

Education Act, 1983

Chapter 4 - Examinations and Prevention of Malpractices Etc.

In this Chapter except in section 22,-

- (a) "educational institutions" means any University, any college affiliated to or maintained by the University, any junior college, any school or institution imparting primary, secondary or technical education and includes the Karnataka State Secondary Education Examination Board, the Karnataka State Board of Technical Education, the Karnataka Pre-University Board and such other institution or classes of institution as may be notified by the State Government in the official Gazette;
- (b) "examination" means an examination for the time being specified in the Schedule II and such other examinations as may be notified by the State Government in the official Gazette and includes evaluation, tabulation, publication of results and all other matters connected therewith;
- (c) "refusal to work" in relation to any person to whom any work in connection with any examination has been assigned means, his failure to attend at, or absence from, the place of work on a working day and during working hours, without obtaining permission of the authority competent to grant such permission or his refusal to do the work or any other conduct on his part, which results in or is likely to result in cessation or substantial retardation of the work and the words "to refuse to do the work", with all their grammatical variations and cognate expressions shall be construed accordingly; and
- (d) "malpractice" in relation to any examination means taking or giving or attempting to take or give any help from or to any person or from any material, written, recorded, typed or printed or from any person, in any form whatsoever.

Section 22 - Examinations

- (1) The examination system, whether by internal assessment, external assessment or partly internal and partly external assessment, shall be so regulated by the competent authority as to make it a reliable and effective method of student evaluation.
- (2) The government may make rules for all matters connected with the implementation of the examination system and the conduct of examination and the pattern of examination system to which different classes of educational institutions should conform.

Section 23 - Duties of certain persons entrusted with the examination work

No person,-

- (a) who is appointed as a paper setter at any examination shall supply or cause to be supplied the question paper drawn by him or a copy thereof or communicate the contents of such paper to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by his appointing authority in this behalf; or
- (b) who is entrusted with the work of printing, cyclostyling, typing or otherwise producing copies of any question paper set for the purposes of any examination shall supply or cause to be supplied a copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the work to him; or

(c) who is entrusted with the custody, or is otherwise in possession of any question paper set for the purposes of any examination shall supply or distribute or cause to be supplied or distributed any copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the custody or give possession thereof to him.

Section 24 - Prohibition of copying at examination, etc.

(1) No person shall in or near an examination hall copy answers to the question papers set at the examination, from any book, notes or answer papers of other candidates or commit any other malpractices:

Provided that nothing in this section shall preclude such person from taking such assistance from books or materials as is permissible under the rules governing such examination.

Section 25 - Prohibition of impersonating at examinations

No person shall appear or write at any examination for or on behalf of any other candidate.

Section 26 - Prohibition of loitering near examination's centre, etc.

No person, save in the discharge of his duties or orders of his superiors, shall during the hours when an examination is conducted or any evaluation or tabulation work relating to any examination is done and one hour preceding the commencement of such examination, evaluation or tabulation work, loiter within the premises wherein the examination is held or evaluation or tabulation work is done or at any public or private place within a distance of one hundred meters from such premises:

Provided that nothing contained in this section shall apply in respect of bonafide activities of any such person.

Section 27 - Alteration of the answers written at an examination, etc.

No person shall,-

(a) save in accordance with the rules or orders governing the conduct of an examination,-

(i) change, modify, vary or alter the answers written by an examinee at such examination; or

(ii) introduce additional answer books or sheets into an answer script or remove or substitute the answer scripts or any part thereof;

(b) intentionally or knowingly,-

(i) make incorrect entries in an answer script or marks register or marks card; or

(ii) total or retotal wrongly the marks obtained by any candidate; or

(iii) feed wrong data to the computer,

intending thereby to wrongfully increase or decrease the marks awarded or to be awarded to the examinee at an examination.

Section 28 - Duty of employees of educational institutions to do examination work

Notwithstanding anything contained in any law for the time being in force or in any contract or any judgment, decree or order of any court or tribunal, it shall be the duty of every officer, teacher or

other employee of every educational institution and every person in the service or pay of or remunerated by any educational institution to do any work assigned to him, in connection with any examination.