, Examination Governance, Outsourcing, Constitutional Accountability, Administrative Law, Public Examinations (Prevention of Unfair Means) Act, 2024, Institutional Accountability.

1. INTRODUCTION

Public examinations play an important role in India's constitutional and administrative system. They provide access to higher education, public employment and various professional opportunities through a merit-based selection process. Every year, millions of candidates appear for examinations conducted by the Union Public Service Commission (UPSC), National Testing Agency (NTA), Staff Selection Commission (SSC), Railway Recruitment Boards (RRBs), Institute of Banking Personnel Selection (IBPS) and various State Public Service Commissions. The credibility of these examinations is essential for ensuring fairness, equal opportunity and public confidence in the selection process.¹

Over the past two decades, India's public examination system has changed significantly with the increasing use of technology. Traditional paper-based examinations have gradually been replaced by technology-based systems involving online applications, computer-based tests (CBTs), biometric verification, encrypted transmission of question papers and digital evaluation. These developments

¹ https://en.wikipedia.org/wiki/Paper_leak_in_India



have improved efficiency and enabled authorities to conduct large-scale examinations involving millions of candidates across the country.

The increasing use of technology has also expanded the role of specialised private service providers. Today, many functions such as online registration, computer infrastructure, biometric verification, examination centre management, digital surveillance and result processing are carried out with their support. While outsourcing has improved operational efficiency, it has also raised concerns relating to cybersecurity, procurement practices, vendor accountability and institutional oversight.

Recent examination controversies have brought these concerns into sharper focus. During the last decade, India has witnessed nearly 90 major paper leak incidents affecting around 1.5 crore candidates across Central and State examinations². Controversies relating to NEET-UG 2024, UGC-NET 2024, NEET-UG 2026, REET, UP Police Constable Recruitment Examination, TSPSC and several other recruitment examinations exposed weaknesses in examination security, institutional accountability and regulatory oversight³. In response, the Government enacted the Public Examinations (Prevention of Unfair Means) Act, 2024⁴ and constituted the High-Level Committee chaired by Dr. K. Radhakrishnan to recommend reforms for strengthening examination governance.⁵ Although these developments have received considerable public attention, academic discussion has largely focused on examination malpractice and criminal liability. Comparatively less attention has been given to examination governance, administrative

accountability and the regulation of outsourced examination services. As the examination system continues to expand, this issue assumes greater significance because the constitutional responsibility to ensure fairness and equality always remains with the State.

Against this background, the paper examines the legal and regulatory framework governing public examinations in India, with particular emphasis on outsourcing, institutional accountability and examination governance. It argues that protecting examination integrity requires not only stronger criminal laws but also an effective governance framework capable of ensuring transparency, accountability and public confidence.

1.1 Research Problem

Public examinations are the primary means through which the State provides educational opportunities and public employment on the basis of merit. However, repeated examination controversies have exposed weaknesses in the existing governance framework. Although the Public Examinations (Prevention of Unfair Means) Act, 2024 addresses organised examination malpractice, recent incidents, including NEET-UG 2026⁶, show that concerns relating to institutional accountability, outsourcing, technological governance and vendor oversight continue to remain. The paper therefore examines whether the existing legal framework adequately addresses these challenges while protecting the constitutional principles of fairness, transparency and equality.

² Sukrita Baruah et al., The Big All India Exam Leak, Indian Express, Feb. 6, 2024, <https://indianexpress.com/article/express-exclusive/the-big-all-india-exam-leak-over-5-years-1-4-crore-job-seekers-in-15-states-bore-the-brunt-9145910/>

³ Ministry of Education, Cancellation of UGC-NET June 2024 Examination, Press Information Bureau, June 19, 2024, <https://pib.gov.in/PressReleasePage.aspx?PRID=2027892>

⁴ Public Examinations (Prevention of Unfair Means) Act, No. 1 of 2024, w.e.f. 21 June 2024

⁵ Official Lok Sabha Reply (High-Level Committee chaired by Dr. K. Radhakrishnan): https://sansad.in/getFile/loksabhaquestions/annex/183/AU125_zov2Fn.pdf?source=pqals

⁶ <https://newsonair.gov.in/nta-refutes-claims-of-neet-ug-2026-re-examination-question-paper-leak-on-telegram/>



1.2 Research Objectives

The study seeks to achieve the following objectives:

1. To examine the constitutional and statutory framework governing public examinations in India.
2. To study the evolution of examination governance and the growing role of private service providers.
3. To examine major examination controversies, judicial developments and institutional reforms.
4. To evaluate the existing regulatory framework governing outsourced examination services.
5. To study comparative international practices relating to examination governance.
6. To recommend legal and institutional reforms for strengthening examination governance in India.

1.3 Research Methodology

The paper adopts a doctrinal, analytical and comparative research methodology. It relies on constitutional provisions, statutory enactments, judicial decisions, parliamentary materials, official committee reports, government notifications and scholarly literature. It also examines major examination controversies and institutional reforms to identify governance challenges affecting public examinations in India.

A comparative study of examination governance frameworks in the United Kingdom, Singapore, South Korea, Japan and the United States has also been undertaken to identify practices relevant to the Indian context. The findings are used to evaluate the existing legal framework and suggest reforms consistent with constitutional principles and administrative accountability.

2. EVOLUTION OF PUBLIC EXAMINATION GOVERNANCE IN INDIA

Public examinations have long been the primary method of selecting candidates for higher education and public employment in India. Over time, the examination system has changed from a traditional

paper-based model to a technology-driven system supported by digital infrastructure and specialised service providers. While this transition has improved efficiency and accessibility, it has also created new legal, technological and administrative challenges. Understanding this evolution is necessary for examining the present governance framework and the issues arising from outsourced examination services.

2.1 Traditional Examination System

In the years following Independence, public examinations were conducted mainly through the traditional paper-based system under the direct supervision of government authorities. Application forms, question papers, evaluation and result preparation were handled manually by public institutions. Since the number of candidates was comparatively small, the examination process remained simple and responsibility for conducting examinations rested clearly with the concerned authority.

Although this system required more time and manpower, it remained under direct government control with very little involvement of external agencies. As a result, responsibility for maintaining fairness and examination integrity remained entirely with the examination authority.

2.2 Expansion of Public Examinations

Economic growth, expansion of higher education and increasing demand for public employment greatly expanded India's examination system. National-level examinations such as NEET, JEE, CUET, UGC-NET, SSC, RRBs, IBPS and various State recruitment examinations now involve millions of candidates every year. This growth has made examination administration far more complex and has increased the need for better planning and coordination.

As examinations began to be conducted simultaneously across thousands of centres, the traditional administrative system became inadequate.



This led to the gradual adoption of digital technology and standardised examination procedures.

2.3 Digital Transformation of Public Examinations

The use of digital technology has changed the conduct of public examinations in India. Online registration, computer-based tests (CBTs), biometric verification, encrypted transmission of question papers, digital attendance systems and automated result processing are now common features of many national and State examinations.

These changes have improved efficiency, reduced manual errors and enabled faster declaration of results. At the same time, they have created new challenges relating to cybersecurity, digital infrastructure, data protection and operational continuity. Examination security today extends beyond protecting question papers and includes safeguarding the entire digital examination system.

2.4 Establishment of the National Testing Agency

An important development in this transition was the establishment of the National Testing Agency (NTA) in 2017⁷. The NTA was created to conduct entrance examinations in a transparent, efficient and standardised manner through modern technology. It currently conducts major examinations such as NEET-UG, JEE Main, CUET and UGC-NET, involving millions of candidates every year.

The establishment of the NTA marked a significant step towards modernising examination administration. However, controversies relating to NEET-UG 2024, UGC-NET 2024 and NEET-UG 2026 show that technology alone cannot guarantee examination integrity. Effective institutions, proper supervision and strong regulatory oversight are equally necessary.

2.5 Rise of Outsourcing in Public Examinations

The expansion of computer-based examinations has increased the role of specialised private service providers. Today, examination authorities depend on these agencies for online registration, computer infrastructure, biometric verification, examination centre management, encrypted communication, digital surveillance and result processing. Their support has enabled authorities to conduct large-scale examinations more efficiently.

However, outsourcing has also increased the number of organisations involved in the examination process. Different agencies now manage different operational stages, making coordination and supervision more difficult. Recent examination controversies have highlighted concerns relating to vendor accountability, cybersecurity and operational oversight. Therefore, outsourcing should be treated not merely as an administrative arrangement but as an important governance issue requiring an effective legal and regulatory framework.

2.6 Present Position

India's public examination system has evolved from a government-controlled paper-based model to a technology-driven system involving multiple institutions and specialised service providers. While this transformation has improved efficiency, it has also increased concerns relating to cybersecurity, institutional accountability and regulatory oversight.

Technology has become an essential part of modern public examinations, but it cannot by itself ensure fairness and integrity. A strong legal and regulatory framework is equally necessary to maintain transparency, accountability and public confidence. The next chapter examines the legal framework governing public examinations in India.

⁷ Ministry of Education, Government of India, Cabinet Approves Creation of National Testing Agency (NTA) as a Society, Press Information Bureau, 10 November

2017,
<https://pib.gov.in/PressReleasePage.aspx?PRID=1517751>



3. EXISTING LEGAL AND REGULATORY FRAMEWORK GOVERNING PUBLIC EXAMINATIONS IN INDIA

India does not have a single comprehensive law governing every aspect of public examinations. Instead, the legal framework consists of constitutional principles, statutory provisions, administrative guidelines and institutional regulations. Although recent reforms have strengthened the legal response to examination malpractice, the increasing use of digital technology and outsourced examination services has created new regulatory challenges. This chapter examines the existing legal framework and considers whether it adequately addresses these emerging governance issues.

3.1 Constitutional Foundation

The Constitution of India provides the legal foundation for ensuring fairness in public examinations. Although it does not specifically regulate examination administration, several constitutional provisions require the State to conduct public examinations in a fair, transparent and non-arbitrary manner.

Article 14 guarantees equality before law and equal protection of laws. Since public examinations determine access to higher education and public employment, every stage of the examination process must satisfy the principles of fairness, transparency and reasonableness. Any arbitrary action affecting the integrity of the examination process may violate Article 14.

Article 16 guarantees equality of opportunity in matters relating to public employment. Recruitment examinations conducted by authorities such as the UPSC, SSC, RRBs and State Public Service Commissions must ensure that every candidate competes on an equal footing. Examination

irregularities, paper leaks and manipulation of results directly undermine this constitutional guarantee.

Although Article 21 primarily protects the right to life and personal liberty, judicial interpretation has expanded its scope to include fairness in administrative action. Delayed recruitment, repeated cancellation of examinations and prolonged uncertainty may adversely affect the legitimate expectations of candidates and weaken public confidence in the examination system.

The constitutional principles of the Rule of Law, administrative fairness and non-arbitrariness also require public authorities to exercise their powers responsibly. Together, these principles establish that conducting public examinations is not merely an administrative function but a constitutional responsibility requiring transparency, accountability and equal treatment.

The increasing involvement of private service providers has also raised questions of public law accountability. Although such agencies are not ordinarily treated as "State" under **Article 12**, courts have recognised that private bodies performing public functions may, in appropriate cases, be subject to judicial review. Since outsourced examination agencies perform functions closely connected with public admissions and recruitment, they must operate within constitutional standards of fairness and accountability.

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

The Public Examinations (Prevention of Unfair Means) Act, 2024⁸ is the first comprehensive Central legislation enacted to deal with organised examination malpractice. It was introduced following the increasing number of question paper leaks, organised

⁸ Public Examinations (Prevention of Unfair Means) Act, No. 1 of 2024, w.e.f. 21 June 2024 (India).



cheating networks and other unfair practices affecting notified public examinations.

The Act criminalises activities such as question paper leaks, unauthorised disclosure of confidential examination material, impersonation, tampering with examination systems, manipulation of answer scripts and organised cheating. It also prescribes strict punishment for individuals and organised groups involved in such offences. The Act further declares these offences to be cognizable, non-bailable and non-compoundable, reflecting the seriousness with which organised examination malpractice is viewed.

By specifically addressing organised examination offences, the Act complements the Bharatiya Nyaya Sanhita, 2023⁹, under which related offences such as theft (Section 303), criminal breach of trust (Section 316), cheating (Section 318), forgery (Section 336) and criminal conspiracy (Section 61) may also be attracted, depending on the facts of the case. Similarly, offences involving unauthorised access to computer systems, extraction of digital examination data, hacking or breach of confidentiality may attract Section 43 (unauthorised access and damage to computer resources), Section 66 (computer-related offences) and Section 72 (breach of confidentiality and privacy) of the Information Technology Act, 2000¹⁰. Thus, the 2024 Act supplements the existing criminal law framework rather than replacing it.

An important feature of the Act is its recognition of service providers associated with notified public examinations, reflecting the increasing role of external agencies in technology-based examinations. The Act also empowers the Central Government to notify public examinations covered by the legislation and provides for investigation by designated authorities.

However, the Act mainly addresses criminal liability after unfair means have been adopted. It does not establish a comprehensive framework for vendor

accreditation, minimum cybersecurity standards, operational protocols, periodic security audits or independent regulatory oversight. Consequently, important issues relating to procurement, vendor accountability and continuous monitoring continue to remain outside its scope.

While the Act significantly strengthens the legal response to organised examination offences, it addresses only part of the governance issues arising from the growing use of outsourced examination services. A more comprehensive regulatory framework is therefore required to ensure effective institutional accountability, preventive oversight and examination security.

3.3 Institutional Framework

Public examinations in India are conducted by specialised institutions at both the Central and State levels. The Union Public Service Commission (UPSC) conducts examinations for the All India Services and Central Civil Services, while the National Testing Agency (NTA) conducts several national entrance examinations. Similarly, the Staff Selection Commission (SSC), Railway Recruitment Boards (RRBs), Institute of Banking Personnel Selection (IBPS) and various State Public Service Commissions conduct recruitment examinations for different public posts and services.

Although these institutions function independently, they share the responsibility of ensuring transparency, fairness and merit-based selection. With the increasing use of digital examination systems, their responsibilities now extend beyond conducting examinations to include cybersecurity, operational preparedness, grievance redressal and effective coordination with specialised service providers.

⁹ Bharatiya Nyaya Sanhita, No. 45 of 2023, w.e.f. 1 July 2024

¹⁰ Information Technology Act, No. 21 of 2000, w.e.f. 17 October 2000



3.4 Outsourcing of Public Examination Functions

The growing use of technology has increased the need for specialised technical support in public examinations. Examination authorities now outsource functions such as online registration, computer-based testing, biometric verification, digital surveillance, encrypted transmission of question papers, examination centre management and result processing.

Outsourcing has enabled authorities to conduct large-scale examinations more efficiently and in a more organised manner. However, it has also increased the number of organisations involved in the examination process, making coordination and supervision more challenging. Although operational functions may be outsourced, the constitutional responsibility to ensure fairness, transparency and equality continues to remain with the examination authority. Therefore, outsourcing must operate within a clear legal and regulatory framework supported by effective government oversight.

3.5 Procurement and Vendor Governance

The increasing use of technology has made procurement an important part of examination administration. Public authorities generally appoint examination service providers through competitive tendering under the General Financial Rules (GFR), 2017¹¹ and other applicable procurement guidelines. The selection process usually considers technical capability, financial capacity, previous experience and infrastructure.

These procedures promote transparency and competition but mainly assess technical and commercial capability. High-stakes public examinations also require evaluation of cybersecurity standards, operational resilience and examination security, which are not always adequately addressed

through conventional procurement criteria. Existing tender conditions therefore provide limited emphasis on independent security audits, cybersecurity compliance, regular performance reviews and accountability for operational failures.

Recent controversies involving examinations such as SSC, RRB, UGC-NET 2024 and the UP Police Constable Recruitment Examination show that procurement alone cannot ensure examination integrity. Continuous monitoring, periodic security audits and stronger vendor accountability are equally important for protecting high-stakes public examinations.

3.6 High-Level Committee on Examination Reforms

Following the NEET-UG 2024 controversy, the Union Government constituted a High-Level Committee of Experts under the chairmanship of Dr. K. Radhakrishnan to review the examination system and recommend reforms. The Committee examined examination processes, digital security, examination centre management, organisational structure, grievance redressal and coordination among different authorities.

The Committee recommended stronger Standard Operating Procedures (SOPs), improved data security, better examination centre management, greater transparency and enhanced technological safeguards. It also stressed the need for regular institutional review instead of relying only on post-incident action. These recommendations recognise that examination integrity depends not only on legal enforcement but also on effective governance.

3.7 Existing Regulatory Challenges

Despite recent reforms, several regulatory challenges continue to affect public examinations in India.

¹¹ Ministry of Finance, Government of India, General Financial Rules, 2017, w.e.f. 8 March 2017, <https://doe.gov.in/orders-circulars/31>



First, the existing legal framework does not provide uniform national standards for regulating outsourced examination services. Secondly, the increasing use of digital technology has created new concerns relating to cybersecurity, data protection and operational resilience. Thirdly, coordination between examination authorities and private service providers often depends on contractual arrangements rather than clear statutory obligations.

Another important challenge is the absence of a uniform system for periodic security audits and institutional performance reviews. Although examination authorities prescribe operational standards, there is limited statutory guidance on independent assessment of examination security, technological preparedness and vendor performance. Recent examination controversies have shown that weak supervision and inadequate vendor oversight can seriously affect the credibility of public examinations.

3.8 Critical Regulatory Assessment

The legal framework governing public examinations has improved considerably with the enactment of the Public Examinations (Prevention of Unfair Means) Act, 2024 and the institutional reforms introduced thereafter. These measures have strengthened the legal response to organised examination malpractice.

However, the present framework still focuses mainly on responding to misconduct after it occurs. Greater attention is required towards preventive governance, institutional accountability and continuous regulatory supervision. As technology-based examinations continue to expand, reforms should also address procurement standards, vendor regulation, cybersecurity and institutional preparedness.

A stronger examination system therefore requires both effective criminal enforcement and sound

administrative governance. Together, these measures can better protect fairness, transparency and public confidence.

4. EXAMINATION GOVERNANCE CHALLENGES: EMPIRICAL EVIDENCE AND JUDICIAL DEVELOPMENTS

Recent examination controversies show that the challenges affecting India's public examination system extend far beyond isolated question paper leaks. The rapid expansion of computer-based examinations and increasing dependence on outsourced service providers have exposed weaknesses in examination security, institutional accountability and regulatory oversight.

During the last decade, India has witnessed nearly 90 major paper-leak incidents affecting around 1.5 crore candidates across Central and State examinations¹². These incidents have disrupted admissions, recruitment and public confidence in merit-based selection. This chapter examines major examination controversies, judicial developments and institutional responses to understand the governance challenges affecting public examinations in India.

4.1 NEET-UG Controversies: A Case Study

The NEET-UG 2024 controversy marked one of the most significant challenges to examination governance in recent years. The examination, involving more than 24 lakh candidates, was followed by allegations of question paper leaks, irregularities in the award of grace marks and concerns regarding examination integrity¹³. These developments led to investigations by the Central Bureau of Investigation

¹² A Leaky Future, Vizmaya (May 2026), <https://www.vizmaya.fyi/story/india-exam-leaks>

¹³ National Testing Agency, Press Release: Regarding Queries of Candidates on NEET (UG) 2024 Result

Declared on 04 June 2024 (6 June 2024), https://www.nta.ac.in/Download/Notice/Notice_2024_0606205923.pdf



(CBI), proceedings before the Supreme Court and widespread public debate.¹⁴

The controversy exposed weaknesses in examination security, digital monitoring, operational supervision and institutional preparedness. In response, the Union Government enacted the Public Examinations (Prevention of Unfair Means) Act, 2024 and constituted the High-Level Committee chaired by Dr. K. Radhakrishnan to recommend reforms.¹⁵

The NEET-UG 2026 controversy again raised similar concerns when reports of another paper leak resulted in cancellation of the examination and a nationwide re-test. The incident affected lakhs of candidates, delayed the admission process and once again questioned the effectiveness of existing examination safeguards.

The repeated cancellation of examinations also imposed a heavy burden on candidates, parents and the Government. Candidates had to prepare again, incur additional travel and accommodation expenses and face prolonged uncertainty. The Government likewise incurred substantial expenditure in conducting fresh examinations, including security arrangements, examination centres and administrative costs. These incidents demonstrate that examination failures have legal, financial and social consequences extending beyond the examination process itself.

4.2 Human Impact of Examination Failures

Repeated examination failures have serious consequences for candidates. Cancellation and re-conduct of examinations create uncertainty for students who spend months and often years, preparing for highly competitive examinations. Delays in admissions and recruitment also affect their educational and professional plans.

The NEET-UG 2026 controversy highlighted this human impact. Following the cancellation of the examination and announcement of a nationwide re-test, several candidates reportedly experienced severe mental stress. Media reports also documented the deaths of aspirants, including Pradeep Kumar (Rajasthan), Ritik Mishra (Uttar Pradesh)¹⁷, Sushil Dhage (Maharashtra)¹⁸ and Anukeerthana (Tamil Nadu)¹⁹. Although each incident had its own circumstances, together they reflect the emotional burden that repeated examination failures can impose. These events underline that examination integrity is not only a legal issue but also a matter of public welfare and responsible administration.

4.3 Pattern of Examination Controversies in India

The challenges affecting public examinations are not confined to a single examination or institution. During the last decade, several Central and State examinations have faced allegations of question paper leaks, organised cheating, technical failures and procedural irregularities. National-level examinations

¹⁴ Supreme Court Rules Out NEET Re-Test: Paper Leak in Patna & Hazaribagh, Not Systemic Breach, The Indian Express (July 23, 2024), <https://indianexpress.com/article/education/neet-ug-2024-sc-rules-out-cancellation-and-retest-paper-leak-final-verdict-9403650/>

¹⁵ Ministry of Education, Government of India, Ministry of Education Constitutes a High-Level Committee of Experts to Ensure Transparent, Smooth and Fair Conduct of Examinations, Press Information Bureau, 22 June 2024, <https://pib.gov.in/PressReleasePage.aspx?PRID=2027892>

¹⁶ <https://indianexpress.com/article/india/neet-aspirant-suicide-sikar-paper-leak-cancellation-pradeep-mahich-10691738/>

¹⁷ <https://www.aljazeera.com/news/2026/5/26/come-back-my-son-indian-exam-leak-leaves-trail-of-death-despair-anger>

¹⁸ <https://indianexpress.com/article/cities/mumbai/hingo-li-boy-suicide-neet-ug-10757642/>

¹⁹ <https://www.newindianexpress.com/states/tamil-nadu/2026/Jun/18/tn-neet-aspirant-ends-life-kin-blame-cancellation-of-exam>



such as UGC-NET 2024²⁰, SSC²¹, RRB²² and AIIMS NORCET, along with State examinations including REET²³, UP Police Constable Recruitment Examination²⁴, TSPSC²⁵, BPSC²⁶, UKSSSC²⁷ and Gujarat Junior Clerk Recruitment Examination²⁸, have exposed recurring weaknesses in examination governance.

Although the circumstances differed, these incidents reveal common problems such as weak examination security, inadequate supervision, technological vulnerabilities, poor coordination and insufficient regulatory oversight. Some investigations also pointed to failures in outsourced services, unauthorised access to examination systems and weak internal controls. The recurrence of these incidents suggests that the existing safeguards are not sufficient. These controversies show that protecting examination integrity requires a preventive approach supported by stronger institutional oversight, better cybersecurity, continuous monitoring and clear accountability at every stage of the examination process.

4.4 Outsourcing and Vendor Accountability

The increasing use of outsourced examination services has added a new dimension to examination governance. Private service providers now support online registration, computer-based testing, biometric verification, digital surveillance, encrypted communication and result processing. While

outsourcing has improved efficiency, it has also increased the need for stronger supervision and accountability.

Investigations into examinations such as SSC CGL, RRB, UGC-NET 2024, UP Police Constable Recruitment Examination and TSPSC have highlighted concerns relating to cybersecurity, unauthorised access to examination systems, weak operational controls and inadequate monitoring of service providers. These incidents do not suggest that outsourcing is itself ineffective. Rather, they demonstrate that weak oversight of outsourced services can seriously affect examination integrity.

Accordingly service providers should be selected not only on the basis of technical capability and financial capacity but also on cybersecurity standards, operational reliability and compliance with security requirements. Regular audits, clear contractual obligations and continuous supervision are equally important for protecting high-stakes public examinations.

4.5 Judicial Developments

Indian courts have consistently recognised that fairness and transparency are essential requirements of public examinations. While exercising judicial review, courts have balanced the rights of individual candidates with the larger public interest in

²⁰

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2026809®=48&lang=2>

²¹ <https://indianexpress.com/article/what-is/what-is-ssc-paper-leak-case-5086643/>

²² <https://indianexpress.com/article/jobs/rrb-je-cbt-2-allegedly-leaked-over-social-media-railways-deny-5948632/>

²³

<https://indianexpress.com/article/explained/rajasthan-question-paper-leak-scandal-gehlot-government-reaction7748253/>

²⁴ <https://www.thehindu.com/news/national/uttar-pradesh/up-police-constable-exam-paper-leak-mastermind-arrested/article68024545.ece>

²⁵

<https://www.thehindu.com/news/national/telangana/probe-finds-15-tspsc-questions-papers-allegedly-leaked/article66631185.ece>

²⁶ <https://thewire.in/education/bihar-paper-leak-row-why-are-bpsc-aspirants-still-protesting-after-3-weeks>

²⁷

<https://timesofindia.indiatimes.com/education/news/cbi-arrests-assistant-professor-in-uksssc-paper-leak-case-here-is-what-happened-so-far/articleshow/125650788.cms>

²⁸ <https://www.thehindu.com/news/national/other-states/junior-clerk-recruitment-exam-paper-leaked-exam-cancelled-16-arrested/article66446015.ece>



maintaining the credibility of competitive examinations.

In *Ran Vijay Singh v. State of Uttar Pradesh* (2018)²⁹, the Supreme Court observed that courts should ordinarily avoid interfering in academic matters unless there is clear illegality or arbitrariness. Similarly, in *Tanvi Sarwal v. Central Board of Secondary Education* (2015)³⁰, the Court upheld the decision to re-conduct the All India Pre-Medical Test (AIPMT) after the examination process was affected by organised cheating. The Court held that preserving examination integrity was more important than the inconvenience caused by conducting a fresh examination.

Proceedings arising from the NEET-UG 2024 controversy also reaffirmed that transparency, institutional accountability and public confidence are fundamental to the examination system. These decisions show that protecting merit-based selection is a matter of constitutional importance.

4.6 Critical Institutional Assessment

The examination controversies discussed in this chapter show that India's public examination system continues to face recurring governance challenges. Question paper leaks are only one aspect of the problem. Weak operational planning, cybersecurity concerns, inadequate vendor supervision and poor institutional coordination have also affected the credibility of public examinations.

Repeated examination failures delay admissions and recruitment, increase financial burdens on candidates and their families, require additional public expenditure and weaken public confidence in merit-based selection. These consequences highlight the need for stronger preventive governance rather than

relying mainly on criminal prosecution after an incident occurs.

The discussion also shows that outsourcing has become necessary for conducting large-scale technology-based examinations. However, outsourcing cannot reduce the constitutional responsibility of public authorities to ensure fairness, transparency and equal opportunity. A stronger governance framework supported by effective regulation, regular security audits, better cybersecurity and continuous institutional oversight is therefore essential for protecting the integrity of public examinations.

5. COMPARATIVE ANALYSIS OF EXAMINATION FRAMEWORKS GOVERNANCE

The challenges relating to public examinations are not unique to India. Several countries have adopted legal and institutional measures to ensure fairness, transparency and examination security. Although their systems differ from India's, they provide useful guidance for strengthening examination governance. This chapter examines the examination frameworks of the United Kingdom, Singapore, South Korea, Japan and the United States to identify practices that may be adapted to the Indian context.

5.1 United Kingdom

In the United Kingdom, public examinations are conducted by recognised examination boards under the supervision of the Office of Qualifications and Examinations Regulation (Ofqual)³¹. Ofqual prescribes regulatory standards, monitors examination bodies, conducts inspections and ensures compliance with statutory requirements. It also has regulatory powers to investigate non-compliance and take action

²⁹ *Ran Vijay Singh v. State of Uttar Pradesh*, (2018) 2 SCC 357

³⁰ *Tanvi Sarwal v. Central Board of Secondary Education*, (2015) 6 SCC 573 (India).

³¹

<https://www.gov.uk/government/publications/supporting-compliance-and-taking-regulatory-action/supporting-compliance-and-taking-regulatory-action>



where recognised examination bodies fail to maintain prescribed standards.

The UK model shows that independent regulatory oversight and regular institutional review play an important role in maintaining examination integrity and public confidence.

5.2 Singapore

In Singapore, national examinations are conducted by the Singapore Examinations and Assessment Board (SEAB) in collaboration with the Ministry of Education. The examination system is supported by clear institutional responsibility, strict operational procedures and strong digital security measures. Regular review of examination processes and continuous monitoring help minimise operational failures³².

Singapore demonstrates that clear responsibility, preventive governance and effective planning can significantly strengthen examination administration.

5.3 South Korea

South Korea conducts the College Scholastic Ability Test (CSAT) under extensive government coordination³³. Law enforcement agencies, transport authorities and emergency services work together to ensure the smooth conduct of the examination. This coordinated approach helps minimise operational risks and maintain examination security.

The South Korean model highlights the importance of inter-agency coordination in conducting large-scale public examinations.

5.4 Japan

Japan follows a highly organised examination system based on standard operating procedures, strict confidentiality and institutional accountability. Multi-layer security measures are followed during the preparation, printing and distribution of question papers, while examination authorities regularly review administrative processes to maintain public confidence³⁴.

Japan's experience shows that procedural discipline and continuous institutional review are essential for protecting examination integrity.

5.5 United States

The United States follows a comparatively decentralised examination system. Many standardised examinations are conducted by specialised organisations, while private agencies provide technological and operational support. Their participation is governed through contractual obligations, accreditation standards and periodic compliance reviews³⁵.

The American model demonstrates that outsourcing can function effectively when supported by strong oversight, clear legal responsibilities and continuous monitoring.

5.6 Lessons for India

The comparative analysis highlights several common principles despite differences in institutional structures. First, responsibility for maintaining examination integrity always remains with public authorities, even where operational functions are outsourced. Secondly, independent oversight, regular

³² <https://www.seab.gov.sg/what-we-do/>

³³ Ministry of Education, Republic of Korea, College Scholastic Ability Test (CSAT), <https://english.moe.go.kr/main.do?s=english>.

³⁴ Ministry of Education, Culture, Sports, Science and Technology (MEXT), University Entrance

Examination Information, <https://www.mext.go.jp/nyushi/>

³⁵ U.S. Department of Education, Accreditation in the United States, <https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/college-accreditation>



security audits and continuous monitoring strengthen accountability. Thirdly, technology is supported by clear operational standards and periodic institutional review.

These experiences suggest that India can strengthen its examination system by improving regulatory oversight, enhancing cybersecurity, introducing regular security audits and prescribing stronger standards for outsourced examination services.

5.7 Comparative Assessment

The comparative study shows that successful examination systems combine technology with effective governance and institutional accountability. Although India's examination system operates on a much larger scale than those of many other countries, the principles of transparency, fairness, continuous oversight and institutional responsibility remain equally relevant.

Future reforms in India should therefore focus not only on preventing examination malpractice but also on strengthening regulatory oversight, vendor accountability and institutional capacity. Adopting these practices, while adapting them to Indian conditions, would significantly improve examination governance and public confidence.

6. CRITICAL ANALYSIS AND FINDINGS

The discussion in the previous chapters shows that India's public examination system has changed significantly with the increasing use of digital technology and outsourced services. Although recent legislative reforms have strengthened the legal response to examination malpractice, important governance challenges continue to remain. The following findings emerge from the present study.

6.1 Constitutional Gap

Public examinations are not merely administrative exercises. They are constitutional mechanisms

through which the State provides educational opportunities and public employment on the basis of merit. Therefore, the principles of equality, fairness and transparency under Articles 14 and 16 apply throughout the examination process. Even where operational functions are outsourced, the constitutional responsibility to ensure a fair and transparent examination continues to remain with the State.

6.2 Regulatory Gap

The Public Examinations (Prevention of Unfair Means) Act, 2024 is an important step towards addressing organised examination malpractice. However, it mainly focuses on criminal offences and provides limited guidance on vendor regulation, cybersecurity standards, institutional audits and preventive governance. As a result, the existing legal framework is stronger in responding to examination offences than in preventing them.

6.3 Institutional Gap

Recent controversies show that threats to examination integrity are no longer limited to question paper leaks. Technical failures, cybersecurity risks, weak operational planning and inadequate vendor supervision have also affected public confidence in examinations. These issues highlight the need for stronger institutions, better coordination and continuous monitoring.

The recommendations of the High-Level Committee chaired by Dr. K. Radhakrishnan also emphasise institutional reforms, technological safeguards and improved examination administration.

6.4 Key Findings

The study reaches the following conclusions:

1. The existing legal framework has strengthened criminal enforcement but does not comprehensively regulate examination governance.



2. Outsourcing has become an administrative necessity, but statutory standards governing service providers remain limited.
3. Preventive governance, regular security audits and stronger institutional accountability are essential for protecting examination integrity.
4. Better cybersecurity, vendor regulation and operational preparedness are necessary for conducting secure technology-based examinations.
5. Comparative international practices show that continuous oversight and effective governance strengthen public confidence in examination systems.

6.5 Overall Assessment

The study shows that India's legal framework for public examinations has improved in recent years, particularly after the enactment of the Public Examinations (Prevention of Unfair Means) Act, 2024. However, recurring examination controversies indicate that criminal law alone cannot fully protect the integrity of public examinations.

The increasing use of technology and outsourced services requires stronger institutional accountability, better vendor regulation, regular security audits and effective cybersecurity measures. Public authorities must also ensure proper planning, continuous supervision and timely grievance redressal to prevent examination failures.

A balanced framework combining constitutional principles, effective regulation and sound administrative practices is therefore essential for maintaining fairness, transparency and public confidence in India's public examination system.

7. RECOMMENDATIONS

The study shows that protecting public examinations requires more than stricter criminal laws. Effective governance, institutional accountability and technological safeguards are equally important. The following reforms may strengthen examination governance in India.

7.1 Enact a Comprehensive Examination Governance Law

The Public Examinations (Prevention of Unfair Means) Act, 2024 mainly deals with organised examination malpractice. Parliament may consider enacting a comprehensive law governing examination administration, outsourcing, cybersecurity, procurement standards, institutional accountability and regulatory oversight. Such legislation would provide a more complete legal framework for modern public examinations.

7.2 Establish a National Examination Regulatory Authority

India may consider establishing an independent National Examination Regulatory Authority to prescribe minimum governance standards, monitor examination authorities, conduct periodic audits and promote best practices. Such an institution would strengthen accountability while allowing existing examination bodies to function independently.

7.3 Strengthen Vendor Regulation and Procurement

Private service providers should be selected not only on the basis of technical capability and financial capacity but also on cybersecurity standards, operational reliability and examination security. Procurement guidelines under the General Financial Rules, 2017 should place greater emphasis on security audits, confidentiality obligations, service-level agreements and periodic performance reviews. This would improve accountability throughout the examination process.

7.4 Introduce Mandatory Security Audits

Independent security audits should be conducted before every major public examination. These audits should examine cybersecurity systems, encryption protocols, biometric verification, server security and disaster recovery arrangements. Regular audits will



help identify security gaps before examinations are conducted.

7.5 Strengthen Institutional Coordination and Grievance Redressal

Effective coordination among examination authorities, law enforcement agencies, technology providers and examination centres is essential for conducting secure examinations. Every examination authority should also establish a transparent and time-bound grievance redressal mechanism so that candidates receive timely information regarding examination-related issues.

8. CONCLUSION

Public examinations play an important role in providing access to higher education and public employment on the basis of merit. Since these examinations directly affect the constitutional principles of equality, fairness and transparency, maintaining their integrity is a constitutional responsibility of the State.

This study shows that India's public examination system has changed significantly with the increasing use of digital technology and outsourced examination services. Although these developments have improved efficiency, they have also created new challenges relating to cybersecurity, vendor accountability, institutional coordination and regulatory oversight. Recent controversies, particularly NEET-UG 2024, UGC-NET 2024 and NEET-UG 2026, demonstrate that examination failures can affect candidates, public institutions and public confidence.

The Public Examinations (Prevention of Unfair Means) Act, 2024 has strengthened the legal response to organised examination malpractice. However, protecting examination integrity requires more than criminal punishment. It also requires effective governance, stronger institutions, transparent

procurement, regular security audits and continuous oversight.

The comparative study shows that successful examination systems combine technological advancement with strong institutional accountability and regulatory supervision. While India's examination system operates on a much larger scale, these principles remain equally relevant and can be adapted to the Indian context.

The paper concludes that the future of public examination governance in India lies in developing a balanced legal and institutional framework that combines constitutional values with efficient administration and technological innovation. Although operational functions may be outsourced, the responsibility to ensure fairness, transparency and equal opportunity must always remain with the State. Strengthening this framework will not only protect the integrity of public examinations but also reinforce public confidence in India's merit-based selection system.
