

PART-V

USE OF UNFAIR MEANS AND MISCONDUCT IN EXAMINATIONS

(As approved at the meeting of the Executive Council held on 27.09.2010 Para 25)

- 1.** In relation to the University Examinations, a candidate may be liable for:

- (1) Using Unfair Means (UMC)
- (2) Misconduct

Explanation: The University Examination includes Mid Term, End Term or any other Examination in which the performance of the candidate is evaluated for the purpose of inclusion in any certificate / degree issued by the University.

- 2.** The unfair means case may be of First Degree, Second Degree and Third Degree as under:

(1) Unfair Means Cases of the First Degree

- (i) Copying from any paper, book, notes, answer book or any other material / device in any form that is used to answer a question in the examination.
- (ii) Allowing any other candidate to copy from his / her answer book.
- (iii) Receiving or giving help by / to a candidate for copying in the examination
- (iv) Copying in the examination by exchanging the answer book or part thereof.
- (v) Making impersonation or allowing other person to make impersonation in the examination in his/her place.
- (vi) Replacing the answer book or pages in the answer book.

(2) Unfair Means Cases of the Second Degree

- (i) Possession of any material relevant to the examination in any form including paper books or notes, matter written on clothes or on any part of the body or on table or desk or foot rule of other instrument or device, even if the material is not used by the candidate.
- (ii) Taking or giving verbal help to the other candidate during the examination.
- (iii) Going out of the Examination Hall during the examination and consulting any material.
- (iv) Possession of mobile phone or other communication device in the Examination Hall.
- (v) Swallowing, attempting to swallow any paper in the Examination Hall.
- (vi) Taking out pages from the answer book.

(3) Unfair Means Cases of the Third Degree

- (i) Inadvertent possession of any material relevant to the examination and the candidate has not used it.
- (ii) Possession of any material not relevant to the examination in which the candidate is appearing on that date.
- (iii) Submission of Project Report / Term Paper / Dissertation as part of University Examination that is not his / her own works.

3. Misconduct Relating to Examination

The following acts and conduct shall be taken as misconduct in relation to the examination:

- (1) Leaving the Examination Hall without delivering the answer book

- (2) Intentionally tearing or damaging the answer book.
- (3) Using force against any member of the invigilatory staff.
- (4) Mis-behaviour with any member of the invigilatory staff.
- (5) Creating disturbance in the Examination Hall.
- (6) Making any kind of appeal to the examiner in the answer book.
- (7) Making any identity mark on the answer book.
- (8) Obtaining admission to examination hall on a forged admit card.
- (9) Furnishing of wrong information in the examination form.

4. Procedure for Handling Unfair Means Cases / Misconduct Cases

- (1) Whenever a candidate is found using Unfair Means in the University Examination the incriminatory material and the answer book shall be taken from the candidate.
- (2) The written report of the matter is to be made to the Centre Superintendent / Examination Incharge by the invigilator immediately about the use of Unfair Means and / or Misconduct on the part of the candidate.
- (3) Another copy of answer book shall be offered to the candidate to complete the paper.
- (4) The Centre Superintendent / Examination Incharge shall require the Candidate to make written statement about the incident.
- (5) On completion of the Examination the Centre Superintendent / Examination Incharge shall send the Unfair Means Case to the Controller of Examination / Registrar alongwith the following documents (as far as applicable) in separate envelop marked as 'UMC'.
 - (a) Answer book(s) of the Candidate
 - (b) Incriminating Material
 - (c) Seating plan with location of the student
 - (d) Report of the Invigilator
 - (e) Statement of the Candidate
 - (f) The copy of the question paper
 - (g) Report of the Centre Superintendent

5. (1) The Vice-Chancellor shall appoint a committee of not less than three members from within or outside the University to decide the Unfair Means / Misconduct Cases.

- (2) The quorum of the Committee shall be two.
- (3) The Candidate concerned shall be given a chance of hearing / explanation in writing before the Committee.
- (4) The Committee shall give a finding as to the guilt of the Candidate for use of Unfair Means / Misconduct in the examination.
- (5) In case a candidate is found guilty of using Unfair Means or Misconduct in the examination, the Committee may propose the punishment for the Candidate as prescribed in these Regulations.

Provided that before recommending the punishment the Committee shall give an opportunity of hearing to the Candidate.

- (6) The report of the Committee, if unanimous for absolving the candidate **or recommended for cancellation of the paper/examination only**, shall be accepted by the ViceChancellor. Otherwise, if the report is not unanimous or

candidate is found guilty **and debarred from appearing in future examination**, the case shall be put before the Executive Council in its next meeting for final decision.

(Amended approved by the EC dated 13.03.2013 Para 2)

- (7) The Executive Council may accept the report of the Committee with or without modifications in findings and recommended punishment of the Candidate or absolve him / her from the liability.

6. Punishments in Unfair Means Case

A candidate found guilty of using Unfair Means may be awarded the punishment as under:

- (1) **Use of Unfair Means shall be inquired into by the Unfair Means Committee.**
- (2) **The Unfair Means Committee shall submit a report to the Registrar who shall impose the penalty with reasons in writing. An appeal can be made to the Vice-Chancellor who shall either uphold or reduce the penalty, or condone the same.**

(Amendment approved by the Executive Council/Academic Council meetings dated 20.09.2021 Para 26 (17))

(1) Unfair Means of the First Degree:

Disqualification from appearing in any University Examination upto six semesters duration including the examination in which he / she is found guilty.

Explanation: (1) In case impersonation is done by the student of the University the punishment of disqualification may also be imposed on him / her.

- (2) *Where an impersonation is committed by an outsider the case may be reported to the police.*
- (3) *Any person who has impersonated and was not the student of the University may also be debarred from taking admission / examination of the University for specified duration.*

(2) Unfair Means of the Second Degree:

- (i) Disqualification from appearing in any University examination upto four semesters duration including the examination in which he / she is found guilty.

(3) Unfair Means of the Third Degree:

- (i) Disqualification from the examination in which he / she was appearing or cancellation of the paper in question.

Explanation: In case of Project Report / Term Paper / Dissertation as part of University Examination that is not his / her own work the Project Report / Term Paper / Dissertation shall be cancelled.

7. Punishment for Misconduct

Punishment for Misconduct may be determined by the Unfair Means Cases Committee keeping in view the gravity of the misconduct, as under:

- (1) **Use of Unfair Means shall be inquired into by the Disciplinary Committee.**
- (2) **The Disciplinary Committee shall submit a report to the Registrar who shall impose the penalty with reasons in writing. An appeal can be made to the Vice-Chancellor who shall either uphold or reduce the penalty, or condone the same**

(Amendment approved by the Executive Council/Academic Council meetings dated 20.09.2021 Para 26 (17))

- (1) Disqualification from appearing in the examination upto six semesters, Or
- (2) Disqualification from the entire examination in which the misconduct was committed, Or
- (3) Cancellation of the paper in question.

Explanation: *The aforesaid punishment for misconduct during the examination may also be imposed in addition to any other punishment for indiscipline for which the student may be liable under the rules.*

8. A candidate who is involved in an unfair means case may be allowed provisional admission to the next higher class / examination of the same course, pending decision in his / her case, at his / her own risk and responsibility, subject to the condition that in the event of his disqualification, the fee paid by him / her for next higher class / examination shall not be refunded.

Provided that such a candidate shall not be allowed during the pendency of the case, any further provisional admission to the next higher course.

Provided further that in the event of his / her disqualification in the lower examination, as a result of unfair means case, the result of the higher examination taken by him / her provisionally, alongwith the lower examination or subsequently, during the pendency of the case as above, shall stand cancelled.

9. (1) A candidate involved in an Unfair Means case in a lower examination, who has also appeared in the next higher examination, provisionally and whose result for the lower examination is declared late owing to his / her involvement in the unfair means case, his / her result for the higher examination shall be kept in abeyance, till he / she has exhausted the permissible number of chances for the lower examination.
(2) In the event of the candidate having failed in the higher examination, he / she shall be informed of the paper(s) in which he / she has failed and is eligible to reappear to enable him / her to take the higher examination, alongwith the lower examination.
10. A candidate who is disqualified for the use of Unfair Means in a University examination, may on the expiry of the period of his / her disqualification, be allowed the same number of chances to appear in the examination as are missed.



Rajiv Gandhi National University of Law, Punjab

(Meetings Section)

A COPY OF PARA, MINUTES OF THE ACADEMIC COUNCIL MEETING HELD ON 18-09-2021 AND RECOMMENDATION APPROVED BY THE EXECUTIVE COUNCIL IN ITS MEETING HELD ON 20-09-2021, THROUGH BLENDED MODE.

PARA (17) To consider the amendment in regulation Part – V (Use of Unfair Means and Misconduct in Examinations)

Note			Decision
Part No. V Use of Unfair Means and Misconduct in Examinations	Existing Regulations	Amendment Proposed	The Members of Academic Council considered the proposed amendment for Regulations Part V (Use of Unfair Means and Misconduct in Examinations) and unanimously approved the same. The Members of the Executive Council perused the decision of the Academic Council and unanimously approved the same.
Part No. V (6) Punishments in Unfair Means Case	A candidate found guilty of using Unfair Means may be awarded the punishment as under: 1. Unfair Means of the First Degree: i) Disqualification from appearing in any University Examination upto six semesters duration including the examination in which he / she is found guilty. <i>Explanations:</i> i) In case impersonation is done by the student of the University the punishment of disqualification may also be imposed on him / her. ii) Where an impersonation is committed by an outsider the case may be reported to the police. iii) Any person who has impersonated and was not the student of the University may also be debarred from taking admission / examination of the University for specified duration. 2. Unfair Means of the Second Degree: i) Disqualification from appearing in any University examination upto four semesters duration	1. Use of Unfair Means shall be inquired into by the Unfair Means Committee. 2. The Unfair Means Committee shall submit a report to the Registrar who shall impose the penalty with reasons in writing. An appeal can be made to the Vice-Chancellor who shall either uphold or reduce the penalty, or condone the same.	

	including the examination in which he / she is found guilty. 3. Unfair Means of the Third Degree: i) Disqualification from the examination in which he / she was appearing or cancellation of the paper in question Explanation: <i>In case of Project Report / Term Paper / Dissertation as part of University Examination that is not his / her own work the Project Report / Term Paper / Dissertation shall be cancelled.</i>	
Part No. V (7) Punishment for Misconduct	Punishment for Misconduct may be determined by the Unfair Means Cases Committee keeping in view the gravity of the misconduct, as under: i) Disqualification from appearing in the examination upto six semesters, Or ii) Disqualification from the entire examination in which the misconduct was committed, Or iii) Cancellation of the paper in question Explanation: <i>The aforesaid punishment for misconduct during the examination may also be imposed in addition to any other punishment for indiscipline for which the student may be liable under the rules.</i>	1. Use of Unfair Means shall be inquired into by the Disciplinary Committee. 2. The Disciplinary Committee shall submit a report to the Registrar who shall impose the penalty with reasons in writing. An appeal can be made to the Vice-Chancellor who shall either uphold or reduce the penalty, or condone the same

No.: RGNUL/Meetings/AC/283

Dated: 28-09-2021

Copy to :

✓ 1. COE for information and necessary action.

Kedh
Supdt. (Meetings)

(Please send the action taken report of the above Para within a week.)