

CHAPTER – 4

PENALTY FOR USE OF UNFAIR MEANS

4.1 Definition

Subject to the generality, the word “unfair means” shall include the following, if a candidate during an examination is found:

- a. possessing unauthorized material;
- b. removing a leaf from his/her answer book;
- c. using abusive or obscene language in his/her answer books;
- d. making an appeal to the examiner in his/her answer books;
- e. making false representation in his/her application form or any document produced by him/her;
- f. forging another person’s signature on his/her application admission form, or any other documents;
- g. refusing to obey any instructions issued to him/her by the Board in connection with an examination;
- h. refusing to obey the Superintendent/ Deputy Superintendent or Invigilator in the examination;
- i. disclosing his/her identity or making peculiar marks in his/her answer books for an examination whether or not any fictitious Roll Numbers are used by the Federal Board;
- j. giving or receiving assistance or allowing any other candidate to copy from his/her answer books;
- k. abetting or attempting to use these or any other unfair means;
- l. communicating or attempting to communicate with Examiners with the intention of influencing them in the award of marks;
- m. creating disturbance of any kind during the examination or otherwise misbehaving in or around the examination hall/centre;
- n. copying from any paper, book or note(s);
- o. making deliberate prior arrangements to cheat in the examination such as smuggling in or out a question paper or an answer book, impersonation or misconduct of a serious nature;
- p. misbehaving or creating any kind of disturbance in or around an examination centre including staging or inciting others for a walkout;
- q. attempting to induce, directly or indirectly, an employee of the Federal Board, or any person engaged in connection with an examination to give any kind of undue assistance to him/her including disclosure of guarded information;
- r. taking the whole or a part of an answer book or a continuation sheet/ supplement into or out an examination centre;

s. substituting the whole or a part of an answer book or a continuation sheet/ supplement not duly issued to him for the examination;

t. forging, mutilating, altering, erasing or otherwise tampering with any document connected with an examination or making undue use of such document or abetting in the commission of such offences.

4.2 Penalty

A person who is guilty of committing the prejudicial acts, any fraud in the documents, and commits unfair means shall be liable to punishment/ penalty as given below:

a. Penalty for Fraud in Official Documents

(1) If a candidate tampers with or forges any entry in a certificate or any other document issued by the Board; he/she shall be deemed to have used unfairness. The Board may cancel the document in question or cancel result or take such other action as it may deem necessary.

(2) A candidate who is found guilty of having committed any of the following acts of omission or commission on his/her part shall be liable to be disqualified and debarred from appearing at the Board's examination for such period as the Board may deem fit:

(a) having concealed or suppressed any fact in his/her application for registration/ admission to examination forms.

(b) having made any false statement.

4.3 Punishment to the following extent may be awarded for different nature of offences and guilts to the candidate using unfair means and malpractices:

S. No.	Nature of Offence/ Guilt	Punishment to be Awarded
1	Possession of incriminatory material and computerised calculator/ Mobile Phone etc. Use of improper / indecent/ vulgar / blasphemous obscene language / sketches in script writing making an Appeal to examiner on question paper / Answer book. In case of same offense in more than one paper or some other serious offence like manhandling and physical force.	a) Cancellation of relevant paper or b) Fine as recommended by the Unfair Means Committee, or c) Both "a" & "b" above. d) Entire result of said examination shall be cancelled.
2	Unauthorised change of examination Centre	(a) Cancellation of relevant papers(s) or (b) Fine as recommended by the Unfair Means Committee, or c) Both "a" & "b" above
3	Copying	(a) Cancellation of relevant paper. (b) Cancellation of all papers of the relevant examination. (c) Debarred from appearing in the immediate next examination in addition to (b) above
4	Committing of Fraud/ Forgery /mutilation in the answer script / Board document.	(a) Cancellation of all papers/ result of the relevant examination (b) Debarred from appearing in immediate next 1 to 3 exams.
5	Disobedience / violation of orders of the Supervisory staff / Centre Superintendent.	Cancellation of relevant paper and fine as recommended by the Unfair Means Committee

6	Indulgence in disturbance, provocation, agitation, walkout and involvement in the rowdyism, rioting causing damage to the property.	(a) Cancellation of all papers of the relevant exam and debarred from appearing in the next 1 to 5 examinations, b) Besides above, fine as recommended by the Unfair Means Committee
7	Acts of misbehaviour such as: (a) Causing hindrance in the discharge of duties of Centre staff. (b) Resort to insolence, shouting and creating scene etc. (c) Threatening the supervisory Staff. (d) Use of derogatory remarks and abusive language (e) Physical assault and causing injury to invigilator / Centre staff / Possessing firearms.	(a) Cancellation of all papers of the relevant exam and debarred from appearing in the Next 1 to 5 examinations, besides fine as recommended by the Unfair Means Committee. (b) do (c) do (d) do (e) Cancellation of all papers of the relevant exam and debarred from appearing in next 1 to 7 examinations, besides fine as recommended by the Unfair Means Committee
8	Impersonation or allowing abetment thereof Smuggling question paper, script in the original or solved forms from inside or outside the examination Centre.	Cancellation of all papers of the relevant examination and debarred from appearing in the next 1 to 7 examinations, and the fine as recommended by the Unfair Means Committee.
9	Attempting to influence directly or indirectly the examiners / supervisory staff with the object of influencing in the award of marks / copying.	a) cancellation of relevant paper or b) Fine as recommended by the Unfair Means Committee
10	Any other offence / act / guilt not covered in the above classification.	Punishment to be awarded according to the nature of the offence / guilt as decided by the Chairman.

Note: While examining the cases of unfair means, due consideration should be given to the merit of each case and all mitigating circumstances particularly the repented and apologetic attitude of the offender about his guilt and misconduct should be given due consideration while deciding the punishment. However, in case of rowdyism and misbehaviour lenient view should not be taken even if the culprit admits his guilt and tenders apology duly signed by the principal/head of institution.

4.4 Powers to Deal with Prejudicial Acts

a. If supervisory staff or an examiner or any other person employed in connection with an examination fails to comply with any instruction issued by the Board or any of its officers, or commits any other irregularity; or secures such appointment by supplying wrong particulars through misstatement of facts, the Board may:

- (1) rescind the appointment and, or
- (2) refuse to pay the whole or any part of remuneration; or
- (3) recover the amount spent by the Board as a result of non-compliance of instruction, or
- (4) take any other action as deemed necessary.

The Board or any officer authorized by it shall be the sole judge whether there has been any mis-statement of facts or irregularity or non-compliance of instructions.

b. Who, in the opinion of the Board or a Competent Authority of a Committee or an officer appointed by the Board, is found guilty of any of the following, shall be liable to such action as deemed necessary:

- (1) Premature disclosure of questions or question paper knowing that such question or question paper is to be put or set at an examination written or oral;
- (2) Substitution of an answer book or any portion thereof;

- (3) Awarding with a motive of substituting marks/ grade more or less than the marks/ grade a candidate deserves, if the person doing so is an examiner;
 - (4) Recording in any document with dishonest motive marks/ grade more or less than the marks/grade awarded to the candidate by the examiner concerned, if the person doing so is other than the examiner;
 - (5) Supplying to a candidate, during his/her examination, answer to a question contained in a question paper or a question put or to be put at an oral examination;
 - (6) Mutilation, alteration interpolation or erasure in any certificate or other document or any record maintained by the Board, or in any manner using any record maintained by the Board, or in any manner using or causing to be used its certificate, documents or record knowing that it is so mutilated, altered, interpolated or erased; or
 - (7) Divulging or procuring information pertaining to the examination papers, answer books, examiners, conduct of examinations, Fictitious roll numbers, examination results, or any information incidental there to;
 - (8) Falsification of official examination results by any means including substitution of answer books, mutilation, alteration or falsification of any record of the Board;
 - (9) Impeding or hampering the process of examination at any examination Centre by any means whatsoever;
 - (10) Assaulting or threatening to assault in or around the examination hall any person in charge of an examination centre or any other person employed in connection with an examination;
 - (11) Approaching or influencing any employee of the Board to act corruptly or dishonestly in the conduct of an examination, declaration of any result, or marking papers or obtaining secret information relating to an examination;
 - (12) Attempting or abetting the commission of the aforesaid acts and
 - (13) Any part in act of sabotage or commission on the part of any person which tends to or is likely to impede and hamper the process of examination or tamper with the sanctity, reliability and accuracy of the same.
- c. Findings or facts ascertained by the Board or a competent authority or committee or an officer appointed by the Board for that purpose shall be conclusive and shall not be called into question in any executive, administrative or judicial proceedings.
- d. The Chairman shall appoint annually one or more Unfair Means Committee, to deal with cases of alleged use of unfairness/prejudicial acts in connection with examination. The committee shall make recommendations primarily in the light of clause 4.3 above; however, where necessary as per special circumstances and merit of the case, shall make more stringent or lenient recommendations. The Sectional Head concerned shall forward the same along with his recommendations for approval of the Controller of Examinations.
- e. A candidate to whom the decision of the competent authority is communicated has valid reason to appeal against such decision; he may do so within 30 days of the date of issuance of the decision in writing addressed to the Chairman. The appeal shall be referred to the Committee of Appeal. The applicant will be given an opportunity to be heard in person by the Committee, if he so desires. The Chairman shall appoint annually by

nomination the Committee of Appeal comprising one or more members. These persons shall be other than those who have been on the Committee on unfair means who dealt with the case earlier. Chairman shall decide on the recommendations of the Appellate Committee.

f. A candidate desiring to cross examine the Centre Superintendent or any member of the supervisory staff may be allowed to do so subject to condition that he/she pays the expenses to be incurred by the Centre Superintendent or any member of the supervisory staff, as the case may be on traveling etc.