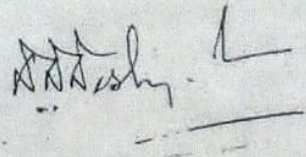


University of Pune

Circular No. 396 of 2002

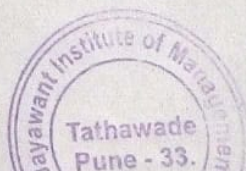
It is hereby notified for the information of all concerned that the University authorities are pleased to pass the Ordinances No. 1 to 10 relating to the conduct of examinations. These Ordinances shall come into force with effect from the examinations commencing from April 2003 and onwards. A Booklet containing the said Ordinances is enclosed herewith.



Dr. D. D. Deshmukh
Registrar.

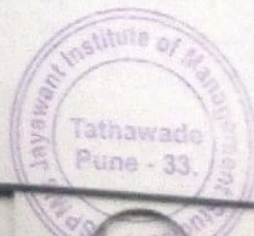
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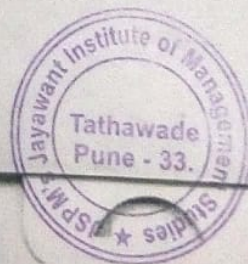


Ordinance 9 : Ordinance regarding Unfair means Resorted to by the Student :

1. (a) On receipt of a report regarding use of unfair means by any student at any University examination, including breach of any of the rules laid down by the University Authorities, for proper conduct of examination, the Board of Examinations shall have power, at any time, to institute inquiry and to punish such student for resorting to unfair means or for breach of the rules, by exclusion of such student from any University examination or from any University course in a College or Recognised Institution or in the University Department or from any Convocation for the purpose of conferring degree, either permanently or for a specified period; or by cancellation of the result of the student in the University examination for which the student appeared; or by deprivation of any University Scholarship held by him/her or by cancellation of the award of any University prize or medal given to him/her; or by imposition of fine or in any two or more of the aforesaid ways, *within a period of one year.*
 - (b) Where the examinations of the University courses are conducted by the constituent Colleges/ Recognised Institutions on behalf of the University, the Principal/Head of the constituent College/ Institution concerned, on receipt of a report regarding use of unfair means by any student at any such examination, including breach of any of the rules laid down by the University Authorities or by the College/Institution for proper conduct of examination, shall have power at any time to institute inquiry and to punish such student for resorting to unfair means or for breach of any of the rules, by exclusion of such a student from any such examination or from any University course in any College/Institution, either permanently or for a specified period; or by cancellation of the result of the student in the College/Institution examination for which he/she appeared; or by deprivation of any College/Institution Scholarship or by cancellation of the award of any College/ Institution prize or medal given to him/ her; or by imposition of fine or in any two or more of the aforesaid ways.
 - (c) On receipt of report regarding malpractices used or lapses committed by any paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination held by the University or Colleges or Recognised Institutions including breach of the rules laid down for proper conduct of examination, the Board of Examinations, in the cases of the University examinations, or the Management Body in the cases of the examinations conducted by the College/Institution on behalf of the University, as the case may be shall have power at any time to institute inquiry and to punish for such malpractices or lapses by declaring disqualified the paper-setter, examiner, moderator, referee, teacher or any other person concerned connected with the conduct of examination from any examination work either permanently or for a specified period or by referring his/her case to the authorities concerned for taking such disciplinary action as deemed fit, as per the rules provided for or in any two or more of the aforesaid ways.
2. **Competent Authority**
 - (i) The Board of Examinations of the University constituted under the provisions of Section 31(3) shall be the competent authority to take appropriate disciplinary action against the students using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the University.
 - (ii) The Principal of the constituent College or Head of the Recognised Institution shall be the competent authority to take appropriate disciplinary action against the student/s using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the College or Institution, on behalf of the University.
 3. **Definition-Unless the context otherwise requires:**
 - (a) "Student" means and includes a person who is enrolled as such by the University/College/Institution for receiving instruction qualifying for any degree, diploma or certificate awarded by the University. It includes ex-student and student registered as candidate (examinee) for any of the degree, diploma or certificate examination.



- (b) "Unfair means" includes one or more of the following acts of commission or acts of omission on the part of student/s during the examination period.
- (i) Possessing unfair means material and or copying therefrom.
 - (ii) Transcribing any unauthorised material or any other use thereof.
 - (iii) Intimidating or using obscene language or threatening or use of violence against invigilator or person on duty for the conduct of examination or man-handling him/her or leaving the examination hall without permission of the supervisor or causing disturbances in any manner in the examination proceedings.
 - (iv) Unauthorisedly communicating with other examinees or any one else inside or outside the examination hall.
 - (v) Mutual/Mass copying.
 - (vi) Smuggling-out, either blank or written, or smuggling-in of answerbooks as copying material.
 - (vii) Smuggling-in blank or written answer-book and forging signature of the Jr. Supervisor thereon.
 - (viii) Interfering with or counterfeiting University/College/Institution seal, or answerbooks or office stationary used in the examinations.
 - (ix) Insertion of currency notes in the answerbooks or attempting to bribe any of the persons connected with conduct of examinations.
 - (x) Impersonation at the University/ College/ Institution examination.
 - (xi) Revealing identity in any form in the answer written or in any other part of the answerbook by the student at the University or College or Institution examination.
 - (xii) Or any other similar act/s of commission and/or acts of omissions which may be considered as unfair means by the competent authority.
- (c) "Unfairmeans relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act or coercion, undue influence or fraud or malpractice with a view to obtain wrongful gain to him or to any other person or causing wrongful loss to other person/s.
- (d) "Unfair means material" means and includes any material whatsoever, related to the subject of the examination, printed, typed, handwritten or otherwise, on the person or on clothes, or body of the student (examinee) or on wood or other material, in any manner, or in the form of chart, diagram, map or drawing or electronic aid etc. which is not allowed in the examination hall.
- (e) "Possession of unfair means material by a student" means having any unauthorised material on his/her person or desk or chair or table or at any place within his/her reach in the examination centre and its environs or premises at any time from the commencement of the examination till its conclusion.
- (f) "Student found in possession" means a student, reported in writing, as having been found in possession of unfair means material by Jr. Supervisor, Sr. Supervisor, member of the vigilance Committee or Examination Squad or any other person authorised for this purpose, in this behalf, even if the unfairmeans material is not produced as evidence because of it being reported as swallowed or destroyed or snatched away or otherwise taken away or spoiled by the student or by any other person acting on his behalf to such an extent that it has become illegible. Provided, report to that effect is submitted by the Sr. Supervisor or Chief conductor or any other authorised person to the Controller of Examinations or Principal or Head of the Institution concerned or any officer authorised in this behalf.
- (g) "Material related to the subject of examination" means and includes, if the material is produced as evidence, any material certified as related to the subject of the examination by a competent person and if the material is not produced as evidence or has become illegible for any of the reasons referred to in clause (f) above; the presumption shall be that the material did relate to the subject of the examination.



(h) "Chief Conductor" means, Principal of the College concerned or Head of the University Department or Recognised Institution concerned where examination concerned is being conducted, and any other person duly authorised by him or person appointed as in-charge of examination, by prior approval of the University.

4. During examination, examinees and other students shall be under disciplinary control of the Chief Conductor/s.

5. Chief Conductor/s of the Examination Centre shall, in the case of unfair means, follow the procedure as under:

(i) The student shall be called upon to surrender to the Chief Conductor, the unfair means material found in his or her possession, if any and his/her answerbook.

(ii) Signature of the student concerned shall be obtained on the relevant materials and list thereon. Sr. Supervisor and the Chief Conductor concerned shall also sign on all the relevant materials and documents.

(iii) Statement of the student and his/her undertaking in the prescribed format and statement of the Jr. Supervisor and Sr. Supervisor concerned shall be recorded in writing by the Chief Conductor (Appendix-C). If the student refuses to make statement or to give undertaking the Sr. Supervisor concerned and Chief Conductor shall record accordingly under their signatures.

(iv) Chief Conductor shall take one or more of the following decisions depending upon seriousness/ gravity of the case:

(a) In the case of impersonation or violence, expel the student concerned from the examination and not allow him/her to appear for remaining examination.

(b) Obtain undertaking from the student to the effect that decision of the competent authority concerned in his/her case shall be final and binding and allow him/her to continue with his/her examination.

(c) May report the case to the concerned Police Station as per the provisions of Maharashtra Act No. XXXI 1982 - An Act to provide for preventing mal-practices at University, Board and other specified examinations.

(d) Confiscate his/her answerbook, mark it as "suspected unfair means case" and issue him/her fresh answerbook duly marked.

(v) All the materials and list of material mentioned in sub-clause (1) and the undertaking with the statement of the student and that of the Jr. Supervisor as mentioned in clause No. (ii) and (iii) and the answerbook/s shall be forwarded by the Chief Conductor, alongwith his report, to the Controller of Examinations/Principal/Head of the Institution concerned, as the case may be, in a separate and confidential sealed envelope marked "Suspected unfair means case".

(vi) In case of unfair means of oral type, the Jr. Supervisor and the Sr. Supervisor or authorised person concerned shall record the facts in writing and shall report the same to the Controller of Examinations/Principal/Head of the Institution, as the case may be.

6. Procedure to be followed by Examiner during Assessment.

If examiner at the time of assessment of answerbook suspects that there is a prima-facie evidence that the student/s whose answerbook/s the examiner is assessing appears to have resorted to unfair means in the examination, the examiner shall forward his/her report, preferably through the Chairman in the subject, and through the Director of CAP alongwith the evidence, to the Controller of Examinations/Principal/Head of the Institution, as the case may be, with his/her opinion in separate confidential sealed envelope marked as "Suspected unfair means case".

