

SINDH ORDINANCE NO. IV OF 2001

**THE SINDH UNIVERSITY AND BOARDS EXAMINATION (ERADICATION OF
MALPRACTICE) ORDINANCE 2000.**

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[3rd January, 2001]

An ordinance to provide for the eradication of malpractices in the examinations held by a University or Board in the Province.

WHEREAS it is expedient to provide for the eradication of certain malpractices in the examinations held by a University or Board in the Province; **Preamble.**

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999.

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action.

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Sindh Universities and Boards Examinational (Eradication of Malpractice) Ordinance, 2000. **Short title extent and commencement.**
- (2) It extends to whole of Sindh.
- (3) It shall come into force at once.

2. In this Ordinance unless there is anything repugnant in the subject or context:- **Definitions.**

- (a) "abetment" shall have the same meaning as assigned to it in the Pakistan penal Code, 1860 (Act XIV of 1860).
- (b) "answer-book" means the documents 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 answer book.
- (c) "Board" means a Board of Intermediate and Secondary Education and includes the Boars of Technical Education, established by law.
- (d) "candidate" means a person who has applied for admission to an examination or appeared in an examination.
- (e) "centre" means a place notified by a University of Board or holding examination or assessment of answer-book, as the case may be.

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- (f) "employee" means any person employed in a University or Board, permanently or temporally or on contract basis either gratis or for remuneration.
- (g) "examination" means a process adopted by a University or Board for the purpose of examining a candidate for the grant of a certificate, diploma or degree as the case may be.
- (h) "examiner" means a person appointed by a University or Board for the purpose of examining and assessing the answer-book of a candidate or his ability through a written or oral examination and award marks therefor and includes a person appointed to check the standard of marking of such examiner.
- (i) "pre-mature disclosure of a question or a 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 question paper has to be communicated to a candidate in accordance with the prescribed procedure.
- (j) "question paper" means a document containing the question or questions to be put at an examination for being answered by a candidate.
- (k) "supervisory staff" means the staff appointed by the University of Board, as the case may be to conduct the examination; and
- (l) "University" means a University established by law.

3.

Whoever is guilty of-

Punishment for malpractice.

- (i) premature disclosure of a question or question paper or any classified information relating thereto knowing that such question or question paper is to be put or set at an examination written or oral;
- (ii) making false representation in admission form or any other document connected with an examination.
- (iii) 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;
- (iv) allowing a candidate to solve the question or question paper after the scheduled time;
- (v) taking unauthorisedly the whole or a part of an answer book out of any examination center;

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- (vi) replacement of an answer-book or any portion thereof;
- (vii) awarding with dis-honest motive marks more or less than the marks deserved by a candidate if the person doing so is an examiner;
- (viii) recording in any document with dis-honest motive marks more or less than the marks awarded to a candidate by an examiner, if the person doing so is other than examiner;
- (ix) supplying to a candidate, during his examination, answer to a question contained in a question paper of a question put or to be put at an examination;
- (x) mutilation, alteration, interpolation or erasure in any certificate or tabulation, register or other document or record maintained by a University or Board or in any manner using or causing to be used a certificate, document or record knowing that it is so mutilated, altered, interpolated or erased,
- (xi) divulging or procuring information pertaining to the examination papers, answer-book, examiner, conduct of examinations, fictitious roll numbers, examination results or any information incidental thereto;
- (xii) falsification of official examination results by any means including substitution of answer books, mutilation, alteration or falsification of the record maintained by a University or a Board;
- (xiii) impeding the progress of examination or assessment of answer-books at an examination center by any means whatsoever;
- (xiv) assaulting or threatening, any person in charge of any examination center or any other person employed in connection with an examination, with an examination with a view to gaining any advantage in an examination;
- (xv) approaching or influencing any employees to act corruptly or dishonestly in the conduct of any examination, declaration of examination result or marking of papers, or obtaining secret information relating to an examination;
- (xvi) appointing or getting appointment as supervisory staff for carrying out examination duty in contravention of the prescribed procedure;
- (xvii) appearing in an examination in place of the real candidate impersonating a candidate;
- (xviii) taking examination at a center other than the centre allotted by a University or a Board, for some ulterior motive; or

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(xix) attempting or abetting the commission of any of the aforesaid acts, shall be punished with imprisonment for a term which may extend may extent to three years or with fine which may extend to one hundred thousand rupees or with both; provided that where the offender is a candidate he shall be punished with imprisonment not exceeding one year or with fine not exceeding fifty thousand rupees or with both.

4. An offence under this Ordinance shall be cognizable by the police only on a report make, in the case of an offence relating to University by the Registrar of the University or such other official of the University as may be specially authorized by him writing and in the case of an offence relating or a Board, by the Chairman of the Board or such other officer of the Board as may be specially authorized by him in writing, and in the case of an offence relating or a Board, by the Chairman of the Board or such other officer of the Boars as may be specially authorized by him in writing and every such offence shall beailable. **Complaint of offences.**
5. 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 Boars except, in the case of University records, with the previous written sanction of the Vice-Chancellor or the Registrar or the Chairman, as the case may be may give or with-hold permission in his discretion. **Un-published record to be privileged documents.**