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

(ACT NO. 1 OF 2024)

[*As on the* 31*st July*, 2026]

AMENDMENT ACT

1. The Public Examinations (Prevention of Unfair Means) Amendment Act, 2026 (10 of 2026).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE PUBLIC EXAMINATIONS (PREVENTION OF UNFAIR MEANS) ACT, 2024

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THE PUBLIC EXAMINATIONS (PREVENTION OF UNFAIR MEANS) ACT, 2024

ACT NO. 1 OF 2024

[12*th February*, 2024.]

An Act to prevent unfair means in the public examinations and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the Public Examinations (Prevention of Unfair Means) Act, 2024.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—(*1*) In this Act, unless the context otherwise requires,—

(*a*) "candidate" means a person who has been granted permission by the public examination authority to appear in public examination and includes a person authorised to act as a scribe on his behalf in the public examination;

(*b*) "communication device" shall have the same meaning assigned to it in clause (*ha*) of sub-section (*1*) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(*c*) "competent authority" shall mean the Ministry or a Department of the Central Government administratively concerned with the public examination authority;

(*d*) "computer network", "computer resource" and "computer system" shall have the meanings respectively assigned to them in clauses (*j*), (*k*) and (*l*) of sub-section (*1*) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(*e*) "conduct of public examination" shall include all the procedures, processes and activities, as may be prescribed, for being adopted for the conduct of public examination;

(*f*) "institution" means any agency, organisation, body, association of persons, business entity, company, partnership or single proprietorship firm, by whatever name it may be called, which is other than the public examination authority and the service provider engaged by such authority.

Explanation.—For the purposes of this clause, it is clarified that "company" includes a company as defined in clause (*20*) of section 2 of the Companies Act, 2013 (18 of 2003); or a limited liability partnership firm as defined in clause (*n*) of sub-section (*1*) of section 2 of the Limited Liability Partnership Act, 2008 (7 of 2009);

(*g*) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(*h*) "organised crime" means an unlawful activity committed by a person or a group of persons indulging in unfair means in collusion and conspiracy to pursue or promote a shared interest for wrongful gain in respect of a public examination;

(*i*) "person associated with a service provider" means a person who performs services for or on behalf of such service provider irrespective of whether such person is an employee or an agent or a subsidiary of such service provider, as the case may be;

(*j*) "prescribed" means prescribed by rules made under this Act;

1. 21st June, 2024, *vide* Notifn. NO. S.O. 2422(E), dated 21st June, 2024, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*k*) "public examination" means any examination conducted by the public examination authority, as specified in the Schedule, or conducted by such other authority as may be notified by the Central Government;

(*l*) "public examination authority" means an authority as specified by the Central Government by a notification, from time to time for conducting the public examinations;

(*m*) "public examination centre" means such premises, which is selected by the service provider or otherwise selected by the public examination authority, to be used for conduct of public examination and which, amongst others, may include any school, computer centre, institution, any building or part thereof and the same shall include the entire periphery and land appurtenant thereto which may be used for security and other related reasons for conduct of the public examinations; and

(*n*) "service provider" means any agency, organisation, body, association of persons, business entity, company, partnership or single proprietorship firm, including its associates, sub-contractors and provider of support of any computer resource or any material, by whatever name it may be called, which is engaged by the public examination authority for conduct of public examination.

(*2*) Words and expressions used herein but not defined and defined under any other law for the time being in force, shall have the same meanings as assigned to them in those laws.

CHAPTER II

UNFAIR MEANS AND OFFENCES

3. Unfair means.—The unfair means relating to the conduct of a public examination shall include any act or omission done or caused to be done by any person or group of persons or institutions, and include but not be restricted to, any of the following acts for monetary or wrongful gain—

(*i*) leakage of question paper or answer key or part thereof;

(*ii*) participating in collusion with others to effect leakage of question paper or answer key;

(*iii*) accessing or taking possession of question paper or an Optical Mark Recognition response sheet without authority;

(*iv*) providing solution to one or more questions by any unauthorised person during a public examination;

(*v*) directly or indirectly assisting the candidate in any manner unauthorisedly in the public examination;

(*vi*) tampering with answer sheets including Optical Mark Recognition response sheets;

(*vii*) altering the assessment except to correct a *bona fide* error without any authority;

(*viii*) 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;

(*ix*) tampering with any document necessary for short-listing of candidates or finalising the merit or rank of a candidate in a public examination;

(*x*) deliberate violation of security measures to facilitate unfair means in conduct of a public examination;

(*xi*) tampering with the computer network or a computer resource or a computer system;

(*xii*) manipulation in seating arrangements, allocation of dates and shifts for the candidates to facilitate adopting unfair means in examinations;

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(*xiii*) 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;

(*xiv*) creation of fake website to cheat or for monetary gain; and

(*xv*) conduct of fake examination, issuance of fake admit cards or offer letters to cheat or for monetary gain.

4. Conspiracy for unfair means.—No person or group of persons or institutions shall collude or conspire to facilitate indulgence in any such unfair means.

5. **Disruption to conduct public examination.—**(*1*) No person, who is not entrusted or engaged with the work pertaining to the public examination or conduct of public examination or who is not a candidate, shall enter the premises of the examination centre, with intent to disrupt the conduct of the public examination.

(*2*) No person authorised, engaged or entrusted with the duties to conduct public examination shall, before the time fixed for opening and distribution of question papers—

(*a*) open, leak or possess or access or solve or seek assistance to solve such question paper or any portion or a copy thereof in unauthorised manner for monetary or wrongful gain;

(*b*) give any confidential information or promise to give such confidential information to any person, where such confidential information is related to or in reference to such question paper for monetary or wrongful gain.

(*3*) No person, who is entrusted or engaged with any work pertaining to public examination shall, except where he is authorised in furtherance of his duties so to do, reveal or cause to be revealed or make known to any other person any information or part thereof which has come to his knowledge for any undue advantage or wrongful gain.

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6. Other offences.—If any person or group of persons or institution commits any unfair means or offence under sections 3, 4 and section 5, the service provider shall forthwith report the offence to the concerned police authorities and also inform the public examination authority:

Provided that if the service provider resorts to unfair means and commits the offence or is involved in facilitating an offence, the public examination authority shall report the same to the concerned police authorities.

7. No premises other than examination centre shall be used for public examination.—It shall be an offence for the service provider or any person associated with the service provider to cause any premises, other than the examination centre, authorised by the public examination authority, to be alternatively used for the purpose of holding public examination, without the written approval of the public examination authority:

Provided that nothing contained in this section shall be an offence where any change in the examination centre without prior consent of the public examination authority is due to any *force majeure*.

8. Offences in respect of service providers and other persons.—(*1*) Any person, including the person associated with a service provider, shall be deemed to have committed an offence if he individually or in collusion with any other person or group of persons or institutions assists any person or group of persons or institutions in any manner unauthorisedly in the conduct of public examination.

(*2*) Service provider or any person associated with it shall be deemed to have committed an offence if he fails to report incidence of any unfair means or commission of any offence.

(*3*) Where an offence committed by a service provider is, *prima facie*, established during investigation to have been committed with the consent or connivance of any director, manager,

secretary or other officer of such service provider, such person shall also be liable to be proceeded against:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under the Act, if he proves, that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

CHAPTER III

PUNISHMENT FOR OFFENCES

9. Cognizable offences.—All offences under this Act, shall be cognizable, non-bailable and non-compoundable.

10. **Punishment for offences under this Act.**—(*1*) Any person or persons resorting to unfair means and offences under this Act, shall be punished with imprisonment for a term not less than [1][five years but which may extend up to ten years and with fine up to fifty lakh rupees, and in] case of default of payment of fine, an additional punishment of imprisonment shall be imposed, as per the provisions of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023):

Provided that until the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) is brought into force, the provisions of the Indian Penal Code (45 of 1860), shall be applicable in place of the said Act.

(*2*) The service provider shall also be liable to be punished with imposition of a fine upto [2][five crore rupees] and proportionate cost of examination shall also be recovered from such service provider and he shall also be barred from being assigned with any responsibility for the conduct of any public examination for a period of [3][eight years].

(*3*) Where it is established during the investigation that offence under this Act has been committed with the consent or connivance of any Director, Senior Management or the persons in-charge of the service provider firm, he shall be liable for imprisonment for a term not less than [4][five years] but which may extend to ten years and with fine of [5][five crore rupees, and in] case of default of payment of fine, an additional punishment of imprisonment shall be imposed as per the provisions of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023):

Provided that until the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) is brought into force, the provisions of the Indian Penal Code (45 of 1860), shall be applicable in place of the said Act.

(*4*) Nothing contained in this section shall render any such person liable to any punishment under the Act, if he proves, that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

11. Organised crimes.—(*1*) If a person or a group of persons including the examination authority or service provider or any other institution commits an organised crime, he shall be punished with imprisonment for a term not less than [6][seven years] but which may extend to ten years and with fine which shall not be less than [7][ten crore rupees, and in] case of default of payment of fine, an additional punishment of imprisonment shall be imposed as per the provisions of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023):

Provided that until the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) is brought into force, the provisions of the Indian Penal Code (45 of 1860), shall be applicable in place of the said Act.

(*2*) If an institution is involved in committing an organised crime, its property shall be subjected to attachment and forfeiture and proportionate cost of examination shall also be recovered from it.

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1. Subs. by Act 10 of 2026, s. 2 for "three years but which may extend to five years and with fine up to ten lakh rupees. In" (w.e.f. 31.07.2026).
2. Subs. by s. 2, *ibid*., for "one crore rupees" (w.e.f. 31.07.2026).
3. Subs. by s. 2, *ibid*., for "four years" (w.e.f. 31.07.2026).
4. Subs. by s. 2, *ibid*., for "three years" (w.e.f. 31.07.2026).
5. Subs. by s. 2, *ibid*., for "one crore rupees. In" (w.e.f. 31.07.2026).
6. Subs. by s. 3, *ibid*., for "five years" (w.e.f. 31.07.2026).
7. Subs. by s. 3, *ibid*., for "one crore rupees. In" (w.e.f. 31.07.2026).

CHAPTER IV

INQUIRY AND INVESTIGATION

12. Officers empowered to investigate.—(*1*) An officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police shall investigate any offence under this Act.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Central Government shall have the powers to refer the investigation to any Central Investigating Agency [1][or a Special Task Force, as that Government may, by notification, constitute in this behalf].

[1][Provided that where the Central Government constitutes a Special Task Force under this sub-section, such investigation shall be done only by the Special Task Force so constituted.]

[2][**12A. Fast tracked investigation and Special Fast Track Courts**.—(*1*) The investigation of an offence under this Act, shall be completed—

(*a*) by an officer empowered to investigate under sub-section (*1*) of section 12, within a period of two months from the date on which the information was recorded by the officer in-charge of the police station; or

(*b*) by a Central Investigating Agency, within a period of two months from the date of a reference made to it by the Central Government under sub-section (*2*) of the said section; or

(*c*) by a Special Task Force, within a period of two months from the date of issuance of notification in this behalf by the Central Government under sub-section (*2*) of the said section.

(*2*) For the purposes of providing a speedy trial on day-to-day basis, every State Government and Union territory Administration shall, in consultation with the Chief Justice of the concerned High Court, by notification, designate a Court of Session, to be a Special Fast Track Court to try offences under this Act.

(*3*) A Special Fast Track Court designated under sub-section (*2*) shall, while trying offences under this Act, also try other offences connected thereto with which the accused may be charged under the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) or any other law for the time being in force, at the same trial.

(*4*) In every trial of an offence under this Act, the proceedings shall be continued on day-to-day basis, until all the witnesses in attendance have been examined, unless the Special Fast Track Court, for reasons to be recorded in writing, finds that adjournment of the same beyond the following day is necessary:

Provided that such trial shall be completed within a period of three months from the date of filing of the chargesheet.

(*5*) The cases or trials pertaining to offences under this Act or any other law for the time being in force as specified in sub-section (*3*), which are pending on the date of commencement of the Public Examinations (Prevention of Unfair Means) Amendment Act, 2026, shall stand transferred to the Special Fast Track Court designated under sub-section (*2*).

(*6*) The trial of cases transferred under sub-section (*5*) shall be conducted by the Special Fast Track Court designated under sub-section (*2*) from the stage it is received upon such transfer and shall be completed within a period of three months from the date of such receipt.

(*7*) Every State Government and Union territory Administration shall, by notification, appoint one or more Special Public Prosecutors for every Special Fast Track Court in accordance with sub-section (*8*) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), for conduct of cases under this Act.

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1. Ins. by Act 10 of 2026, s. 4 (w.e.f. 31.07.2026).
2. Ins. by s. 5, *ibid*. (w.e.f. 31.07.2026).

(*8*) Every person appointed as a Special Public Prosecutor under this section, shall be deemed to be a Public Prosecutor within the meaning of clause (*v*) of sub-section (*1*) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) and the provisions of that Sanhita shall apply accordingly.

12B. Appeals.—(*1*) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Fast Track Court to the High Court.

(*2*) Every appeal under sub-section (*1*) shall be heard by a bench of two Judges of the High Court and shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.

(*3*) Except as aforesaid, no appeal or revision shall lie to any Court from any judgment, sentence or order including an interlocutory order of a Special Fast Track Court.

(*4*) Notwithstanding anything contained in sub-section (*3*) of section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), an appeal shall lie to the High Court against an order of the Special Fast Track Court granting or refusing bail.

(*5*) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of the period of ninety days.]

CHAPTER V

MISCELLANEOUS

13. **Members, officers and employees of public examination authority to be public servants.—**The Chairperson, Members, officers and other employees of the public examination authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023):

Provided that until the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) is brought into force, the provisions of the Indian Penal Code (45 of 1860), shall be applicable in place of the said Act.

14. Protection of action taken in good faith by any public servant.—No suit, prosecution or other legal proceedings under this Act, shall lie against any public servant, in respect of anything which is done in good faith or intended to be done in the discharge of his official functions or in exercise of his powers:

Provided that the public servants in the service of any public examination authority shall be subject to administrative action in terms of service rules of such public examination authority:

Provided further that nothing shall prevent proceeding against such public servants where, *prima facie* case exists for establishing commission of an offence under this Act.

15. Provisions of this Act to be in addition to other laws.—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force:

Provided that the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law in force.

16. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) to lay down procedures, processes and activities for being adopted for conduct of the public examination;

(*b*) any other matter which is to be or may be prescribed.

17. Laying of rules.—Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. **Power to remove difficulties**.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions within three years, not inconsistent with the provisions of this Act, as appear to it to be necessary for removal of difficulty.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

CHAPTER VI

AMENDMENT TO THE CRIMINAL LAW (AMENDMENT) ORDINANCE, 1944

19. Amendment of Ordinance 38 of 1944.—In the Criminal Law (Amendment) Ordinance, 1944, in the Schedule, after serial number 5 and entries relating thereto, the following serial number and entries shall be inserted, namely:—

"6. An offence punishable under the Public Examinations (Prevention of Unfair Means) Act, 2024.".

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THE SCHEDULE

[*See* section 2(*k*)]

ANY EXAMINATION CONDUCTED BY—

1. Union Public Service Commission.
2. Staff Selection Commission.
3. Railway Recruitment Boards.
4. Institute of Banking Personnel Selection.
5. Ministries or Departments of the Central Government and their attached and subordinate offices for recruitment of staff.
6. National Testing Agency.
7. Such other authority as may be notified by the Central Government.

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STATEMENT OF OBJECTS AND REASONS

Government has introduced several reforms to enhance transparency in examinations for recruitment as well as admission to higher education institutions. These, *inter alia*, include introducing self-attestation; shortening examination cycle (from 18-22 months to 6-10 months); doing away with interviews for recruitment to Group 'C' and 'D'; introduction of computer based tests and issuance of appointment letters through digital means under "*Rojgar Mela*".

2. Malpractices in public examinations lead to delays and cancellation of examinations adversely impacting the prospects of millions of youth. At present, there is no specific substantive law to deal with unfair means adopted or offences committed by various entities involved in the conduct of public examinations by the Central Government and its agencies. Therefore, it is imperative that elements that exploit vulnerabilities of examination system are identified and effectively dealt with by a comprehensive Central legislation.

3. 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. 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.

4. The Bill shall serve as a model draft for States to adopt at their discretion. This would aid States in preventing the criminal elements from disrupting conduct of their State level public examinations.

5. The Bill seeks to achieve the above objectives.

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DR. JITENDRA SINGH.

NEW DELHI;
The 29*th January*, 2024.