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# Public Examinations (Prevention of Unfair Means) Bill, 2024

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**Why is in news?** What's in new Bill to stop cheating in exams

The Public Examinations (Prevention of Unfair Means) Bill, 2024, was introduced in Lok Sabha.

The Bill aims to **prevent “unfair means” in order to “bring greater transparency, fairness and credibility to the public examinations system”**.

**Use of “unfair means” in an examination:**

**Section 3** of the Bill lists at least 15 actions that amount to using unfair means in public examinations “for monetary or wrongful gain”.

These **acts include**: leakage of question paper or answer key or part thereof and colluding in such leakage; accessing or taking possession of question paper or an Optical Mark Recognition response sheet without authority; tampering with answer sheets including Optical Mark Recognition response sheets; providing solution to one or more questions by any unauthorised person during a public examination; and directly or indirectly assisting the candidate in a public examination.

The section also lists **tampering with any document** necessary for short-listing of candidates or finalising the merit or rank of a candidate; tampering with the computer network or a computer resource or a computer system; creation of fake website and conduct of fake examination, issuance of fake admit cards or offer letters to cheat or for monetary gain as illegal acts.

**Definition of Public examinations in the Bill:**

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

The schedule lists **five public examination** authorities:

the Union Public Service Commission (UPSC), which conducts the Civil Services Examination, Combined Defence Services Examinations, Combined Medical Services Examination, Engineering Services Examination, etc.;

the Staff Selection Commission (SSC), which recruits for Group C (non-technical) and Group B (non-gazetted) jobs in the central government;

the Railway Recruitment Boards (RRBs), which recruit Groups C and D staff in the Indian Railways;

the Institute of Banking Personnel Selection (IBPS), which hires at all levels for nationalised banks and regional rural banks (RRBs); and

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National Testing Agency (NTA), which conducts the JEE (Main), NEET-UG, UGC-NET, the Common University Entrance Test (CUET), etc.

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

The central government can add new authorities in the schedule through a notification as and when required.

### **Punishment for violations:**

**Section 9** of the Bill states that all offences shall be **cognizable, non-bailable, and non-compoundable** — which means that an arrest can be made without a warrant and bail will not be a matter of right; rather, a magistrate will determine whether the accused is fit to be released on bail.

A non-compoundable offence is one in which the case cannot be withdrawn by the complainant even when the complainant and the accused have reached a compromise, and a trial must necessarily follow.

Punishment for “any person or persons resorting to unfair means and offences” can be **three to five years in prison, and a fine up to Rs 10 lakh**. If the convict fails to pay the fine, “an additional punishment of imprisonment shall be imposed, as per the provisions of the Bharatiya Nyaya Sanhita, 2023,” **Section 10(1)** of the Bill says.

Under **Section 10(2)**, a **service provider** who is engaged to provide “support of any computer resource or any material, by whatever name it may be called” for the conduct of the examination can be fined up to Rs 1 crore, along with other penalties.

The Bill provides for **harsher punishment in cases of organised paper leaks**, where “organised crime” is defined as unlawful activity by a group of persons colluding in a conspiracy “to pursue or promote a shared interest for wrongful gain in respect of a public examination”.

**Section 11(1)** says the punishment for **organised crime** will be “imprisonment for a term not less than five years but which may extend to ten years” and a fine “which shall not be less than one crore rupees”.

The Bill provides punishment for persons, organised groups or institutions indulging in unfair means for monetary or wrongful gains.

However, **candidates appearing for the exams** have been **left out of its purview**. Candidate shall continue to be covered under the extant administrative provisions of the public examination authority concerned.

### **Reason for proposal of the bill:**

The bill comes in the **backdrop of a cancellation of a series of competitive tests** such as: the teacher recruitment exam in Rajasthan, Common Eligibility Test (CET) for Group-D posts in Haryana, recruitment exam for junior clerks in Gujarat and constable recruitment examination in Bihar following question paper leaks.

There have been a **very large number of cases of question paper leaks** in recruitment exams across the country in recent years.

An investigation found **at least 48 instances of paper leaks in 16 states** over the last five years, in which the process of hiring for government jobs was disrupted. The leaks touched the lives of **at least 1.51 crore applicants** for about 1.2 lakh posts.

Malpractices in public examinations lead to **delays and cancellation of examinations**, adversely impacting the prospects of millions of youth.

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At present, there is **no specific substantive law** to deal with unfair means adopted or offences committed.

It is imperative that elements that exploit vulnerabilities of examination system are identified and effectively dealt with by a comprehensive Central legislation.

### **Conclusion:**

The objective of the Bill is to **bring greater transparency, fairness and credibility** to the public examination systems and to reassure the youth that their sincere and genuine efforts will be fairly rewarded and their future is safe.

The Bill once it becomes law, will also **serve the important function of being a model draft for States** to adopt at their discretion. It would **aid States in preventing the criminal elements** from disrupting conduct of their State level public examinations.