
Bihar Conduct Of Examination Act, 1981

1 of 1982

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SCHEDULE 1 :- Schedule I

Bihar Conduct Of Examination Act, 1981

1 of 1982

An Act to provide for penal action for adopting 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: 1. Published in the Bihar Gazette (Ex-ord.) dated 23.1.1982

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Bihar Conduct of Examination Act, 1981. (2) It extends to the whole of the State of Bihar. (3) It shall come into force at once.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context.-- (I) "Recognised examination" means any examination enumerated in the schedule and an examination conducted by any body constituted under the authority of the State Government or under any Act of the State, and includes evaluation, tabulation, publication of result and all matters connected with examination and publication of result; and (II) As to an examination, "unfair means" means to take or give help, or to attempt to take or give help from any material written or printed or from any person in any manner whatsoever.

3. Prohibition As To The Using Of Unfair Means Or Cheating In Examinations :-

No person shall have recourse to unfair means or cheating in any examination enumerated in the schedule or in an examination held by any body constituted under the authority of the State Government or under any Act of the State, or in any evaluation or tabulation work or in any matter connected with recognised examination.

4. Helping In Use Of Unfair Means Or Abetting Or Conspiring :-

No person shall help in using unfair means or cheating in any examination enumerated in the schedule, nor shall he abet or conspire.

5. Restriction On Copies Of Question-Paper And On Imparting Information :-

No such person who is not, on the basis of his duty, legally authorised or permitted to do so, shall before the time fixed for distribution of copies of question-paper among the examinees in any examination-- (I) procure such question-paper or any part or copy thereof or try to procure or possess the same; or (II) impart or propose to impart such information as to which he knows or has reason to believe that the same is in respect of the question-paper or has been taken therefrom or is connected therewith.

6. Bar To Disclose Any Thing By A Person Entrusted With Examination Work :-

No such person as has been entrusted with any work connected with any recognised examination, shall, except where he has, on the basis of his duty, permission to do so, either directly or indirectly disclose or cause to be disclosed to any other person any information or its part received as a result of the work so entrusted

with, or shall make the same known.

7. Bar Relating To Fake Question-Papers :-

No person shall himself or through others receive, possess, distribute or propagate otherwise for any such question paper as is to be given or likely to be given or purported to be as such in any ensuing recognised examination.

8. Bar To Loitering, Etc. Near Examination-Centre, Etc. :-

With the exception of those who are permitted so to do on the basis of their duties or are authorised by an officer not below the rank of Centre Superintendent, no person shall do any of the following work within the premises of an examination-centre or at any place where evaluation or tabulation work is going on or at any public or private place within a radius of five hundred yards from examination-centre or place of evaluation or tabulation during hours of conduct of a recognised examination in any centre of examination or evaluation or tabulation or two hours before commencement of such examination or evaluation or tabulation on the date or dates on which conduct of a recognised examination or evaluation or tabulation is done, such as :-- (a) Loitering; (b) Distributing or causing distribution of any papers or other articles connected with examination, or propagating or causing propagation thereof otherwise; (c) Engaging himself in other such activities as are likely to cause adverse effect on conduct or secrecy of examination : Provided that nothing contained in this section shall be applicable to bonafide activities of examinees appearing at the examination being held in such examination centre.

9. Bar To Refuse To Discharge Duties By Person Concerned Entrusted With Proper Conduct Of Examination, Etc. :-

Whoever is entrusted with invigilation or supervision or evaluation work of any examination, tabulation, publication of result and any work connected with examination and publication of result shall not refuse to discharge the duties entrusted with.

10. Penalty :-

Whosoever contravenes any of the provisions in sections 3 to 9, shall be punished with imprisonment for a term of one month which may extend to six months, or with fine not exceeding two thousand rupees, or with both.

11. Nature Of Offence And Trial :-

Offences committed under this Act are cognizable and non-bailable,

and Executive Magistrate who is duly and properly authorised, will dispose of the same by summary trial.

12. Investigation Of The Case :-

Cases under the provisions of this Act will be investigated by an officer not below the rank of a Deputy Superintendent of Police.

13. Appeal :-

An appeal shall lie against conviction under section 10 of this Act to the District & Sessions Judge concerned.

14. Power To Amend The Schedule :-

The State Government may by notification include in or exclude from the schedule any examination.

15. Repeal And Saving :-

(1) The Conduct of examination Third Ordinance, 1981 (Bihar Ordinance 171 of 1981) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in exercise of power 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.

SCHEDULE 1

Schedule I

See Section 2 (I)

- (1) Examination conducted by or under the authority of the Bihar Secondary School Examination Board.
- (2) Examination conducted by or under the authority of any University established by an Act of the Legislature of the State.
- (3) Examination conducted by Bihar Public Service Commission.
- (4) Examination conducted by Bihar State Board of Technical Education.
- (5) Combined Entrance Examination for admission to Under-graduate Engineering and Science Course.
- (6) Test examination for admission in Medical and Engineering Colleges.
- (7) Examinations conducted by the Board of Revenue, Bihar or by any department of the State Government or by any Public Sector undertaking, Corporation or Co-operative Societies, for recruitment.
- (8) Examinations conducted by Bihar Intermediate Education Council.
- (9) Examinations conducted by Madarsa Board.
- (10) Examinations conducted by Sanskrit Board.
- (11) Entrance Examination for Netarhat Public School.
- (12) Examination conducted by the Education Department for awarding Scholarship.
- (13) Entrance Test Examination conducted by University, College or School for admission to any course.

