

Issues for Consideration: The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026

The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026 was introduced in Lok Sabha on July 27, 2026.¹ The Bill seeks to amend the Public Examinations (Prevention of Unfair Means) Act, 2024.² The Act aims to prevent unfair means in public examinations conducted by specified public examination authorities. These include: (i) Union Public Service Commission, (ii) Staff Selection Commission, (iii) Railway Recruitment Boards, (iv) Institute of Banking Personnel Selection, (v) National Testing Agency, (vi) Ministries of the central government and their attached offices, and (vii) other authorities notified by the central government.

In May 2026, NEET 2026 was cancelled, and re-conducted in the following month.³ NEET is the entrance examination for undergraduate medical education programs. The cancellation was following an alleged paper leak.⁴ The Statement of Objects and Reasons to the Bill noted that it aims to strengthen fairness, enhance the credibility of the public examination system, and facilitate time-bound investigation and speedy trial.¹

Key Features

- **Increase in penalties:** The Bill increases the quantum of imprisonment and fines for various offences.

Table 1: Penalty under the Act and the Bill

Offence	Act	Bill
Use of unfair means by a person	Imprisonment between three and five years, and a fine up to Rs 10 lakh	Imprisonment between five and 10 years, and a fine up to Rs 50 lakh
Unfair means by a service provider	Fine up to one crore rupees	Fine up to five crore rupees
Persons-in-charge of a service provider involved in unfair means	Imprisonment between three and 10 years, and a fine of one crore rupees	Minimum imprisonment increased to five years, and fine increased to five crore rupees
Organised crime	Imprisonment between five and 10 years, and fine not less than one crore rupees	Minimum imprisonment increased to seven years, and minimum fine increased to Rs 10 crore

Source: The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026, The Public Examinations (Prevention of Unfair Means) Act, 2024; PRS.

- **Debarment of service providers:** The Act also debars a service provider engaging in unfair means for four years, from being assigned any responsibility for conduct of any public examination. The Bill enhances the period of debarment to eight years.
- **Special Task Force for investigation:** The Act provides that an officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police will investigate an offence under the Act. It also empowers the central government to refer investigation to any central investigating agency. The Bill empowers the central government to constitute a special task force to investigate offences.
- **Timeline for investigation:** The Bill adds that investigation of an offence must be completed within two months.
- **Special Fast Track Courts:** The Bill requires every state and UT to designate a Court of Session as a Special Fast Track Court to try offences under the Act. The Special Fast Track Courts will also try any connected offences under the Bharatiya Nyaya Sanhita, 2023 or other laws, in the same trial. Every state and UT must also appoint one or more special public prosecutors for each Special Fast Track Court. All pending cases under the Act will stand transferred to Special Fast Track Courts.
- **Timeline for trial:** The Bill adds that trial must be conducted on a day-to-day basis, until all the witnesses in attendance have been examined. The Court may adjourn beyond the following day, if necessary, after recording reasons in writing. Trial must be completed within three months from the date of filing of the chargesheet. Trial in the transferred pending cases must be completed within three months from the date of transfer.
- **Appeals:** The Bill adds that appeals against judgments, sentences, or orders of the Special Fast Track Courts will lie before a bench of two Judges of the High Court. Appeals must be disposed of, as far as possible, within three months from admission. Appeals must be filed within 30 days of the order. The High Court may entertain delay for sufficient cause, but no appeal may be entertained after 90 days.

Issues to Consider

Investigation, Adjudication, and Appeal

Bill:
Clause 5

The Bill seeks to provide for a time-bound process for completing investigation, trial, and appeal. We discuss certain issues with these provisions below.

Mandatory timeline for completing trial may contradict Supreme Court ruling

The Bill requires that trial must be completed within three months from the date of filing of chargesheet. It also requires that the High Court decide an appeal within three months from admission, as far as possible. The Supreme Court (2002) held that it is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of criminal proceedings.⁵ It further held that criminal courts are not obliged to terminate trial or criminal proceedings merely on account of lapse of time.⁵

Conflicting Court rulings on bar on appeal after a specified number of days

The Bill adds that no appeal “shall” be entertained by the High Court after 90 days from the date of judgment, sentence, or order. The National Investigation Agency Act, 2008 also has the same provision.⁶ The High Courts have taken conflicting views on whether they have powers to allow appeal beyond 90 days. The Bombay High Court (2023) ruled that if the provision were to be held mandatory despite sufficient cause shown by the applicant, it will amount to travesty of justice.⁷ It read down “shall” to be “may”, giving discretion to the High Court.⁷ Similarly, the Delhi High Court (2019) had ruled that if such a bar by Legislature curtails the right to life and liberty, it cannot be construed as mandatory.⁸ It held that the law is only directory, and not mandatory. However, the Madras High Court (2024) ruled that the Court does not have discretion in this matter.⁹ It held that reading down doctrine cannot be resorted to when the meaning of the provision is plain and unambiguous and the legislative intent is clear.⁹ In February 2025, the Supreme Court directed as an interim measure that appeals under the NIA Act will not be dismissed on the ground that delay cannot be condoned beyond 90 days.¹⁰

There are no further provisions if investigation timeline is not met

The Bill states that investigation must be completed within two months. However, there are no provisions if the specified timeline is not met. This is different from other laws. The Lokpal and Lokayuktas Act, 2013 requires reasons to be recorded in writing for extending time period for preliminary inquiry and investigation.¹¹ Similarly, under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the concerned officer must explain the delay in completing investigation and filing chargesheet within 60 days, in writing.¹²

Pendency and time taken in fast track courts

The Bill provides for designating a Court of Session by each state/UT as a Special Fast Track Court for speedy adjudication. Other laws also have similar provisions. For example, the Protection of Children from Sexual Offences Act, 2012 (POCSO) also provides for designation of a Court of Session as a Special Court, for each district.¹³ A centrally sponsored scheme to set up fast track special courts (FTSCs) for rape and POCSO cases was launched in October 2019.¹⁴ It includes exclusive courts for POCSO cases. As of April 2026, 775 FTSCs were functional, including 398 exclusive POCSO courts.¹⁴ These Courts have had over two lakh pending cases since 2023 (Table 2 on next page).¹⁴ In POCSO cases, as of August 2025, average time taken in trial in FTSCs ranged from 257 days in Andhra Pradesh to 1,717 days in Delhi.¹⁵ In August 2025, the Ministry of Law and Justice observed that while the average disposal rate of rape and POCSO Act cases in regular courts is estimated at 3.26 cases per court per month, FTSCs achieve an average rate of 9.51 cases per court per month.¹⁶

The Law Commission (2012) had observed that reasons for delay in trial courts include: (i) absence of some or all accused or non-production of undertrial prisoners, with the issue compounded in cases involving a large number of accused, (ii) lack of effort by police in apprehending and producing absconding accused, (iii) frequent adjournment due to non-attendance of official witnesses, (iv) advocates seeking adjournments without adequate justification, (v) lack of effective case management measures put by trial judges such as time schedules and ensuring continuity in trial, (vi) complacency of Judges after reaching the required number of disposals per month, and (vii) inadequate number of Courts and staff strength.¹⁷

Table 2: Cases pending with Fast Track Special Courts for rape and POCSO cases at the end of the year

Year	Registered	Disposed	Pending
2023	81,471	76,319	2,02,175
2024	88,902	85,595	2,04,122
2025	1,43,936	66,500	2,45,579

Source: Unstarred Question No. 588, Rajya Sabha, Ministry of Law and Justice, Answered on July 23, 2026; PRS.

Adherence to investigation time limits

Similar to the Bill, the Bharatiya Nagarik Suraksha Sanhita, 2023 (which replaced the Code of Criminal Procedure, 1973) requires that investigation in relation to rape and POCSO cases must be completed within two months.¹⁸ Similarly, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 requires completion of investigation and filing of chargesheet within 60 days.¹² More than 40% of the cases pending for investigation in 2024 under these laws were pending for more than six months.^{19,20}

Table 3: Cases pending investigation at the end of 2024

Act	Cases pending Investigation	Up to 6 months		6 months to 1 year		1 to 3 years		More than 3 years	
		Cases	% share	Cases	% share	Cases	% share	Cases	% share
Rape cases under IPC/BNSS	8,905	4,037	45%	2,437	27%	2,071	23%	360	4%
POCSO Act	21,256	11,674	55%	6,000	28%	3,175	15%	407	2%
SC/ST (Prevention of Atrocities) Act	3,525	1,193	34%	994	28%	1,286	36%	52	1%

Source: Crime in India 2024 Report, National Crime Records Bureau; PRS.

¹ The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026, as introduced in Lok Sabha on July 27, 2026, https://prsindia.org/files/bills_acts/bills_parliament/2026/Public_Examinations_Bill_2026.pdf.

² The Public Examinations (Prevention of Unfair Means) Act, 2024, https://upload.indiacode.nic.in/view-casepdf?type=act&id=AC_CEN_26_36_00009_A2024-01_1719556801892.

³ “NEET (UG) 2026 — Decision on the Examination of 3 May 2026”, National Testing Agency, May 12, 2026, <https://cdnbbsr.s3waas.gov.in/s37bc1ec1d9c3426357e69acd5bf320061/uploads/2026/05/202605122066418251.pdf>.

⁴ “CBI Registers Case in alleged Paper Leak in NEET-UG 2026”, Press Information Bureau, Ministry of Home Affairs, May 12, 2026, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2260410®=48&lang=2>.

⁵ Appeal (Crl.) 535 of 2000, P. Ramachandra Rao vs State of Karnataka, Supreme Court of India, April 16, 2002, <https://api.sci.gov.in/jonew/judis/18409.pdf>.

⁶ Section 21(5), The National Investigation Agency Act, 2008, <https://www.indiacode.nic.in/bitstream/123456789/2054/3/a2008-34.pdf>.

⁷ Faizal Hasamali Mirza @ Kasib vs The State of Maharashtra and Anr, Bombay High Court, September 14, 2023, <https://indiankanoon.org/doc/162677555/>.

⁸ Farhan Shaikh vs State (National Investigation Agency), Delhi High Court, July 16, 2019, <https://indiankanoon.org/doc/159552816/>.

⁹ Union Of India vs Abdul Razaak, Madras High Court, October 30, 2024, <https://indiankanoon.org/doc/108080231/>.

¹⁰ Order dated February 4, 2025, Writ Petition (Civil) No. 1076/2019, Sajal Awasthi vs Union of India, Supreme Court of India, https://api.sci.gov.in/supremecourt/2019/29494/29494_2019_1_18_59081_Order_04-Feb-2025.pdf.

¹¹ Section 20(4), 20(5), The Lokpal and Lokayuktas Act, 2013, <https://www.indiacode.nic.in/bitstream/123456789/2122/1/201401.pdf>.

¹² Section 4(2)(e), The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, https://www.indiacode.nic.in/bitstream/123456789/15338/1/scheduled_castes_and_the_scheduled_tribes.pdf.

¹³ Section 28, POCSO Act, 2012, <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>.

¹⁴ Unstarred Question No. 588, Rajya Sabha, Ministry of Law and Justice, Answered on July 23, 2026, https://sansad.in/getFile/annex/271/AU588_fB3f3.pdf?source=pqars.

¹⁵ Unstarred Question No. 2215, Lok Sabha, Ministry of Law and Justice, Answered on August 1, 2025, https://sansad.in/getFile/loksabhaquestions/annex/185/AU2215_cUIAnb.pdf?source=pqals.

¹⁶ “Scheme of Fast Track Special Courts”, Press Information Bureau, Ministry of Law and Justice, August 8, 2025, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2154103®=48&lang=2>.

¹⁷ Report No. 239: Expeditious Investigation and Trial of Criminal Cases Against Influential Public Personalities, Law Commission, March 2012, <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081021-2.pdf>.

¹⁸ Section 193, Bharatiya Nagarik Suraksha Sanhita, 2023, https://www.mha.gov.in/sites/default/files/2024-04/250884_2_english_01042024.pdf.

¹⁹ Table 17A.5, Period of IPC/BNS-Cases Pending Investigation – 2024, Crime in India 2024 Report, National Crime Records Bureau, <https://www.ncrb.gov.in/uploads/files/TABLE17A51.pdf>.

²⁰ Table 17A.6, Period of SLL-Cases Pending Investigation – 2024, Crime in India 2024 Report, National Crime Records Bureau, <https://www.ncrb.gov.in/uploads/files/TABLE17A61.pdf>.

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