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THE PUBLIC EXAMINATIONS (OFFENCES) ACT, 1980

ACT NO. XLII OF 1980

[28th March, 1980]

An Act to provide for the punishment of offences relating to public examinations.

WHEREAS it is expedient to provide for the punishment of offences relating to public examinations;

It is hereby enacted as follows:-

Short title 1. This Act may be called the Public Examinations (Offences) Act, 1980.

Definitions 2. In this Act, unless there is anything repugnant in the subject or context,-

(a) "Board" means a board, body, authority or institution, by whatever name called, established or constituted by or under any law for the time being in force for the organisation, regulation, supervision, control or development of education of any type;

(b) "examination hall" means a place or premises where a public examination is held;

(c) "examinee" means a person in whose name a written authority, by whatever name called, for admission to a public examination has been issued by a University or Board;

(d) "public examination" means any examination that is, or may be, held, conducted, regulated or organised by a University or Board; and

(e) "University" means a University established by or under any law for the time being in force.

Personation at public examination

3. Whoever,-

(a) not being an examinee, enters the examination hall during a public examination declaring himself or holding himself out as an *examinee*; or

(b) appears at a public examination in the name of any other person or in a fictitious name,

shall be punishable with imprisonment for a term which may extend to ¹[five years and shall not be less than one year].

4. Whoever discloses, publishes or distributes, by any means whatsoever, before any public examination is held,-

Publication or distribution of question papers before public examination

- (a) any paper containing any question set for such examination; or
- (b) any paper containing any question falsely purporting to be set for such examination or intending that the same may be treated as identical with any question set for such examination.

shall be punishable with imprisonment for a term which may extend to ²[ten years and shall not be less than three years, and shall also be liable to fine].

5. Whoever, without any lawful authority, alters or tampers with, in any manner, any marks, mark sheet, tabulation sheet, certificate, diploma or degree relating to any public examination, shall be punishable with imprisonment for a term which may extend to four years, or with fine, or with both.

Altering or tampering with any marks, etc.

6. Whoever makes, prints, distributes, or uses or, without lawful excuse, has in his possession any mark sheet, certificate, diploma or degree relating to any public examination which he knows to be false or not issued by the University or Board having authority to issue the same, shall be punishable with imprisonment for a term which may extend to ³[seven years and shall not be less than three years, and shall also be liable to fine].

Making, etc., of false mark sheet, certificate, diploma or degree

¹ The words "five years and shall not be less than one year" were substituted for the words and commas "two years, or with fine, or with both" by section 2 of the Public Examinations (Offences) (Amendment) Act, 1992 (Act No. XLI of 1992).

² The words and comma "ten years and shall not be less than three years, and shall also be liable to fine" were substituted for the words and commas "four years, or with fine, or with both" by section 3 of the Public Examinations (Offences) (Amendment) Act, 1992 (Act No. XLI of 1992).

³ The words and comma "seven years and shall not be less than three years, and shall also be liable to fine" were substituted for the words and commas "four years, or with fine, or with both" by section 4 of the Public Examinations (Offences) (Amendment) Act, 1992 (Act No. XLI of 1992).

Possession of blank form of mark sheet, certificate, diploma or degree

7. Whoever, without lawful excuse, has in his possession any blank form of mark sheet, certificate, diploma or degree relating to any public examination which has not been issued or delivered to him by or under the authority of the University or Board, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Substitution of or addition to answer scripts

8. Whoever substitutes one answer script relating to any public examination or part thereof for another or adds to an answer script any extra page with answer not written by the examinee himself in the examination hall during the examination period, shall be punishable with imprisonment for a term which may extend to ¹[ten years and shall not be less than three years, and shall also be liable to fine].

Helping examinees

9. Whoever helps any examinee-

- (a) by supplying in the examination hall any written answer or any book or written paper or any page thereof or extract therefrom; or
- (b) by dictating any answer orally or by any mechanical means ²; or
- (c) by any other means whatsoever.]

shall be punishable with imprisonment for a term which may extend to ³[five years and shall not be less than two years, and shall also be liable to fine].

¹ The words and comma "ten years and shall not be less than three years, and shall also be liable to fine" were substituted for the words and commas "two years, or with fine, or with both" by section 5 of the Public Examinations (Offences) (Amendment) Act, 1992 (Act No. XLI of 1992).

² The semi-colon and word "; or" were substituted for the comma (,) and clause (c) was added by section 6 of the Public Examinations (Offences) (Amendment) Act, 1992 (Act No. XLI of 1992).

³ The words and comma "five years and shall not be less than two years, and shall also be liable to fine" were substituted for the words and commas "two years, or with fine, or with both" by section 6 of the Public Examinations (Offences) (Amendment) Act, 1992 (Act No. XLI of 1992).

10. Whoever, not being appointed or authorised by a University or Board, conducts any public examination in an examination hall or examines any answer script relating to a public examination, or whoever conducts any public examination in an examination hall or examines any answer script relating to a public examination in the name of any other person or in a fictitious name, shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Conducting public examinations or examining answer scripts by unauthorised persons

11. Whoever in any manner intentionally-

- (a) obstructs any person in the discharge of his duties in connection with a public examination; or
- (b) obstructs the holding of a public examination; or
- (c) creates disturbances in any examination hall,

Obstructions in public examinations

shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both.

12. Whoever, being an officer or employee of a University or Board or being entrusted with any duty or responsibility in connection with any public examination, commits an offence under this Act shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Offences by officers or employees of University or Board

13. Whoever abets or attempts to commit any offence under this Act shall be punishable with the punishment provided for the offence.

Abetment of and attempt to commit offences under this Act

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898),-

Procedure

- (a) an offence under this Act shall be cognizable;
- (b) no Court other than that of a Metropolitan Magistrate or a Magistrate of the first class shall try an offence under this Act;
- (c) a Court trying an offence under this Act shall try the offence summarily in accordance with the procedure laid down in the said Code for summary trial of summons cases;

- (d) a Court may pass any sentence under this Act in excess of its power under the said Code.

Repeal and savings

15. (1) The Public Examinations (Offences) Ordinance, 1980 (VI of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

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