

The Maharashtra Prevention Of Malpractices At University, Board And Other Specified Examinations Act, 1982

MAHARASHTRA

India

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Act 31 of 1982

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The Maharashtra Prevention Of Malpractices At University, Board And Other Specified Examinations Act, 1982 Act No. XXXI of 1982 An Act to provide for preventing malpractices at University, Board and other specified examinations. WHEREAS both Houses of the State Legislature were not in session; AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to have a special law in this State to provide for preventing malpractices at examinations held or proposed to be held by any University or the Board or any other authority specified by the State Government in this behalf, including leakages of question papers or copying at such examinations, and for matters connected therewith, and, therefore, promulgated the Maharashtra Prevention of Malpractices at University, Board or other specified Examinations Ordinance, 1982, on the 25th May 1982; AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; It is hereby enacted in the Thirty-third Year of the Republic of India as follows: —

1. Short title and commencement.

(1) This Act may be called the Maharashtra Prevention of Malpractices at University, Board and other specified Examinations Act, 1982. (2) It shall be deemed to have come into force on the 25th May 1982.

2. Definitions.

In this Act, unless the context otherwise requires, —(a)“Board” means the Maharashtra State Board of Secondary and Higher Secondary Education established under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 or any of its Divisional Boards;(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 other authority as may be specified in this behalf, from time to time, by the State Government by notification in the Official Gazette;(c)“University” means any University established by law in the State of Maharashtra.

3. Short title and commencement.

(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 thereof or communicate the contents of such paper to any person or give publicity thereto 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 one year, or with fine which may extend to one thousand rupees, or with both.

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

(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 or give publicity thereto 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 one year, or with fine which may extend to one thousand rupees, or with both.

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

(1)Any person who is entrusted with the custody, or is otherwise in possession, of any question paper set up 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 thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the custody or gave possession thereof 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 one year, or with fine which may extend to one thousand rupees, or with both.

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

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 thereto 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 one year, or with fine which may extend to one thousand rupees, or with both.

7. Prohibition of copying and impersonating at examinations.

Whoever is found in or near an examination hall by the invigilator or any other person appointed to supervise the conduct of the examination, copying answers to the question paper set at the examination, from any book, notes or answer papers of other candidates, 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 six months, or with fine which may extend to five hundred rupees, or with both.

8. Punishment for abetment for offences.

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

9. Offences to be cognizable and non-bailable.

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

10. Offences to be tried summarily.

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by any Metropolitan Magistrate or any Judicial Magistrate of the First Class and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial: Provided that in the case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass sentence of imprisonment for any term for which such offence is punishable under this Act.

11. Repeal of Maharashtra Order IV of 1982 and saving.

(1)The Maharashtra Prevention of Malpractices at University, Board and other specified Examinations Ordinance, 1982, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.