

Bill Summary

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

- The Public Examinations (Prevention of Unfair Means) Bill, 2024 was introduced in Lok Sabha on February 5, 2024. The Bill seeks to prevent use of unfair means in public examinations. Public examinations refer to examinations conducted by authorities specified under the Schedule to the Bill, or notified by the central government. These include: (i) Union Public Service Commission, (ii) Staff Selection Commission, (iii) Railway Recruitment Board, (iv) National Testing Agency, (v) Institute of Banking Personnel Selection, and (vi) Departments of the central government and their attached offices for recruitment.
- **Offences in relation to public examinations:** The Bill defines several offences in relation to public examinations. It prohibits collusion or conspiracy to facilitate indulgence in any unfair means. It specifies unfair means to include: (i) unauthorised access or leakage of question paper or answer key, (ii) assisting a candidate during a public examination, (iii) tampering with computer network or resources, (iv) tampering with documents for shortlisting or finalising of merit list or rank, and (v) conducting fake examination, issuing fake admit cards or offer letters to cheat, for monetary gain. It also prohibits: (i) disclosing exam-related confidential information before time, and (ii) unauthorised people from entering exam centres to create disruptions. Above offences will be punishable with imprisonment between three and five years, and a fine up to Rs 10 lakh.
- **Responsibilities of service providers:** In the event of violation of provisions of the Bill, service providers must report to the police and the concerned examination authority. A service provider is an organisation that provides computer resources or any other support to a public examination authority. Failure to report such incidents will be an offence. In case, the service provider themselves commit an offence, the examination authority must report it to the police. The Bill prohibits service providers from shifting the exam centre without permission from the examination authority. An offence by a service provider will be punishable with a fine of up to one crore rupees. Proportionate cost of examination will also be recovered from such a service provider. Further, they will also be barred from conducting public examinations for four years.
- If it is established that offences involving service providers were committed with the consent or connivance of any Director, senior management, or persons-in-charge of the service providers, such persons will be held personally liable. They will be punished with imprisonment between three years and 10 years, and a fine of one crore rupees.
- **Organised crimes:** The Bill specifies a higher punishment for organised crimes. An organised crime is defined as an unlawful act committed by a person or a group of persons to further a shared interest for wrongful gain in relation to public examinations. Persons committing an organised crime will be punished with imprisonment between five years and 10 years, and a fine of at least one crore rupees. If an institution is held guilty of committing an organised crime, its property will be attached and forfeited, and a proportionate cost of the examination will also be recovered from it.
- **Inquiry and investigation:** All offences under the Bill will be cognisable, non-bailable, and non-compoundable. No action will count as an offence if it is proved that the accused had exercised due diligence. An officer not below the rank Deputy Superintendent or Assistant Commissioner of Police will investigate the offences under the Act. The central government may transfer the investigation to any central investigating agency.

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