
RIGHT TO LIFE AND PERSONAL LIBERTY: A STUDY WITH SPECIAL REFERENCE TO TRANSPARENCY & INTEGRITY IN PUBLIC EXAMINATIONS

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ABSTRACT

Proclaimed as a fundamental right under Article 21 of the Indian Constitution, this right to Life and Personal liberty has become one of the most colourful, wide construed fundamental rights in the country. Initially, article 21 protected the life of an individual from being taken away at the arbitrary hands of the State but is now extended to protection of dignity, fairness, equality of opportunity, livelihood and procedural justice. Public Examinations in Modern India would be the initial centres of education, job, socio-economic development and its effect on future life opportunities for millions of aspirants. But, there are growing concerns about constitutional violations from time to time due to examining malpractice like the leaking of papers, manipulation of results, unfair evaluation and undue recruitment malpractice etc. Transparency in examination systems is important for meritocracy and in line with constitutional constitution of equality and dignity. This work seeks to analyse the correlation between transparency and integrity in public exams, and the right to life and personal liberty. The paper, by using a constitutional analysis, case law analysis, legislative and governance analysis, shows that the importance of having fair and transparent examination systems in the protection of individual rights, psychological wellbeing and democratic accountability.

Keywords: Article 21, Right to Life, Personal Liberty, Public Examinations, Transparency, Integrity, Constitutional Governance, Examination Reforms, Natural Justice, Educational Rights.

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INTRODUCTION

India's Constitution is a democratic framework on which the values of human dignity, equality and justice are laid. Article 21 states that no person shall "be deprived of life or of personal liberty save in accordance with rules of law laid down now. The wide range of interpretation of the provision is in its early constitutional history, and it had been limited, but it had a transformation after the judicial activism of Supreme Court. Public exams are an important aspect of the decision to gain access to higher education and into the professions and the public sector, today. The institutions like a national testing body, Public Service Commissions are constitutional measure for providing equal opportunities and merit based selection.

But there have been growing cases of examination fraud, impersonation, digital manipulation and admin irregularities which have revealed significant shortcomings in examination governance. These lapses pose questions to our constitution about fairness, dignity and equality. An examination system characterized by unfairness not only impacts specific exam takers but in addition serves as a challenge to the belief of public institutions and establishments. Hence, transparency and integrity in examinations should be treated not simply as a mere administrative requirement but a constitutional duty under Article 21. This study investigates whether transparency in examination is an integral part of the Right to Life and Right to Personal Liberty.

MAIN BODY

The right to life and personal liberty mentioned in Article 21 of the Constitution of India is one of the most important rights which safeguard people from the arbitrary action of state. The provision has seen an incredible evolution in the extent of its interpretation over the years. Initially established to protect against unlawful detention, Article 21 now stands as a comprehensive catalogue of rights central to quality human life such as, dignity, education, livelihood, privacy, fair procedure, access to justice, etc. When the State is subject to constitutional governance as it is now, it is no longer content with refraining from taking people's freedom of life, but also must provide a state conducive to their living in a appropriate dignity and equality. In this developing structure, public examinations have become an important constitutional issue as they are being relied upon as a determining factor for access to education, job and socio-economic mobility.

Public exams serve as a mechanism of institutionalization that allows for the distribution of opportunities which is determined by the extent to which they are available. There are institutional mechanisms, known as public exams, that can allocate opportunities, in this case the opportunities of admission to universities, professional licenses, and public employment, depending on how widely available they are. The consequences of these exams are likely to directly affect a person's future, social position and economic self-sufficiency. Hence, justice in examination is linked to the rights of Articles 25 and 21 which guarantee a livelihood and dignity to the individual. Corruption in examination processes, paper leaks, manipulation of the results or lack of transparency all deny deserving candidates an opportunity to make it to the higher position, thus infringing the constitution's principles of fairness and equality. Falsified examination processes also effectively limit the personal freedoms of an individual and deny them of an equal opportunity, as their access to pathways towards education and jobs is denied.

Transparency is one of the fundamental aspects of democratic governance and accountability alike. A clear examination process provides equal opportunity for every applicant to take an exam and for results to be reached in an objective manner that effects their future. Transparency is characterised as having clear rules regarding who is eligible; a uniformly applied assessment process; an explanation of marking schemes; access to marking scripts for candidates' review; publication of merit lists accompanied with objective assessment data. Such lack of transparency leads to suspicion, leads to reduced public confidence, and makes it possible for decisions to be made arbitrarily. On constitutional principles, the term "arbitrariness" is "inverted" against equality and fairness and is thus antithetical to the concept of transparency; it is thus linked directly with Articles 14 and 21. The Supreme Court has been consistently specific about the requirement of state action to meet "reasonable" and "non-arbitrary" standards and the examination authorities are no exception in this respect.

Transparency is complemented by integrity in public examinations, ensuring proper conduct in exams, honesty and reliability of the examination institutions. Examination authorities must maintain political, corrupt, nepotistic and/or administrative neutrality and integrity during the examination process. The state-sponsored examination scams that have occurred in different parts of India have shown how the aspirations of millions of students can be devastating through various modes of systemic failures leading to psychological trauma, financial insecurity and social insecurities. Many years of preparation, lengthy investing and a certain

degree of emotional engagement are frequently necessary for competitive exams. Candidates respond to irregularities which render the examinations invalid or lead to results which could be misleading by feeling anxious, depressed and losing trust in public institutions. Failure to act is a consequence, not only of administrative failure, but of constitutional injury, since failure to protect the dignity and legitimate expectations of citizens.

Public examinations is another sphere of Article 21 that has procedural fairness as its important dimension. In the doctrine of fair procedure, it is said that decision regarding any right or opportunity must be made in accordance with the concept of natural justice. Examination bodies need to give plenty of notice, have clear evaluation practices in place, allow opportunities to appeal any errors and to provide explanations on decisions made with examples including when a candidate is disqualified or when their merit is downgraded or cancelled. Without justification or a provision of re-evaluation, cancelling examinations arbitrarily, may constitute a violation of personal liberty. Procedural fairness makes sure that the convenience of administration does not infringe on constitutional protection. When Examination authorities do not act fairly, judicial review provides an effective remedy to prevent injustice, by allowing Courts to intervene.

The importance of transparency in examinations only strengthens on the question of the link between the right to education and Article 21. Seeing transparent exams is significant as well in the context of the application of the right to education and Article 21. Education enables people to be able to play a positive role in democratic and economic processes. Examination integrity directly impacts the right to education which is indirectly restricted as a result of any exams' shortcomings. Hence, as instruments of social justice, the transparent examination systems give the level playing field in competition to the students representing various socio-economic backgrounds. Education is a key socio-economic driver in a developing country like India where if equitable, it can contribute to reducing inequity and inclusive development.

Development of technologies has introduced novel opportunities and questions of Examination Governance. Computer-based testing, biometric authentication, digital questionnaires, AI tracking, and encrypted paper use of questionnaires now have enhanced efficacy and decreased human mistakes. Technology can help to prevent impersonation, minimize evaluation bias and enable claims to be easily and rapidly presented in a complaint. But, with technology, the constitution must take precedence. Considering issues of data

privacy, risks to privacy and algorithmic bias, cybersecurity concerns, etc. – questions that should be answered and addressed and not able to infringe on the rights of the candidates to be private and autonomous in using technological tools. To complete this constitutional balancing clause, there must be an effective legal safeguard for informational privacy and personal data, alongside the technological possibility.

An institutional-approach to accountability is at the center of transparency and integrity. Responsiveness, fairness and accountability are all aspects of good governance, and as examination authorities are bound by standards designed and shaped by the concept of trust in public profession, these must be adhered to. Minimising potential for power misuse with independent systems of monitoring and auditing and public reporting approaches. There has been an improvement in the ability of citizens to oppose examinations in the RTI framework, leading to participatory governance. Clear results of the process, good communication with the candidates and prompt issues settlement are part of accountability. The failure to take decision which is significant or if the process remains obscure then it would affect the aspirations, mental and health of the candidates and it would also violate the 21st amendment UPRT as the decisions are delayed or the process takes a opaque form.

Moreover, transparency of examination has a close relationship with constitutional morality and the rule of law. Decisions in a democratic society are based on merit not patronage or favouritism. A loss of credibility among the examination systems can result in a loss of trust in institutions, which in turn can stir up social tension and undermine democratic legitimacy. Thus integrity during examination is not only an administrative duty but also a constitutional obligation with a view of ensuring that there remains trust in governance mechanisms. Fair examinations uphold equality of opportunity (Articles 14 and 16), dignity (Article 21) and trust in the Constitution (which has democratic values).

The governance of examinations has come to the fore in the current context of intensified competition for meagre educational and job prospects in today's Indian context. Public examinations are an important means for millions of aspirants to secure their livelihood and to gain social recognition. The State must consequently make sure the examination systems are free from corruption, secure in technology standards, legally responsible, and fair in procedures. Together, these principles (transparency, integrity, accountability) drive examination administration to become a constitutional process in accordance with

fundamental rights jurisprudence.

Hence, the "expansion of article 21" indicates that the right to life and personal liberty goes beyond securing the rights of physical survival and also refers to the right to access to opportunities that help shape the process of human development in a fair manner. Transparent and trustworthy public examinations are an integral part of this constitutional aspirations and offers every individual an even playing field to express its potential and live in dignity.

SUGGESTIONS

The integrity of the whole operation of the examination should be secured by extensive legal and institutional reform. National Examination Regulatory Authority can ensure uniformity of exams and independence. Criminal liability can be strict against those responsible for paper leakage for recruitment merchandise to reduce the malpractices. Student examination bodies have to use the digitally-managed audit system and have a transparency compliance report. There should be speedy and fair Tribunals for redressal of Student Grievances. Finally, moral training, and codes of conduct for examination proctors should be part of school curricula. Adding and introducing secure technological tools and privacy protection measures can also play a role in ensuring fair and trusted examination systems. There should be also a contribution to ensuring fair and trusted examination systems that can accompany the introduction of secure technological tools and privacy protection measures.

CONCLUSION

Article 21 in the Rights to Life and Personal Liberty has become a potent provision guarding the individual dignity, integrity and equality. It cannot be an administrative exercise any more, because public examinations, the determiner of educational and job opportunities of many millions of people, cannot remain so any longer. They should operate within constitutional limits of transparency, accountability, and integrity.

Adverse examination system is not just going to disadvantage a certain candidate, but it will undermine the very democracy. Once the merit is undermined, the sense of equality of opportunity crashes, and promises of the Constitution turn into an illusion.

Trust, fairness, liberty, the transparency, integrity, accountability will ensure. They collectively turn the public examinations into social justice mechanisms, instead of injustice.

The future of constitutions in India should acknowledge clear systems of examinations as a central systems of Article 21. Safeguarding examination integrity is thus not a just an administrative requirement, but a constitutional mandate based on the Right to Life and Personal Liberty.

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