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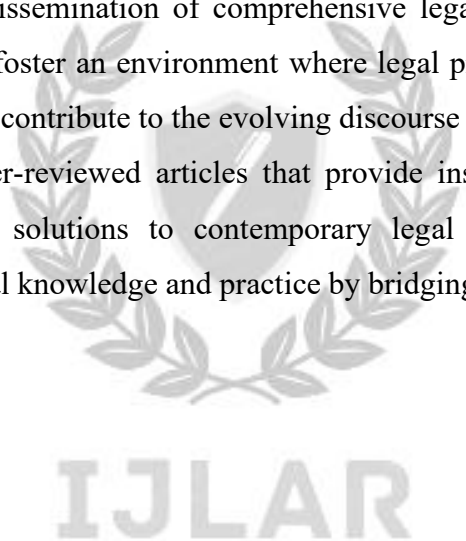
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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

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COMMENTARY ON PUBLIC EXAMINATIONS **(PREVENTION OF UNFAIR MEANS) AMENDMENT** **BILL, 2026**

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Abstract

This Legislative Commentary analyzes the Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026 a significant amending bill introduced to the 2024 Act that seeks to enhance deterrents and expedite punishment for examination malpractices such as paper leaks and unfair means. The Amendment introduces stricter penalties (higher minimum imprisonment and multi-crore fines), sets up a Special Task Force for investigations, imposes time bound investigation and trial procedures and provides for Special Fast Track Courts with exclusive prosecutors and expeditious appellate process. The paper reviews the context of this new legislation in terms of national agenda on anti-corruption and examination reforms critically assesses the procedural innovations and evaluates some of the implementation, enforcement and federal concerns that merit attention.

Key words: Public examinations, Unfair means, Special Fast Track Courts

Introduction

The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026 was introduced in the Lok Sabha on 27 July 2026 by Dr Jitendra Singh, Union Minister of State, Ministry of Science and Technology, and passed by both Houses of Parliament within days by the Lok Sabha, by voice vote, on 29 July 2026, and by the Rajya Sabha, also by voice vote, and without amendment, on 30 July 2026. It amends the Public Examinations (Prevention of Unfair Means) Act, 2024, assented to by the President of India on 12 February 2024, and which came into force on 21 June 2024, as India's first ever central legislation criminalizing "organized unfair means" in "public examinations conducted by the Union Public Service Commission, the Staff Selection Commission, the Railway Recruitment Boards, the Institute of Banking Personnel Selection, the National Testing Agency, the central government, or other examining bodies notified by the central government". (pib.gov.in, n.d.)

Background

The urgency of the amendment, which was introduced and passed within days of the controversy over the 2026 NEET which saw the exam cancelled and re-held after a security breach, and the resignation of the Union Education Minister on 25 July 2026, is captured in the Statement of Objects and Reasons accompanying the Bill. The Statement notes that while the parent Act of 2024, by providing a comprehensive legal framework would act as a deterrent to the malpractices, and several incidents of question paper leakage and other malpractices have been reported which affected the conduct of examinations and the credibility of the process. The amendment thus seeks to strengthen the provisions of the parent Act, by enhancing the punishment for the offences and providing for stronger mechanisms for investigation, prosecution and appeal. It does not, however, seek to amend the definitions of unfair means and organized crime in the parent Act which continue to apply.

Section-by-Section Analysis

Section 1 - Short Title Section 1 of this bill provides the short title of this enactment as Public Examinations (Prevention of Unfair Means) Amendment bill, 2026. As is evident, as per the customary practice in India, the short title is not of any consequence, and all changes are made through Sections 2 to 5.

Amendment of Section 10 (Punishment for Offences)

Section 10 of the 2024 Act is the main penalty section for individual offenders as well as service providers. Section 2 of the Amendment Act increases the punishment in this section in three different provisions:

- Section 10(1): Penalty for individual's Minimum imprisonment increased from three to five years; maximum imprisonment from five to ten years; and maximum fine – from ₹10 lakhs to ₹50 lakhs.
- Section 10(2): Penalty for service providers Maximum fine increased from ₹1 crore to ₹5 crores; period of debarment from assignment of any examination related responsibility increased from four years to eight years.
- Section 10(3): Penalty for directors, senior management or persons-in-charge of a service provider who have consented to or connived in an offence Maximum fine increased from ₹1 crore to ₹5 crores; while the range of imprisonment remained the same from three to ten years. (prsingia, n.d.)

The amendment does not introduce any new categories of offenders or offences. It only changes the figures in the existing sub-sections. The change in the fine is much higher for the service providers under the sub-sections 2 and 3, which implies that the deterrence value is much higher for the examination conducting agencies and the technology suppliers and not for the candidates or the invigilators. (IANS, n.d.)

Amendment of section 11 (Organized Crime)

The amendment to section 11(1) which imposes enhanced punishment for organized examination crime by a person or persons, including an examination authority, service provider or other institution does not reduce the maximum imprisonment from seven to five years, but increases the minimum imprisonment from five to seven years and the minimum fine from ₹1 crore to ₹10 crores. This is the largest proportional fine increase in any amendment, and is motivated by the organized and syndicated nature of examination-paper leaks that the 2026 debate on the ordinance sought to address.

Amendment of Section 12 (Officers Empowered to Investigate)

Section 12(2) of the 2024 Act already provides for an exception to the default rule in section 12(1) that investigation of an offence has to be done by an officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police. Thus, the Central Government may direct that investigation of an offence may be undertaken by any of the Central Investigating Agencies as provided for in this section. Now, Section 4 of the Amendment Act inserts yet another investigating agency as an alternative to the agencies mentioned in Section 12(2): A Special Task Force which the Central Government may constitute by notification. The proviso inserted by this amendment provides that investigation of a matter shall “be done only” by the Special Task Force constituted under Section 4, thus stripping off concurrent jurisdiction so as to avoid multiplicity of investigations into the same offence.

Insertion of New Sections 12 A and 12B

This is the most substantial amendment in the bill, being in the nature of insertion of two entirely new sections in the parent Act.

(a) Section 12A – Speedy Investigation and Special Fast Track Courts

(1) It lays down that investigation shall be completed within a period of two months from the date of recording of information by a police station, from the date of its reference by a Central

Investigating Agency or from the date of its notification by a Special Task Force, as the case may be.

(2) It provides that every State Government and Union Territory Administration, in consultation with the Chief Justice of the concerned High Court, shall designate a Court of Session as a Special Fast Track Court for trial of offences under this Act

(3) Such Courts may try connected offences, punishable under the Bharatiya Nyaya Sanhita, 2023 (or other laws) at the same time so that multiple proceedings in respect of the same transaction do not take place.

(4) These Courts shall hold day-to-day trial and can proceed to try the case without recording any reasons for deviation therefrom, except for reasons recorded in writing. However, the trial should finish within three months from the date of filing of the charge sheet

(5) and (6) are transitional provisions which provide that all cases pending before any other court on the commencement of this amendment shall be transferred to the Special Fast Track Court and disposed of by it within three months from the date of such transfer. These provisions also provide for the position in relation to trials which had commenced before the insertion of these sections.

(7) and (8) make provision for appointment of Special Public Prosecutors under section 18(8) of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the Special Fast Track Courts. Such Special Public Prosecutors shall be Public Prosecutors for the purposes of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(b) Section 12B – Appeals

(1) This sub-section provides that an appeal shall lie from any judgment, sentence or non-interlocutory order of the Special Fast Track Court to the High Court and such High Court shall hear such appeal in its Division Bench and dispose of the same within three months from the date of admission of such appeal

(2) Section 12B (3) provides that there shall be no appeal or revision to any other forum against any judgment, order or direction of the Special Fast Track Court except as provided in sub-section (1) of this section, even as regards interlocutory orders.

(4) However, this sub-section permits appeal against any order granting or refusing bail, which cannot be done under section 419(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in other cases, by reason of the express bar in that sub-section.

(5) This sub-section provides that an appeal from any judgment, sentence or non-interlocutory order of the Special Fast Track Court shall be filed within thirty days of such order, and the

High Court to which such an appeal has been filed may allow the delay on sufficient reasons, but no such appeal shall be filed more than ninety days after such order.

Sections 12A and 12B create, in effect, a code of procedure for trials of offences under the Act, which follows broadly the pattern of fast-track courts and special procedures for trials of offences which have been adopted by other penal statutes, such as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (which also requires reasons for failure to complete investigation within a specified period) and the Protection of Children from Sexual Offences Act, 2012 (which also provides for Special Courts in every district). The ninety-day time limit for filing an appeal in section 12B (5) is a complete departure from the general law which allows much greater time for such appeals since condonation of delay for special reasons is permissible under Section 5 of the Limitation Act, 1963, unless there is an express bar, which is not the position in 12B (5). This may raise issues of constitutional law if a party finds itself unable to file an appeal within ninety days of the order appealed against, despite such reasons as might be allowed by a High Court under Section 5 of the Limitation Act, 1963. (prindia, n.d.)

Final Analysis

The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026 does not amend substantially but adds specific processes to the 2024 act, which makes it more of a responsive measure than revolutionary. It leaves the definitions of unfair means and organized crime unaltered, only making changes to the penalties for violations of the order, increasing them significantly in sections 10 and 11, and introducing fast-track investigation, courts, and appeal processes in sections 12A and 12B. This amendment is a political one considering that it responded directly to the 2026 NEET paper-leak challenge, where the scale and tempo of the cheating conspiracy challenged the existing order, compelling a review. The 2026 amendment focuses on targeting service providers and criminal gangs in organized cheating while also making the punishment processes more rigorous by introducing specific timelines for investigations, trials, and appeals, which reflects directly on the 2026 scandal. However, the coherence is undermined by three key issues: The new timelines for the Special Task Force in the 2026 amendment do not provide for additional courts, judges or prosecutors for fast-track courts, investigations, or prosecutions. Similarly, in an amendment focused on timelines, the 12B (5) provision's absolute ninety-day limitation compared to the Limitation Act, 1963, may cause hard litigation when hard cases are brought before the courts. Finally, while the Special

Task Force gets enhanced investigative powers, it does not resolve the overlapping issues the State Anti-Cheating laws have with the Central Act.

Conclusion

In general, this report finds that the amendment responds well to concerns about punishment and speed of punishment while leaving the critical definitions stand, making it more of a responsive measure than a fundamental revision of the law. However, the efficacy of the amendment will be determined by states' willingness to enforce the special fast-track courts and special prosecutors and whether the courts can grant hard cases enough consideration given the new timelines in the new law.

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