

# MIZORAM PREVENTION OF MALPRACTICES AT EXAMINATION ACT, 1990

[Act No. 11 of 1990]

[13th August, 1990]

## **PREAMBLE**

*An Act to provide for the prevention of malpractices at examinations of the University, Board or any specified authority in the State of Mizoram.* Be it enacted by the Legislative Assembly of the State of Mizoram in the forty First Year of the Republic of India, as follows:-

## **Section 1 - Short title, extent and commencement**

- (1) This Act may be called the Mizoram Prevention of Malpractices at Examination, Act 1990.
- (2) It shall extend to the whole of the State of Mizoram.  
Provided the provision of this Bill relating to examination at the Primary Stage shall not apply to any Autonomous District within the State of Mizoram but the Governor may by notification and with the concurrence of the District Council of concerned Autonomous District, apply all such provisions or any of them to that Autonomous District.
- (3) It shall come into force on such date as the State Government may by notification, in official Gazette, appoint.

## **Section 2 - Definitions**

In this Act, unless the context otherwise requires-

- (a) "Board" means the Mizoram Board of School Education established under the Mizoram Board of School Education, Act, 1975 (Mizoram Act No. 2 of 1976).
- (b) "Custody of Confidential Papers" means a person appointed by the University, Board or any specified authority to have custody of the question papers for the examination;
- (c) "Examination" means any examination held or to be held by the University, Board or any other specified authority as may be specified in this behalf, from time to time, by the Government of Mizoram, by notification in the Official Gazette;
- (d) "Examination Centre" means the examination centre for holding any examination of the University, Board or any specified authority as may be allotted to it;
- (e) "Examiner" means a person appointed by the University, Board and/or other specified authority under such designation;
- (f) "Invigilator" means a person who is appointed to assist the Centre Superintendent in conducting and supervising the examination at a centre;
- (g) "Moderator" means a person appointed by the University, Board and/or other specified authority under such designation;
- (h) "Official Gazette" means the Mizoram Gazette;
- (i) "Other specified authority" means any authority specially authorised by Government of Mizoram, University or the Board to conduct Examination;
- (j) "Paper Setter" means a person appointed by the University, Board and/or other specified authority, under such designation;
- (k) "Superintendent" means a person appointed by the University, Board or other specified authority to conduct and supervise examination of the University,

- Board of other specified examination at a centre and includes an Additional Superintendent and an Associate Superintendent;
- (l) "Tabulator" means a person appointed by the University, Board and/or other specified authority under such designation;
  - (m) "University" means any University established by law for and/or in the State of Mizoram;

**Section 3 - Duties and responsibilities of paper setters and punishment for contravention**

- (1) Any person who is appointed as Paper Setter at any examination shall not supply or cause to be supplied the question paper prepared by him or a copy thereof or communicate the contents of such paper to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by his/her appointing authority in this behalf.
- (2) Any person who contravenes the provisions of sub-section (1) above shall, on conviction, be punished with imprisonment for a term which may extend to THREE months or with fine which may extend to one thousand rupees or with both.

**Section 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, cyclosting, typing or otherwise producing copies of any question paper for the purpose 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/her.
- (2) Any person who contravenes the provisions of sub-section (1) above shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

**Section 5 - Duties and responsibilities of Moderator and punishment**

- (1) Any person who is appointed as Moderator at any examination shall not supply or cause to be supplied the question paper made available to him/her or a copy thereof or communicate the contents of such papers to for contravention.any person or give publicity thereto in any manner, except in accordance with the instructions given to him/her in writing by his/her appointing authority.
- (2) Any person who contravenes the provisions of sub-section (1) above shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

**Section 6 - Duties and responsibilities of persons entrusted with custody of question papers and punishment for contravention**

- (1) Any person who is appointed as "Custodian of confidential papers" or entrusted with the custody or otherwise in possession of any question paper for the purpose of any examination shall not supply or distribute or cause to

be distributed or supplied 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 in writing by the authority which entrusted the custody or give possession thereof to him/her

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

### **Section 7 - Prohibition of supply or publication of any question paper before the examination is held**

Whoever has in his possession any question paper for any examination and supplies or causes to be supplied or offers to supply a copy thereof or communicates or offers to communicate the contents thereof to any person whether for any consideration or otherwise or gives publicity thereto in any manner, except in accordance with the instructions issued in writing by an authorised officer of the University, Board or any other specified 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 three months or with fine which may extend to one thousand rupees or with both.

### **Section 8 - Punishment for refusal to work for the conduct and declaration of results of examination**

Any person, who, being entrusted with the conduct, supervision, evaluation of answer papers, tabulation as a Paper Setter, Moderator, Centre Superintendent, Invigilator, Examiner and or Tabulator or publication of results of any examination or any other works connected with the examination or publication of its results, fails to discharge the duties assigned to him/her honestly or refuses to discharge any function assigned to him/her shall on conviction, be punished with imprisonment for a term which may extend to three months but not be less than one month or with fine which may extend to three thousand rupees but not be less than one thousand rupees or with both.

### **Section 9 - Punishment for abetment, of offences**

Whosoever abets any offence punishable under this Act shall be punishable with the punishment provided for such offence.

### **Section 10 - Assault etc on Superintendent and or Invigilator**

- (1) Every Superintendent and every Invigilator of an examination centre shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code during the course of examinations and for a period of one month prior to the commencement of an six months immediately following such examination or examinations.
- (2) An assault on, or use of criminal force to a Superintendent and or an Invigilator of an examination centre during the period mentioned in sub-section (1) above shall be deemed to be an obstruction voluntarily caused to a

public servant in the discharge of his public functions and shall be punishable under Section 186 of the Indian Penal Code.

**Section 11 - Offences to be cognizable and non-bailable**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be cognizable offence and shall be non-bailable.

Provided that any person who has not attained the age of 18 years, when arrested, shall be released on bail.

**Section 12 - Offences to be tried summarily**

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 Code of Criminal Procedure, 1973, shall, as far as may be, apply in spirit.