

CHAPTER-1
UNIVERSITIES AND BOARDS OF INTERMEDIATE AND
SECONDARY EDUCATION MALPRACTICES
(ERADICATION) ACT, 1999

Azad Government of the State of Jammu and Kashmir
Law, Justice and Parliamentary Affairs Department

"Muzaffarabad"
Dated: 12-10-1999

No. 416-23/ LD/ Lg/ 99. The following Act of the Assembly received the assent of the President on 07-10-1999, is hereby published for general information:

(Act X of 1999)

AN
ACT

to provide for the eradication of malpractices in connection with Universities and Boards of Intermediate and Secondary Education examinations.

WHEREAS it is expedient to provide for the eradication of certain malpractices in connection with examinations held by the Universities and Boards of Intermediate and Secondary Education.

It is hereby enacted as follows:

1. Short Title and Commencement

- (1) This Act may be called the Azad Jammu & Kashmir Universities and Boards of Intermediate and Secondary Education Malpractices (Eradication) Act, 1999.
- (2) It shall extend to whole of the Azad Jammu and Kashmir.
- (3) It shall come into force at once.

2. Definitions

In this Act unless there is anything repugnant to the subject or context:

- (a) "Abetment" shall have the meaning assigned to it in the Azad Penal Code;

- (b) "Answer Book" means the document containing the answer or answers as given by a candidate during an examination to the question or questions contained in the question paper meant for the said examination and includes a part of an answer book;
- (c) "Board" means a Board of Intermediate and Secondary or Technical Education established under any law for the time being in force in Azad Jammu and Kashmir or any other examining body notified by the Government;
- (d) "Candidate" means a person who has applied for admission to an examination or has appeared as an examinee at any such examination;
- (e) "Employee" means any person employed by a University or Board for the purpose of examining candidates for the grant of certificates, diplomas or degrees;
- (f) "Examination" means an examination held by a University or Board for the purpose of examining candidates for the grant of certificates, diplomas or degrees;
- (g) "Examiner" means a person appointed by a University or Board for the purpose of examining and assessing the answer books of a candidate or his ability through a written or oral examination and award marks there for, and includes a person appointed to check the standard of marking of such examiner and instructing him in assessing the marks to be awarded by him;
- (h) "Premature Disclosure of a Question or Question Paper" means a disclosure of a question or any of the questions contained in a question paper before the time at which the question or the question paper containing the question has to be communicated to a candidate in accordance with the procedure prescribed by the University or the Board concerned;
- (i) "Question Paper" means a document containing the question or questions to be put at an examination for being answered by the candidate; and
- (j) "University" means a University established under any law for the time being in force in Azad Jammu and Kashmir.

3. Punishment for Malpractices etc.

- (1) Whoever is guilty of-
- (i) possessing firearms or other implement capable of being used as weapon of offence in or around an examination centre; or
 - (ii) impersonating another who is a candidate for an examination; or
 - (iii) forging, mutilating, altering, erasing or otherwise tampering with any document connected with an examination or making undue use of such document; or
 - (iv) premature disclosure of a question or question paper knowing that such question or question paper is to be put or set at an examination written or oral; or
 - (v) replacement of an answer book or any portion thereof; or
 - (vi) recording in any document with dishonest motive marks more or less than the marks awarded to a candidate by the examiner concerned, if the person doing so is other than the examiner; or
 - (vii) mutilation, alteration, interpolation or erasure in any certificate, degree or other document or any record maintained by a University or Board or in any manner using or causing to be used as certificate, degree document of record knowing that it is so mutilated altered, interpolated or erased; or
 - (viii) divulging or procuring information pertaining to a University or Board examination papers, answer books, examiners, conduct of examinations, fictitious roll numbers, examination results or any information incidental thereto; or
 - (ix) falsification of official examination results by any means including substitution of answer books, mutilation, alteration or falsification of University or Board records; or
 - (x) impeding the progress of examination at any examination centre by any means whatsoever; or

- (xi) assaulting or threatening any person incharge of an examination centre or any other person employed in connection with an examination; or
 - (xii) Appointing supervisory/ secrecy staff for carrying out examination duty in contravention of standing regulation/ instructions; or
 - (xiii) Issuing of the Roll No. slip without specifically indicating the centre of the examination; or
 - (xiv) Failure to issue regular or provisional Roll No. slip by examination department in time if:
 - (i) Examination form has been submitted along with fee in time.
 - (ii) Some formalities not complied with by the candidate otherwise eligible to appear in the examination.
 - (xv) attempting or abetting the commission of any of the aforesaid acts shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees.
- (2) Whoever is guilty of-
- (i) making false representation in his admission form or any other document connected with an examination; or
 - (ii) giving or receiving any assistance for solving any part of a question paper or allowing any other candidate to copy from his answer book or attempting to do so; or
 - (iii) unauthorizedly copying or receiving assistance from any paper, book, note or other source for answering a question; or
 - (iv) taking unauthorizedly the whole or a part of an answer book or a continuation sheet into or out of any examination centre; or
 - (v) awarding with dishonest motive marks more or less than the marks deserved by a candidate, if the person doing so is an examiner; or

- (vi) supplying to a candidate during his examination answer to a question contained in the question paper or a question put or to be put at an oral examination; or
- (vii) approaching or influencing any employee to act corruptly or dishonestly in the conduct of any examination, declaration of any examination result, or marking of papers, or obtaining secret information relating to any examination; or
- (viii) attempting or abetting the commission of any of the aforesaid acts shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees or with both.

4. General Provision

- (1) The offences under section 3 (2) of this Act may be tried summarily under the provisions of the Code of Criminal Procedure 1898.
- (2) There shall be no appeal by a convicted person in cases which are tried summarily and a sentence of fine not exceeding one thousand rupees only is passed in respect of an offence under this Act.

5. Offences to be Cognizable and Bailable

Notwithstanding any provision contained in the Code of Criminal Procedure, 1898, or any other law for the time being in force, an offence under this Act shall be cognizable by the police only on a report or suo-moto made in the case of an offence relating to a University or an examination held or to be held by a University, by the Vice Chancellor of the University or such other officer of the University as may be specially authorized by him in this respect in writing, and in case of an offence relating to a Board, or an examination held or to be held by a Board by the Chairman of the Board or such other officer of the Board as may be specially authorised by him in this respect in writing and the offences mentioned in section 3 (1) shall be non-bailable while those mentioned in section 3 (2) shall be bailable.

6. Unpublished Records to be Privileged Documents

No employee shall give evidence of any fact relating to unpublished records of the University or Board employing him or produce any document pertaining to the affairs of such University or Board except, in the case of University records or documents pertaining to the affairs of the University with the previous written sanction of the Vice Chancellor or the Registrar of the University, and in the case of Board records or documents pertaining to the affairs of the Board, with the previous written sanction of the Chairman of the Board. The Vice Chancellor, the Registrar or the Chairman, as the case may be, may give or withhold such permission in his discretion.

7. Official Information not to be Asked for by Courts from University and Board Employees

No employee shall be compelled to give evidence in any court of law of communications made to him or information in his possession which comes to his knowledge by reason of his employment by a University or Board except, in the case of a University employee, with the previous written sanction of the Vice Chancellor, or the Registrar of such University and in the case of an employee of a Board, with the previous written sanction of the Chairman of the Board, and such Vice Chancellor, Registrar or Chairman, as the case may be, may give or withhold such sanction in his discretion.

8. Repeal

The Azad Jammu and Kashmir Universities and Boards of Intermediate and Secondary Education Malpractices (Eradication) Ordinance, 1999 (Ordinance XI of 1999) is hereby repealed.

Sd/-
Secretary Law Justice and
Parliamentary Affairs

CHAPTER-2
REGULATIONS FOR THE
UNFAIR MEANS CASES (UMC) COMMITTEE

MIRPUR UNIVERSITY OF SCIENCE AND TECHNOLOGY (MUST), MIRPUR

Notification

Dated: November 14, 2014

No.F.3/Senate (6-M)i-5(si-viii)/7551-7590/2014. The Senate in its 6th meeting held on May 6, 2014, on the recommendation of the Syndicate (6th meeting held on April 3, 2014), has approved the following regulations for the Unfair Means Cases (UMC) Committee of the University:

1. There shall be an Unfair Means Cases (UMC) Committee of the University constituted vide Section 15 (2), 20 (r) and (s) 22 (2)-c and 24 (1) & (2) of the University Act.
2. The Unfair Means Cases Committee of the University shall consist of the followings:

(1) Dean/ Senior Professor	Chairperson/ Convener
(2) Controller of Examinations or nominee	Member
(3) Registrar or nominee	Member
(4) Two Professors	Member
(5) Deputy Controller of Examinations	Secretary
3. The Centre Superintendent/ Staff or the Head of Teaching Department/ Institute will submit report of the unfair means case to the Controller of Examinations along with charges and proofs.
4. The controller office will issue notice to the candidate and direct him/ her to appear before the committee well before time of the next examination.
5. The committee will take decision by consensus or majority vote. The decision taken by majority vote shall be considered as decision of the committee for all purposes. Quorum of the committee shall be three.

6. The committee will provide a chance of personal hearing to the candidate and award any of the following punishment(s):
 - (1) Five years/ 10 semesters ban of appearing in any of the examinations of the University/ other universities.
 - (2) Three years/ 6 semesters ban of appearing in any of the examinations of the University/ other universities.
 - (3) One year/ 2 semesters ban of appearing in any of the examinations of the University/ other universities.
 - (4) One semester ban of appearing in any of the examinations of the University/ other universities.
 - (5) Cancellation of the Answer Sheet concerning the UMC.
 - (6) Any other decision, the committee may considers appropriate.
7. The candidate shall have the right of appeal against the punishment/ decision of the committee before the Vice Chancellor.
8. The candidate shall submit appeal on prescribed proforma along with fee, to the Vice Chancellor.
9. The Vice Chancellor may constitute the appeal committee to hear the appeal and take appropriate decision under rules. The decision of the appeal committee shall be considered decision of the Vice Chancellor for all purposes.
10. The Vice Chancellor/ appeal committee will issue notice to the candidate for personal hearing to know his/ her position on the charges and punishment awarded to him/ her.
11. The Vice Chancellor may enhance, reduce or even quash the penalty imposed by the discipline committee and award any penalty he/ she thinks appropriate. In case the Vice Chancellor decides to reduce, enhance or quash the penalty, he/ she will record the reasons for doing so. Any reduction in the penalty would be subject to the condition that the candidate will submit written statement on judicial paper attested by 1st class magistrate that he/ she will not breach the discipline and good order of the university in future, failing which the penalty awarded to him/ her shall stand reinforced. The decision of the Vice Chancellor in any case shall be final and binding.

12. The decision of the UMC committee or Vice Chancellor shall be notified by the Secretary of the Committee.
13. Copies of the decision shall be made available to all concerned for information and implementation.
14. If a penalty of expulsion/ rustication is imposed on a candidate, the decision should be intimated to the Higher Education Commission and all public and private sector Institutions/ DAI's.

Sd/-
(Prof. Dr. Mohammad Riaz Moghal)
Registrar