

Madhya Pradesh Recognised Examinations Act, 1937

10 of 1937

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SCHEDULE 1 :- THE SCHEDULE

Madhya Pradesh Recognised Examinations Act, 1937

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An Act to provide for the prevention of leakage of question set for recognized examinations and to provide for penal action for adoption of unfair means at such examinations and for matters connected therewith]. 2[Whereas it is expedient to make provision for the prevention of the leakage of question set for recognised examinations and for penal action for adoption of unfair means at such examinations and for certain matters connected therewith.] And whereas the previous sanction of the Governor-General required by sub-section (3) of Section 80-A of the Government of India Act has been obtained for the passing of this Act : It is hereby enacted as follows :-- 1. Published in the "Central Provinces Gazette", dated the 12-2-1937. 2. Substituted by M.P. Act No. 7 of 1984.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Madhya Pradesh Recognised Examinations Act, 1937.

(2) It extends to and shall be in force in the whole of Madhya Pradesh.

2. Definitions :-

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

(a) "criminal intimidation" shall have the meaning assigned to it in Section 503 of Indian Penal Code, 1860 (No. 45 of 1860) and the expression "Criminally intimidate" shall be construed accordingly;

(b) "recognised examination" means any of the examinations enumerated in the Schedule and includes an examination held under the authority of any Government or by any body constituted under any enactment;

(c) "unfair means" in relation to any recognized examination, means taking or giving or attempting to take or give any help other than one permissible, if any, under the rules applicable thereto from any material, written, recorded or printed or from any person in any form whatsoever.]

1. Inserted by M.P. Act No. 7 of 1984.

3. Restriction On Copies Of Question Paper And Offer Of Information :-

No person, who is not lawfully authorised or permitted by virtue of his duties so to do, shall, before the time fixed for the distribution of copies of a question paper to examinees at a recognized examination,--

(i) procure, attempt to procure or possess, such question paper or a portion of such paper or a copy thereof; or

(ii) impart, or offer to impart information which he knows or has reason to believe, relates to or is derived from such question paper.

3A. Prevention Of Leakage By Persons Entrusted With Examination :-

work

1[No person who is entrusted with any work pertaining to a recognised examination shall, save where is permitted by virtue of his duties so to do, directly or indirectly divulge or cause it to be divulged or known to other person any information or part thereof or which he has come in possession by virtue of the work being so entrusted to him.

1. Inserted by M.P. Act No. 20 of 1966.

3B. Restriction To Take Papers :-

No person shall procure, possess, distribute or otherwise publicise or cause to be published any question paper as being the one or purporting to be the one that is to occur to be given at an ensuing recognised examination.

3C. Prohibition Of Loitering, Etc., Near Examination Centre :-

1[No person, save where he is permitted by virtue of his duties so to do or where he is authorised by any Officer not below the rank of Centre Superintendent, shall, during the hours when a recognised examination is conducted at any examination centre and two hours preceding the commencement of such examination on any date or dates on which such examination is conducted, commit any of the following acts within the premises of the examination centre or any public or private place within a distance of one hundred yards of the examination centre :--

(a) loiter;

(b) distribute or cause to be distributed or otherwise publicise or cause to be publicised any paper or any other matter relating to the examination;

(c) indulge in such other activity as is likely to be prejudicial to the conduct of examination or is likely to effect the secrecy thereof:

Provided that nothing contained in this section shall apply in respect of bona fide activities of examinees appearing at the examination which is conducted at such examination centre.

3D. Prohibition Of Use Of Unfair Means At Recognised Examinations Etc. :-

(1) No person shall adopt or take recourse to unfair means at any recognised examination.

(2) No person shall aid, abet or conspire in the use of unfair means at any recognised examination.

3E. Criminal Intimidation In Relation To Recognised Examination :-

Whoever being an examinee, within the premises of an examination centre, by words or by gesture or by use of any weapon or an object which if used as a weapon of attack is likely to cause injury to any human being, criminally intimidates an officer in charge of an examination centre, by whatever name called, or any invigilator or any member of staff assisting such officer in charge in the conduct of any recognised examination or whoever in the like manner criminally intimidates any person otherwise concerned with the conduct of examination as paper setter or in any other capacity whatsoever shall be guilty of an offence of criminal intimidation in relation to recognised examination.]

1. Inserted by M.P. Act No. 7 of 1984.

4. Penalty :-

1[Whoever contravenes the provisions of Section 3-A, Section 3-B, Section 3-C, Section 3-D or commits an offence of criminal intimidation under Section 3-E, shall be punished with

imprisonment of either description which may extend to three years or with fine which may extend to five thousand rupees or with both.]

1. Substituted by M.P. Act No. 7 of 1984.

5. Conviction To Be Act Of Moral Turpitude Disqualifying For Service Or Employment Under State :-

1[Conviction under Section 4 shall signify an act of moral turpitude and shall disqualify the person convicted from seeking any employment or service in either case in connection with the affairs of the State.

1. Substituted by M.P. Act No. 7 of 1984.

6. Offences To Be Tried Summarily :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), the offence under this Act shall be tried in a summary way by any Judicial Magistrate of the First Class specially empowered in this behalf by the State Government and the provision of Sections 262 to 265 (both inclusive) of the said Code, shall, as far as may be, apply to such trial:

Provided that in a case of conviction for any offence in a summary trial under this section it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term for which such offence is punishable under the relevant section.

7. Power To Amend Schedule :-

The State Government may, by notification, add to, or exclude from, the Schedule any examination.

SCHEDULE 1

THE SCHEDULE

[See Section 2 (b)]

1. All examinations conducted by the Board of Secondary Education, Madhya Pradesh, Bhopal.
2. University examinations.
3. Cambridge Examination conducted by the Cambridge University Syndicate.
4. Short-hand and Type-writing Examination.
5. Normal School Certificate Examination.
6. Vernacular Primary and Middle School Examination.
7. All examinations conducted by the Directorate of National Cadet Corps, Madhya Pradesh, Bhopal.
8. Examinations conducted by the Prayag Mahila Vidhyalaya or Hindi Sahitya Sammellan, Prayag.
9. All examinations conducted by the Madhya Pradesh Board of Technical

Examination.

10. All examinations conducted by the Madhya Pradesh Vocational Educations Board.

11. All examinations conducted by Vyavasayik Pathyakram Pravesha Pariksha Mandal.

12. All examinations conducted by the State Council for Training in Vocational Trades for Courses being conducted in Industrial Training Institute of the State.

13. All examinations conducted by the Public Service Commission, Madhya Pradesh.

14. All examinations conducted by a State Government Department for the recruitment of candidates to any Government Service."

1. Substituted by M.P. Act No. 7 of 1984.