

The Bihar Conduct of Examinations Act, 1981

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Act 1 of 1982

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The Bihar Conduct of Examinations Act, 1981(Bihar Act No. 1 of 1982)An Act to provide for penal action for adoption of unfair means at certain Examinations held in the State and matters connected therewith.Be it enacted by the Legislature of the State of Bihar in the Thirty-second Year of Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Bihar Conduct of Examinations Act, 1981.(2)It extends to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- In this Act unless there is anything repugnant to the subject or context-(i)"recognised examination" means any of the examinations enumerated in the Schedule as also examination held under the authority of the State Government or by any body constituted under State enactments; and includes evaluation, tabulation, publication of results and all matters connected with the examination and publication of results; and(ii)"unfair means" in relation to any examination shall mean taking or giving or attempting to take or give help from any material written or printed or from any person in any form whatsoever.

3. Prohibition of the use of unfair means or cheating at examination.

- No person shall take recourse to unfair means or resort to cheating at any of the examinations enumerated in the Schedule or any examination held under the authority of the State Government or by any body constituted under State enactments, or in any evaluation or tabulation work or with respect to any matter of the recognised examination.

4. Aiding, abetting or conspiring in use of unfair means.

- No person shall aid, abet or conspire in use of unfair means or cheating at any of the examinations enumerated in the Schedule.

5. Restriction on copies of question paper and offer of information.

- 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 examination-(i)procure, attempt to procure or possess, such question paper or a portion of such paper or a copy thereof, or(ii)impart, or offer to impart, information which he knows or has reasons to believe, relates to or is derived from or has a bearing upon such question paper.

6. Prevention of leakage by person entrusted with examination work.

- No person who is entrusted with any work pertaining to a recognised examination shall, save where he is permitted by virtue of his duties to do so, directly or indirectly divulge or cause it to be divulged or known to other person any information or part thereof which he has come in possession by virtue of the work being so entrusted to him.

7. Restriction on fake papers.

- 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.

8. Prohibition of loitering etc. near examination centre, etc.

- No person, save where he is permitted by virtue of his duties to do so or where he is authorised by an officer not below the rank of a Centre Superintendent, shall during the hours when a recognised examination is conducted at any examination centre or where any evaluation or tabulation work is done and two hours preceding the commencement of such examination or evaluation or tabulation work on any date or dates on which such examination is conducted or evaluation or tabulation work is done commit any of the following acts within the premises of the examination centre or at any place where evaluation or tabulation work is done or at any public or private place within a distance of five hundred yards of the examination centre or the place of evaluation or tabulation work, namely :-(a)loiter;(b)distribute or cause to be distributed or otherwise publicize or cause to be publicized any paper or any other matter relating to the examination; and(c)indulge in such other activity as is likely to be prejudicial to the conduct of 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.

9. Restriction on refusal of duties assigned to any person connected with proper conduct of examination etc.

- No person assigned with invigilation work or superintendence of any examination or any other work in respect of evaluation, tabulation, examination and publication of results shall refuse to perform his assigned duties.

10. Penalty.

- Whoever contravenes any of the provisions or the provision of Section 3 to 9 shall be punished with imprisonment which may extend to six months but shall not be less than one month or with fine which may extend up to rupees two thousand or with both.

11. Nature of offence and trial.

- Offences committed under the Act shall be cognizable and non-bailable, and shall be disposed of through the procedure of summary trial by Executive Magistrate who have duly and properly been authorised.

12. Investigation of cases.

- The investigation of the cases under the provision of this Act will be conducted by an officer not below the rank of Deputy Superintendent of Police.

13. Appeal.

- An appeal against conviction under Section 10 of the Act shall lie with the District and Sessions Judge concerned.

14. Power to amend Schedule.

- The State Government may by notification, add to, or exclude from the schedule any examination.

15. Repeal and Saving.

(1) Conduct of Examinations Third Ordinance, 1981 (Bihar Ordinance no. 176 of 1981) is hereby repealed. (2) Notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this were in force on the day on which such thing or action was done or taken. The Schedule [See Section 2 (i)]

- 1. Examination conducted by or under the authority of Bihar Secondary School Examination Board.**
- 2. Examination conducted by or under the authority or any University established by an Act of the State Legislature.**
- 3. Examination conducted by the Bihar Public Service Commission.**
- 4. Examination conducted by the Bihar State Board of Technical Education.**
- 5. Joint Entrance Examination for Entrance to Under Graduate Engineering Science Courses.**
- 6. Medical and Engineering Admission Test Examinations.**
- 7. Examinations conducted by the Board of Revenue, Bihar or by any Department of State Government or Public Sector Undertakings, Corporations or Co-operatives for recruitment to the services.**
- 8. Examinations conducted by Bihar Intermediate Education Council.**
- 9. Examinations conducted by Madarasa Board.**
- 10. Examinations conducted by Sanskrit Board.**
- 11. Entrance Examination for Netarhat Public School.**
- 12. Examination conducted by the Education Department for awarding scholarships.**
- 13. Any entrance test conducted by University or College or School for admission into any course of study.**