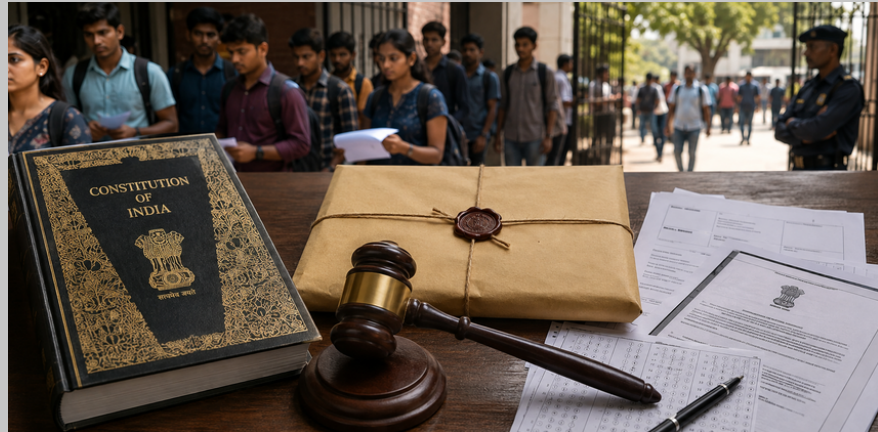

BEYOND PUNISHMENT: ANALYSING THE PUBLIC EXAMINATIONS AMENDMENT BILL, 2026

MERIT
SURVIVES
ONLY WHEN
FAIRNESS
PREVAILS.



Competitive examinations form the backbone of India's merit-based education and recruitment system. Every year, millions of students compete for admission to prestigious educational institutions and public employment. For these aspirants, a competitive examination is not merely a test—it is the result of years of hard work, sacrifice, and hope. Therefore, the credibility of public examinations is fundamental to ensuring equality of opportunity and maintaining public confidence in the system.

However, repeated incidents of question paper leaks and organised examination fraud have raised serious concerns about the integrity of India's public examination process. Such incidents not only affect the careers of deserving candidates but also weaken public trust in institutions responsible for conducting these examinations. In response to these challenges, Parliament introduced the Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026, seeking to strengthen the existing legal framework under the Public Examinations (Prevention of Unfair Means) Act, 2024.

The Statement of Objects and Reasons of the Bill makes its objective clear: to strengthen the fairness and credibility of public examinations by introducing stricter punishments, ensuring time-bound investigations, providing speedy trials, and creating a more effective enforcement mechanism. These objectives reflect Parliament's recognition that protecting the integrity of public examinations requires not only strong laws but also efficient implementation.

One of the most significant changes introduced by the Amendment Bill is the enhancement of punishments under Section 10 of the principal Act. The amendment increases the minimum term of imprisonment from three years to five years, extends the maximum punishment to ten years, and raises the maximum fine from ₹10 lakh to ₹50 lakh. The penalties applicable to service providers and persons responsible for facilitating unfair means have also been substantially enhanced.

Similarly, the Bill strengthens Section 11, dealing with organised crimes relating to public examinations. It significantly increases the financial penalties imposed for organised examination fraud, raising the minimum penalty from ₹1 crore to ₹10 crore. These amendments clearly demonstrate Parliament's intention to treat organised examination fraud as a serious offence that affects not only individual candidates but also the credibility of the entire examination system.

However, what makes this Amendment Bill particularly noteworthy is that it does not stop at increasing punishments. It also attempts to improve the process of enforcement. Through the insertion of Sections 12A and 12B, the Bill introduces several institutional reforms aimed at ensuring that justice is delivered without unnecessary delay.

Under Section 12A, investigations into offences under the Act are required to be completed within two months, whether conducted by the investigating officer, a Central Investigating Agency, or a Special Task Force. The provision further requires every State Government and Union Territory Administration to designate a Special Fast Track Court for offences under the Act. These courts are expected to conduct trials on a day-to-day basis and, as far as possible, complete them within three months from the filing of the chargesheet. The amendment also provides for the appointment of Special Public Prosecutors to conduct such prosecutions.

Further strengthening the judicial process, Section 12B provides that appeals against the judgments of the Special Fast Track Courts shall lie before a Division Bench of the High Court, with an expectation that such appeals should ordinarily be disposed of within three months. These procedural reforms deserve appreciation because delayed investigations and prolonged trials often reduce the effectiveness of even the strongest criminal laws.

While these amendments represent a positive legislative step, an important question still remains: Will stronger punishments and faster legal procedures alone restore public trust in competitive examinations?

In my opinion, the answer depends largely on the implementation of the law. A legal framework, however comprehensive, cannot achieve its objective unless it is implemented effectively and consistently. The true value of this Amendment Bill will not be measured merely by the severity of the punishments it prescribes but by whether investigating agencies, examination authorities, and prosecuting institutions carry out their responsibilities honestly, efficiently, and transparently.

Another important aspect that deserves attention is institutional accountability. Punishing the individuals directly involved in paper leaks is undoubtedly necessary. However, accountability should not end with the offenders alone. Public examination authorities and institutions entrusted with conducting examinations also bear an equally important responsibility to ensure confidentiality, cybersecurity, transparency, and procedural fairness. Where serious negligence contributes to examination malpractice, appropriate legal and administrative accountability should also follow. Public confidence can only be restored when every stakeholder responsible for protecting the integrity of the examination process performs their duty with diligence.

The issue of re-examinations also requires a balanced approach. When the integrity of an examination has been seriously compromised and it becomes impossible to identify every beneficiary of malpractice, conducting a fresh examination may be the fairest available option. However, fairness demands that the re-examination should assess the same syllabus, competencies, and expected standard as the original examination. Honest candidates should not be placed at a disadvantage because of failures that occurred within the examination system itself. Maintaining consistency in the standard of assessment is essential to preserving the principle of equal opportunity.

Ultimately, the Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026 is a welcome legislative response to a growing national concern. By strengthening punishments, introducing time-bound investigations, establishing Special Fast Track Courts, providing Special Public Prosecutors, and ensuring a structured appellate mechanism, the Bill attempts to move beyond symbolic legislation and towards more effective enforcement.

Nevertheless, legislation alone cannot restore public confidence overnight. Trust is built gradually through consistent implementation, institutional accountability, procedural transparency, and fair treatment of every candidate. The Amendment Bill lays a stronger legal foundation, but its real success will ultimately depend on how faithfully these reforms are implemented in practice.

The credibility of a nation's public examination system is not determined solely by the strictness of its laws. It is determined by the confidence those laws inspire among millions of students who believe that their hard work, honesty, and merit will always be protected.

