

The Orissa Conduct of Examinations Act, 1988

Act 2 of 1988

Keyword(s):

Recognised Examination, Unfair, Mean



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THE ORISSA CONDUCT OF EXAMINATIONS ACT, 1988

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ORISSA ACT 2 OF 1988

[THE ORISSA CONDUCT OF EXAMINATIONS ACT, 1988]

[Received the assent of the Governor on the 11th March 1988, first published in an extraordinary issue of the Orissa Gazette, dated the 11th March 1988]

AN ACT TO PROVIDE FOR PENAL ACTION FOR ADOPTION OF UNFAIR MEANS AT CERTAIN EXAMINATIONS HELD IN THE STATE AND OTHER MATTERS CONNECTED THEREWITH

BE it enacted by the Legislature of the State of Orissa in the Thirty-ninth Year of the Republic of India as follows :—

- Short title** 1. This Act may be called the Orissa Conduct of Examinations Act, 1988.
- Definitions** 2. In this Act, unless the context otherwise requires,—
- (a) "recognised examination" means an examination specified in the Schedule and includes evaluation, tabulation, publication of results and all other matters connected therewith;
- (b) "unfair means" in relation to any recognised examination means taking or giving or attempting to take or give any help, other than one permissible, if any, under the rules applicable thereto, from any material, written, recorded or printed or relayed, or from any person, in any form whatsoever.
- Prohibition of use of unfair means at examinations.** 3. (1) No person shall adopt or take recourse to unfair means at any recognised examination.
- (2) No person shall aid, abet or conspire in the use of unfair means at any recognised examination.
- Restriction on copies of question paper and offer of information.** 4. No person, who is not lawfully authorised or permitted by virtue of his duties to do so, shall, before the time fixed for distribution of copies of a question paper to examinees at a recognised examination, —
- (a) procure, attempt to procure or possess, such question paper or a portion or a copy thereof; or
- (b) impart or offer to impart information which he knows or has reason to believe is related to or is derived from or has a bearing upon such question paper.
- Prevention of leakage by person entrusted with examination work.** 5. No person who is entrusted with any work connected with a recognised examination shall, except in the discharge of his duties, directly or indirectly divulge or cause to be divulged or known to any other person any information or part thereof which he has come in possession in the discharge of his duties.
- Restriction on fake papers.** 6. No person shall procure, possess, distribute or otherwise publicize or cause to be publicized any question paper as being the one or purporting to be the one that is to be given or likely to be given at an ensuing recognised examination.
- Prohibition of loitering, etc. near examination centre, etc.** 7. No person, save in the discharge of his duties shall,—
- (a) during the hours when a recognised examination is conducted at any recognised examination centre or where any evaluation or tabulation work relating to a recognised examination is done; and
- (b) two hours preceding the commencement of such examination, evaluation or tabulation work on any date on which such examination is conducted or evaluation or tabulation work is done,

¹For Statement of Objects and Reasons see *Orissa Gazette*, Extraordinary, dated the 26th February, 1988 (No. 367).

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(Secs. 8-11)

commit or cause to be committed any of the following acts within the premises wherein the recognised examination is held or at any place where evaluation or tabulation work is done or at any public or private place within a distance of one hundred metres of such premises or the place of evaluation or tabulation work, namely :—

- (i) loitering;
- (ii) distributing or otherwise publicizing any paper or other matter relating to such examination; or
- (iii) indulging in such other activity as is likely to be prejudicial to the conduct of such examination or is likely to affect the secrecy thereof:

Provided that nothing contained in this section shall apply in respect of *bona fide* activities of examinees appearing at the examination which is conducted at such examination centre.

Refusal of duties connected with examination prohibited.

8. No person assigned with invigilation work or superintendence of any recognised examination at any centre or any other work connected with such examination or evaluation, tabulation or publication of results of such examination shall refuse, save under circumstances beyond his control, to perform the work or duties so assigned.

Penalty

9. Whoever contravenes any of the provisions of sections 3 to 8 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to three thousand rupees but shall not be less than five hundred rupees or with both.

Investigation etc.

10. (1) An offence under this Act shall not be investigated by an officer below the rank of a Sub-Inspector of Police.

(2) All offences under this Act shall be cognizable and non-bailable.

Effect of other laws.

11. (1) Subject to the provisions of sub-section (2), the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act, the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

THE ORISSA CONDUCT OF EXAMINATIONS ACT 1988

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SCHEDULE

[See Section 2 (a)]

1. Examination conducted by or under the authority of any University established by an Act of the State Legislature.
2. Examination conducted by or under the authority of the Board of Secondary Education, Orissa.
3. Examination conducted by or under the authority of the State Council of Higher Secondary Education, Orissa.
4. Examination conducted by or under authority of the Council of Higher Secondary Education, Orissa.
5. Such other examinations as may be specified by the State Government by notification in the Official Gazette.

