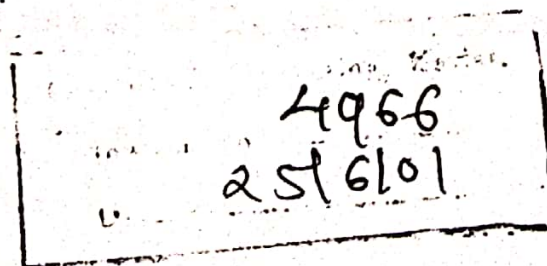


UNIVERSITY OF MUMBAI



To Exam Sec.
✓
25/6

Ordinances relating to Examination



Circular

No. UG/139 of 2001
dated 23/04/2001

ORDINANCE 5042 Grace Marks for passing in each head of passing (Theory / Practical / Oral / Sessional) (External / Internal)

The examinee shall be given the benefit of grace marks only for passing in each head of passing (Theory / Practical / Oral / Sessional) in External or Internal examination as follows:

Head of Passing	Grace Marks upto
Upto - 50	2
051-100	3
101-150	4
151-200	5
201-250	6
251-300	7
301-350	8
351-400	9
and 401 and above	10

Provided that the benefit of such gracing marks given in different heads of passing shall not exceed 1% of the aggregate marks in that examination.

Provided further that the benefit of gracing of marks under this Ordinance, shall be applicable only if the candidate passes the entire examination of semester/year.

Provided further that this gracing is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE UGC etc.

ORDINANCE 5043 Grace Marks for getting Higher Class

A candidate who passes in all the subjects and heads of passing in the examination without the benefit of either gracing or condonation rules and whose total number of marks falls short for securing Second Class / Higher Second Class or First Class by marks not more 1% of the aggregate marks of that examination or up to 10 marks, which ever is less, shall be given the required marks to get the next higher class or grade as the case may be.

Provided that benefits of above mentioned grace marks shall not be given, if the candidate fails to secure necessary passing marks in the aggregate head of passing also, if prescribed, in the examination concerned.

Provided further that benefits of above mentioned grace marks shall be given to the candidate for such examination/s only for which provision of award of class has been prescribed.

Provided further that this gracing is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE etc.

ORDINANCE 5044 Grace Marks for getting distinction in the subject only

A candidate who passes in all the Subjects/Heads of passing in the examination without benefit of either gracing or condonation rules and whose total number of marks in the subject/s falls short by not more than three marks for getting distinction in the subject/s shall be given necessary grace marks up to three in maximum two subjects, subject to maximum 1% of the total marks of that Head of Passing whichever is more, in a given examination.

Provided that benefit of the above mentioned grace marks shall be given to the candidate only for such examination/s for which provision for distinction in a subject has been prescribed.

Provided further that this gracing is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE etc.

ORDINANCE 5045 Condonation

If a candidate fails in only one head of passing, having passed in all other heads of passing, his/her deficiency of marks in such head of passing may be condoned by not more than 1% of the aggregate marks of the examination or 10% of the total number of marks of that head of passing in which he/she is failing, whichever is less. *However condonation, whether in one head of passing or aggregate head of passing be restricted to maximum up to 10 marks only.*

Condonation of deficiency of marks be shown in the Statement of Marks in the form of asterik and Ordinance number.

Provided that this condonation of marks is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE etc.

ORDINANCE 5046 Moderation *

1. The Moderation System shall be applicable to all the faculties for under graduate and post graduate examinations.
2. 100% moderation of the answer book shall be carried out in the case of candidates failing by 10% of marks of the aggregate marks of that paper.
3. In case of professional faculties/courses, 100% moderation shall be carried out in case of candidates obtaining 70% and above marks. For non-professional

faculties/courses 100% moderation shall be carried out in case of candidates obtaining first class and above marks.

4. The moderation of answer books of *at least 5%* of total number of candidates obtaining marks between *minimum passing marks and marks required for first class / distinction* shall be carried out on random sample basis.
5. One moderator shall be appointed per five examiners. However Chairman, Board of paper setters will act as the moderator, where there are less than five examiners.
6. Moderation work shall be carried out simultaneously with the central assessment of answer books at CAPs.
7. Where marks awarded by the moderator vary from those awarded by original examiner, the marks awarded by the moderator shall be taken as final.
8. Each University shall formulate detailed scheme of moderation on the basis of guidelines given above.

ORDINANCE 5047 Vigilance Squads

1. The Vigilance Squad/s of not less than three and not more than four members shall be appointed by the Vice-Chancellor to visit the Centres of University Examinations to:
 - (i) Ensure that the University Examinations are conducted as per norms laid down.
 - (ii) Observe whether the Senior Supervisors and Block-Supervisors are following scrupulously instructions for conduct of the University examinations.
 - (iii) Check the students who try to resort to malpractices at the time of University Examinations and report such cases to the University.

2. The Vigilance Squad is authorized to visit any Examination Centre without prior intimation and enter office of the Incharge of the Examination Centre to check the record and other material relating to the conduct of Examination. They can enter in any block of Examination for checking the candidates identify card, fee receipt, hall tickets etc. to ascertain the authenticity of the Candidate. The Vigilance Squad shall be authorised to detect use of malpractices and unfair means in the University Examination.
3. The Vice-Chancellor shall appoint Vigilance Squad which may include -
Senior Teachers of Affiliated College/Recognized Institution/University Teachers
and desirably one lady teacher; and any other person as the Vice-Chancellor considers appropriate.
4. The Chairman of Vigilance Squad/s shall submit the report on surprise visit directly to the Vice-Chancellor with a copy to the concerned Principal. The Vigilance Squad/s may make suggestions in the matter of proper conduct of examinations, if necessary.
5. The Principal of the College where the centre of examination is located shall be responsible for the smooth conduct of examination. He shall ensure strict vigilance against the use of unfair means by the students and shall be responsible for reporting such cases to the University as well as the law of enforcing authority.

ORDINANCE 5048 Amendments of Results

(A) Due to errors

In any case where it is found that the result of an examination has been affected by errors, the *Controller* of Examination shall have power to amend such result in such manner as shall be in accordance with the true position and to make such declaration as is necessary, *with the necessary approval of Vice-Chancellor / Pro Vice-Chancellor, provided the errors*

are reported/detected within 6 months from the date of declaration of results. Errors detected thereafter shall be placed before the Board of Examinations.

Error means-

- (i) Error in computer/data entry, printing or programming and the like.*
- (ii) Clerical error, manual or machine, in totaling or entering of marks in ledger/register*
- (iii) Error due to negligence or oversight of examiner or any other person connected with evaluation, moderation and result preparation.*

(B) Due to fraud, malpractices etc.

In any case where the result of an examination has been ascertained and published and it is found that such result has been affected by any malpractices, fraud or any other improper conduct whereby an examinee has benefited and that such examinee, has in the opinion of the Board of Examination been party of privy to or connived at such malpractice, fraud or improper conduct, the Board of Examination shall have power at any time notwithstanding the issue of the Certificate or the award of a Prize or Scholarship, to amend the result of such examinee and to make such declaration as the Board of Examination considers necessary in that behalf.

ORDINANCE 5049 Appointment of Papersetters, Examiners, Senior Supervisors and conduct of examination etc.

1. No person can claim appointment as papersetter/examiner/moderator or any other examination work as a matter of right. Appointments of persons as papersetters/examiners/moderators shall be ordinarily made at the time of annual examination. However, if it is necessary to do so, the appointment of papersetters may be made at the time of October examinations.

2. The papersetters/ examiners / moderators shall not refuse to accept the assignment of the examination work. They shall also ensure that *their availability for assignment* is communicated to the university, in the prescribed time limit. If no communication is received within the prescribed time limit, it will be presumed that the *assignment* is accepted by the papersetter / examiner / moderator.
3. The papersetters/examiners/moderators shall follow all the directions given by the University from time to time in respect of pattern of question papers, setting of question papers, model answers, scheme of marking etc
4. There shall be two senior supervisors at each examination centre, one internal and one external, having *minimum* of three years of experience of teaching/working in *senior* college. Out of these two, one shall be the external supervisor to be appointed ~~by the~~ university and the other shall be the internal senior supervisor.
5. The Principal of the concerned college *shall himself / herself be the Chief Conductor. Where substitute arrangement is required it shall be done only by prior permission of the University. However, the Principal shall alone be responsible for any lapse / lapses occurring during the conduct of the examination.*
6. The external senior supervisor appointed by the university shall report to the Principal of the college where examination centre is located one day earlier to ensure the arrangements for the conduct of examinations.
7. He shall ensure that the stationery required for the conduct of examinations, question papers, etc. are received at the examination centre. He shall also ensure that the packets of question papers are intact and duly sealed and *are* opened in his presence 20 minutes before the start of the examinations.
8. He shall also ensure that the students are not resorting to unfair means / practices. In case incidences occur, he shall immediately report the cases of unfair means to the

- Controller of Examinations alongwith his report. He should not leave the examination centre during the examination period.
9. He shall ensure that the *answer book* is distributed to the students 10 minutes before the start of the examination.
 10. The examination forms of the students shall be accepted by the principal within the time prescribed by the University from time to time. The forms so accepted shall be submitted to the University within a week from the last day of acceptance of forms in the college alongwith the fees so collected, by demand draft.
 11. After the receipt of examinations forms in the university the name list, summary and Admit cards of the students shall be sent to the concerned examination centres by the University generally 15 days before the commencement of the concerned examination.
 12. The principal shall, immediately after the examination is over, despatch the answerbooks to the CAP centre/ concerned examiner, as per the instructions of the university from time to time.
 13. The directors of the CAP appointed by the university shall receive the bundles of answerbooks sent by the principals of the concerned examination centre.
 14. The directors of the CAP shall arrange for the assessment of the answerbooks centrally as per central assessment programme prescribed by the university.
 15. The director of the CAP shall submit the mark lists to the Controller of Examinations as provided in the CAP scheme and as per the instructions received by the University from time to time.
 16. As soon as the mark lists are received in the University examination branch the same should be processed immediately.

17. The results of the concerned examinations shall ordinarily be declared within the specified period as prescribed in Maharashtra Universities Act, 1994, and shall despatch the result alongwith the statement of marks and passing certificates to the colleges for distributing the same to the concerned students.
18. *The answer papers of examinations shall be preserved for a period of atleast 6 months from the date of declaration of result of the examinations concerned.*

ORDINANCE 5050 Ordinance regarding Unfairmeans Resorted to by the Student

- 1.
- (a) On receipt of a report regarding use of unfair means by any student at any University examination, including breach of any of the rules laid down by the University Authorities, for proper conduct of examination, the Board of Examinations shall have power at any time to institute inquiry and to punish such unfair means or breach of the rules by exclusion of such student from any University examination or from any University course in a College or Recognised Institution or in the University Department or from any Convocation for the purpose of conferring degree either permanently or for a specified period, or by cancellation of the result of the student in the University examination for which the student appeared or by deprivation of any University Scholarship held by him/her or by cancellation of the award of any University prize or medal to him/her or by imposition of fine or in any two or more of the aforesaid ways *within a period of one year.*
- (b) Where the examinations of the University courses are conducted by the constituent Colleges/Recognised Institutions on behalf of the University, the Principal/Head of the concerned constituent College/Institution, on receipt of a report regarding use of unfair means by any student at any such examination, including breach of any of the rules laid down by the University Authorities or by the College/Institution for proper conduct of examination, shall have power at any time to institute inquiry and to punish such unfair means or breach of any of the rules by exclusion of such a student from any such examination or any University course in any College/Institution either

permanently or for a specified period or by cancellation of the result of the student in the College/ Institution examination for which he/she appeared or by deprivation of any College / Institution Scholarship or by cancellation of the award of any College / Institution prize or medal to him/her or by imposition of fine or in any two or more of the aforesaid ways.

- (c) On receipt of report regarding malpractices used or lapses committed by any paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination held by the University or Colleges or Recognised Institution including breach of the rules laid down for proper conduct of examination, the Board of Examinations, in the cases of the University examinations or the Management Body in the cases of the examinations conducted by the College/Institution on behalf of the University, as the case may be, shall have power at any time to institute inquiry and to punish such malpractices or lapses by declaring disqualified the concerned paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination from any examination work either permanently or for a specified period or by referring his/her case to the concerned authorities for taking such disciplinary action as deemed fit as per the rules provided for or in any two or more of the aforesaid ways.

2. Competent Authority

- (i) The Board of Examinations of the University constituted under the provisions of Section 31(3) shall be the competent authority to take appropriate disciplinary action against the students using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the University.
- (ii) The Principal of the constituent College or Head of the Recognised Institution shall be the competent authority to take appropriate disciplinary action against the student/s using, attempting to use, aiding, abetting,

instigating or allowing to use unfair means at the examination conducted by the College or Institution on behalf of the University.

3. Definition-Unless the context otherwise requires:

- (a) "Student" means and includes a person who is enrolled as such by the University/ College/ Institution for receiving instruction qualifying for any degree, diploma or certificate awarded by the University. It includes ex-student and student registered as candidate (examinee) for any of the degree, diploma or certificate examination.
- (b) "Unfair means" includes one or more of the following acts or omissions on the part of student/s during the examination period.
 - (i) Possessing unfair means material and or copying therefrom.
 - (ii) Transcribing any unauthorised material or any other use thereof.
 - (iii) Intimidating or using obscene language or threatening or use of violence against invigilator or person on duty for the conduct of examination or man-handling him/her or leaving the examination hall without permission of the supervisor or causing disturbances in any manner in the examination proceedings.
 - (iv) Unauthorisedly communicating with other examinees or any one else inside or outside the examination hall.
 - (v) Mutual / Mass copying.
 - (vi) Smuggling-out, either blank or written, or smuggling-in of answerbooks as copying material.
 - (vii) Smuggling-in blank or written answerbook and forging signature of the Jr. Supervisor thereon.
 - (viii) Interfering with or counterfeiting of University/College/Institution seal, or answerbooks or office stationary used in the examinations.

- (ix) Insertion of currency notes in the answerbooks or attempting to bribe any of the persons connected with conduct of examinations.
 - (x) Impersonation at the University/College/Institution examination.
 - (xi) Revealing identity in any form in the answer written or in any other part of the answerbook by the student at the University or College or Institution examination.
 - (xii) 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 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 subject of the examination, printed, typed, handwritten or otherwise on the person or on clothes, or body of the student (examinee) or on wood or other material, in any manner or in the form of 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 student" means having any unauthorised 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) "Student found in possession" means a student, reported in writing, as having been found in possession of unfair means material by Jr. Supervisor, Sr. 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 student or by any other

person acting on his behalf to such an extent that it has become illegible. Provided report to that effect is submitted by the Sr. Supervisor or Chief Conductor or any other authorised person to the Controller of Examinations or Principal or Head of the Institution concerned or any officer authorised in this behalf.

- (g) "Material related to the subject of examination" means and includes, if the material is produced as evidence, any material certified as related to the subject 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 subject of the examination.
- (h) "Chief Conductor" means Principal of the College concerned or Head of the *University Department or* Recognised Institution concerned, where concerned examination is being conducted, and any other person duly authorised by him or person appointed as in-charge of examination, by *prior approval of the University*
4. During examination, examinees and other students shall be under disciplinary control of the Chief Conductor/s.
5. Chief Conductor/s of the Examination Centre shall, in the case of unfair means, follow the procedure as under:
- (i) The student shall be called upon to surrender to the Chief Conductor the unfair means material found in his or her possession, if any, and his/her answerbook.
 - (ii) Signature of the concerned student shall be obtained on the relevant materials and list thereon. Concerned Sr. Supervisor and the Chief Conductor shall also sign on all the relevant materials and documents.

- (iii) Statement of the student and his/her undertaking in the prescribed format and statement of the concerned Jr. Supervisor and Sr. Supervisor shall be recorded in writing by the Chief Conductor (Appendix-C). If the student refuses to make statement or to give undertaking the concerned Sr. Supervisor and Chief Conductor shall record accordingly under their signatures.
- (iv) Chief Conductor shall take one or more of the following decisions depending upon seriousness/gravity of the case :
- (a) In the case of impersonation or violence, expel the concerned student from the examination and not allow him/her to appear for remaining examination.
 - (b) Obtain undertaking from the student to the effect that decision of the concerned competent authority in his/her case shall be final and binding and allow him/her to continue with his/her examination.
 - (c) May report the case to the concerned Police Station as per the provisions of Maharashtra Act No. XXXI 1982 – An Act to provide for preventing mal-practices at University; Board and other specified examinations.
 - (d) Confiscate his/her answerbook, mark it as “suspected unfair means case” and issue him/her fresh answerbook duly marked.
- (v) All the materials and list of material mentioned in sub-clause (i) and the undertaking with the statement of the student and that of the Jr. Supervisor as mentioned in clause No. (ii) and (iii) and the answerbook/s shall be forwarded by the Chief Conductor, alongwith his report, to the concerned Controller of Examinations/Principal/Head of the Institution, as the case may be, in a separate and confidential sealed envelope marked “Suspected unfair means case”.

- (vi) In case of unfair means of oral type, the Jr. Supervisor and the Sr. Supervisor or concerned authorised person shall record the facts in writing and shall report the same to the concerned Controller of Examinations/ Principal/ Head of the Institution, as the case may be.

6. Procedure to be followed by Examiner during Assesement

If the examiner at the time of assessment of answerbook suspects that there is a prima-facie evidence that the student/s whose answerbook/s the examiner is assessing appears to have resorted to unfair means in the examination, the examiner shall forward his/her report, preferably through the Chairman in the subject, alongwith the evidence, to the Contoller of Examinations/ Principal / Head of the Institution, as the case may be, with his/her opinion in separate confidential sealed envelope marked as "Suspected unfair means case".

7. Case of unfair mans having prima-facie, reported to the University/College/ Institution by the Chief Conductor / Jr. / Sr. Supervisor and or examiners shall be inquired into by the Committee appointed by the Board of Examinations/ Principal / Head of the Institution, as the case may be. In the event cases of unfair means reported through any other sources, the concerned Officer/ In-charge of the Sub-section / Unit to which the case is primarily pertained, at the Examination Section of the University / College/ Institution shall scrutinise the case, collect preliminary information to find out whether there is prima-facie case so as to fix up primary responsibility for framing a charge sheet and then shall submit the said case with his/her primary report to the concerned Competent Authority. If the Competent Authority is satisfied that there is a prima-facie case it shall place the same before the Unfair Means Inquiry Committee for further investigation. The concerned Officer of the Sub-Section / Unit through which the case has originated or the case is pertaining to, shall be the Presenting Officer of the case before the Inquiry Committees, Police Authorities and Court of Justice and shall deal with the case till it is finally disposed of.

8. Examination Result/s of the concerned student/s involved in such cases shall be held in reserve till the Competent Authority takes final decision in the matter and the concerned student/s and the College/ Institution to which he/she belongs to, shall be informed accordingly.

9. **Appointment of Unfair Means Inquiry Committee**

- (i) For the purpose of investigating unfair means resorted to by students at the University examination, the Board of Examinations shall appoint a Committee in terms of the provisions made under Section 32(6)(a) of the Maharashtra Universities Act 1994. The term of the Committee shall be five years subject to provisions of Section 42 & 43 of the said Act.
- (ii) For the purpose of investigating unfair means resorted to by students at the examination held by the College / Institution, the Unfair Means Inquiry Committee appointed by the College / Institution shall consist of five teachers (other than the Principal/ Head) to be nominated by the Principal / Head of the Institution, one of whom shall be designated as Chairperson. The members appointed on the College/Institution Examination Committee shall not be appointed as members on the Unfair Means Inquiry Committee.
- (iii) The Unfair Means Inquiry Committee will function as a recommendatory body and submit its recommendations in the form of a report to concerned competent authority, which will issue final orders with regard to the penal action to be taken against the student/s after taking into account the reported facts and findings of the case by the Committee and after ensuring whether reasonable opportunity has been given to the concerned implicated student in his/her defence, the principle of natural justice has been followed and the recommended quantum of punishment is in accordance with the guidelines laid down in this behalf.

10. Procedure of the Committee should be as under

- (i) The Controller of Examinations of the University / Principal of the College or Head of the Recognised Institution, or the Officer authorised by them, as the case may be, shall inform the student concerned in writing of the act of unfair means alleged to have been committed by him/her, and shall ask him/her to show cause as to why the charge/s levelled against him/her should not be held as proved and the punishment stipulated in the show cause notice be imposed
- (ii) The student *may* appear before the Inquiry Committee on a day, time and place fixed for the meeting, with written reply/explanation to the show cause notice served on him/her therein. The student himself/herself only shall present his/her case before the Committee.
- (iii) The documents that are being taken into consideration or are to be relied upon for the purpose of proving charge/s against the student should be shown to him/her by the Inquiry Committee, if the student presents himself/herself before the Committee. The evidence, if any, should be recorded in the presence of delinquent.
- (iv) Reasonable opportunity, including oral hearing, shall be given to the student in his/her defence before the Committee. The reply/explanation given by the student to the show cause notice shall be considered by the Committee before making final recommendation in the case.
- (v) The Committee should follow the above procedure in the spirit of the principle of natural justice.
- (vi) After serving a show cause notice, if the implicated student fails to appear before the Inquiry Committee on the day, time and place fixed for the meeting, the student may be given one more opportunity to appear before the Committee in his/her defence. Even after offering two chances if the student concerned fails to appear before the Committee, the Committee shall take decision in his/her case in absentia, on the

basis of the available evidence / documents, which shall be binding on the student concerned.

- (vii) The Committee shall submit its report to the concerned competent authority alongwith its recommendations regarding punishment to be inflicted or otherwise.

11. Punishment

The Competent Authority concerned i.e. the Board of Examinations in the cases of University examination, the concerned Principal in the cases of College examination, and the Head in the cases of examination held by the Recognised Institution, after taking into consideration the report of the Committee shall pass such orders as it deems fit including granting the student benefit of doubt, issuing warning or exonerating him/her from the charges and shall impose any one or more of the following punishments on the student/s found guilty of using unfair means :

- (a) Annulment of performance of the student in full or in part in the examination he/she has appeared for.
- (b) Debarring student from appearing for any examination of the University or College or Institution for a stipulated period not exceeding five years.
- (c) Debarring student from taking admission for any course in the University or College or Institution for a stipulated period not exceeding five years.
- (d) Cancellation of the University or College or Institution Scholarship/s or award/s or prize or medal etc. awarded to him/her in that examination.
- (e) In addition to the above mentioned punishment, the competent authority may impose a fine on the student declared guilty. If the student concerned fails to pay the fine within a stipulated period, the competent authority may impose on such a student additional punishment / penalty as it may deem fit.

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- (f) As far as possible the quantum of punishment should be as prescribed (category-wise) in *Appendix-A*.
- (g) The student concerned be informed of the punishment finally imposed on him/her in writing by the competent authority or by the Officer authorised by it in this behalf, under intimation to the College / Institution he/she belongs to.

12. The Broad Categories of Unfair Means Resorted to by Students at the University/College/Institution Examinations and the Quantum of Punishment for each Category Thereof

S.No.	Nature of Malpractice	Quantum of Punishment
(1)	Possession of copying material	Annulment of the performance of the student at the University / College / Institution examination in full.* (Note :- This quantum of punishment shall apply also to the following categories of malpractices at Sr.No. (2) to Sr.No. (12) in addition to the punishment prescribed thereat.
(2)	Actual copying from the copying material.	Exclusion of the student from University or College or Institution examination for one additional examination.
(3)	Possession of another student's answer-book.	Exclusion of the student from University or College or Institution examination for one additional examination. (BOTH THE STUDENTS)
(4)	Possession of another student's answer-book+actual evidence of copying therefrom.	Exclusion of the student from University or College or Institution examination for two additional examinations (BOTH THE STUDENTS).
(5)	Mutual / Mass copying	Exclusion of the student from University or College or Institution examination for two additional examinations.
(6)	(i) Smuggling-out or smuggling-in of answerbook as copying material.	Exclusion of the student from University or College or Institution examination for two additional examinations.
	(ii) Smuggling-in of written answer-book based on the question paper set at the examination.	Exclusion of the student from University or College or Institution examination for three additional examinations.
	(iii) Smuggling-in of written answer-book and forging signature of the Jr. Supervisor thereon.	Exclusion of the student from University or College or Institution examination for four additional examinations.

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| (7) Attempt to forge the signature of the Jr. Supervisor on the answerbook or supplement. | Exclusion of the student from University or College or Institution examination for four additional examinations. |
| (8) Interfering with or counterfeiting of University / College / Institution seal, or answerbooks or office stationery used in the examinations. | Exclusion of the student from University or College or Institution examination for four additional examinations. |
| (9) Answerbook, main or supplement written outside the examination hall or any other insertation in answerbook. | Exclusion of the student from University or College or Institution examination for four additional examinations. |
| (10) Insertion of currency notes/to bribe or attempting to bribe any of the person/s connected with the conduct of examinations. | Exclusion of the student from University of College or Institution examination for four additional examinations.

(Note : - This money shall be credited to the Vice-Chancellor's Fund) |
| (11) Using obscence language / violence threat at the examination centre by a student at the University / College / Institution examination to Jr. / Sr. Supervisors / Chief Conductor or Examiners. | Exclusion of the student from University or College or Institution examination for four additional examinations. |
| (12) (a) Impersonation at the University / College / Institution examination. | Exclusion of the student from University or College or Institution examination for five additional examinations. (both the students if impersonator is University or College or Institute student). |
| (b) Impersonation by a University / College / Institute student at S.S.C/ H.S.C./ any other examinations. | Exclusion of the impersonator from University or College or Institution examination for five additional examinations. |

- (13) Revealing identity in any form in the answer written or in any other part of the answerbook by the student at the University or College or Institution examination. Annulment of the performance of the Student at the University or College or Institution examination in full.
- (14) Found having written on palms or on the body, or on the clothes while in the examination. Annulment of the performance of the student at the University or College or Institution examination in full.
- (15) All other malpractices not covered in the aforesaid categories. Annulment of the performance of the student at the University or College or Institution examination in full, and severe punishment depending upon the gravity of the offence.
- (16) If on previous occasion a disciplinary action was taken against a student for malpractice used at examination and he/she is caught again for malpractices used at the examinations, in this event he/she 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.
- (17) Practical/Dissertation/Project Report Examination
Student involved in malpractices at Practical/Dissertation/Project Report examinations shall be dealt with as per the punishment provided for the theory examination.
- (18) The Competent Authority, in addition to the above mentioned punishments, may impose a fine on the student declared guilty.
- *(Note : The Term "Annulment of Performance in full" includes performance of the student at the theory as well as Annual Practical examination, but does not include performance at term work, project work with its term work, oral or practical & dissertation examinations unless malpractice used thereat.)

13. Malpractices used or Lapses Committed by any Paper-Setters, Examiners, Moderators, Referees, Teachers or any other persons connected with the Conduct of Examination

(I) Competent Authority :

- (a) The Board of Examinations shall be the competent authority to take appropriate disciplinary action against the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations committing lapses or using, attempting to use, aiding, abetting, instigating or allowing to use malpractice/s at the examinations conducted by the University
- (b) The Management (includes the Trustees, Managing Body or Governing Body) of the constituent affiliated / conducted college or Recognised Institution shall be the competent authority to take appropriate disciplinary action against the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations committing lapses or using, attempting to use, aiding, abetting, instigating or allowing to use malpractice/s at the examination conducted by the constituent affiliated / conducted colleges' or Recognised Institution on behalf of the University.

(II) Definition : Unless the Context Otherwise Requires

- (a) "Paper-setter, examiner, moderator, referee and teacher" means and includes person/s duly appointed as such for the examination by the competent authority and the term "any other person connected with the conduct of examination" means and includes person/s appointed on examination duty by the competent authority.
- (b) Malpractice/lapses includes one or more of the following acts or omissions on the part of the person/s included in (a) relating to the examination :-
 - (i) Leakage of question/s or question paper set at the University / College/ Institution examination before the time of examination.
 - (ii) Examiner / Moderator intentionally awarding marks to student in assessment of answerbooks, dissertation or project work to which the student is not entitled or not assigning marks to the student to which the student is entitled.
 - (iii) Paper-setter omitting question, Sr.No. of question, repeating question or setting question outside the scope of syllabus.
 - (iv) Examiner / Referee showing negligence in detecting malpractice used by student/s.
 - (v) Jr. Supervisor, Sr. Supervisor, Chief Conductor showing negligence / apathy in carrying out duties or aiding / abetting / allowing / instigating students to use malpractice/s.

- (vi) Or any other similar act/s and or omission/s which may be considered as malpractices or lapses by the competent authority.
- (c) "Malpractice or lapse relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act of unfair means, fraud or undue influence with a view to obtaining wrongful gain to him/her or to any other person or causing wrongful loss to other person/s or omitting to do what he/she is bound to do as duties.
- (d) 'College', means conducted, constituent or affiliated college or recognised institution of a University.

(III) Investigating Committee

- (I) The Committee appointed by the Board of Examinations under the provisions of Section 32(6)(a), 42 and 43 of the Maharashtra Universities Act 1994, to investigate unfair means resorted to by student/s at the University examinations shall also investigate the cases of malpractices used and/or lapses committed by the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations at the University examinations.
- (II) Similarly, a Committee appointed by the College or Institution to investigate unfair means resorted to by student at the concerned examinations shall also investigate malpractices/lapses on the part of paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations conducted by the affiliated / conducted College or institution on behalf of the University.

(IV) Procedure for Investigation

- (I) The cases of alleged use of unfair means or lapses committed by the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct examinations, reported to the University/ College / Institution shall be scrutinized by the concerned Officer / Incharge of the Sub-Section/Unit to which the case is primarily pertained at the Examination Section of the University / College / Institution, collect preliminary information to find out whether there is prima-facie case so as to fix up primary responsibility for framing a charge-sheet and then shall submit the said case with his primary report to the concerned competent authority. If the competent authority is satisfied that there is a prima-facie case, it shall place the same before the Unfair Means Inquiry Committee for further

investigation. The concerned Officer of the Sub-Section/ Unit through which the case has originated or the case is pertaining to, shall be the Presenting Officer of the case before the Inquiry Committee, Police Authorities and Court of Justice and shall deal with the case till it is finally disposed of.

- (ii) The Competent Authority of the Officer authorised by it in this behalf, shall inform the implicated person (paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination) in writing of the act of malpractices used and or lapses or committed by him / her at the examination and shall ask him/her to show cause as to why the charge/s levelled against him/her should not be held as proved and the punishment stipulated in the Show Cause Notice be imposed.
- (iii) The concerned person be asked to appear before the Inquiry Committee on a day, time and place fixed for meeting, with written reply/explanation to the show cause notice served on him/her and charge levelled against him/her therein. The concerned person himself/herself only shall present his/her case before the Committee.
- (iv) The documents that are being taken into consideration or to be relied upon for the purpose of proving charge/s against the concerned person shall be shown to him/her by the Inquiry Committee if he/she presents himself/herself before the Committee. The evidence, if any, should be recorded in presence of the delinquent.
- (v) Reasonable opportunity, including oral hearing, shall be given to the concerned person in his/her defence before the Committee. The reply/explanation given to the show cause notice shall also be considered by the Committee before making final report/recommendation.
- (vi) The Committee should follow the above procedure in the spirit of principle of natural justice.
- (vii) If the concerned person fails to appear before the Committee on the day, time and place fixed for the meeting, he/she be given one more opportunity to appear before the committee in his/her defence. Even after offering two chances, if the concerned person fails to appear before the Committee, the Committee shall take decision in his/her case in his/her absentia on the basis of whatever evidences/documents which are available before it and same shall be binding on the concerned implicated person.
- (viii) The Committee shall submit its report to the concerned competent authority alongwith its recommendations regarding punishment to be inflicted on the concerned person or otherwise.

(V) Punishment

The competent authority, after taking into consideration the report of the Committee, shall pass such orders as it deems fit including granting the implicated person benefit of doubt, issuing warning or exonerating him/her from the charge/s and shall impose any one or more of the following punishments on the implicated person found guilty of using malpractice/s or committing lapses at the examination :-

- (i) Declaring disqualified the concerned paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination, from any examination work either permanently or for a specified period.
- (ii) Imposing fine. If the concerned person fails to pay the fine within a stipulated period, the Competent Authority may impose on such a person additional punishment / penalty as it may deem fit.
- (iii) Referring his/her case to the concerned disciplinary authorities for taking such disciplinary action as deemed fit as per the rules governing his/her service conditions.
- (iv) The competent authority or the Officer authorised in this behalf, shall inform the concerned person of the decision taken in his/her case and the punishments imposed on him/her.
- (v) An appeal made within 30 days of imposition of the punishment, other than the punishment referred to in clause No. (iii) above, shall lie with the Board of Examinations if the case is pertaining to the University examination or with the Management of the College or Institution, if the case pertaining to the college/ institutions examination and their decision in the appeal shall be final and binding.
- (vi) The Competent Authority shall supply a typed copy of the relevant extract of fact-finding report of the Inquiry Committee, as well as the documents relied upon (if not strictly confidential), pertaining to his/her case to the appellant/ petitioner, if applied for in writing.
- (vii) The court matters in respective cases of malpractices/lapses should be dealt with by the respective competent authority.
- (viii) As far as possible the quantum of punishment should be prescribed category-wise as hereunder :-

14. ACTION FOR MALPRACTICES / LAPSES
Referee, Teacher or any another person connected with the Conduct of
College / Institution Examinations.

S.No.	Nature of Malpractices / Lapses	Punishment
(1)	Paper-setter found responsible for leakage of the question set in the University / College / Institution examination/s whether intentionally or due to the negligence before the time of examination.	Disqualification from any examination work + disciplinary action by concerned authorities as per the rules applicable.
(2)	Leakage of question / question paper set in the University / College / Institution examination before the time of examination at the University/College/Institution, or examination centre by any person/s connected with the conduct of the examination.	Disciplinary action against the guilty / responsible person/s as per the prevailing rules / standard code by the concerned authorities.
(3)	Favouring a student (examinee) by examiner, moderator, referee in assessment of answerbooks/ dissertation / Project Report / Thesis by assigning the student marks to which the student is not entitled, at the University / College / Institution examination.	Disqualification from any examination work + disciplinary action by the concerned authorities.
(4)	Examiner / Moderator / Referee intentionally / negligently not assigning the student in assessment of his/her answer-books / dissertation / project work, the marks to which the student is entitled to at the University / College / Institution examinations.	Disqualification from any examination work + disciplinary action by the concerned authorities.
(5)	Paper-setter omitting question at the time of finalisation of question paper set at examination of repeating Sr. No. of question while writing.	Disqualification from any examination work for a period of three years.

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| (7) | Paper-setter setting questions outside the scope of the syllabus. | Disqualification from any examination work for a period of three years. |
| (8) | While assessing answerbook examiner showing negligence in detecting malpractices used by the student/s. | As decided by the authorities of the University / College / Institution. |
| (9) | Guiding Teacher showing negligence in supervision of dissertation / project work (e.g. use of manipulated data by a student) | As decided by the authorities of the University / College / Institution. |
| (10) | Sr. Supervisor / Chief Conductor showing apathy in carrying out duties related to examinations (e.g. not taking rounds to the examination hall at Examination Centre during examination period or opening the packet of question paper before prescribed time) | As decided by the authorities of the University / College / Institution. |
| (11) | Jr. Supervisor helping student in copying answers while in the examination or showing negligence in reporting cases of copying answers by students when on supervision duty. | Disqualification from any examination work upto a period of three years + disciplinary action by the concerned authorities as per the rule if he/she is a University / College / Institution employee |
| (12) | Jr. Supervisor helping student (examinee) in mass-copying while on examination duty | Permanent disqualification from any examination work + disciplinary action by the concerned authorities as per the rule if he/she is a University/ College / Institution employee. |
| (13) | The competent authority, in addition to the above mentioned punishment, may impose a fine on the concerned person if declared guilty. | |
| (14) | The competent authority may report the case of the concerned implicated person to the appropriate Police Authorities as per the provision of the Maharashtra Act. No. XXXI of 1982. | |