

BEYOND CRIMINALISATION: A DOCTRINAL STUDY OF INDIVIDUAL, INSTITUTIONAL AND STATE LIABILITY FOR PUBLIC EXAMINATION PAPER LEAKS IN INDIA

by

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ABSTRACT

Public examination paper leaks in India have generally been approached as questions of criminal misconduct, examination cancellation and deterrent punishment. Recent controversies, particularly NEET-UG 2024 and the alleged NEET-UG 2026 leak, demonstrate that a compromised examination creates several distinct legal relationships: between perpetrators and the State, between examination authorities and service providers, between officials entrusted with confidential material and the public, between knowing beneficiaries and innocent candidates, and between candidates and public authorities whose failures may have affected the integrity of the examination. This paper undertakes a doctrinal study of these relationships through the Public Examinations (Prevention of Unfair Means) Act 2024, the Public Examinations (Prevention of Unfair Means) Rules 2024, the Public Examinations (Prevention of Unfair Means) Amendment Act 2026, relevant Supreme Court jurisprudence, and official material concerning NEET-UG 2024 and 2026. It argues that Indian law has moved beyond a candidate-centric model of malpractice by recognizing service-provider and organized-crime liability and by strengthening investigation and trial mechanisms. Nevertheless, the framework remains less developed on the allocation of institutional and State responsibility and remedies for innocent candidates. The paper therefore proposes a role-based doctrinal framework distinguishing perpetrator, insider, beneficiary, service-provider, institutional and State responsibility, while maintaining proportionality between the extent of proven malpractice and the remedy imposed on the candidate population.

Keywords: public examinations; paper leaks; State liability; institutional accountability; service providers; examination malpractice; constitutional remedies

1. Introduction

Public examinations are not ordinary administrative exercises. They frequently determine access to higher education, public employment, and professional opportunities. Their legitimacy therefore depends on more than the eventual publication of marks. The process by which the question paper is prepared, stored, transported, delivered, administered and evaluated must preserve confidentiality, equality and procedural fairness. A paper leak can interfere with each of these values simultaneously.

The Supreme Court's NEET-UG 2024 proceedings demonstrate the complexity of the problem. The Court recorded that the question paper had been leaked or illegally circulated before the examination at Hazaribagh in Jharkhand and Patna in Bihar, and that investigation was subsequently transferred to the Central Bureau of Investigation. The Court nevertheless declined to cancel the entire examination because the evidence then available did not establish a widespread or systemic leak sufficient to satisfy the standard for that remedy. The Court also considered the consequences of requiring more than two million candidates to sit for a fresh examination.¹

This distinction is fundamental. The existence of a leak, the criminal liability of the persons responsible, the validity of the examination, and the rights of innocent candidates are related but legally distinct questions. A judicial finding that cancellation is disproportionate does not exonerate persons who committed malpractice; conversely, criminal prosecution of identified offenders does not necessarily compensate candidates or establish institutional liability.

The legislative response has developed rapidly. Parliament enacted the Public Examinations (Prevention of Unfair Means) Act 2024. The Act identifies unfair means, conspiracy, disruption and offences involving service providers and organized crime. It also provides for cognizable, non-bailable and non-compoundable offences and specifies investigation mechanisms.² The Rules notified in June 2024 add operational responsibilities through concepts such as the Centre coordinator and venue-in-charge and provide for reporting and monitoring.³ In 2026, Parliament enacted an amending Act which increased penalties, strengthened consequences for service

¹ In Re: NEET-UG 2024 Examination [2024] INSC 568, paras 2–7, 11 and 109–111.

² Public Examinations (Prevention of Unfair Means) Act 2024, ss 3–15.

³ Public Examinations (Prevention of Unfair Means) Rules 2024, GSR 342(E), 24 June 2024.

providers, created a Special Task Force mechanism and introduced statutory timelines for investigation and trial.⁴

The scale of the underlying problem illuminates the urgency of this legislative response. In the eight years preceding the 2024 Act, Indian media investigations recorded more than fifty instances of paper leaks in government recruitment examinations across at least eight States, placing the prospects of over 1.4 crore aspirants in jeopardy. This background is significant because it demonstrates that the 2024 Act was not an isolated response to a single controversy but a structural intervention addressing a recurring institutional failure across the examination ecosystem.⁵

The central question of this paper is consequently broader than whether paper leaks should be criminalised. It is: how should Indian law allocate liability when a public examination is compromised? The paper examines six possible categories—individual perpetrator, examination insider, knowing beneficiary, service provider, examination authority and State—and asks how each category should be analysed under existing law. It also examines the position of the innocent candidate, because a legal framework that punishes wrongdoing but leaves innocent candidates without proportionate remedies would remain incomplete from the perspective of public-law accountability.

2. Research Questions, Scope and Methodology

The principal research question is: how should legal liability for public examination paper leaks in India be allocated among perpetrators, examination insiders, beneficiaries, service providers, examination authorities and the State? The subsidiary questions are: what individual conduct attracts criminal liability; what duties and responsibilities are distributed through the statutory and regulatory framework; how should knowing beneficiaries be distinguished from innocent candidates; when can institutional failure attract public-law responsibility; and whether the 2026 amendment addresses the principal accountability problems revealed by recent controversies.

⁴ Public Examinations (Prevention of Unfair Means) Amendment Act 2026, ss 2–5.

⁵ Aksheev Thakur, '50 cases of public exam paper leak since 2015' *The Tribune* (New Delhi, 6 February 2024) <<https://www.tribuneindia.com/news/india/50-cases-of-public-exam-paper-leak-since-2015-588102>> accessed 22 September 2026.

The method is doctrinal. The principal sources are legislation, delegated legislation, Supreme Court judgments and official material issued by the Central Bureau of Investigation, the Press Information Bureau and examination authorities. The paper also uses the research literature supplied during the research process, including the reviewed studies on the 2024 Act, examination malpractice and State liability. The paper does not treat allegations contained in investigative releases as findings of guilt. In relation to NEET-UG 2026, official CBI statements are therefore described as investigative allegations or findings of investigation rather than adjudicated facts.

3. Literature Review and the Research Gap

The literature reviewed for this research can broadly be divided into three strands. The first focuses on prevention and criminalisation. Studies of the 2024 Act examine its definitions, offences, punishments and mechanisms for securing examination integrity. The second strand is examination jurisprudence, which considers the powers of examination bodies, judicial restraint, systemic malpractice and the protection of candidates. The third strand focuses on State liability and institutional accountability, arguing that candidates should not be treated merely as passive participants when public examination authorities fail to maintain fairness and procedural integrity.⁶

The reviewed literature is valuable but fragmented. Criminal-law analysis answers who can be punished. Examination jurisprudence answers when an examination may be cancelled or corrected. Constitutional and administrative-law analysis asks whether the public authority owes a remedy to the injured candidate. What is less developed is an integrated account of responsibility across the examination chain. This paper identifies that as the principal research gap.

The gap becomes clearer when the recent cases are placed together. NEET-UG 2024 focused on systemic versus localized contamination and the proportionality of cancellation. The

⁶ Chhaya Kothiyal and Anil Dixit, 'State Liability and Institutional Accountability in Public Examinations: A Doctrinal Study on Candidates' Rights' (2024) 8(3) Indian Journal of Law and Legal Research 2068; Sreelakshmi Raj, 'An Analysis of Public Examinations (Prevention of Unfair Means) Act 2024' (2024) 6(3) Indian Journal of Law and Legal Research 1651.

Chhattisgarh PSC material reviewed in this research raises insider access and alleged preferential disclosure to relatives. The Rajasthan REET litigation shows how a person with access to a strong room was alleged to have copied and leaked the paper, and how the matter can intersect with corruption and money trails.⁷ The REET episode is instructive precisely because the money trail was pursued not through the ordinary criminal process alone but through a parallel prosecution under the Prevention of Money Laundering Act, with the Enforcement Directorate separately attaching proceeds and prosecuting persons connected with the theft of the examination paper from the strong room. This illustrates how responsibility for a single examination compromise can fragment across multiple agencies and statutory regimes, reinforcing the fragmentation this paper identifies as the central research gap.⁸ NEET-UG 2026, according to official CBI releases, again raises the problem of persons involved in the examination process allegedly using access to confidential material. These are not identical cases, but together they show that the legal question is not simply “who leaked the paper?” It is “what legal responsibility follows from each role in the chain?”

4. Statutory Framework

4.1 The 2024 Act

The Public Examinations (Prevention of Unfair Means) Act 2024 was enacted to prevent unfair means in public examinations. Section 3 defines unfair means through a range of prohibited conduct. Sections 4 to 8 address conspiracy, disruption, other offences and offences involving service providers and associated persons. The Act therefore recognises that examination

⁷ Ramkripal Meena v Directorate of Enforcement, Supreme Court of India, order dated 30 July 2024 (bail granted in the REET 2021 paper-leak money-laundering prosecution); see Debby Jain and Gyanvi Khanna, 'Supreme Court Relaxes S.45 PMLA Conditions, Grants Bail Citing Long Custody & Time Needed To Complete Trial' LiveLaw (30 July 2024) <<https://www.livelawbiz.com/top-stories/supreme-court-reet-2021-paper-leak-ramkripal-meena-bail-granted-265071>> accessed 22 September 2026.

⁸ Directorate of Enforcement, 'Press Release: Arrest in REET Case' (Ministry of Finance, 20 July 2024) <<https://enforcementdirectorate.gov.in/sites/default/files/latestnews/Press%20Release%20-Arrest%20-%20REET%20case%20-20.07.2024%206.pdf>> accessed 22 September 2026.

malpractice can be produced by conduct outside the immediate act of a candidate writing an examination.⁹

The 2024 Act applies to public examination authorities of considerable institutional variety, including the Union Public Service Commission, the Staff Selection Commission, Railway Recruitment Boards, the Institute of Banking Personnel Selection and the National Testing Agency, together with central government ministries and their attached offices. Commentators have observed that this central coverage nonetheless excludes examinations conducted by State-level public service commissions and recruitment boards unless individual States choose to extend equivalent protection, leaving a substantial share of India's examination activity outside the Act's direct reach.¹⁰

Section 8 is especially significant for the present topic. It brings service providers and other associated actors into the statutory structure. Section 9 makes offences cognizable, non-bailable and non-compoundable. Section 10 prescribes punishment, section 11 addresses organised crime and section 12 specifies investigation arrangements. Section 13 treats members, officers and employees of public examination authorities as public servants for the purposes of the Act. Section 15 makes the Act additional to other laws.¹¹

The statutory design supports a distributed-responsibility model. However, it does not follow that every institutional failure is automatically a criminal offence. Criminal liability remains dependent on the elements of a specified offence and proof connecting the accused to the prohibited conduct. This distinction is important for the research question because institutional accountability is broader than criminal guilt.

4.2 The 2024 Rules

The Public Examinations (Prevention of Unfair Means) Rules 2024 operationalise the Act. They define the centre coordinator as a representative of the public examination authority responsible

⁹ Public Examinations (Prevention of Unfair Means) Act 2024, ss 3–8.

¹⁰ PRS Legislative Research, 'The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026' (PRS Legislative Research, 2026) <<https://prsindia.org/billtrack/the-public-examinations-prevention-of-unfair-means-amendment-bill-2026>> accessed 22 September 2026.

¹¹ *ibid* ss 9–15.

for coordination and oversight at the examination centre. They also define the venue-in-charge and refer to norms, standards and guidelines for the conduct of examinations. The Rules provide for engagement of other agencies, computer-based testing, incident reporting, procedures concerning public servants and monitoring mechanisms.¹²

For liability analysis, this structure matters because responsibility can be traced through assigned functions. If a legal or regulatory framework allocates a function to a particular actor, a post-incident inquiry can ask whether the function was performed, whether prescribed safeguards were followed and whether the failure is connected to the prohibited conduct. This is not a claim that every breach of a guideline creates criminal liability; rather, the Rules supply part of the factual and normative framework against which institutional conduct may be evaluated.

4.3 The 2026 Amendment Act

The Public Examinations (Prevention of Unfair Means) Amendment Act 2026 represents a substantial strengthening of the enforcement model. It increases the punishment for the offence covered by section 10(1) to imprisonment of five to ten years and a fine up to fifty lakh rupees. Service-provider fines are increased to five crore rupees and the period of debarment is extended from four to eight years. The minimum punishment for persons in charge of a service provider is increased, and organised crime under section 11 attracts a minimum of seven years and a fine of at least ten crore rupees.¹³

The amendment also inserts section 12A, providing for completion of investigation within two months in the circumstances specified by the statute. It requires States and Union Territories, in consultation with the concerned High Court, to designate a Court of Session as a Special Fast Track Court. Trials are to proceed day-to-day, subject to the statutory qualification, and are to be completed within three months of filing of the chargesheet.¹⁴

These reforms are important, but they principally strengthen enforcement. They do not create a general statutory compensation scheme for every candidate affected by an examination leak. The

¹² Public Examinations (Prevention of Unfair Means) Rules 2024, rr 2–8.

¹³ *ibid* s 4, inserting s 12A into the 2024 Act.

¹⁴ Public Examinations (Prevention of Unfair Means) Act 2024, s 15.

distinction supports the central argument of this paper: criminalisation and accountability overlap but are not synonymous.

5. Individual Liability

5.1 Direct perpetrators

The most straightforward category is the person who intentionally steals, copies, circulates, sells or otherwise participates in the unlawful disclosure or use of examination material. The 2024 Act expressly criminalises several forms of unfair means, and the 2026 amendment increases the sanctions. The Act also operates in addition to other applicable laws.¹⁵

The difficulty lies in attribution. A leak can involve a source, intermediary, financier, facilitator and recipient. Criminal liability should therefore remain individualised. The existence of a leak cannot itself prove that every person connected with the examination participated in it. Each prosecution must establish the conduct and mental element required by the applicable offence. This is especially important when the investigation concerns thousands or millions of candidates.

5.2 Insider liability

Insider liability has become central to the contemporary problem because question papers are handled by persons who receive legitimate access by virtue of their professional roles. The official CBI record concerning NEET-UG 2026 illustrates this issue. On 12 May 2026 the CBI stated that it had registered a case concerning alleged irregularities and paper leakage and invoked, among other provisions, the Public Examinations Act 2024.¹⁶ On 15 May 2026 it announced the arrest of P V Kulkarni and stated that he was a chemistry lecturer involved in the

¹⁵ Central Bureau of Investigation, 'CBI Registers Case in alleged Paper Leak in NEET-UG 2026', Press Information Bureau, 12 May 2026 < <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2260410®=48&lang=2> > accessed on 29 August 2026

¹⁶ Central Bureau of Investigation, 'CBI Arrests a Kingpin in NEET-UG 2026 Paper Leak Case' (Press Information Bureau, 15 May 2026) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2261565®=48&lang=2> accessed 27 August 2026.

examination process on behalf of NTA and had access to the question papers.¹⁷ Further official releases recorded arrests of other persons whom the CBI described as facilitating access to questions or as alleged sources for other subject material.¹⁸ Subsequent commentary on the NEET-UG 2026 investigation reinforced this insider dimension. A member of the central task force constituted to review NTA examination reforms observed that the technological safeguards introduced after 2024, including GPS-tracked transportation and biometric verification, had successfully secured the distribution chain, but that the 2026 breach originated earlier, with the question-paper setters themselves rather than during printing, packing or transport. This distinction matters doctrinally because it shows that reforms targeted at logistics do not necessarily address the separate risk created by legitimate access at the drafting stage.¹⁹

The legal significance of these releases is not that they establish guilt. They demonstrate why the law must distinguish ordinary unauthorised acquisition from abuse of entrusted access. An insider may have lawful possession at one stage of the examination process but may commit an offence by using that access for an unlawful purpose. The statutory categories concerning unfair means, conspiracy, service providers and organised crime provide potential routes for prosecution, but the precise offence remains fact-dependent.

5.3 Beneficiary liability

The position of the knowing beneficiary is distinct from that of the innocent candidate. In the NEET-UG 2024 judgment, the Supreme Court stated that a student found to have engaged in fraud or to have been a beneficiary of malpractice would not obtain a vested right to continue

¹⁷ Central Bureau of Investigation, 'CBI Arrests a Kingpin in NEET-UG 2026 Paper Leak Case' (Press Release, 15 May 2026) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2261565®=48&lang=2>> accessed on 1 September 2026

¹⁸ Central Bureau of Investigation, releases concerning subsequent arrests in the NEET-UG 2026 paper-leak case, 14–27 May 2026 <<https://cbi.gov.in/assets/files/media/1766536002PC%20dated%2015.05.2026.pdf>> accessed on 1 September 2026

¹⁹ 'It Happened Before The Paper Left NTA: IIT Madras Director V Kamakoti's Big Claim On NEET Paper Leak' Business Today (New Delhi, 1 August 2026) <<https://www.businesstoday.in/latest/trends/story/it-happened-before-the-paper-left-nta-iit-madras-director-v-kamakotis-big-claim-on-neet-paper-leak-546541-2026-08-01>> accessed 22 September 2026.

admission merely because of the Court's decision not to cancel the entire examination. The Court also directed stringent action against candidates detected as beneficiaries.²⁰

This distinction is critical. A general paper leak does not logically establish that every successful candidate knowingly benefited. The legal system must identify evidence of individual participation or knowing receipt. At the same time, once a candidate is proved to have knowingly benefited, maintaining the benefit would undermine the integrity of the examination. The jurisprudence therefore points toward differentiated treatment rather than collective punishment.

6. Institutional and Service-Provider Liability

The 2024 Act marks an important movement toward institutional accountability by expressly addressing service providers. The examination process may depend on entities involved in logistics, technology, examination centres and related services. Section 8 and the provisions concerning service providers recognise that unfair means can arise through these institutional relationships.²¹

The logistics chain connecting question-paper printing to examination centres has itself been identified as a recurring point of institutional vulnerability. Industry commentary on the NEET-UG 2026 investigation noted that outsourced printing presses and courier services created multiple opportunities for unauthorised access, with investigators reportedly finding that couriers had unsupervised access to sealed packets for a period sufficient to digitise and circulate their contents. This reinforces the case for treating the service-provider category under the 2024 Act as encompassing not only computer-based testing vendors but also printing and logistics contractors engaged at earlier stages of the examination chain.²²

The Rules complement this structure by assigning responsibilities to the centre coordinator and venue-in-charge and by requiring compliance with norms, standards and guidelines.²³ The

²⁰ In Re: NEET-UG 2024 Examination [2024] INSC 568, paras 21 and 111.

²¹ Public Examinations (Prevention of Unfair Means) Act 2024, s 8.

²² 'NEET-UG 2026 Leak Exposes Printing Press Weak Links' PrintWeek India (Mumbai, 2026)

<<https://www.printweek.in/article/neet-ug-2026-leak-exposes-printing-press-weak-links/4saespfvmeksgrg2yr3jn94fdy>> accessed 22 September 2026.

²³ Public Examinations (Prevention of Unfair Means) Rules 2024.

resulting framework permits a functional inquiry into responsibility: what actor had the relevant duty, what safeguards were required, what happened, and whether the conduct falls within a statutory offence or other legal consequence.

A crucial doctrinal distinction must nevertheless be maintained. Institutional failure is not automatically criminal guilt. A public examination authority may have failed to implement an adequate system without there being evidence that a particular officer intentionally participated in the leak. Conversely, a service provider or official may face criminal consequences if the statutory elements are established. The correct analysis therefore separates intentional participation, knowing facilitation, statutory breach, administrative negligence and systemic weakness.

This distinction is also relevant to State liability. The State may be constitutionally accountable for unlawful public action even where the criminal guilt of an individual employee is not established. But a constitutional claim cannot simply be inferred from the occurrence of a leak; the claimant must establish the legal basis for the public-law remedy and the connection between the State or public authority and the alleged constitutional injury.

7. State Liability and Constitutional Remedies

The broader constitutional framework provides a possible route for analysing State responsibility. In *Nilabati Behera v State of Orissa*, the Supreme Court recognised public-law compensation for contravention of fundamental rights and distinguished it from private-law damages. The Court has subsequently described this remedy as available for enforcement and protection of fundamental rights, subject to the requirements of the particular case.²⁴

Nilabati Behera did not concern examinations. Its relevance here is therefore analogical and doctrinal, not direct. The question is whether a particular examination failure amounts to constitutionally unlawful State action or inaction and whether a public-law remedy is appropriate. This should not be converted into a rule that every examination leak creates an automatic right to compensation.

²⁴ *Nilabati Behera v State of Orissa* (1993) 2 SCC 746.

The literature reviewed in this project connects examination fairness with Articles 14 and 21. The Supreme Court's broader recruitment jurisprudence also recognises that a fair and reasonable selection process is constitutionally required and that, where tainted and untainted candidates can be segregated, it may be unfair to impose the wrongdoers' burden upon persons who are free from taint.²⁵

This principle provides an important bridge between examination integrity and candidate rights. It suggests that a remedy must be proportionate to the proven contamination. If the wrongdoing is localised and beneficiaries can be identified, the legal system has stronger reasons to preserve the position of innocent candidates. If the process is systemically compromised, a wider remedial response may be justified. NEET-UG 2024 demonstrates precisely this proportionality problem.

8. Judicial Jurisprudence on Examination Irregularities

8.1 Bihar School Examination Board v Subhas Chandra Sinha

The Supreme Court has long recognised that examination authorities must have power to preserve examination integrity. In *Bihar School Examination Board v Subhas Chandra Sinha*, the Court dealt with cancellation in the context of widespread unfair means at an examination centre. Later decisions have explained that where widespread malpractice vitiates an examination, individual hearings may not always be necessary before cancellation of the affected examination.²⁶

The principle supports institutional autonomy and the need to protect the examination as a whole. It also illustrates why the remedy of cancellation is different from the criminal prosecution of individual wrongdoers. An examination may be cancelled to preserve institutional integrity even though the legal liability of individual persons requires separate adjudication.

8.2 Maharashtra State Board v Paritosh Bhupeshkumar Sheth

Maharashtra State Board v Paritosh Bhupeshkumar Sheth is a leading authority for judicial restraint in academic matters. The Supreme Court has repeatedly relied on the principle that

²⁵ *Sachin Kumar v Delhi Subordinate Services Selection Board* [2021] 4 SCC 772; see also the Supreme Court discussion of fair selection and systemic fraud in its 3 March 2021 judgment.

²⁶ *Bihar School Examination Board v Subhas Chandra Sinha* (1970) 1 SCC 648.

courts should be reluctant to substitute their own views for those of expert educational bodies in matters requiring specialised judgment. At the same time, judicial restraint does not place examination authorities outside the law.²⁷

For paper-leak disputes, this creates a balance: courts should respect the institutional expertise of examination authorities, but they retain the constitutional function of reviewing legality, fairness and arbitrariness. NEET-UG 2024 illustrates that the Court can examine extensive factual material without converting itself into an examination administrator.

8.3 Manish Ujwal v Maharishi Dayanand Saraswati University

Manish Ujwal is relevant to candidate protection. The Supreme Court emphasised that authorities preparing answer keys must exercise care because an erroneous key can make merit a casualty and adversely affect students.²⁸ Although the case concerned an answer key rather than a paper leak, its underlying concern is relevant: examination administration creates legal consequences for candidates and therefore requires accuracy and care.

8.4 NEET-UG 2024

The NEET-UG 2024 judgment provides the most developed recent framework for deciding whether an examination compromised by a leak should be cancelled. The Court recorded the leak at Hazaribagh and Patna and considered evidence concerning the investigation, score distributions, transportation and handling of question papers and the possibility of identifying beneficiaries. It concluded that the material before it did not satisfy the standard for cancellation of the entire examination.²⁹

The Court also required institutional strengthening. It referred to a multidisciplinary expert committee to recommend measures to prevent breaches in NEET and other NTA examinations and required the Ministry of Education to consider and implement the recommendations.³⁰ The judgment therefore demonstrates a multi-level response: criminal proceedings against

²⁷ Maharashtra State Board of Secondary and Higher Secondary Education v Paritosh Bhupeshkumar Sheth (1984) 4 SCC 27.

²⁸ Manish Ujwal v Maharishi Dayanand Saraswati University (2005) 13 SCC 744.

²⁹ In Re: NEET-UG 2024 Examination [2024] INSC 568, paras 4–7, 11 and 46–48.

³⁰ *ibid* paras 19–23 and 108.

wrongdoers, differentiated treatment of beneficiaries, protection of innocent candidates, judicial review of the examination process and institutional reform.

The Court expressly stated that its judgment should not be treated as a finding of fact in criminal proceedings arising from the leak and that individuals found to have indulged in malpractice remained liable to prosecution.³¹ This is important for the present research because it preserves the distinction between the remedial validity of the examination and criminal responsibility.

9. NEET-UG 2026 and the Post-2024 Liability Question

The NEET-UG 2026 controversy tests the statutory framework under conditions that did not exist when the 2024 Act was enacted. The CBI registered a case on 12 May 2026 concerning alleged irregularities and paper leakage and invoked offences under the Bharatiya Nyaya Sanhita, the Prevention of Corruption Act and the Public Examinations Act 2024.³²

Unlike the NEET-UG 2024 controversy, the 2026 episode did not end in a judicial refusal to cancel the examination. The National Testing Agency, with the approval of the Government of India, formally cancelled the NEET-UG 2026 examination held on 3 May 2026 for nearly 22.7 lakh candidates and announced that a fresh examination would be conducted on 21 June 2026, with registration fees carried forward and refunded to affected candidates. This administrative response, arrived at without waiting for a judicial cancellation order, stands in direct contrast to the proportionality reasoning applied by the Supreme Court in 2024 and offers a live illustration of the paper's central argument: that the appropriate remedy depends on the assessed extent of contamination, with the executive itself concluding in 2026 that the breach was systemic enough to warrant cancellation rather than segregation of beneficiaries.³³

³¹ *ibid* para 111.

³² Central Bureau of Investigation, 'CBI Registers Case in alleged Paper Leak in NEET-UG 2026' (Press Information Bureau, 12 May 2026) <

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2260410®=48&lang=2>> accessed on 2 September 2026

³³ National Testing Agency, 'NEET (UG) 2026: Decision on the Examination of 3 May 2026' (12 May 2026)

<<https://cdnbbsr.s3waas.gov.in/s37bc1ec1d9c3426357e69acd5bf320061/uploads/2026/05/202605122066418251.pdf>> accessed 22 September 2026.

The CBI subsequently announced arrests and described an alleged chain involving persons with examination-related access and persons who facilitated the delivery of questions to students.³⁴ The official material therefore raises the precise categories examined in this paper: insider responsibility, facilitation, beneficiary participation and the role of examination-linked persons.

The significance of NEET-UG 2026 is also legislative. Parliament passed the 2026 amendment in July and Presidential assent was given on 31 July 2026. The amendment strengthens punishment and introduces time limits for investigation and trial.³⁵ The sequence indicates that the State response has moved from establishing a first national anti-unfair-means statute to strengthening enforcement after further examination controversy.

The case must nevertheless be treated with legal caution. Arrests and CBI statements are not convictions. The appropriate research use of the material is to identify the legal and institutional issues that the investigation brings into focus, not to pre-judge the guilt of the accused.

10. Comparative Role-Based Liability Analysis

The reviewed authorities support a role-based analysis rather than a single concept of “paper-leak liability”.

The first category is the direct perpetrator: a person whose conduct satisfies the statutory offence. The second is the insider: a person who has authorised access but allegedly abuses that access. The third is the knowing beneficiary: a candidate or other person who knowingly receives or uses the leaked material. The fourth is the service provider or associated person, whose liability is expressly contemplated by the 2024 Act. The fifth is the examination authority or official

³⁴ Central Bureau of Investigation, ‘CBI Arrests a Kingpin in NEET-UG 2026 Paper Leak Case’, Press Information Bureau, 15 May 2026; see also subsequent CBI releases of 16, 18 and 27 May 2026. <

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2261565®=48&lang=2>> ,

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2261192®=1&lang=1>> ,

< <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2265721®=3&lang=2>> accessed on 3 September 2026

³⁵ Public Examinations (Prevention of Unfair Means) Amendment Act 2026; Press Information Bureau, ‘Rajya Sabha Passes Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026’, 30 July 2026.

whose institutional duties may be relevant to prevention and response. The sixth is the State, where constitutional public-law responsibility can be independently established.

These categories should not be collapsed. The mental element required for criminal liability differs from the standard relevant to administrative accountability. A service provider may be subject to statutory consequences without every employee being criminally liable. An examination authority may have to redesign its procedures without that alone proving a crime by an officer. A candidate may lose an unlawfully obtained benefit without being treated identically to the person who leaked the paper. An innocent candidate may be entitled to a remedy even though the candidate has no involvement in the malpractice.

The role-based model also improves proportionality. It permits the legal system to identify who caused the wrong, who had a duty to prevent it, who benefited from it and who was harmed by it. The remedy can then be matched to the role instead of being imposed collectively.

11. The Core Research Gap

The principal gap revealed by the literature and case law is therefore not the absence of anti-paper-leak criminalisation. India now has a detailed central statutory framework and, after 2026, substantially enhanced penalties and procedural mechanisms. The deeper gap is the absence of a fully articulated, integrated framework for allocating responsibility among all actors in the examination ecosystem while protecting innocent candidates.

The gap has five dimensions. First, criminal liability is more developed than institutional liability. Secondly, insider liability is emerging through recent investigations but lacks a fully developed doctrinal test distinguishing misuse of legitimate access from institutional negligence. Thirdly, the legal position of knowing beneficiaries and innocent candidates must be more systematically differentiated. Fourthly, service-provider responsibility is recognised by statute but requires clearer application to complex examination supply chains. Fifthly, the circumstances in which institutional failure can justify public-law compensation remain underdeveloped in examination-specific jurisprudence.

This gap provides the justification for the research topic: “Beyond Criminalisation: A Doctrinal Study of Individual, Institutional and State Liability for Public Examination Paper Leaks in

India.” The contribution is not to argue that criminal punishment is unnecessary, but to situate criminal punishment within a wider framework of accountability.

12. Proposed Doctrinal Framework

12.1 Identify the actor

The first step should be to identify the actor and the function performed in the examination chain. This prevents collective attribution and permits the law to distinguish a paper setter, custodian, transporter, centre official, service provider, candidate and public authority.

12.2 Identify the duty or offence

The second step is to identify the precise legal duty or offence. Criminal liability should be tested against the elements of the Public Examinations Act and other applicable criminal law. Institutional responsibility should be examined against statutory duties, the 2024 Rules, notified standards and applicable administrative-law principles.

12.3 Establish causation and extent

The third step is to establish the extent of the breach. NEET-UG 2024 demonstrates why the geographical and functional extent of a leak matters. The same approach is useful for liability: a proven individual act should not automatically be attributed to the entire examination authority without evidence connecting the institutional system to the wrong.

12.4 Separate tainted and untainted candidates

The fourth step is to distinguish knowing beneficiaries from innocent candidates. The Supreme Court's NEET-UG 2024 reasoning provides a clear basis for treating identified beneficiaries differently from the wider candidate population. This distinction is central to proportionality and equality.

12.5 Match remedy to responsibility

The final step is to match the remedy to the legal wrong. Criminal punishment addresses culpable conduct. Service-provider debarment addresses institutional participation. Administrative measures address procedural failures. Judicial review addresses unlawful or arbitrary public action. Public-law compensation may be available where the constitutional

requirements are established. Re-examination or cancellation addresses examination integrity. These remedies should not be treated as interchangeable.

13. Critical Assessment and Recommendations

The strongest feature of the present legal framework is its movement away from candidate-centric cheating. The 2024 Act recognises service providers and organised crime; the Rules distribute operational responsibilities; and the 2026 amendment increases penalties and accelerates prosecution.³⁶

The principal limitation is that stronger punishment does not itself answer the institutional question. A ten-year maximum sentence for an individual offender does not establish who bears responsibility for a preventable security failure. Nor does a two-month investigation deadline tell an innocent candidate what remedy is available for financial loss, delayed admission or disrupted recruitment. The 2026 Act therefore strengthens enforcement but does not by itself complete the law of candidate remedies or State liability.

First, examination protocols should make responsibilities traceable. The statutory and regulatory structure already identifies roles such as centre coordinator and venue-in-charge; implementation should permit post-incident attribution of responsibility. Secondly, criminal prosecution should remain individualised and evidence-based. Thirdly, knowing beneficiaries should be distinguished from innocent candidates. Fourthly, institutional compliance should be reviewable after serious incidents. Fifthly, candidate remedies should receive greater doctrinal attention, particularly where unlawful State conduct is established. Sixthly, future research should empirically assess whether the 2026 statutory timelines and Special Fast Track Courts actually improve enforcement.

A related structural weakness is the absence of a centralised, publicly accessible database recording examination malpractice across central and State examinations. In a written reply to the Rajya Sabha, the Ministry of Education has itself acknowledged that data regarding examination-specific integrity incidents is not maintained centrally. Without exam-wise and

³⁶ Public Examinations (Prevention of Unfair Means) Amendment Act 2026; Press Information Bureau, 'Rajya Sabha Passes Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026', 30 July 2026.

State-wise records of incidents, affected candidates, investigations and outcomes, it becomes correspondingly difficult to evaluate whether the enhanced penalties introduced by the 2026 Amendment Act are in fact reducing the incidence of malpractice over time.³⁷

A further limitation is the coexistence of central and state examination laws. The Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act 2022, for example, demonstrates that the Indian framework is not uniform across all public examinations.³⁸ Uttar Pradesh, which recorded some of the highest numbers of reported paper-leak incidents among Indian States, separately enacted the Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act 2024, providing for imprisonment extending to life and fines of up to one crore rupees for organised examination fraud. Yet Rajasthan's experience under its own 2022 Act, which already prescribed imprisonment of up to ten years and fines of up to ten crore rupees, shows that stringent State-level penalties alone did not prevent further examination cancellations within the same year of enactment, a caution against assuming that punitive severity by itself resolves the institutional weaknesses examined in this paper.³⁹ This makes a national research project on liability especially valuable because it can distinguish the central regime from state-specific approaches rather than assuming a single legal model.

14. Conclusion

Public examination paper leaks in India should no longer be analysed solely through the language of cheating and punishment. The statutory framework has already expanded the field of responsibility by recognising service providers, organised crime, examination authorities and investigation mechanisms. The 2026 amendment has strengthened that framework through higher penalties, debarment and time-bound investigation and trial. Yet the most difficult legal question remains the distribution of responsibility after an examination has been compromised.

³⁷ IMPRI Impact and Policy Research Institute, 'Strengthening Examination Integrity: Examining the Public Examinations (Prevention of Unfair Means) Amendment Act, 2026' (IMPRI, 2026) <<https://www.impriindia.com/insights/policy-update/strengthening-examination-integrity-examining-the-public-examinations-prevention-of-unfair-means-amendment-act-2026/>> accessed 22 September 2026.

³⁸ Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act 2022.

³⁹ 'Will Stricter Laws Prevent Paper Leaks?' Scroll.in (Mumbai, 2024) <<https://scroll.in/article/1069926/will-stricter-laws-prevent-paper-leaks>> accessed 22 September 2026.

The cases and materials examined show why a layered approach is necessary. NEET-UG 2024 demonstrates that a proven leak does not automatically justify cancellation of an entire examination and that innocent candidates must be protected from disproportionate consequences. The older Supreme Court authorities establish the balance between examination autonomy and judicial review. The constitutional-compensation jurisprudence supplies a possible public-law framework where a constitutional wrong is established. The NEET-UG 2026 investigation demonstrates the continuing importance of insider access and beneficiary networks after the 2024 Act was already in force.

The central conclusion is therefore that criminalisation should be treated as one component of examination accountability, not its endpoint. A coherent legal analysis should identify the perpetrator, determine whether an insider or service provider misused entrusted responsibility, identify knowing beneficiaries, assess the institutional duties of the examination authority, examine any constitutional basis for State responsibility, and finally match the remedy to the proven wrong. Such an approach preserves deterrence while also protecting the candidate who has done nothing wrong.

The research gap identified through the literature review is consequently capable of supporting a focused doctrinal study: Indian law has developed significant rules for preventing and punishing examination malpractice, but it has not yet produced a fully integrated framework for allocating individual, institutional and State liability while providing proportionate remedies to innocent candidates. That is the space in which this research can make its contribution.

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