

**CUSB REGULATIONS RELATING TO PREVENTION, PUNISHMENT AND
PROCEDUDURE CONCERNING USE OF UNFAIR MEANS IN THE
EXAMINTIONS, 2019**

Preamble

Whereas, it is mandatory, and professionally necessary to evaluate only those students who have not adopted any unfair means during the examination;

Whereas, this is desirable as well as morally accepted principles of the examination system punish use of unfair means;

Whereas, it is necessary to lay down the guidelines for the prevention of use of unfair means.

Whereas, candidates are required to know do's and don'ts.

1. Short Title, Application and Commencement

- (a) These regulations may be called CUSB Regulations Relating to Prevention, Punishment and Procedure Concerning Use of Unfair Means in the Examinations, 2019.
- (b) These regulations shall be applicable to every examination of the university.
- (c) These shall come into force with effect from the date of their approval by the competent authority of the university.
- (d) All the Departments and the Schools shall be bound to apply these regulations, subject to any specific permissions given for any technical reasons or in conformity with the requirement of compliance with *Regulatory Body Directions*.

2. Interpretation Clause

- (a) 'Candidates' means all the students enrolled with the Central University of South Bihar to pursue any Programme offered by the any Department/School of the University.
- (b) 'Examination' means and includes End Semester, Mid Term, Class Test, Viva Voce and Practical Examination etc.
- (c) 'Regulatory Bodies' means and includes UGC, NCT, AICTE, BCI and MCI etc.
- (d) 'University' means the Central University of South Bihar, Gaya.
- (e) 'Programme' means the entire course of study and examinations.
- (f) 'Semester' means a term consisting of around 90 teaching days.
- (g) 'Course' (i.e., paper) means a segment of subject matter to be covered in a semester.
- (h) 'Examinee' means a student who is appearing in the examination of the university.

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3. Conduct of Use of Unfair Means

The following shall be deemed to be unfair means:

- (a) Carrying incriminating material related or unrelated to the subject of the concerned examinations.
- (b) Copying either from the possessed material or neighbouring candidate(s) etc.
- (c) Trying to assist the other candidate(s).
- (d) Found consulting neighbouring candidate(s).
- (e) Appeal by the candidate in the answer script in any form to show mercy or to create individual identity in an effort to get more marks.
- (f) Carrying/using mobile phones, i-pads, electronic storage devices or any other type of electronic gadget etc.
- (g) Non-compliance of guidelines of the examination.
- (h) Impersonation.
- (i) Mass Copying/Walk-out/Boycott/Disruption in Examination.
- (j) Misconduct or/and disorderly conduct during the examination.
- (k) Besides above, use of any other means which may be termed unfair for ensuring Fair Examination.

4. Prohibited Conduct during Examinations

- (a) No candidate shall bring with him/her in the Examination Hall any book, paper, notes, mobile phones, i-pads, electronic storage devices or any other type of electronic gadget or other materials which may be used by him/her in connection with the Examination, nor shall he/she communicate to or receive from any other candidate or person any information in the Examination Hall.
- (b) No candidate shall note or write anything on desk, Question Paper (except Roll Number) or on any other object/material, except the answer book supplied to him/her.
- (c) No candidate shall assist or receive assistance from any other candidate or person in an Examination or make use of any dishonest or unfair means in connection with the Examination.
- (d) In case, a person, who is not a bona fide candidate, is found to be taking an Examination on behalf of a bona fide candidate, it will be assumed that impersonation is being done at the instance and with the connivance of the bona fide candidate and action against such person and such bona fide candidate would be taken as per the punishment prescribed under these regulations.
- (e) No candidate shall change his allotted seat.
- (f) No candidate shall change his answer script or any material, during the examination.

- (g) No candidate shall consult with the invigilator or any other staff of the University/Outsider for answering the questions in the examination.

5. Action by the Invigilator on Detecting Unfair Means Case

- (a) As soon as an examinee is suspected by the invigilator or any other authorized person of having resorted to unfair means, he/she shall immediately take possession of the answer book along with the relevant material found with the examinee. In the meantime, a new answer-book shall be provided to the examinee concerned to further write answers to the rest of the questions. The papers, notes, books, electronic devices etc. found in possession of the examinee shall be duly signed by the concerned examinee and the invigilator and attached with the seized answer-book of the examinee. In case an examinee is found to have written something on any body part/clothes, a photo of the same should be taken and the print out thereto should be attached as an evidence of Unfair Means. In case an examinee indulges in unfair means other than possession of unauthorized material (e.g., talking to fellow student, attempting to copy from fellow student, allowing fellow student to copy, discussing answer with fellow student outside the hall etc.), the nature of offence must be duly recorded by the invigilator clearly.
- (b) The Invigilator shall get the prescribed Unfair Means Form duly filled and signed by the examinee and give his / her comments on the same at the prescribed place.
- (c) In the case of detection of use of unfair means by a large number of examinees or in the event of refusal by examinee(s) to give statement, the Invigilator/Superintendent shall submit a confidential report to that effect to the Controller of Examinations and the University shall take suitable disciplinary action against the examinee(s) on the basis of confidential report. In such cases the names of the Invigilator/Superintendent making the report shall be kept confidential.
- (d) The Co-Invigilator, if any, should also sign as a witness to the above case.
- (e) No extra time will be given for completing the Examination as a result of this procedure.
- (f) After Examination is over, these answer books along with the material found in possession and the prescribed form duly filled and signed by all the concerned shall be delivered separately to the Controller of Examinations, preferably under sealed cover for further necessary action.

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- (g) Where the violation relates to acts which interfere with the proper conduct of examinations, the Superintendent of the Examinations may, after satisfying himself that the circumstances so demand, order the concerned candidate to vacate the examination premises forthwith.

6. Nature of Offence and Punishment

Notwithstanding anything provided anywhere, any examinee charged with use or attempt to use of unfair means at an Examination shall be imputed the punishment as per the following classification:

I. **CATEGORY-A (Not Adhering to Guidelines)**

Nature of offence	Approved Punishment
(a) Taking assistance from any other examinee/ person in any unauthorized manner whatsoever in answering the question paper during the course of the examination.	Cancellation of the Reported Course.
(b) Assisting any other examinee in any unauthorized manner whatsoever in answering the question paper during the course of the examination.	
(c) Deliberately disclosing one's identity or making any distinctive mark in the answer-books for that purpose.	
(d) Deliberately changing his/her seat/question paper/admit card in the Examination-hall without the permission of invigilator.	
(e) Found to be talking to a person outside the Examination-hall before submission of the answer sheet (e.g., while going to the wash room etc.).	
(f) Writing anything on the desk or the question paper except the Roll Number.	
(g) Attempt to influence an examiner if reported by the concerned examiner.	Cancellation of the Reported Course & suitable disciplinary action as decided by the Competent Authority.

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II. CATEGORY- B (Carrying Unfair Means/Materials)

(a) Carrying/having into the examination room/hall any book, paper, notes, answer-book of some other examinee, mobile phones, i-pads, electronic storage devices or any other type of electronic gadget or any other material whatsoever likely to be used directly or indirectly by the candidate in connection with the examination of the course.	Cancellation of the entire Reported Semester examination.
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III. CATEGORY- C (Use of Unfair Means/Materials)

(a) Found copying from any book, paper, notes, answer-book of some other examinee, mobile phones, i-pads, electronic storage devices or any other type of electronic gadget or any other material in answering the question paper during the course of the examination.	Cancellation of the entire examination of the Reported Semester and debarring from appearing in the subsequent entire Semester examination.
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IV. CATEGORY-D (Misconduct during the Examinations)

(a) Smuggling of an answer-book or a continuation sheet of the university.	Cancellation of the entire examination of the Reported Semester and debarring from any University examinations upto a maximum of two subsequent Semester examinations including the Back Courses/ Supplementary/Second Examination.
(b) Taking out or arranging to send out answer-book or its any page or continuation sheet of the university.	
(c) Replacing or getting replaced an answer-book or its any page or continuation sheet of the university during or after the examination.	
(d) Refusal to make statement on the Unfair Means Form.	Cancellation of entire examination of the Reported Semester and necessary disciplinary action as decided by the Competent Authority on the recommendations of the Unfair Means Committee.

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(e) Walk-Out*	No re-examination, except for cogent reasons to be decided by the Competent Authority on the recommendations of the Unfair Means Committee.
(f) Boycott**	No re-examination.
(g) Disruption***	Cancellation of the entire examination of the Reported Semester and debarring from any University examinations upto a maximum of three subsequent Semester examinations including the Back Courses /Supplementary /Second Examination.

* **Explanation:** Where the examinees, after having entered and taken their seats in the examination hall/room/any place meant for the purpose, and after the distribution of the answer-books or question papers or both, decided not to give the examination one or more of the pleas that the question paper was stiff, out of course, not taught or change in the trend etc. and further decided to leave without making a protest of any kind, with or without signing the attendance sheet, with or without submitting the answer-books to the invigilator/superintendent of the concerned examination and without creating any disruption (as defined below) in the examination, there shall be said to have staged a 'WALK-OUT' in the said examination.

** **Explanation:** On or before the day of an examination, if the examinees individually or jointly, refrain from appearing in the examination, to compel the authorities to accede to any demand, they are said to 'Boycott' the said examination. Provided that, an absence from the examination for a purpose other than the above, shall not be deemed to "Boycott" the said examination.

*** **Explanation:** Where an examinee/any person individually, jointly or in collusion with other examinees or any other person, either before or after having entered the examination hall/room/any place meant for the purpose, and either before or after distribution of the answer-book and the question paper does/do any act or instigate any other examinee/person for the commission of an act, such as, assaulting, manhandling, using of abusive language, creating rowdism, snatching and tearing of answer-books and such other things etc., so as to cause disturbance in the smooth conduct of the examination either in the centre in which he/she is scheduled to appear or is appearing, or in any other centres of the examination, there shall be said to have caused a "disruption" in the said examination.

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IV. CATEGORY- E (Impersonation)

1. Impersonation:	
(a) If the impersonator is identified to be a student of the University.	(a) Cancellation of the admission and expulsion from the University. He/She be also handed over to the police/Magistrate for further action under the law.
(b) If the impersonator is identified to be other than a student of the University.	(b) Handing over to the police/ Magistrate for further action under the law.
(c) In case of both (a) & (b) above: - In respect of the student for whom the impersonator was appearing.	(c) Cancellation of the admission and expulsion from the University. He/She to be handed over to the police.

- 6.1 In case of repeat offence of category A, entire examination of the reported semester shall be cancelled.
- 6.2 In case of repeat offence of category B, the examinee shall be debarred for the subsequent entire semester examination.
- 6.3 In case of repeat offence of category C, the examinee shall be debarred for subsequent two entire semester examinations.

7. Procedure for Reporting of UNFAIR MEANS Cases

- (i) Unfair Means Committee shall consider only those cases which are reported by the Centre Superintendent, Flying Squad Member(s), Invigilator(s) of the Examination concerned, any authorized persons on duty of the concerned examination and/or any competent Authority of the University.
- (ii) Any other act/person who is helping/promoting/supporting or facilitating unfair means during examination may be punished by the Vice-Chancellor on recommendation of the Unfair Means Committee by suitable administrative and punitive action as provided under the regulations.
- (iii) The Centre Superintendent on the report of Invigilator(s) or otherwise submit his own report to the Controller of Examinations, CUSB along with the statement of the of student(s) in prescribed format stating the details of classification of detected unfair means with the Name of the Course, Code and Date of examination.

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- (iv) The CoE, CUSB shall place all the unfair means cases before Unfair Means Committee with the evidence which was submitted by the Centre Superintendent.
- (v) Any punishment imposed on the erring student shall be following due consideration of the defence presented by him/her.
- (vi) On receipt of complaint of unfair means from the office of CoE, Chairperson of the Unfair Means Committee may obtain explanation, if so required, by issuing a show-cause notice to the reported candidate and may give him/her opportunity to give reply in person before the committee on specific date.
- (vii) If no explanation is received within the specified period, it shall be assumed that he/she/they do not have anything to say and the committee shall recommend appropriate action against him/her/them as prescribed under these regulations.

8. Convening of Committee on Unfair Means

- (a) A Committee (Standing Committee) appointed by the Vice-Chancellor shall enquire into cases of unfair means in the Examination. Composition of the committee shall be:
 - (i) Chairperson- Nominated by the Vice Chancellor.
 - (ii) Dean of the concerned School.
 - (iii) Head of the concerned Department.
 - (iv) Two Professors/Associate Professors including one from the School of Law nominated by the Vice Chancellor.
 - (v) Controller of Examinations or his/her Nominee - Member Secretary.
- (b) The Committee shall thoroughly examine the cases on the basis of the material/ documents placed before it and give hearing to the student and the concerned Invigilator, if so required. It shall submit its recommendations after laying down clearly the nature of the offence to the Vice Chancellor for consideration and necessary orders.

9. Amendments

- (a) Any part of these rules can be amended any time as and when need arises.
- (b) These rules shall be amended/ repealed/ modified on the recommendation of the committee constituted by the Vice Chancellor.


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- (c) The recommendation of the committee shall be operative with the approval of the Competent Authority of the University.

10. Interpretation

- (a) Any question as to the interpretation of these regulations shall be decided by the competent authority of the University and its decision shall be final and binding in the matter.
- (b) The University shall have the power to issue clarifications to remove any doubt, difficulty or anomaly which may arise in regard to the implementation of these regulations.
- (c) For any dispute redressal, Patna Court shall be the jurisdiction.


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CENTRAL UNIVERSITY OF SOUTH BIHAR

**FORM FOR REPORTING CASES OF UNFAIR PRACTICE OR ACT INTERFERING
WITH THE PROPER CONDUCT OF EXAMINATIONS**

..... Examination, 20

PART – I

(To be filled in by the Invigilator)

Candidate's Examination Roll Number/Enrolment No.....

Name of the candidate.....

Postal Address.....

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Email.....

Mobile Number.....

Name of candidate's Father/Guardian.....

Name of the Department.....

Name of the Course & Code.....

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Name of the Centre of Examination.....

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Day.....

Date.....

Time.....

Particulars of unfair practice or act interfering with the proper conduct of the examination which the examinee or the student is alleged to have adopted.

(Please give details of the specific complain)

A. Unfair practice or act interfering with the proper conduct of examination which the candidate is alleged to have adopted.

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B. Evidence (Documentary including all tangible materials)

1. Name of Book (s).....
2. Number of torn leaves of book(s).....
3. Number of the Manuscript Slips.....
4. Mobile phone Set/Any Other Electronic Device.....
5. Writing on body part(s).....
6. Any other Unauthorised Material.....

Report of the Invigilator/Squad.....
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Date.....

Signature of the Invigilator(s).....

Name of the Invigilator(s).....

PART – II

(To be filled by the candidate)

Statement of the candidate:

Please read the allegations in Part - I.

(i) Do you agree to the allegation(s)? Yes/No

(ii) (a) If yes, why did you do it?

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(b) If not, why do you disagree?

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(iii) Anything else you want to add with reference to the above allegation(s)?

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Signature of candidate

Date.....

[Attestation should be done by a person other than the Superintendent of Examinations OR the Invigilator making the report.]

*The statement was made in my presence/the Examinee refused to make any statement.

(* Strike out whichever is not applicable)

Name.....

Signature.....

Department.....

Date.....

PART – III

Recommendation(s) of the Superintendent:

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Signature of Superintendent

(Name.....)

Date.....

PART – IV

Recommendation(s) of the Committee:

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Signature of Members:

Date.....

PART – V

Final Order of the Competent Authority:

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