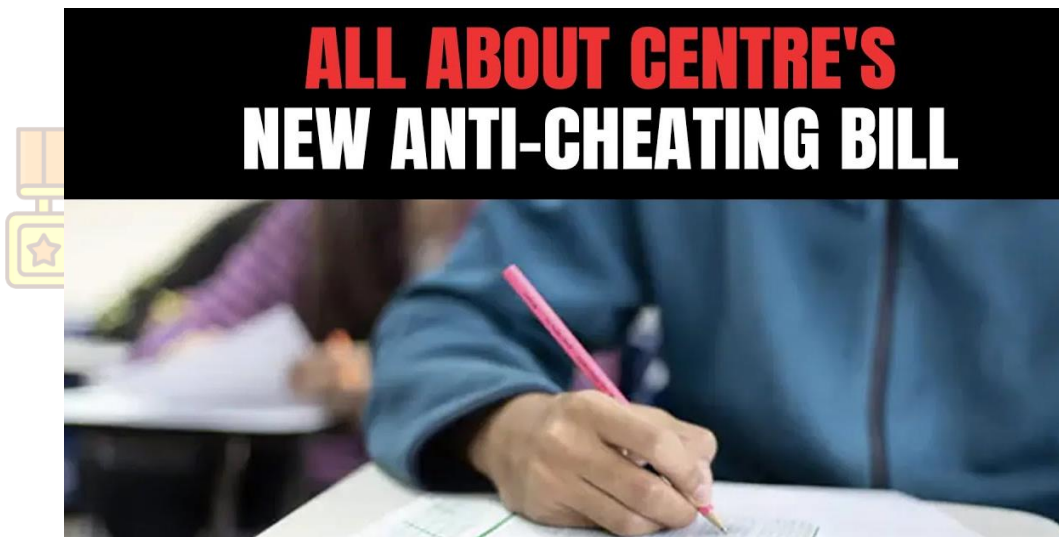


# Public Examination Bill ( Prevention Of Unfair Means)

## Why In News

- Narendra Modi government introduced a bill to **curb cheating and other unfair means in various public examinations**.
- The Public Examinations (Prevention of Unfair Means) Bill, 2024, moved by the **ministry of personnel, public grievances** and pensions mentions the kinds of unfair means in examinations that are punishable by law once enacted, and the punishment for the offences.



## Aim Of The Bill

- 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 stated.
- **“The Bill is aimed at effectively and legally deterring persons,** organised groups or institutions that indulge in various unfair means and adversely impact the public examination systems for monetary or wrongful gains,” the bill added.
- Significantly, **all offences under this bill shall be cognisable, non-bailable, and non-compoundable,** meaning police will be empowered to act on its own (and

arrest suspects without a warrant), the accused will not be entitled to bail, and the alleged offences cannot be settled via compromise.



## Offences Under This Bill

- Question paper or answer key leaks
- Participation in collusion with others to effect question paper or answer key leaks
- Accessing or **taking possession of question paper** or an Optical Mark Recognition (OMR) response sheet without authority
- Providing solution to one or more questions by any unauthorised person during a public examination.



- Directly or **indirectly assisting the candidate** in any manner unauthorisedly in the public examination

- Tampering with answer sheets including OMR response sheets;
- Altering the assessment except to correct a bona fide error without any authority



- **Willful violation of norms or standards** set up by the central government for conduct of a public examination on its own or through its agency
- **Tampering with any document necessary** for short-listing of candidates or finalising the merit or rank of a candidate in a public examination
- Deliberate violation of security measures to facilitate unfair means in conduct of a public examination
- Tampering with the **computer network** or a computer resource or a computer system
- Manipulation in seating arrangements, allocation of dates and shifts for the candidates to facilitate adopting unfair means in examinations
- Threatening the life, liberty or wrongfully restraining persons associated with the public examination authority or the service provider or any authorised agency of the Government; or obstructing the conduct of a public examination.
- Creation of **fake website to cheat or for monetary gain**
- Conduct of fake examination, issuance of fake admit cards or offer letters to cheat or for monetary gain.

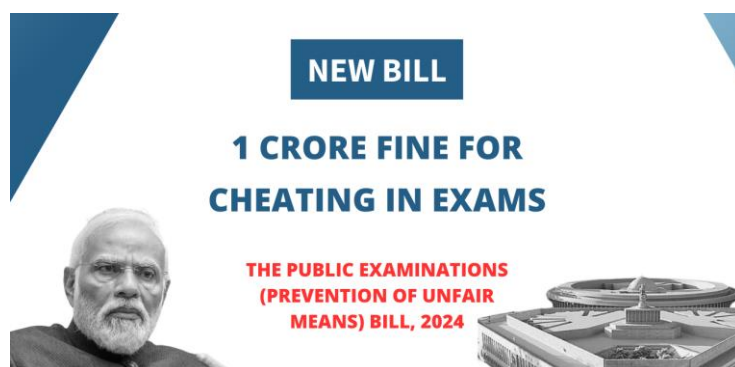
## Which Exams Are “Public Examinations”

- **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”.
- **Any examination conducted by** the Union Public Service Commission (UPSC), Staff Selection Commission (SSC), Railway Recruitment Boards (RRB), Institute of Banking Personnel Selection, Ministries or Departments of the Central Government and their attached and subordinate offices for recruitment of staff, National Testing Agency or other authority as may be notified by the Central Government, will be covered under this anti-cheating bill.



## Punishment For Offences

- 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.







- 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”.

## Why Has The Government Brought This Bill

- 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.
- The Statement adds: **“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 is aimed at **effectively and legally deterring persons**, organised groups or institutions that indulge in various unfair means and adversely impact the public examination systems for monetary or wrongful gains.”
- It clarifies that **“Candidate as defined in the Bill shall not be liable for action within the purview of the Bill** and shall continue to be covered under the extant administrative provisions of the concerned public examination authority.”
- The Bill, once it becomes law, will also serve the important function of being **“a model draft for States to adopt at their discretion”**. This, the Statement says, “would aid States in preventing the criminal elements from disrupting conduct of their State level public examinations”.