

## VII) RULES AND PROCEDURES REGARDING UNFAIR MEANS RESORTED TO BY THE LEARNERS OR ANY OTHER PERSON CONNECTED WITH THE CONDUCT OF EXAMINATIONS

### a) UNFAIR MEANS RESORTED TO BY THE LEARNERS / PERSONS INVOLVED IN THE EXAMINATION RELATED ACTIVITIES

1. On receipt of a report regarding use of unfair means by any learner at any Semester End Examination, including breach of any of the rules laid down by the Institute for proper conduct of examination, the Principal shall have the power at any given time to institute inquiry and to punish such learners involved in the adoption of unfair means or breach of the rules in accordance with the penalties mentioned in the table, Appendix A.

### 2. Competent Authority

The Principal of the Institute shall be the competent authority to take appropriate disciplinary action against the learners, who are using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the Institute.

### 3. Definitions-Unless the context otherwise requires:

(a) "Learner" means and includes a person, who is enrolled as such by the Institute for receiving instructions qualifying for diploma awarded by the Institute. It includes ex-learner and learner registered as candidate (examinee) for any of the diploma examination.

(b) "Unfair means", includes one or more of the following acts or omissions on part of learner/s during the examination period:

- a. Possessing unfair means material and/ or copying there from.
- b. Possession of any form of electronic devices in the examination hall.
- c. Transcribing any unauthorized material or any other use thereof.
- d. Intimidating or using obscene language or threatening or use of violence against the invigilator or person on duty for the conduct of examination or manhandling him/her or leaving the examination hall without permission of the supervisor or causing disturbances in any manner in the examination proceedings.
- e. Unauthorized communication with other examinees or anyone else inside or outside the examination hall.



- f. Mutual/Mass copying
- g. Smuggling out, either blank or written, or smuggling in of answerbooks as copying material.
- h. Smuggling in blank or written answerbook and forging signature of the Supervisor thereon.
- i. Interfering with or counterfeiting of Institute seal, or answerbooks or office stationery used in the examinations.
- j. Insertion of currency notes in the answerbook or attempting to bribe any of the persons connected with conduct of examinations or making a request to the examiner in the answerbook.
- k. Impersonation at the Institute examination.
- l. Revealing identity in any form in the answer written or in any other part of the answer book by the learner at the Institute examination.

Or any other similar act/s and/or omission/s which, may be considered as unfair means by the competent authority.

(c) "Unfair means relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act or coercion, undue influence or fraud or malpractice with a view to obtaining wrongful gain to him/her or to any other person or causing wrongful loss to other person/s.

(d) "Unfair means material", means and includes any material whatsoever, related to the course of the examination, printed, typed, handwritten or otherwise on the person or on clothes, or body of the learner (examinee) or on wood or other material, in any manner or in the form of a chart, diagram, map or drawing or electronic aid etc. which is not allowed in the examination hall.

(e) "Possession of unfair means material by a learner", means a learner having any unauthorized material on his/ her person or desk or chair or table or at any place within his/ her reach, in the examination centre and its environs or premises at any time from the commencement of the examination till its conclusion.

(f) "Learner found in possession", means a learner, reported in writing, as having been found in possession of unfair means material by the Supervisor, member of the vigilance Committee or Examination Squad or any other person authorised for this purpose, in this behalf, even if the unfair means material is not produced as evidence because of it being reported as swallowed or destroyed or snatched away or otherwise taken away or spoiled by the learner



or by any other persons acting on his behalf to such an extent that it has become illegible, provided report to that effect is submitted by the Supervisor or Examination Convenor / Co-convenor or any other authorised person, to the Controller of Examinations/ Principal or any officer authorised in this behalf.

(g) "Material related to the course of examination", means and includes, if the material is produced as evidence, any material certified as related to the course of the examination by a competent person and if the material is not produced as evidence or has become illegible for any of the reasons referred to in clause (f) above, the presumption shall be that the material did relate to the course of the examination.

(h) "Officer In-charge", means the person as designated for the Institute Examination & Evaluation Committee (EEC), where the concerned examination is being conducted.

### **(RULES FOR DEALING WITH MALPRACTICE / UNFAIR MEANS AT EXAMINATION)**

Further, all the students are hereby informed that the mobile phone or any electronics communication gadget or I-pod or any similar device found in possession during examination hall will be confiscated and will remain in custody of Institute during the completion of punishment period as per decision taken on penalties for various malpractices.

Penalties to the examinees for various instance of malpractice are enclosed herewith.

If before, during or after the examination, it is found that a candidate is or has been guilty of misconduct including breach of any of the rules laid down for the proper conduct of the examination or has been found to have copied or attempted to copy or used or attempted to use unfair means at the examination, he/she shall be liable for punishment. Answer books of such candidates who are directly or indirectly involved or suspected to be involved in the act of copying will be instantly withdrawn by the supervisor and a report to that effect will be made by him to the Officer-In-Charge. He will issue a fresh answer book to the candidate and allow him to write the same question paper in the same session.

Such cases of malpractice during the examination and/or detected afterwards by the examiners should be reported to the Controller of Examinations for further action. At the end of any examination session the Controller of Examinations will then place all such cases before the **special examination committee**.



**On reviewing the situation,** on the basis of the evidence the committee may impose such a penalty which may result in:

- (a) Cancellation of result of entire examination.**
- (b) Debarring from one or more examinations in the same course at the subsequent sessions.**
- (c) Dismissal from the polytechnic**
- (d) Such candidate will not be allowed to register any new course for a specified period decided by the committee**

Instructions related to mal-practice cases are conveyed to candidate / examinee through various modes including notices, supervisor announcement and printed on the answer sheet.

IMPERSONATE CASES WILL BE TREATED / VIEWED VERY SERIOUSLY AND PUNISHMENT WILL BE AS PER THE GUIDELINE OF THE STATE LEVEL COMPETANT AUTHORITY. THE DECISION OF THE EXAM COMMITTEE WILL BE FINAL.

## Appendix A.

Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
A	1	Examinee/s making marks /signs, Writing Roll Numbers, name or using any other means of disclosing identity with a clear intent of getting illegal / undue benefits	Cancellation of the result /performance of the guilty examinee in the subject/course during whose examination he/she caught. <b>(Subject/Course)</b>
A	2	Examinee frequent changes in ink without supervisor's permission.	Cancellation of the result /performance of the guilty examinee in the subject/course during whose examination he/she caught. <b>(Subject/Course)</b>
A	3	Examinee making an appeal to the examiner revealing both, former's name and address.	Cancellation of the result /performance of the guilty examinee in the subject/course during whose examination he/she caught. <b>(Subject/Course)</b>



Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
A	4	Examinee Writing in the answer book in a language which is provocative/ abusive and /or threatening.	Cancellation of the result /performance of the guilty examinee in the subject/course during whose examination he/she caught. <b>(Subject/Course)</b>
A	5	Examinee(s) communicating or talking with another Examinee/s during examination session.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she caught. <b>(Subject/Course)</b>
A	6	Examinee's behavior in the examination block indicating mischief or causing deliberate disturbance to the conduct of examination. (i.e. making noise, disturbing others etc.)	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she caught. <b>(Subject/Course)</b>
A	7	Examinee tampering with Answer books of self or other examinee / tearing pages.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she caught. <b>(Subject/Course)</b>
A	8	Examinee attaching currency notes to his/her answer-book with /without a request for favours from the examiners	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she caught. <b>(Subject/Course)</b>
A	9	Examinee caught during the examination for possession and / or copying from matter scribbled on articles / clothes/ body parts.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she caught. <b>(Subject/Course)</b>
A	10	Examinee possessing mobile phone, any electronics communication gadget, I-pod, or any similar device in examination hall.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she caught. <b>(Subject/Course)</b>
B	1	Examinee found exchanging any copy material or question papers with answer / formulae / sketch written on it.	Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>



Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
B	2	Examinee or his/her associate/s influencing the Examiner/ Moderator / similar Authority connected with the examination with a clear intent of getting illegal /undue benefits	Cancellation of the result /performance of the guilty examinee in the subject/course for which he/she has appeared in the current examination with the examination seat no. under which his/her malpractice case is booked. <b>(1+0)</b> <b>(Applied on seat number of the examinee.)</b>
B	3	Examinee found inserting previously written pages smuggled in from outside, in the answer book.	Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
B	4	Examinee caught during the examination session while in possession and/or copying from the copying material in the form of written or printed material.	Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
B	5	Examinee caught during the examination session while in possession and/or copying from the copying material in the form of written or printed material / stored in electronic gadget like mobile phone, smart watch, I pad etc.	Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
B	6	Cases of mass copying during the examination period, reported from examination center.	Detailed enquiry in to the matter: Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
B	7	Case of mass copying reported by the assessors from Regional Assessment Center (RAC)	Detailed enquiry in to the matter: Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b>



Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
			<b>(Applied on the Seat Number of the Examinee.)</b>
B	8	Case of copying reported by the assessors from Regional Assessment Center (RAC)	Detailed enquiry in to the matter: Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
C	1	Examinee 'X' found in possession of answer-book / supplement of another examinee 'Y', taken without knowledge of 'Y' or taken with the consent of 'Y' or taken with force from 'Y'. (exchanging of answer book and/or supplement)	Cancellation of the performance of the examinee 'X' in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his / her malpractice case is booked. (1+0) (Applied on the enrollment number of the examinee.) Examinee 'Y' has to be exonerated provided he/she has not connived with 'X'
C	2	Examinee destroying his/her own answerbook or supplement/s or any copy material in possession after being caught undermalpractice.	Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
C	3	Examinee found with answer-book/s having two different handwritings, reported from EC OR RAC	Cancellation of the performance of the guilty examinee in the subject / course for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case booked. <b>(1+0)</b> <b>(Applied on the Seat Number of the Examinee.)</b>
D	1	Examinee smuggling out his/her own answer book or supplement or blank answer book/s and/or supplement/s.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after



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			the current examination. <b>(1+1) (Applied on the enrollment Number of the examinee.)</b>
D	2	<p>Impersonation:</p> <p>i) Person who impersonates ( Impersonator)</p>	<p>Following actions shall be taken:</p> <p>a) In case Impersonator is bona fide examinee of MSBTE Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. <b>(1+1) (Applied on the enrollment Number of the examinee.)</b></p> <p>b) Matter shall be communicated to the impersonator's examination body if he/she is pursuing education outside the purview of MSBTE.</p> <p>c) Matter shall be communicated to the employer of the impersonator if he/she is employed with some organization</p>
D	2	ii) Bona fide examinee who is impersonated.	<p>Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. <b>(1+1) (Applied on the enrollment Number of the examinee.)</b></p>





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D	3	Examinee attempting to send Question Paper or its contents out of Examination hall by any means.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. <b>(1+1) (Applied on the enrollment Number of the examinee.)</b>
D	4	The examinees threatening/intimidating the staff associated with examination.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. <b>(1+1) (Applied on the enrollment Number of the examinee.)</b>
E	1	Examinee possessing any weapon, explosives, similar material and/or under the influence of any narcotic drugs etc. in examination hall or bringing any of them in the examination hall or causing any kind of violence in the examination hall.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next three examinations after the current examination. Further, he/she should be handed over to police and FIR be lodged against the examinee by the officer-in-charge of examination center <b>(1+3) (Applied on the enrollment Number of the examinee.)</b>
E	2	All other cases not covered above	All such cases shall be dealt independently on the basis of severity of the cases reported to M.S.B.T.E., and all such cases to be placed before Special Committee and punishment be awarded as deemed fit



**NOTE:**

“The Term “Cancellation of Performance in full” means cancellation of the entire performance of the student at the theory examination attempted at that instance, but does not include performance at term work, project work with its term work, oral or practical and dissertation examinations unless malpractice used thereat.

If on previous occasions, disciplinary action was taken against a student for malpractice during examination, and s/he is caught again for malpractices used at the examinations, in this event s/he shall be dealt with, severely. Enhanced punishment can be imposed on such students. This enhanced punishment may extend to double the punishment provided for the offence, when committed at the second or subsequent examination.”

A Police Complaint may be lodged against the examinee or a person who is found involved in destroying or attempting/facilitating to destroy the evidence of the malpractices or answer books. and/or supplements or any relevant documents.



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