

PERSONAL ATTENTION
TIME BOUND

Annex A

E-mail

No. EDN-A-Ka(8) 01/2019-Loose
Government of Himachal Pradesh,
Department of Higher Education.

From

The Secretary (Education) to the
Government of Himachal Pradesh.

To

The Vice-Chancellors,
All Private Universities,
Himachal Pradesh.

Dated, Shimla-2, the 10th March, 2023.

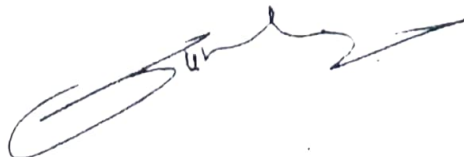
Subject:
Sir,

Regarding prevention of use of unfair means in examination

I am directed to refer to the subject cited above and to say that the use of unfair means in examination is a serious concern as it vitiates the whole purpose of conducting examinations. On the one hand it encourages students to adopt malpractices and on the other hand it creates discontent and dissatisfaction amongst the hard working and honest students. Thus it becomes the utmost duty of the examination conducting authorities that the examinations are conducted in free and fair manner and no malpractices/unfair means are used in any manner.

Thus, it has been desired by the Government that all Private Universities/Institutes should take all possible proactive measures to ensure the sanctity of examinations. It has also been desired that a special High level committee be also constituted at the University/Institute level to prevent and check the use of malpractices/unfair means in examinations and this Committee be made accountable in case any such malpractice is found to be used.

It would also be pertinent to mention that Government has also decided that special Committees will be constituted by the Government to make surprise visits and checks during examination in your University/institute

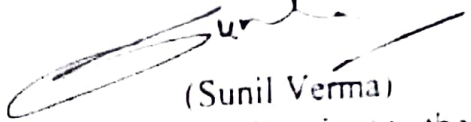


and in case use of unfair means are found during visits, strictest of action will be taken against your University/Institute.

You are therefore requested to take further necessary action accordingly. Action taken report may be sent to this Department at the earliest.


Please treat it as **"MOST URGENT"** and **"Personal Attention"** be given to this matter.

Yours faithfully.


(Sunil Verma)
Joint Secretary (Education) to the
Government of Himachal Pradesh

Endst. No. EDN-A-Ka(8)1/2019-Loose Shimla-1 the March, 2023

Copy to the Director of Higher Education, H.P. Shimla with the request to circulate these instructions to all the Private Colleges/Institutes for similar necessary action.


(Sunil Verma)
Joint Secretary (Education) to the
Government of Himachal Pradesh

The Himachal Pradesh Prevention of Malpractices at University , Board or other Specified Examination Act, 1984

An Act.

To provide for preventing malpractices at examinations of any University or the Board or any other specified authority in the State of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fifth year of the Republic of India , as follows:-

Short title, extent and commencement:

1. (1) This act may be called the Himachal Pradesh Prevention of Malpractices at University , Board of other specified examinations act, 1984.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,-

a) “Board” means the Board of School Education for the State of Himachal Pradesh Established under the Himachal Pradesh Board of School Education Act, 1968; 14 of 1968

b) “Examination” means any examination held or proposed to be held by any University or the Board and includes such other examination held or proposed to be held by such authority as may be specified in this behalf , from time to time, by the State Government by notification in the official gazette; and

c) “University” means any University established by law in the State of Himachal Pradesh.

Duties of Paper Setters and punishment for contravention.

3.(1) Any person who is appointed as a Paper Setter at any examination shall not supply or cause to be supplied the question paper drawn by him or a copy there of or communicate the contents of such paper to any person or give publicity there to in any manner, except in accordance with the instructions given to him in writing by his appointing authority in this behalf .

(2) Any person who contravenes the provisions of Sub-Section (1) shall , on conviction , be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand Rupees, or with both.

Duties of persons entrusted with printing etc. of question papers and punishment for contravention.

4.(1) Any person who is entrusted with the work of printing , Cyclostyling ,typing or otherwise producing copies of any question paper set for the purposes of any examination shall not supply, or cause to be supplied , a copy thereof or communicate the contents thereof to any person to give publicity there to in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the work to him.

(2) Any person who contravenes the provisions of Sub-Section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Duties of persons entrusted with custody of question papers and punishment for contravention.

5.(1) Any person who is entrusted with the custody, or is otherwise in possession of any question paper set for the purposes of any examination shall not supply or distribute or cause to be supplied or distributed any copy thereof or communicate the contents thereof to any person or give publicity there to in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the custody or give possession there of to him.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction , be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Prohibition of supply or publication of any question paper before examination is held.

6. Whoever has in his possession any question paper set or purported to be set for any examination and supplies or causes to be supplied or offers to supply a copy thereof , or communicates or offers to communicate the contents thereof , to any person whether for any consideration or otherwise , or gives publicity there to in any manner, except in accordance with the instructions issued in writing by an authorised officer of the University , Board or other authority, concerned with the examination , at any time before the examination is held , shall on conviction, be punished with imprisonment for a term which may extend to three months,or with fine which may extend to one thousand rupees ,or with both.

Prohibition of copying and impersonating at examinations.

7. Whoever is found in or within the periphery of 500 meters of an examination hall by the Invigilator or any other person appointed to supervise the conduct of the examination , copying answer to the question paper set at an examination , from any book , notes or answer paper of other candidate, or appearing at the examination for any other candidate or using any other Unfair means, shall on conviction, be punished with imprisonment for a term which may extend to three months , or with fine which may extend to five hundred rupees , or with both.

Assault etc. on Superintendent or Invigilator.

8. (1) Every Superintendent and every Invigilator of an examination centre shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code during the course of an examinations or examination and for a period of one month prior to the commencement of and of six months immediately following such examination or examinations.

45 of 1860

(2) An assault on, or use of criminal force to, a Superintendent or an Invigilator of examination centre during the period mentioned in Sub-Section(1) shall be deemed to be an obstruction voluntarily caused to a public servant in the discharge of his public functions punishable under section 186 of the Indian Penal Code.

Punishment for refusal to work for the conduct and declaration of results of an examination.

9. Whoever, being entrusted with the conduct , supervision , evaluation of answer sheets, tabulation or publication of its results , refuses to discharge any function assigned to him, shall on conviction , be punished with imprisonment for a term which may extend to three months but shall not be less than one month ,or with fine which may extend to five thousand rupees but shall not be less than two thousand rupees, or with both.

Provided that the Court may, for any special reason to be recorded in writing impose a sentence of imprisonment of less than one month or a fine of less than two thousand rupees.

Punishment for abetment of offences.

10. Whoever abets any offence punishable under this Act shall be punishable with the punishment provided for such an offence.

Offences to be cognizable and non-bailable.

11. Notwithstanding anything contained in code of Criminal Procedure, 1973 ,all offences under this Act shall be cognizable offences and shall be non-bailable.

2 of 1974

Provided that any person who has not attained the age of 18 years ,when arrested shall be released on bail.

Offences to be tried summarily.

12. All offences under this Act shall be tried in a summary way by any Judicial Magistrate of the First Class and the provisions of section 262 to 265 (Both inclusive) of the code of Criminal procedure, 1973 shall, as far as may be ,apply to such trials.

2 of 1974