

GOVERNMENT OF GOA
Law (Legal and Legislative Affairs) Department

Notification

7-3-91/LA

The Goa Prevention of Malpractices at University, Board and other Specified Examinations Act, 1991 (Goa Act 8 of 1991) which has been passed by the Legislative Assembly of Goa, on 28-2-1991 and assented to by the President of India on 27-8-1991 is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 10th September, 1991.

The Goa Prevention of Malpractices at University, Board and other Specified Examinations Act, 1991

(Goa Act No. 8 of 1991) [27-8-1991]

AN

ACT

to provide for prevention of malpractices at University; Board and other specified examinations.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows: —

1. Short title and commencement.— (1) This Act may be called the Goa Prevention of Malpractices at University, Board and other Specified Examinations Act, 1991.

(2) It shall come into force at once.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) “Board” means the Goa Board of Secondary and Higher Secondary Education established under the Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975 (Act 13 of 1975);

(b) “Competent Officer” in the case of employees of the University or any College or recognised institution or any school imparting Higher Secondary Education or any other persons employed for the purposes of any examinations, means the Vice-Chancellor of the University, the Registrar of the University, the Director of Education, any Joint Director of Education and, in the case of employees of any of the colleges or recognised institutions or schools imparting Higher Secondary Education or other educational institutions, includes the Principal or Head of the Institution by whatever name called;

(c) “educational institution” means any academic institution imparting Secondary or Higher Secondary Education, or any constituent or affiliated College or any College affiliated to the University, any Higher Secondary Section conducted by any such College or any Industrial Training Institutes and shall include such other institution as may be specified in this behalf, from time to time, by the Government by notification in the Official Gazette;

(d) “examination” means any examination held or proposed to be held by the Board or the University and includes such other examination held or proposed to be held by such other authority as may be specified in this behalf, from time to time by the Government by notification in the Official Gazette;

(e) “Government” means the Government of Goa;

(f) “Official Gazette” means the Official Gazette of the Government;

(g) “refusal to work” in relation to any person to whom any work in connection with any examination has been assigned under this Act, means —

(i) his failure to attend to such work; or

(ii) absence from the place of work on a working day and during working hours, without obtaining prior permission of the authority competent to grant such permission; or

(iii) his refusal to accept or to do the work; or

(iv) any other conduct on his part, which results in or is likely to result in cessation or substantial retardation of the work, and the expression “to refuse to do the work”, with all their grammatical variations and cognate expressions shall be construed accordingly.

(h) “University” means any University established by law in the State of Goa.

3. Prohibition against certain malpractices by paper setters and punishment for contravention.— (1) No person who is appointed as a paper setter at examination, or Chairman of the paper setting panel, or translator at any examination, shall supply or cause to be supplied any question paper drawn by him or a copy thereof or communicate the contents of such question 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.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

4. Duties of persons entrusted with printing, etc. of question papers and punishment for contravention.— (1) Any person 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 not 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.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

5. Duties of persons entrusted with custody of question papers and punishment for contravention.— (1) Any person who is entrusted with the custody, or is otherwise in

possession, of any question papers set-up for the purposes of any examination shall not 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 gave possession thereof to him.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. Prohibition of supply of publication of any question paper before examination is held.

— Whoever has in his possession any question paper set or purported to be set for any examination and supplies or causes to be supplied or offers to supply a copy thereof, or communicate or offers to communicate the contents thereof, to any person, whether for any consideration or otherwise or gives publicity thereto in any manner, or except in accordance with the instructions issued in writing by an authorised officer of the University, Board or other authority concerned with the examination, at any time before the examination is held, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

7. Prohibition of copying.— (1) Whoever is found in or near an examination hall by the invigilator or any other person appointed to supervise the conduct of the examination, copying answers to the Question Paper set at the examination, from any book, notes or answer papers of other candidates, or appearing at the examination for any other candidate or uses any other unfair means, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Any person, including Conductor, Deputy Conductor, invigilator, peon, water-boy, bell-boy, stationery supervisor, despatch clerk, etc. appointed to conduct or cause to be conducted or assist in the conduct of examination or any other person or persons connected with the conduct of examination, shall not indulge or cause to indulge in supplying any hand written, printed or cyclostyled or in any other form copying material to the candidates in or near the examination hall. Any person who contravenes the provisions of this sub-section shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

8. Prohibition of impersonation, intimidation and unauthorised entry of any person in the premises of the examination hall.— (1) Any person who is not authorised by the Board or Conductor or Deputy Conductor, shall not enter the examination hall for any reasons whatsoever.

(2) Any act of impersonation or intimidation by way of assault, oral threat or any gesture in or outside the examination hall or examination premises to the invigilators, Conductors, Deputy Conductors or any staff connected with the conduct of examination is strictly prohibited.

(3) Any person or persons who contravenes any of the provisions of sub-section (1) or (2) shall, on conviction, be punished with imprisonment for a term which may extend upto one year, or with fine which may extend to one thousand rupees, or with both.

9. Power to appoint papersetters, etc. for examination.— Notwithstanding anything contained in any law for the time being in force, in the case of any examination held or proposed to be held by any University, or in the case of any other examination, the Competent Officer, may, if he is satisfied that the number of papersetters, examiners, moderators,

invigilators and other persons required are not sufficient or would not be sufficient for conducting the examination, he may appoint any suitable person as additional papersetter, examiner, moderator, invigilators and such other person as he may deem necessary for the conduct of such examination.

10. Punishment for refusal or instigation, etc.— Any person who—

(i) refuses or acts in furtherance of refusal to do the examination work assigned to him; or

(ii) instigates or incites any other person or persons not to take part in any examination work assigned to that person or persons

shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees, or with both.

11. Offences to be cognizable and non-bailable.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be cognizable offences and shall be non-bailable.

12. Offences to be tried summarily.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be tried in a summary way by any Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial.

13. Repeal and saving.— (1) The Goa Prevention of Malpractices at University, Board and other Specified Examinations Ordinance, 1990 (Ordinance No. 5 of 1990) 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 the exercise of the powers 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.

Secretariat Annexe,
Panaji.
Dated: 10-9-1991.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs).