



Uttar Pradesh Public Examination (Prevention of Unfair Means)

Why in News?

Recently, the Uttar Pradesh government passed the proposal for [promulgation of an Ordinance](#) that provides for **jail terms ranging from two years to life imprisonment**, and **fining of up to Rs 1 crore** for those **involved in question paper leaks**.

Key Points

- The **Uttar Pradesh Public Examination (Prevention of Unfair Means) Ordinance** has made all offences [cognizable](#) and [non-bailable](#).
 - The offences will be tried by sessions courts and will be non-compoundable, with strict provisions for bail.
- The Ordinance covers exams conducted by [Uttar Pradesh Public Service Commission](#), **UP Subordinates Service Selection Board**, [UP Board](#), **state universities, and authority, bodies, or agencies** nominated by them.
 - It will also **cover exams for regularisation and promotion** in government jobs.
- The Ordinance also **punishes distributing fake question papers and creating fake employment websites**.
 - Allows for **blacklisting companies and service providers** found guilty of adversely affecting examinations.
 - If an exam is affected, the **financial burden will be recovered from those involved**.

Ordinance

- It is a **decree or law promulgated by a State or Central government** when the **legislature or parliament is not in session**.
- The legislative power to issue ordinances is in the **nature of an emergency power** given to the executive only to meet an emergent situation.
- **Constitutional Provisions in Relation to Ordinances:**
 - **Article 123** of the COI authorises the **President to issue Ordinances** during Parliament's break, while **Article 213** empowers **Governors to issue Ordinances** when the legislature is not in session.

Cognisable Offences

- In [cognisable offences](#), an officer can **take cognizance of and arrest a suspect without seeking a court's warrant** to do so, if he/she has "reason to believe" that the person has committed the offence and is satisfied that the arrest is necessary on certain enumerated bases.
- Within **24 hours** of the arrest, the **officer must have detention ratified** by a judicial magistrate.
- According to the [177th Law Commission Report](#), cognisable offences are those that require an **immediate arrest**.
- Cognisable offences are generally heinous or serious in nature such as [murder](#), [rape](#), [kidnapping](#), [theft](#), [dowry death](#) etc.

- The [First Information Report \(FIR\)](#) is registered only in cognisable crimes.

Non-Bailable Offences

- Any **offence not mentioned as bailable under the First Schedule of CrPC or any other law** is considered as non-bailable offence.
- A **person accused of a non-bailable offence cannot claim bail as a right**. Section 437 of CrPC provides for **when bail may be taken in case of non-bailable offence**.

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