Public Examinations Bill 2024

Why in news?

Recently the Public Examinations (Prevention of Unfair Means) Bill, 2024 was passed in Lok Sabha.

What are the key provisions of Public Examinations (Prevention of Unfair Means) Bill, 2024?

Key aspect	About
Aim	To prevent *"unfair means"* in order to "bring greater transparency, fairness and credibility to the public examinations system".
Public examinations	It refer to examinations conducted by authorities specified under the Schedule to the Bill, or notified by the central government. It includes • Union Public Service Commission • Staff Selection Commission • Railway Recruitment Board • National Testing Agency • Institute of Banking Personnel Selection, and • Departments of the central government and their attached offices for recruitment.
Offences in relation to public examination	The Bill defines several offences in relation to public examinations • It prohibits *collusion or conspiracy* to facilitate indulgence in any unfair means. • It prohibits disclosing exam-related confidential information before time, and • It prohibits unauthorised people from entering exam centres to create disruptions.
Unfair means	It specifies unfair means to include • Unauthorised access or leakage of question paper or answer key • Assisting a candidate during a public examination, • Tampering with computer network or resources, • Tampering with documents for shortlisting or finalising of merit list or rank, and • Conducting fake examination, issuing fake admit cards or offer letters to cheat, for monetary gains.
Penalty	It will be punishable with imprisonment between 3 and 5 years, and a fine up to Rs 10 lakh.
Service provider	A service provider is an organisation that provides computer resources or any other support to a public examination authority.

Responsibility of service provider	• The service provider must report to the police and the concerned examination authority. • Failure to report such incidents will be an offence • The service providers are prohibited from shifting the exam centre without permission from examination authority. • If service provider themselves commit an offence, the examination authority must report to the police.
Penalty to service providers	• An offence by service provider will be punishable with a fine up to 1 crore rupees. • Proportionate cost of examination will also be recovered from such a service provider. • They will be barred from conducting public examinations for 4 years. • If the offence is committed with the consent or connivance of any Director, senior management or persons-in-charge they will be held personally liable. • They will be punished with imprisonment between 3 years and 10 years and a fine of 1 crore rupees.
Organised crime	It 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.
Penalty for organised crimes	The bill specifies *higher punishment* for organised crime. • They will be punished with imprisonment between 5 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.

Why there is a need to bring a law on public examinations?

- **Organised cheating**- Leaks of question papers had affected the interests of lakhs of student due to cancellation of tests and examinations.

  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.

- **Unfair practices-** Many States had to *cancel or were unable to declare* results in public examinations due to adverse impact of malpractices and means adopted by antisocial, criminal elements.
- **Deter aspirants**- If these practices not effectively prevented and deterred, it will continue to jeopardize the future and careers of millions of aspiring youths of this

country.

- **Organised groups**- In many instances, it has been observed that organized groups are involved, they deploy *solver gangs*, *impersonation methods* and indulge in paper leaks.
- **Legal framework-** There is *no specific substantive law* at national level to deal with unfair means adopted or offences committed by persons, organized groups or any other agency/organization.
- **Prevent malpractices-** It is imperative that the elements both within and outside the examination systems, that exploit these vulnerabilities are identified and effectively dealt with by way of a comprehensive Central legislation.
- **Protect candidates**- The candidates appearing in the examination are protected from the punitive provisions and they will be governed under the provisions of the existing unfair means policy of the examination conducting authority.

References

1. Indian Express- Stop cheating in exams
2. PRS- Bill summary
3. PIB- Public examinations bill 2024

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