

## Bill Summary

### The Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Bill, 2023

- The Jharkhand Competitive Examination (Measures for Prevention and Redressal of Unfair Means in Recruitment) Bill, 2023, was introduced in the Jharkhand Legislative Assembly on August 3, 2023. The Bill seeks to curb cheating in competitive examinations, specifically those for recruitment to state government posts. Key features of the Bill include:
  - **Use of unfair means:** The Bill prohibits the use of unfair means in any competitive examination. Unfair means include: (i) unauthorised use of written material by a candidate, (ii) possession of any electronic device like a watch, calculator, or phone in the exam hall, (iii) threatening supervisors, and (iv) obtaining or attempting to obtain the question paper in an unauthorised manner. Offences will be punishable with a one-year imprisonment and a fine of at least five lakh rupees. Repeat offenders will be punished with imprisonment of at least three years and a fine of at least Rs 10 lakh.
  - **Debarment:** Any examinee who is prosecuted for any offence under the Bill may be debarred from taking state exams for a certain period of time. The Bill debars any examinee for two to five years from the date of filing the chargesheet, and for ten years if the examinee is convicted. Further, if the examinee is a repeat offender, they will be debarred from such exams for five to ten years from the date of filing the chargesheet. If they are convicted for a repeated offence, they will be barred for life.
  - **Possession and leakage of an exam paper:** The Bill prohibits authorised people from performing the following acts: (i) opening, disclosing, receiving, or possessing question papers, (ii) giving or trying to give confidential information related to the question paper to any person, and (iii) disclosing question paper details to unauthorised persons.
  - **Entry to the examination centre:** The Bill prohibits anyone from entering the examination centre unless the person is: (i) deputed in work-
- related to the competitive exam, (ii) engaged in conducting the exam, or (iii) a candidate.
- **Penalties:** Any person, printing press, or service provider involved in conducting the examination engages or attempts to engage in any unfair means related to competitive exams, will be punished with imprisonment of at least 10 years extending to life imprisonment and a fine of two crore rupees which may extend to Rs 10 crore.
- The Bill also punishes the: (i) theft, extortion or looting of a question paper, or (ii) tampering of the answer sheets. The penalty will consist of imprisonment for at least seven years up to 10 years and a fine of one crore rupees to two crore rupees.
- **Investigation:** An authorised police officer may arrest a person if they have reason to believe that the person is guilty of an offence under the Bill. The reasons must be based on available evidence and recorded in writing. After the arrest, the officer must forward a copy of the order and the material in their possession to a Special Court. No police officer below the rank of Deputy Superintendent of Police will investigate any offence under the Bill. The Bill also establishes Special Courts which will try all offences covered under the Bill.
- **Confiscation of property:** The District Magistrate (DM) will have the power to confiscate property (movable or immovable) if he has reason to believe that it was acquired through an offence under the Bill. Claimants can submit a representation against such acquisition within three months. If no representation is made or the DM does not release the property, the case will be referred to a Special Court. If the property is found to have been acquired lawfully, it will be released. However, if the accused is convicted, the said property will be transferred to the Jharkhand government.

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