

## **Chhattisgarh Public Examination (Prevention Of Unfair Means) Act, 2008**

**2 of 2009**

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## **Chhattisgarh Public Examination (Prevention Of Unfair Means) Act, 2008**

**2 of 2009**

An Act to prevent the leakage of question papers and use of unfair means in a public examination and to provide for matter connected therewith and incidental thereto. Be it enacted by the Chhattisgarh State Legislature in the fifty-ninth year of Republic of India. 1. Published in C.G. Rajpatra (Asadharan), dated 17-3-2009 at pp. 174 (4)-174 (7).

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008.
- (2) It extends to the whole of the State of Chhattisgarh.

(3) It shall come into force from the date of its publication in the "Official Gazette".

## **2. Definitions :-**

In this Act, unless the context otherwise requires,--

(a) "Examination Centre" means any institution or part thereof or any other place fixed for the holding of a public examination and includes the entire premises attached thereto;

(b) "Examinee" means a person who has been granted permission to appear in a public examination and includes a person authorized to act as scribe on his behalf;

(c) "Public Examination" means an examination specified in the Schedule, conducted for the awarding or granting of any degree, diploma, certificate or any other academic distinction to a person who is lawfully declared to have been successful at such examination;

(d) "Unfair means" in relation to an examinee while answering questions in a public examination means the unauthorized help from any person directly or indirectly or from any material written, recorded, copied or printed, in any form whatsoever, or the use of any unauthorized telephone, wireless or electronic or other instrument or gazette.

## **3. Prohibition Of The Use Of Unfair Means :-**

No examinee shall use unfair means in any public examination.

## **4. Possession And Disclosure Of Question Paper :-**

No person, who is not lawfully authorized or permitted by Unauthorized, virtue of his duties so to do shall, before the time fixed for distribution of question papers to examinees at a public examination--

(a) procure or attempt to procure or possess such question paper or any portion or a copy thereof; or

(b) either give any information, nor promise to give such information to any person, for which he has knowledge or reason to believe, that, such information is related to or in reference to or proficient to such question paper.

## **5. Prohibition To Give Information, By Such Person To Whom Examination Work Is Handed Over :-**

No person, who is entrusted with any work pertaining to public examination shall except where he is permitted by virtue of his duties so to do, directly or indirectly divulge or attempt to divulge or make known to any other person any information or part thereof, which has come to his knowledge by virtue of the work entrusted to him.

**6. Prohibition On Entry Into An Examination Centre :-**

No person, who is not entrusted with any work pertaining to public examination, or who is not an examinee shall during the continuance of public examination enter into an examination centre or having entered into such centre remain there or provide any help or assistance to an examinee in using unfair means in the public examination.

**7. No Person On The Management Etc. Shall Assist To An Examinee :-**

No person, who is on the management or on the staff of an institution which is being used for the holding of a public examination, or who is entrusted with any work pertaining to public examination, shall provide any help or assistance to an examinee in using unfair means in public examination.

**8. No Place Other Than Examination Centre Shall Be Used For Public Examination :-**

No person shall use or cause to be used any place, other than the examination centre, for the purposes of holding of public examination.

**9. Penalty For Use Of Unfair Means :-**

Whoever, contravenes or attempts to contravene or abets the contravention of the provisions of Section 3 shall be punished with fine which may extend to five thousand rupees.

**10. Penalty For Leakage :-**

Whoever, contravenes or attempts to contravene or abets the contravention of the provisions of Section 4 or Section 5 or Section 6 or Section 7 or Section 8, shall be punished with imprisonment of either description for a term which may extend to one year or with

fine which may extend to twenty five thousand rupees or with both.

### **11. Penalty For Offence With Preparation To Cause Hurt Etc.**

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Whoever, commits an offence punishable under Section 9 or Section 10 having made preparation for causing death of any person or causing hurt to any person or assaulting any person or for wrongfully restraining any person or for putting any person in fear of death or hurt or assault or wrongful restraint shall be punished with imprisonment of either description for a term which may extend to five years or with fine which may extend to fifty thousand rupees or with both.

### **12. Procedure :-**

(1) An offence punishable under Section 9 shall be cognizable and bailable.

(2) An offence punishable under Section 10 or 11 shall be cognizable and non-bailable.

(3) All offences punishable under this Act shall be tried summarily by a Judicial Magistrate of the first class and the provisions of sub-section (1) of Section 262, Section 263, Section 264 and Section 265 of the Code of Criminal Procedure, 1973 shall mutatis mutandis apply to such summary trial.

### **13. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceeding shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

### **14. Power To Amend Schedule :-**

The State Government may by notification, include in the Schedule, any other examination in respect of which it considers necessary to apply the provisions of this Act and upon the publication of such notification in the Gazette, the Schedule shall be deemed to be amended accordingly.

### **15. Power To Make Rules :-**

(1) The State Government may, by notification make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall as soon as possible be laid on the table of the Legislative Assembly.

#### SCHEDULE 1

##### SCHEDULE I

[See Section 2 (c)]

1. Examination conducted by Chhattisgarh Secondary Education Board under Chhattisgarh Secondary Education Act, 1965 HighSchool/Higher Secondary/Professional Higher Secondary/D.Ed. (First andSecond Year)/ Diploma in Physical Training/and examination conducted by other Board.

2. Any examination conducted by any University or any other Council or Company established by or under any Act of Chhattisgarh.