

President gives Nod to Anti – Cheating Bill

written by King Stubb & Kasiva | February 27, 2024



Introduction

In a recent notification, the President of India Ms. Droupadi Murmu gave her assent to the Public Examinations (Prevention of Unfair Means), Bill 2024. Introduced in the House of People or Lok Sabha on 5th February 2024, the Bill was introduced with the objective of preventing the use of unfair means in public examinations which are conducted by authorities notified by Central Government such as Union Public Service Commission, Staff Selection Commission, Railways Recruitment, National Testing Agency and allied offices of Central and State Government.

The bill has also defined various offences relating to public examinations and also specified rights and liabilities along with specifying the procedures to be followed for examinations in order to achieve greater transparency, fairness and credibility in matters of public appointment and examinations.

Features of the Anti – Cheating Bill

The Anti – Cheating Bill has various peculiar features that have added to the increased efficiency of the statute such as:

- i. The bill has added the definitions of various offences pertaining to public examinations such as prohibiting the indulgence or collusion or

- conspiracy to indulge in unfair means in a public examination.
- ii. The term “unfair means” has included the unauthorised access or leakage of question papers or answer keys, assisting the candidates while they undertake a public examination, unfair or illegal indulgence or tampering with the computer network or sources, illegal modification of shortlisting documents or merit list and ranks; conducting fake or unauthorised examinations and issuing morphed or tampered admit cards or offer letters for pecuniary benefits.
 - iii. A quantum of punishment has also been specified under Section 9 of the bill wherein the above offences have been punishable with imprisonment ranging from three to five years and a fine extending up to Rs. 10,00,000/-
 - iv. Higher punishment has been prescribed for organized crime syndicates which aid and/or abet in the activities of cheating which leads to an unfair examination. Organized crime can be defined as illegal activities committed by any individual or group of individuals in furtherance of a shared common interest for causing wrongful gain to one party or wrongful loss to other parties. Those who are found guilty of such activities are punishable with imprisonment ranging from five to ten years along with a fine of at least one crore rupees. Additionally, in case those individuals or organizations are unable to pay the fine amount, the bill proposes that the attachment of property of the offenders would further be sold to recover the proceeds of examination.
 - v. Entirety of the offences in the bill have been classified as non – compoundable; non – bailable and cognizable. For the purpose of investigation, no officer below the rank of a Deputy Superintendent of Police or Assistant Commissioner of Police has been given the power to investigate the offences under the act. Additionally, for the purpose of ensuring a fair and unbiased investigation, the Central Government is also empowered to transfer the investigation to any central investigative agency.

The bill has included numerous exams within its ambit which consist of Union Public Service Exams such as Civil Services Examination, Combined Medical Services Examination, Engineering Services Examination, Staff Selection Commission Examination, Railways Recruitment Board Examinations, Institute of Banking Personnel Selection Examination, National Testing Agency examination and Common University Entrance Test Examination. Moreover, the exams conducted by the ministries and departments of the Central Government along with their attached and subordinate offices for recruitment and staff are also covered under this law.

The law has also affixed the liability of service providers for reporting the incidents pertaining to violation of the above – mentioned provisions to the police and the concerned examination authorities. Service providers refer to those organizations which are responsible for making provisions for technical, information technology and hardware support to any examination authority. Failure to furnish such information is an offence under the law. Moreover, the service providers are also barred from shifting the centres wherein the exams are conducted without prior approval and consent of the

examination authority.

Conclusion

The anti – cheating law also known as the Public Examinations (Prevention of Unfair Means), Bill 2024 is one of the progressive legislations that has completed all the stages required for becoming a validly enforceable law after receiving the assent of the Hon'ble President and receiving assent from both houses of the Parliament. Moreover, this law has holistically covered the provisions of law necessary for combating the menace of cheating and unfair practices followed in public examinations and appointments to public offices.

Under the present law, the government has also aimed to prevent the rise of state expenditure in form of conducting re – examinations due to paper leaks, unfair practices and allegations of unfair or preferential treatment to a selected group of students. This would not only benefit the candidates appearing for the exam but would also save the precious time of the authorities as well as the aspirants. Such provisions would also lead to prevention of paper leaks and scams in the current scenario.

With the advent of increased support from the IT sector along with modern tools and technologies available for combating the menace of cheating and unfair practices, this bill has definitely taken a huge leap forward in strengthening the examination and appointment structure for public offices in the country.

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