

BOARD OF SCHOOL EDUCATION HARYANA, BHIWANI

PART-VI **UNFAIRMEANS REGULATIONS**

Important Regulations :

In exercise of the powers conferred by sub-section (i) of section 19 of the Haryana Board of School Education Act, 1969, the Board of School Education Haryana, with the previous sanction of the Government of Haryana, hereby makes the following regulations, namely :

124. The cause of action in respect of any matter arising from any action taken under these regulations shall lie at the station where Head quarter of the Board is located.
125. Possession of Notes, Books or any other material that can be of any help in the examination or doing anything objectionable on the part of a candidate or any other person caught assisting or trying to assist him during or after the examination as described in these regulations shall render the candidate or any other person liable to punishment under these regulations.
126. The Board shall not admit to any of its examinations for the period of disqualification candidate who has been disqualified by any other Board or a University.
127. **FORMATION OF COMMITTEE :**
 - (a) The Secretary is authorized to appoint annually one or more standing committee(s) to deal with cases of the alleged misconduct and or use of unfairmeans in connection with examination conducted by it vide Board's para 22 of 07.11.2005.
 - (b) The quorum for the meeting of the standing committee shall be 2/3 of its total members.
 - (c) When the committee is unanimous, its decision shall be final except as provided in Regulation-128 below. If the committee is not unanimous the matter shall be referred to the Chairman whose decision shall be final.

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128. AUTHORITY FOR APPEAL :

- (a) For Chairman consideration if a candidate produce duly written facts within 30 days of receipt of the decision of the committee than the case can be refer by the Chairman to the committee again for the review. Such an appeal can be done only once. (as per Board's meeting 11.02.2019 Para-11 Point-05 Sub-Point 01)
- (b) The committee shall then reconsider the case. A unanimous decision of the committee shall be final. But in the event of a difference of opinion, the case shall be referred to the Chairman whose decision shall be final.
- (c) Persons disqualified under regulation 147(b) can prefer appeal to the Chairman within 30 days of the receipt of decision. The decision of the Chairman shall be final.

129. INSTRUCTION TO CANDIDATES BEFORE THE EXAMINATION BEGINS :

- (a) Every day before the examination begins, the Superintendent or the Deputy Superintendent or a Supervisor shall call upon all the candidates to search their persons, pockets and desks etc. and part with and deliver to him all papers, books or notes or any other objectionable material which they may have in their possession. But the absence of such a warning or the plea of any candidate not having heard it shall not be accepted as an excuse for possession of objectionable material.
- (b) The Superintendent shall forward to the Secretary every day a declaration, signed by him/her and the Deputy Superintendent when there is one on duty and witnessed by all the Supervisors then on duty, to the effect that he did, as a matter of facts, call upon the candidates to search their persons, pockets and desks etc. and to surrender all papers, books or any other objectionable material in their possession. But non dispatch of such a declaration on the part of the Superintendent or non receipt of the same in the office, shall not effect the merit of the case if a candidate is found guilty of possession of objectionable material.

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130. A candidate found to be or suspected to be guilty of using unfairmeans in the examination shall be permitted to answer the remaining part of the question paper, if he/she so desires, but on a separate answer book shall be supplied to him/her on demand and the answerbook in which the unfairmeans is suspected shall be seized by the Superintendent who shall send this answerbook along with the second answerbook, if the candidate has taken any, to the Secretary with report. The candidate may also appear in subsequent papers at his/her own risk and subject to the decision in his/her case for use of unfairmeans.
131. **PROCEDURE TO SEND THE UNFAIRMEANS CASES TO THE BOARD :**
- a. The Superintendent of the examination shall report to the Secretary, without delay and normally on the day of occurrence, if possible, each case where use of unfairmeans in the examination is suspected or detected, with full details of evidence and explanation of the candidate concerned on forms supplied by the Secretary for the purpose.
 - b. In case the candidate refuses to give a statement he/she is not to be forced to do so and only the fact of his/she refusal shall be recorded by the Superintendent and attested normally by two other members of the Supervisory staff on duty at the time of occurrence or unless the number of Supervisory staff is less than two.
132. **POSSESSION OF INCRIMINATING MATERIAL :**
If during an examination, a candidate is found in possession of any material, which is relevant to the subject of the examination, such as :
- (a) Papers, books or notes or any other objectionable material or
 - (b) Notes written on any part of the clothes worn by the candidates or on Handkerchief or on any part of his/her body, or table or desk or board or Foot-rule and or instruments like set-squares, protractors, slide rules, calculator/watch calculator or any such type of electronic device/Mobile etc. with notes written on them, he/she shall be liable for the cancellation of that concerned paper. If the incriminating material is found in the vicinity of the student then he/she may be given the benefit of doubt.

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133. **COPYING IN THE EXAMINATION** :
If during an examination a candidate is found having copied or indulging in copying from any paper, book or notes or any objectionable material, disqualified for one year.
134. **GIVING AND TAKING HELP OR RECEIVING HELP FROM ANY SOURCE** :
If an answerbook of a examinee shows he/she has received or attempted to receive help in any either through cell phone or any individual/common source from outside the examination center or from within the examination centre or if the examinee attempted to give help to another candidate in any manner, that disqualified for one year.
135. **TALKING DURING THE EXAMINATION** :
If during an examination, a candidate is found talking to another candidate/Handed over his/her Answerbook to another candidate or any person inside or outside the examination hall during the examination hours, disqualified for one year.
136. **DESTROYING EVIDENCE** :
If a candidate during an examination of the Board is found swallowing or attempting to swallow a note or paper or runs away with it or is guilty of causing disappearance of or destroying any such material, he/she shall be disqualified for one years.
137. **CONSULTING NOTE BOOKS ETC. OUTSIDE THE EXAMINATION HALL** :
If during an examination a candidate is found consulting books, note books or papers or any other objectionable material while outside the examination hall before he/she has handed over his/her answer book to the Superintendent or any member of the Supervisory Staff, he/she shall be disqualified for cancellation of that paper/one year.
138. (a) **WRITING QUESTION ON A PLAIN PAPER** :
A candidate who during the course of an examination writes a question set in the paper or anything connected or relating to a question set in the paper or solution thereof on the blotting paper or any other thing, he/she shall be disqualified for one year.

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(b) **ATTEMPTING TO PASS ON A COPY OF QUESTION PAPER OR QUESTION SET IN THE PAPER :**

A candidate found guilty of passing on or attempting to pass on during the examination a copy of a question set in the paper or the question paper itself or a part thereof, or solution of question set in the question paper to anyone he/she shall be disqualified for one year.

139. **EXTRANEIOUS HELP :**

A candidate found in possession of a solution to a question set in the paper through the connivance of any member of the Supervisory or menial staff or some outside agency shall be disqualified for one year. Also the person rendering such help, shall be Black Listed. He/she shall be declared not fit forever and proper (Teacher/Invigilator) will not to be appointed to any examination of any Board or University. After disciplinary action, it will be mentioned in the service book of the concerned and case will be forwarded to parents department for disciplinary action.

140. **SMUGGLING OF ANSWERBOOK OR CONTINUATION SHEETS :**

A candidate found guilty of :

- (i) Smuggling in an answerbook.
- (ii) Replacing or getting replaced his answer book during or after the examination with or without the help or connivance of any person or.
- (iii) Talking out or arranging to send out an answerbook, shall be disqualified for two years.

141. **WRITING OF ANSWERBOOK OUTSIDE THE EXAMINATION HALL :**

A person found guilty of having written outside the examination hall, an answerbook for a candidate which the later has smuggled into the examination hall, or of having managed other wise to replace the answerbook of the candidate after the examination shall be disqualified for two years and shall be declared not fit and proper person to be admitted to any examination of any Board or University for a period of two years and shall also be liable to such other punishment as may be decided by the chairman. Centre Superintendent/Invigilator of that room/hall will be responsible.

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142. RUN AWAY WITH THE ANSWER BOOK :

If a candidate leaves the examination hall without delivering the answerbook to the Supervisor concerned and takes away the same with him/her or intentionally tears off, or otherwise disposes of his/her answer book or any part thereof inside or outside the examination hall, he shall be disqualified for two years and FIR will also be lodged against him/her by Centre Superintendent.

143. PRESENTATION OF PRACTICAL NOTE-BOOK

If a candidate, during the course of a practical examination in any subject, present to the examiner a practical or class work note book which does not belong to him, he shall be disqualified for one year.

144. IMPERSONATION IN EXAMINATION :

Any person who impersonates (In case of mismatch of photo or signature) a candidate shall be disqualified from appearing in any Board examination for period of two years, if that person is on the rolls of a recognized school, but if that person is not on the rolls of a recognized school he shall be declared as not fit and proper person to be admitted to any examination of any Board or University for a period of two years and the case, if necessary, may be reported to the police. If a candidate challenge the handwriting, then the fees of handwriting expert will be paid by candidate. If handwriting is matched then benefit of doubt will be given to candidate. The candidate who is impersonated shall be disqualified for three years and FIR will also be lodged against him/her by centre superintendent/Invigilator.

- (i) For HTET Examination the candidate who is impersonated shall be disqualified for five years and FIR will also be lodged against him/her by centre superintendent /invigilator.
- (ii) For D.EL.ED Examination the candidate who is impersonated shall be disqualified for three years seek a fresh admission and FIR will also be lodged against him/her by centre superintendent/invigilator.

145. MIS-CONDUCT DURING THE EXAMINATION :

A candidate found guilty of :

- (a) Serious mis-conduct in the examination hall, or
- (b) Misbehavior towards the Superintendent or any member of the Supervisory Staff outside the examination hall or any other place during the examination days shall be disqualified for two years and the case may, if necessary, be also reported to the police.

146. DISOBEDIENCE OF SUPERVISORY STAFF ETC :

A candidate who refused to obey the Superintendent of the examination or any other member of the Supervisory Staff or change his/her seat with another candidate or deliberately writes another candidate's Roll Number

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on his/her answerbook or creates disturbance of any kind during the examination or otherwise misbehaves in or around the examination hall, shall be liable to expulsion by the Superintendent, and shall be awarded any one of the following punishment according to the seriousness of the offence :

- (i) Cancellation of the answer book of the paper concerned.
- (ii) Disqualification upto one/two years.

147. PUNISHMENT FOR OFFENDER OTHER THAN EXAMINEES :

- (a) In the case of a person who commits an offence under any of these Regulations, but is not a candidate for any Board examination, the case may also be handed over to the Police, apart from any action that might be taken under these Regulations.
- (b) If a teacher or a person connected with an institution commits an offence under any of these regulations, his conduct shall be reported for suitable disciplinary action to the managing body of the institution where he is employed or to the Government in the case of a Government institution and he shall be debarred from any remunerative work in the Board permanently or for a period of five years by the Secretary, after considering the report of UMC Committee.

148. USE OF ABUSIVE OR OBSCENE LANGUAGE :

- (a) A candidate found guilty of using abusive or obscene language in the answer book of an examination, Concerned paper shall be cancelled.

(b) APPEAL TO AN EXAMINER :

If a candidate makes an appeal to the examiner through an answerbook, such answer book shall be liable to be cancelled.

149. DISCLOSING OF IDENTITY :

If a candidate is found guilty of deliberately disclosing his identity or making any distinctive marks in his answerbook for that purpose his answerbook for that paper may be cancelled.

150. APPROACH TO EXAMINER OR SECRETARY OR ANY OFFICER OR OFFICIAL OF THE BOARD :

- (a) A candidate found guilty of communicating or attempting to communicate directly or through a relative, guardian or friend with an examiner or with the Secretary or with any other officer or official of the Board with a view to influencing the award of marks or for the purpose of alteration or interpolation in the award, Concerned paper shall be cancelled.

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(b) **PUNISHMENT FOR A CANDIDATE FOUND GUILTY OR HAVING WRITTEN IN HIS ANSWERBOOK AFTER THE EXAMINATION IN THE PAPER**

A candidate found guilty of having written in his answerbook an answer to any question or a part of any question or making alteration or corrections in any already written answer at any stage after the examination in the paper shall be disqualified for one year. The person or persons through whose help of connivance this is done shall be debarred permanently from any remunerative job of the Board and the conduct of such a person or persons shall be reported to proper authorities for further disciplinary action.

151. APPROACH TO MEMBER OF THE COMMITTEE :

A candidate found guilty of approaching or influencing directly or indirectly, regarding unfair means case, a member of the committee or any Board Official, Concerned Paper shall be cancelled. In addition to the punishment awarded to him/her under the regulations for his offence for using unfair means..

152. PROCEDURE TO AFFORD OPPORTUNITY TO THE CANDIDATE :

A candidate alleged to have employed unfair means shall be afforded an opportunity to explain his/her position by the Secretary or an officer authorized by him/her in this behalf, and called upon to show cause why action under these regulations should not be taken against him/her. If the candidate fails to tender explanation within 15 days of issue of the show cause notice the Board office shall proceed with the case Ex-Party.

153. RE-EXAMINATION :

- (a) If the Chairman is satisfied after enquiry that the integrity of an examination has been violated at an examination centre as a consequence of whole scale or large scale unfair assistance rendered to the examinees, he/she may order re-examination of all candidates including candidates registered under UMC on same date of that centre in one or more papers. The Chairman may also abolish the examination centre for future or for a specified period. (Board meeting dated 17.07.2018 Para-04)
- (b) After the examination that unfair means have been used whole scale or on a large scale at a centre in any particular paper or papers, he/she may order re-examination of the candidates of that centre in that paper or papers as

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soon as it is possible for such re-examination to be held. He/she may also abolish the examination center for future or for a specified period.

- (c) If the Chairman is satisfied that any particular group of candidates or candidates in a particular room or rooms have used unfair means on a large scale in a paper or papers, he/she may order re-examination of such candidates in the said paper or papers.
- (d) In case of abolition of a center where re-examination is ordered, if the use of large scale unfair means was due to active help or connivance or non-cooperation on the part of the authorities of the school where the center was located or due to some assistance of the local people, the school may be required to deposit all fees prescribed for creation of a new center before the request for revival of the center is entertained.
- (e) **DISQUALIFICATION OF SUPERVISORY STAFF**
If the Chairman is satisfied that use of unfair means at any centre was due to active help or connivance or non-cooperation of the Supervisory Staff, such Supervisory Staff shall be debarred from all remunerative work of the Board permanently, apart from any action that might be taken against such staff by their management/department. No payment/honorarium will be paid to the supervisory staff in those cases. If paper was cancelled due to any supervisory staff mistake then cost of re-exam will be paid by him/her if it is proved as the case may be.

154. REGULATION FOR ANY CASE OF UNFAIRMEANS NOT COVERED ABOVE :

For any case of unfair means not covered by these regulations, the standing committee appointed under Regulation 127(a) may impose punishment of concerned paper shall be cancelled. In case the committee thinks that the nature of the offence is such that a more deterrent punishment should be awarded it shall refer the case to the Board with its recommendations and the Board may impose such punishment as it deems fit accordingly to nature of the offence.