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The Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act,
1998

Act 13 of 1998

Keyword(s):

Examination Centre, Examinee, Public Examination, Unauthorised Possession and Disclosure of Question Paper, Penalty for Leakage, Punishable Offence

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No. 647 (2)/XVII-V-1-1(KA)-8-1998

Dated Lucknow, March 30, 1998

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sarvajanic Pariksha (Anuchit Sadhanon Ka Nivaran) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 13 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 28, 1998.

THE UTTAR PRADESH PUBLIC EXAMINATIONS (PREVENTION OF UNFAIR MEANS) ACT, 1998

(U. P. ACT No. 13 OF 1998)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to prevent the leakage of question papers and the use of unfair means at public examinations and to provide for matters connected therewith and incidental thereto.

IT IS HEREBY enacted in the Forty-ninth Year of the Republic of India as follows :—

CHAPTER-I—PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Public Examinations (Prevention of Unfair Means) Act, 1998.

(2) It shall be deemed to have come into force on March 18, 1998.

Definitions

2. In this Act—

(a) "examination centre" means any institution or part thereof or any other place fixed for the holding of a public examination and includes the entire premises attached thereto;

(b) "examinee" means a person who has been granted permission to appear in a public examination and includes a person authorised to act as scribe on his behalf;

(c) "public examination" means an examination specified in the Schedule, conducted for the awarding or granting of any degree, diploma, certificate or any other academic distinction to a person who is lawfully declared to have been successful at such examination;

(d) "unfair means" in relation to an examinee while answering questions in a public examination means the unauthorised help from any person directly or indirectly, or from any material written, recorded, copied or printed, in any form whatsoever, or the use of any unauthorised telephonic, wireless or electronic or other instrument or gadget.

CHAPTER-II—PREVENTION OF UNFAIR MEANS

Prohibition of the use of unfair means

3. No examinee shall use unfair means at any public examination.

Unauthorised Possession and disclosure of question paper

4. No person, who is not lawfully authorised or permitted by virtue of his duties so to do shall, before the time fixed for distribution of question papers to examinees at a public examination,—

(a) procure or attempt to procure or possess, such question paper or any portion or a copy thereof; or

(b) impart, or offer to impart, information which he knows or has reason to believe, to be related to, or derived from, or to have a bearing upon such question paper.

Prevention of leakage by person entrusted with examination work

5. No person, who is entrusted with any work pertaining to public examination shall, except where he is permitted by virtue of his duties so to do, directly or indirectly divulge or cause to be divulged or make known to any other person any information or part thereof which has come to his knowledge by virtue of the work being so entrusted to him.



6. No person, who is not entrusted with any work pertaining to public examination, or who is not an examinee shall during the continuance of public examination enter into an examination centre or having entered into such centre remain there or provide any help or assistance to an examinee in using unfair means in the public examination.

Prohibition on entry into an Examination Centre

7. No person, who is on the management or on the staff of an institution which is being used for the holding of a public examination, or who is entrusted with any work pertaining to public examination, shall provide any help or assistance to an examinee in using unfair means in public examination.

No Person on the management etc. shall assist to an examinee

8. No person shall use or cause to be used any place, other than the examination centre, for the purposes of holding of public examination.

No place other than examination centre shall be used for public examination

CHAPTER-III—PENALTY AND PROCEDURE

9. Whoever, contravenes or attempts to contravene or abets the contravention of the provisions of section 3 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees or with both.

Penalty for use of unfair means

10. Whoever, contravenes or attempts to contravene or abets the contravention of the provisions of section 4 or section 5 or section 6 or section 7 or section 8, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.

Penalty for leakage

11. Whoever, commits an offence punishable under section 9 or section 10 having made preparation for, causing death of any person or causing hurt to any person or assaulting any person or for wrongfully restraining any person or for putting any person in fear of death or hurt or assault or wrongful restraint shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to five thousand rupees or with both.

Penalty for offence with preparation to cause hurt etc.

12. (1) An offence punishable under section 9 shall be cognizable and bailable.

Procedure

(2) An offence punishable under section 10 or 11 shall be cognizable and non-bailable.

(3) All offences punishable under this Act shall be tried summarily by a Metro-politan Magistrate or a Judicial Magistrate of the first class and the provisions of sub-section (1) of section 262, section 263, section 264 and section 265 of the code of Criminal Procedure, 1973 shall *mutatis mutandis* apply to such summary trial.

CHAPTER-IV—MISCELLANEOUS

13. No suit, prosecution or other legal proceeding shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith

14. The State Government may, by notification, include in the Schedule, any other examination, in respect of which it considers necessary to apply the provisions of this Act and upon the publication of such notification in the *Gazette* the Schedule shall be deemed to be amended accordingly.

Power to amend Schedule

15. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make Rules

16. (1) The Uttar Pradesh Public Examinations (Prevention of Unfair Means) Ordinance, 1998 is hereby repealed.

Repeal and saving

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under corresponding provisions of this Act as if the provisions of this Act were in force at all material times.

SCHEDULE

[See section 2(c)]

1. High School and Intermediate examinations conducted by the Board of High School and Intermediate Education, Uttar Pradesh under the Intermediate Education Act, 1921.
2. Any examination conducted by any University or any other Board or body established by or under an Uttar Pradesh Act.

By order,
G. S. PANDEY,
Vishesh Sachiv.