

The Punjab School Education Board (Penalties for Misconduct and use of Unfair Means in the Matriculation and Higher Secondary Examinations) Regulations, 1979

PUNJAB

India

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Rule

THE-PUNJAB-SCHOOL-EDUCATION-BOARD-PENALTIES-FOR-MISCONDUCT of 1979

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The Punjab School Education Board (Penalties for Misconduct and use of Unfair Means in the Matriculation and Higher Secondary Examinations) Regulations, 1979 Published vide Punjab Government Notification No. PSEB-E5/80/886 dated 11.3.1980.

1. Short title.

- These regulations may be called the Punjab School Education Board (Penalties for Misconduct and Use of Unfair Means in the Matriculation and Higher Secondary Examinations) Regulations, 1979.

2. Commencement.

- These regulations shall come into force with immediate effect.

3. Definitions.

- In these regulations unless there is anything repugnant in the subject or context :-(a) Committee. - means the Unfair Means cases Committee appointed under regulation 8 of these

regulations;(b)Candidate. - means a person allowed by the Board to appear in the Matriculation or Higher Secondary examination either as a school candidate or as a private candidate;(c)Deputy Superintendent. - means the Deputy Superintendent of the centre of Examination appointed by the Board to assist the Superintendent for the conduct of examination;(d)Examiner. - means a person appointed by the Board for evaluation of answer books of a particular subject and includes a Head Examiner;(e)Examination. - for the purpose of these regulations means annual as well as supplementary examination;(f)Superintendent. - means the Superintendent of the centre of examination appointed by the Board for the conduct of examination;(g)Supervisory Staff. - means the staff of the centre of examination for the purpose of supervision appointed by the Board for the conduct of examination;(h)Other terms and expressions used in these regulations, but not defined shall have the meaning respectively assigned to them in the Punjab School Education Board Act, 1969.

4. [Extent of application. [Substituted vide Punjab Government Notification No. PSEB-Estt-EA 5/87-807 dated 31.3.1987.]

- These regulations shall apply to all examinations conducted by the Board at any time.]

5. General.

(a)Every day, before the examination begins and before the distribution of question paper, the Superintendent or the Deputy Superintendent, shall call upon all the candidates to check their pockets, wearing apparel, clothes, shoes and their surroundings and part with and deliver to him all papers, books or notes which they may have in their possession and hand over any such material found by them to the Supervisor or Superintendent or Deputy Superintendent. Similar provision shall apply to any candidate who comes later and is admitted.(b)The Superintendent or the Deputy Superintendent (or both when there is a Superintendent as well a Deputy Superintendent in-charge of the examination) shall forward to the Secretary, on the same day, a declaration signed by him or them and witnessed by at least one of the Supervisors on duty, to the effect that the provisions of Regulation 5(a) have been complied with.

6.

(a)The Superintendent of the Examination Centre shall report to the Secretary without delay by the first available mail after the finishing of the examination in that paper, each case where use of unfair means and misconduct in the examination is suspected or discovered, along with the evidence in support thereof and the statement, if any, of the candidate concerned on the form supplied by the Secretary for the purpose.(b)In case the candidate refuses to make a statement at the time of detection or later on the same day, he shall not be forced to do so but the fact of his refusal shall be recorded by the Superintendent/Supervisor/Detector, whosoever detected the case.(c)A candidate found to be, or suspected to be guilty of using unfair means in the examination shall be permitted to answer the remaining part of the question paper but on a separate answer-book (which includes a continuation sheet also) and the answer-book in which the unfair means is suspected shall be seized

by the Superintendent, who shall send both the answer-books to the Secretary with his report. This will not affect the candidate's right to appear in the rest of the examination in the subsequent papers.

7.

(a) After receipt of a report from the centre staff or otherwise regarding the use of unfair means against a candidate, the candidate shall be given an opportunity by the Secretary or an officer authorised by him in this behalf, to explain his conduct and to show cause why action should not be taken against him under these regulations. For the purpose, a notice shall be sent to the candidate by registered post at the address given by him in the admission form either to appear in person on a specific date before the Secretary or an officer authorised by the Secretary or to send to him his written explanation so as to reach him by a specified date. If the candidate does not so appear or fails to send any written explanation by the prescribed date, action may be taken against him ex-parte. (b) If during an examination a candidate is found having in his possession or accessible to him papers, books, notes or any other material which do not relate to the subject of the examination of the day and which could not possibly be of any assistance to him, the Secretary may drop the case against him. Such a case need not be reported to the Committee.

8. [Unfair Means Cases Committee. [Substituted vide Punjab Government Gazette Part III dated 29.8.1985.]

- (i) The Board shall appoint annually one or two Committees to be called the Unfair Means Cases Committees to deal with the cases pertaining to the use of Unfair Means and Misconduct in the examinations conducted by the Board. Each Committee shall hold office from March 1 to February 28/29 of the following year; provided that the outgoing Committees shall continue in the office till the appointment of its successors. (ii) The Committee shall consist of three members, two members shall constitute the quorum for a meeting of the Committee. (iii) The Committee shall have the power to examine a candidate or any other person, including members of the supervisory staff, and any defence witness produced by a candidate, in order to arrive at a decision. (iv) When the Committee or the members present at a meeting of the Committee are unanimous on the findings in regard to a case the decision of the Committee shall be final except as provided in clause (vi) of this regulation. (v) If the Committee or the members present at a meeting of the Committee are not unanimous, the matter shall be referred to the Chairman, who will decide the same himself or refer it to the Board for decision. (vi) If the candidate proceeded against brings to the notice of the Chairman within 30 days of the receipt by him of the decision of the Committee, such facts as in the opinion of the Chairman might have induced the Committee to come to a decision other than the one arrived at, the Chairman may order that such additional facts be reduced to writing, and placed before the Committee for reconsideration of the case. The Committee shall then reconsider the case. A unanimous decision of the Committee or the members present at a meeting after such reconsideration shall be final. In the event of difference of opinion between members of the Committee, the case shall be referred to the Chairman who will decide the same himself or refer it to the Board for decision.

9.

If during an examination a candidate is found :-(a)in possession of a paper, book or note, or(b)in possession of a foot rule or any other instrument with note(s) written on it, or(c)in possession of clothes, with notes written on them, or(d)having notes written on any part of his body, or(e)having notes written on the table, desk, bench, chair or stool occupied by him, or(f)in possession of any other helpful material relating to the subject of examination of the day, his result for that examination shall be cancelled and he may be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations :Provided that if a candidate is found having in his possession or accessible to him papers, book(s) or notes due to inadvertence and which could be of assistance to him, but has not made use of them, he may be debarred from passing in that paper as a disciplinary measure and without any implication of moral turpitude.Explanation. - An objectionable material shall be deemed to relate to the subject of examination of the day, even if it does not contain any matter which is helpful in directly answering a question set in the question paper of the day, provided such material relates to the subject of the examination of the day.

10. Possession of solution of question.

- If a candidate a found in possession of solution to a question, set in the question paper or a part thereof, received through the connivance of any inside or outside agency, except any other candidate sitting in the examination hall, his result for that examination shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.Explanation. - This regulation is meant to apply in cases where such assistance has been received from a member of the supervisory staff or other staff working at the examination centre or from any outside agency. Where assistance is received by a candidate from another candidate or assistance is given to a candidate by another candidate regulation 11 shall apply.

11. Copying or rendering help in copying.

- If during the course of an examination, a candidate is found -(i)having copied or indulging in copying from any paper, book or note, or(ii)having received or receiving assistance in any manner from another candidate in solving a question set in the question paper, or(iii)having allowed or is allowing any other candidate to copy any matter from his answer book or from any paper or note or book in his answer book or from any paper or note in his possession, or(iv)having rendered any assistance or rendering assistance to another candidate in any manner in solving any question set in the question paper,his result for that examination shall be cancelled, and he shall be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

12. Consulting books, etc. outside the examination hall.

- If a candidate is found consulting a book, note-book, or any other matter in or outside the examination hall or room during the examination hours and before he has handed over his answer book to the Superintendent or any other member of the Supervisory staff, his result for that examination shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

13. Writing question on a blotting paper, etc., and passing/attempting to pass on a copy of a question to any one.

- If during the course of the examination, a candidate writes either on a blotting paper or any other piece of paper other than his answer book a question set in the question paper or part thereof or anything connected with or relating to a question set in the question paper or solution thereof or if a candidate is found passing or having passed, or attempting to pass during the examination, the original or a copy of the question paper or a part thereof or a copy of a question set to any one, his result for that examination shall be cancelled and he may be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

14. Swallowing destroying evidence.

- If during an examination a candidate swallows or attempts to swallow a note or paper or runs away with it, or causes disappearance or destruction thereof or attempts to destroy any such material, his results for that examination shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

15. Disobedience, change of seat, etc.

- If during the examination, a candidate -(i)refuses to obey the Superintendent of the examination centre or any other member of the Supervisory Staff, or(ii)changes his seat, or sits on a seat not allotted to him, or(iii)deliberately writes another candidate's roll number on his answer book, or(iv)is found talking to another candidate or any other person inside or outside the examination centre without the permission of any member of the Supervisory Staff before delivering his answer book, or(v)creates disturbance of any kind or otherwise misbehaves in or around the examination centre,he shall be liable to be awarded any of the following punishments according to the seriousness of the offence, namely,(a)cancellation of the answer book of the paper concerned, or(b)cancellation of his result for that examination and disqualification from appearing in any examination of the Board which may extend to next three consecutive examinations of the Board.

16. Gross misconduct.

(1)If a candidate is found guilty of serious misconduct or misbehaves with the Superintendent or any other member of the Supervisory Staff or any member of the inspection team or the flying squad or

with another candidate inside or outside the examination hall during the entire period of examination, his result for that examination shall be cancelled and he shall be disqualified from appearing in next three to five consecutive examinations of the Board according to the nature of his misconduct or misbehaviour.(2)If a candidate leaves the examination hall/room on any day of the examination at any time before the half time is over, without the permission of the Superintendent or any member of the Supervisory Staff, his result for that examination shall be cancelled and he may be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

17. Smuggling of answer books, etc.

- If a candidate is found guilty of -(i)Smuggling an answer book, or(ii)taking out or arranging to send out an answer book, or(iii)replacing or getting replaced his answer book during or after the examination with or without the help or connivance of any person connected with the examination centre or of any agency within or outside the examination centre;his result for that examination shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend from three to five consecutive examinations.

18. Impersonation.

- If any person impersonates for a candidate in the examination, he shall be dealt with as under :- (i)he shall be disqualified from appearing in any examination of the Board for a period which may extend to nine consecutive examinations;(ii)his conduct shall be reported to the Registrars of all Universities in India if he is on the rolls of a College or a University Department for such action as they deem fit to take in the matter;(iii)his conduct shall be reported for disciplinary action to the Managing body of the institution if he is an employee of a privately managed institution;(iv)his conduct shall be reported for disciplinary action to the Government if he is a Government employee;(v)if he does not fall in any of the categories mentioned above, his conduct shall be reported to the Police by the Board for registration of a case against him under the Law.(b)The result of the candidate who is impersonated for at the examination shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend to nine consecutive examinations.

19. Detection of unfair means by examiners/sub-examiners etc.

- If an answer book of a candidate shows or it is otherwise established that he has received or attempted to receive help from any source or in any manner or has given help to or attempted to give help to another candidate in any manner, his result for that examination shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

20. Leaving examination hall without delivering answer book, destroying answer book etc.

- If a candidate leaves the examination hall without delivering his answer book to the Superintendent or any member of the Supervisory Staff and takes away the same with him, or otherwise disposes of his or any other candidate's answer book or any part thereof, inside or outside the examination hall, his result shall be cancelled and he shall be disqualified from appearing in any examination of the Board for a period which may extend to three consecutive examinations.

21. Disclosing identity.

- If a candidate is found guilty of deliberately disclosing his identity or making any distinctive mark in his answer book for the purpose, his result for that paper shall be cancelled.

22. Use of abusive language.

- If a candidate is found guilty of using abusive or obscene language in his answer book, his result for that paper shall be cancelled.

23. Presentation to the examiner a practical note book or class work note book that does not belong to the candidate.

- If a candidate for an examination in Science or other subject, presents to the examiner a practical or class work note book which does not belong to him, his result in that subject including the practical test, shall be cancelled.

24. Use of influence for award of marks.

- If a candidate is found guilty of communicating or attempting to communicate directly or through a relative, guardian, friend or any other person with an examiner or with the Secretary with the object of influencing him in the award of marks, his result for that examination shall be cancelled and he shall be disqualified from appearing in next one examination.

25. Making an appeal to the examiner.

- Where a candidate has made an appeal to the examiner through an answer book his result for that paper shall be cancelled.

26. Cases not covered under these Regulations.

- For cases of unfair means or misconduct not covered by these regulations the Board may on the recommendations of the Committee, impose penalties according to the nature of offence.

27. Power to disqualify Supervisory staff and forfeit their remuneration.

- The Chairman may forfeit the remuneration, disqualify any member of the Supervisory Staff, Centre Superintendent, Centre Inspector, any member of the Flying Squad, Examiner and Head Examiner from future appointment on any remunerative job of the Board for such period as he may deem fit, if he is satisfied that the person concerned has been guilty of breach of trust, or negligence in the discharge of his duties in any manner in connection with the examination. A report may also be made to the employer of the person concerned for taking disciplinary action against him.

28. Re-examination/Abolition of an examination centre.

- If the Board is satisfied after enquiry that the sanctity of an examination has been violated at an examination centre as a consequence of unfair assistance rendered to the candidates, on a mass scale, the Board may order re-examination besides taking any other action under these regulations and may also abolish the examination centre for future or for a specified period.

29. Use of Unfair means for admission to examination.

- A candidate obtaining admission to an examination by making a false representation in the admission by suppression of material information relating to his eligibility for the examination shall be dealt with as under :If the candidate falsely claims to have passed a previous examination, he shall be disqualified from appearing in any examination of the Board for a period which may extend from four to nine consecutive examinations as the Board may determine. In case he has already taken the examination, his result for that examination shall also be cancelled.If the false representation or suppression of material information pertains to any matter not covered by clause (i) above, he shall be disqualified from appearing in any examination of the Board for a period of four to nine consecutive examinations as the Board may determine in each case. In case he has already taken the examination his result for that examination shall also be cancelled.

30. [Forgeries in admission form roll Number slip. [Substituted vide Punjab Government Notification No. PSEB-EA.]

- A candidate who -(i)submits an admission form with forged/false attestation, or(ii)uses a forged document knowing or having reason to believe it to be forged for the purpose of seeking admission to an examination, or(iii)submits an admission form purporting to be signed by himself but actually not signed by him, or(iv)seeks admission into the examination centre on the basis of any forged/false/tampered with document/roll number slip.shall be disqualified from appearing in that examination and the one following it which disqualification may be extended to three consecutive examinations. In case he has already taken the examination his result for that examination shall also be cancelled.]

31. Effect of disqualification.

- A candidate who is disqualified from appearing in any examination under these regulations, shall not be eligible to appear in any examination of the Board for the period during which such disqualification remains in force.

32.

A candidate who is disqualified for use of unfair means, on the expiry of period of his disqualification be allowed the same number of chances as are missed by him (including the examination at which he was found guilty) because of disqualification.

33.

If any question arises as to the interpretation of these regulations, the Board shall decide the same, whose decision shall be final and binding on all concerned.