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Public Examinations Amendment Bill, 2026: Ten Years in Jail, Rs 10 Crore Fine for Paper Leaks

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Public Examinations Amendment Bill, 2026: Ten Years in Jail, Rs 10 Crore Fine for Paper Leaks

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Parliament took up the **Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026**, introduced in the Lok Sabha by Union Minister of State **Dr Jitendra Singh** on **27 July 2026**. It is the Centre's legislative response to the **NEET-UG 2026** paper leak and to irregularities reported in **Central Board of Secondary Education (CBSE)** on-screen marking.

THE LEGISLATIVE MOMENT

The Bill was listed as legislative business for **Monday, 27 July 2026**, the sixth sitting of the **Monsoon Session 2026 (20 July to 13 August 2026)**. The **Union Cabinet** cleared the draft amendments on **Friday, 24 July 2026**.

Introduction took place amid sustained sloganeering from the Opposition benches, which pressed for a discussion on police handling of student protesters before any legislative business. Speaker **Om Birla** adjourned the House till **2 pm**. Following the Speaker's appeal and talks with floor leaders, all parties agreed to take up the Bill for discussion on **28 July 2026**. The **Business Advisory Committee (BAC)** allotted **four hours** for the debate. The Bill was **not referred** to a departmentally related standing committee or a select committee.

Dr Jitendra Singh is Minister of State in the **Prime Minister's Office (PMO)** and in the **Ministry of Personnel, Public Grievances and Pensions**, the same minister who piloted the parent Act in 2024.

WHAT THE AMENDMENT CHANGES

The Bill carries **seven substantive amendments**. Their thrust is threefold: heavier punishment, faster process, and stronger enforcement machinery.

PARAMETER	ACT OF 2024	AMENDMENT BILL, 2026
Minimum imprisonment	3 years	5 years
Maximum imprisonment	5 years for unfair means; 10 years for organised crime	10 years
Maximum fine	Rs 10 lakh	Rs 10 crore
Asset action	Attachment and forfeiture for institutions	Confiscation and attachment of assets of convicts
Trial forum	Ordinary criminal courts	Special Fast Track Courts designated by States and UTs
Trial timeline	Not specified	3 months from filing of chargesheet, day-to-day hearing
Investigation timeline	Not specified	2 months

Two operational provisions deserve attention. First, **State Governments and Union Territory Administrations** are empowered to designate any **Court of Session** as a Special Fast Track Court and to appoint specialised legal counsel to prosecute examination offences. Second, a transitional clause provides that cases and trials **pending on the date of commencement** of the Amendment Act stand transferred to the Special Fast Track Court, so the backlog of earlier leak cases is pulled into the new machinery rather than left behind.

THE PARENT ACT: A QUICK RECAP

The **Public Examinations (Prevention of Unfair Means) Act, 2024** is **Act No. 1 of 2024**. It was introduced in the Lok Sabha on **5 February 2024**, passed by the Lok Sabha on **6 February 2024** and the Rajya Sabha on **9 February 2024**, received the assent of President **Droupadi Murmu** on **12 February 2024**, and was brought into force on **21 June 2024**.

Whom it covers

EXAMINATION AUTHORITY	PRINCIPAL EXAMINATIONS
Union Public Service Commission (UPSC)	Civil Services Examination, CDS, CAPF
Staff Selection Commission (SSC)	CGL, CHSL, MTS
Railway Recruitment Boards (RRBs)	NTPC, Group D
National Testing Agency (NTA)	NEET-UG, JEE (Main), UGC-NET, CUET
Institute of Banking Personnel Selection (IBPS)	PO, Clerk, RRB
Departments of the Central Government	Departmental recruitment

Offence architecture

- Offences are **cognizable, non-bailable and non-compoundable**.
- Investigation is by an officer **not below the rank of Deputy Superintendent of Police (DSP) or Assistant Commissioner of Police (ACP)**.
- The **Central Government may transfer** an investigation to a central agency.
- **Organised crime** by a group or examination authority attracts **5 to 10 years** and a fine of **not less than Rs 1 crore**, with attachment and forfeiture of property.
- A **service provider** that colludes faces a fine of up to **Rs 1 crore**, recovery of proportionate examination cost, and **debarment for four years** from conducting public examinations.

Cognizable and bailable: the distinction

TERM	MEANING
Cognizable	Police may register an FIR and arrest without a warrant from a magistrate
Non-cognizable	Police need a magistrate's order to investigate or arrest
Bailable	Bail is a matter of right; the police or court must grant it
Non-bailable	Bail is discretionary, granted by a court on merits
Compoundable	The complainant may lawfully settle and withdraw the case
Non-compoundable	No private settlement; the State prosecutes to conclusion

HOW THIS BILL BECOMES LAW

A Bill of this kind is an **ordinary Bill**, so it may originate in either House. The stages are: **introduction (first reading)**, **consideration and general discussion with clause-by-clause voting (second reading)**, and **passing (third reading)** in the Lok Sabha; transmission to the **Rajya Sabha**, which repeats the three readings; reconciliation of any disagreement, in the last resort through a **joint sitting** summoned by the President; and finally the **assent of the President**. The Act then commences on a date the Central Government notifies in the **Official Gazette**, which is exactly why the 2024 Act took effect on 21 June 2024 and not on the date of assent.

THE FEDERAL GAP

Under **Article 246** read with the **Seventh Schedule**, **Education** sits at **Entry 25 of the Concurrent List**, moved there from the State List by the **42nd Constitutional Amendment Act, 1976**. But **Public Order (Entry 1)** and **Police (Entry 2)** are firmly in the **State List**, and the 2024 Act deliberately confines “public examination” to bodies notified by the Centre.

The practical consequence is stark. Leaks in **Bihar Public Service Commission (BPSC)**, **Uttar Pradesh Public Service Commission (UPPSC)** and **Rajasthan Public Service Commission (RPSC)** recruitment are outside this statute. States have legislated separately, with **Bihar, Gujarat, Maharashtra** and others enacting their own anti-cheating laws carrying penalties of up to 10 years and Rs 1 crore. The absence of a **model State law** with uniform definitions, uniform investigating-officer ranks and mutual assistance between State police forces leaves inter-State leak networks exploiting the seams.

A CRITICAL APPRAISAL

Deterrence treats the symptom. A leak is a supply-chain failure long before it is a criminal act. Question papers are set, printed, transported, stored at thousands of centres and opened by contracted staff. The NTA outsources much of this chain to private test-delivery vendors, where accountability is contractual rather than statutory. Raising the sentence from 3 years to 5 does not reduce the number of hands that touch a sealed packet.

Over-criminalisation is a live risk. The parent Act punishes a person using unfair means with imprisonment. When a leak is systemic, candidates who unknowingly benefit from a circulated paper can be swept into the same net as the syndicate that sold it. The Government’s stated position through 2024 was that candidates are not the target of the law, but that assurance is a policy statement, not a defence in court. Clear statutory separation between a bona fide candidate and a member of an organised network is essential if the Act is to remain proportionate under **Article 14** and **Article 21**.

Conviction rates, not sentence lengths, deter. Time-bound investigation and day-to-day trial are the genuinely useful parts of this Bill precisely because Indian paper-leak prosecutions have historically collapsed on delay and weak forensic evidence.

WAY FORWARD

- **Computer-Based Testing (CBT)** with randomised question delivery from a large secure item bank, which removes the single physical paper as a point of failure.
- **Tamper-evident custody chains** with GPS-tracked transport, biometric centre access and time-stamped digital seals.
- **On-demand and multi-session testing windows** with score normalisation, reducing the value of any single leaked paper.
- **An independent examination regulator with statutory autonomy**, replacing bodies that operate on administrative fiat.
- **A model State law** circulated to States so that recruitment exam leaks face equivalent process everywhere.

UPSC RELEVANCE

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Prelims pointers:

- The Public Examinations (Prevention of Unfair Means) Act, 2024 is **Act No. 1 of 2024**; assent **12 February 2024**; in force **21 June 2024**.
- Offences under the 2024 Act are **cognizable, non-bailable and non-compoundable**.
- Investigation is by an officer not below **Deputy Superintendent of Police** or **Assistant Commissioner of Police**.
- Service providers colluding in malpractice face up to **Rs 1 crore** fine and **four-year debarment**.
- The 2026 Amendment Bill raises maximum imprisonment to **10 years** and maximum fine to **Rs 10 crore**.
- The Bill sets **2 months** for investigation and **3 months** from chargesheet for trial in **Special Fast Track Courts**.
- **Education** is **Entry 25, Concurrent List**, placed there by the **42nd Amendment Act, 1976**.

- **Police (Entry 2) and Public Order (Entry 1) are in the State List.**
- **The Monsoon Session 2026 runs 20 July to 13 August 2026.**

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THE 2026 AMENDMENT BILL:

Introduced in Lok Sabha, 27 July 2026

Mover, Dr Jitendra Singh, MoS, PMO and Personnel

Cabinet approval, 24 July 2026

Number of substantive amendments, seven

Minimum imprisonment, raised from 3 years to 5 years

Maximum imprisonment, 10 years

Maximum fine, Rs 10 crore, raised from Rs 10 lakh

Investigation deadline, 2 months

Trial deadline, 3 months from chargesheet, day-to-day hearing

Trial forum, Special Fast Track Court designated from Courts of Session by States and UTs

Debate time allotted by Business Advisory Committee, four hours

Discussion taken up, 28 July 2026

THE PARENT ACT OF 2024:

Short title, Public Examinations (Prevention of Unfair Means) Act, 2024

Act number, No. 1 of 2024

Introduced in Lok Sabha, 5 February 2024

Passed by Lok Sabha, 6 February 2024; Rajya Sabha, 9 February 2024

Presidential assent, 12 February 2024, by President Droupadi Murmu

Date of commencement, 21 June 2024

Authorities covered, UPSC, SSC, Railway Recruitment Boards, NTA, IBPS, Central Government departments

Punishment for unfair means, 3 to 5 years and fine up to Rs 10 lakh

Punishment for organised crime, 5 to 10 years and fine not less than Rs 1 crore

Service provider penalty, up to Rs 1 crore and four-year debarment

Offence status, cognizable, non-bailable, non-compoundable

Investigating officer, not below DSP or ACP rank

CONSTITUTIONAL ANCHORS:

Article 246, distribution of legislative powers between Union and States

Entry 25, Concurrent List, Education including technical and medical education and universities

Entry 1, State List, Public Order

Entry 2, State List, Police

42nd Constitutional Amendment Act, 1976, shifted Education to the Concurrent List

Article 111, assent of the President to Bills

KEY CONCEPTS:

Cognizable offence: police may register an FIR and arrest without a magistrate's warrant.

Non-bailable offence: bail is not a matter of right; it is granted at the discretion of a court.

Non-compoundable offence: the complainant cannot lawfully settle and withdraw the case.

Ordinary Bill: a Bill that may originate in either House and, on deadlock, may be resolved by a joint sitting.

Special Fast Track Court: a Court of Session designated to try a specified class of offences on a day-to-day basis within a statutory deadline.

Model law: a draft statute circulated by the Centre for voluntary adoption by States to secure uniformity in a Concurrent or State subject.

Sources: PIB, PRS Legislative Research, Lok Sabha, The Hindu

Source: Public Examinations Amendment Bill, 2026: Ten Years in Jail, Rs 10 Crore Fine for Paper Leaks —

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