

Jharkhand Conduct of Examinations Act, 2001

Bihar Act 1 of 1982

Published in the Bihar Gazette (extra-ordinary) dated 23.1.1982.

An Act to provide for penal action for adoption of unfair means in 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 the Republic of India as follows:

[अधिसूचना संख्या 05/मा0प0/2001-84, दिनांक- 7 मार्च, 2001 [झारखण्ड गजट (आसाधारण) दिनांक 19 मार्च, 2001 में प्रकाशित]- बिहार पुनर्गठन अधिनियम, 2000 का भाग- X (विधिक और विविध उपबंधों) की धारा- 85 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार बिहार राज्य में 15 नवम्बर, 2000 से ठीक पहले तक लागू "बिहार परीक्षा संचालन अधिनियम, 1981" का विस्तार उक्त तिथि की समयावधि से बिहार पुनर्गठन अधिनियम, 2000 (2000 की अधिनियम संख्या- 30) का भाग- II की धारा-3 के उपबंधों के अधीन विनिर्दिष्ट एवं गठित संपूर्ण झारखण्ड राज्य में यथावश्यक संशोधनों एवं परिवर्तन के साथ दिनांक 15 नवम्बर, 2000 के प्रभाव से अंगीकृत करती है।

(1) "बिहार परीक्षा संचालन अधिनियम 1981", "झारखण्ड परीक्षा संचालन अधिनियम 2001" के रूप में स्वीकार्य एवं लागू होगा।

(2) उपर्युक्त प्रस्तुत अधिनियम (यथा संशोधितों के साथ) में वैसे प्रत्येक स्थान पर अन्तर्विष्ट जहाँ कहीं भी 'बिहार', 'राज्य सरकार' एवं 'बिहार माध्यमिक परीक्षा समिति' शब्दों का प्रयोग किया गया है, वहाँ उप सभी प्रत्येक स्थानों पर क्रमशः झारखण्ड "झारखण्ड माध्यमिक परीक्षा परिषद्" शब्दों को प्रतिस्थापित समझा जाय।

(3) उपरोक्त अधिनियम का कार्यक्षेत्र सम्पूर्ण झारखण्ड राज्य में रहेगा तथा विनिर्दिष्ट यथा आवश्यक परिवर्तनों के साथ अंगीकरण के पश्चात झारखण्ड राज्य के अन्तर्गत परीक्षा के संचालन, पर्यवेक्षण एवं नियंत्रण की शक्तियाँ झारखण्ड सरकार के अन्तर्गत स्थापित हो जायेगी।]

1. Short title, extent and commencement. - (1) This Act may be called the Jharkhand Conduct of Examinations Act, 2001.

(2) It extends to the whole of the State of Jharkhand.

(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*" 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 examinations. - 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 an 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 or purporting to be the one that is to be given or likely to be given at an ensuing recognised examination.

8. Prohibition loitering etc. near examination center, etc. - No person, save where 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 an 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 center 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 center.

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 provisions of Sections 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 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 Magistrates.

12. Investigation of case. - The investigation of cases under the provisions 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 & Sessions Judge concerned.

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

15. Repeal and saving. - (1) Bihar Conduct of Examinations Third Ordinance, 1981 (Bihar Ordinance 171 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 Act 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 the Jharkhand Academic Council.
 - (2) Examination conducted by or under the authority of any University established by an Act of the State Legislature.
 - (3) Examination conducted by the Jharkhand Public Service Commission.
 - (4) Examination conducted by the Jharkhand State Board of Technical Education.
 - (5) Joint Entrance Examination for entrance to Undergraduate Engineering and Science Courses.
 - (6) Medical and Engineering Admissions Test Examinations.
 - (7) Examinations conducted by the Board of Revenue, Jharkhand or by any Department of State Government or Public Sector Undertakings, or Co-operatives for recruitment to the services.
- *(8-10)
- (11) Entrance Examination for Netarhat Public School.
 - (12) Examinations 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.