



**MANAV RACHNA  
UNIVERSITY**  
Declared as State Private University vide Haryana Act 26 of 2014

# **MANAV RACHNA UNIVERSITY**

(Declared as State Private University vide Haryana Act no 26 of 2014)

## **Manav Rachna University Prevention of Unfair Means (First Amendment) Regulations, 2023**

Approved in 21<sup>st</sup> Board of Management Meeting Held on 03<sup>rd</sup> June 2023

**Sector -43, Surajkund Badkhal Road, Aravali Hills, Faridabad- 121004**

**HARYANA**

# MANAV RACHNA UNIVERSITY

Sector 43, Faridabad

## Manav Rachna University Prevention of Unfair Means (First Amendment) Regulation, 2023

In exercise of the power conferred in sub clause iv (e) of the clause 8 of the First Statutes, read with section 34 of the Haryana Private Universities Act, 2006, and further amended as Haryana Private Universities (Second Short Title Amendment) Act 2014 (Haryana Act no. 26 of 2014), the Board of Management of the Manav Rachna University hereby makes the following Regulations relating to Unfair Means in the Examination.

### 1) Short Title, Application and Commencement

- (a) This Regulation shall be called the Manav Rachna University Prevention of Unfair Means (First Amendment) Regulation, 2023
- (b) This shall apply to all the students enrolled in Manav Rachna University.
- (c) This shall come in force w.e.f 01 July 2023.

### 2) Definition

In this regulation unless the context otherwise requires;

- (a) **'Invigilator'** shall mean a faculty/staff of the University assigned with invigilation work in the examinations.
- (b) **'Superintendent'** shall mean a faculty member of the University assigned with responsibility to conduct examinations.
- (c) **'Committee for prevention of Unfair Means'** shall mean **Committee** for prevention of Unfair Means of the Manav Rachna University.
- (d) **"Unfair Means"** means use of dishonest means or indulgence in disorderly conduct in the examination. The use of dishonest or unfair means in the examination includes:
  - (i) Assisting in any manner whatsoever any other candidate in answering the question paper during the course of the examination.
  - (ii) Taking assistance from any other candidate or any other person or other material in answering the question paper during the course of the examination.
  - (iii) Carrying any book, paper, notes, or other material whatsoever likely to be used directly or indirectly by the candidate in connection with the examination, in the examination center.
  - (iv) Smuggling in an answer book or a continuation sheet.
  - (v) Taking out or arranging to send out an answer book or its any page or continuation sheet.
  - (vi) Replacing or getting replaced an answer book or its any page or continuation sheet during or after the examination.
  - (vii) Being impersonated by any person in the examination.
  - (viii) Deliberately disclosing one's identify or making any distinctive mark in the answer book for that purpose.
  - (ix) Communicating with or talking to any other candidate or unauthorized person in or around the examination center during the course of the examination.
  - (x) Communicating or attempting to communicate directly or through a relative, guardian and friend with an examiner with the object of influencing him in the award of marks.
  - (xi) Swallowing or destroying any note or paper found with him/her during examinations.
  - (xii) Note written on any part of clothing, body, desk, table, or any instrument such as setsquare, Instrument box, calculator, loose paper, admit card, question paper, photocopies of printed/ written matter and use of electronic gadget like mobile phones etc.
  - (xiii) Consulting notes, books or any other outside person while going to toilet, etc. outside the Examination center.
- (e) Disorderly conduct in the examination includes:
  - (i) Misbehavior in connection with the examination, with the Superintendents, the Invigilator(s) on duty or the other staff working at the Examination Centre, or with any other candidate, in or

- around the examination center, before, during or after the examination hour.
- (ii) Leaving the examination room before the expiry of half an hour or without handing over the answer book to the Invigilator in-charge or without signing the attendance sheet.
  - (iii) Talking to another candidate or any other person inside or outside the Examination Hall during the examination, without the permission of supervisory staff.
  - (iv) Intentionally tearing off the answer book, a part thereof, or a continuation sheet.
  - (v) Disturbing or disrupting the examination.
  - (vi) Inciting other to leave the examination room or to disturb to disrupt the examination.
  - (vii) Carrying into the examination center any weapon or offence.
  - (viii) Carrying into the examination hall any mobile phone.
  - (ix) Or any activities which committee for "Prevention of Unfair means" may consider a case of unfair means.

Words and expression used but not defined in the Regulation and defined Act, Statute and Ordinances shall have the meaning respectively as assigned them in the Act, Statute and Ordinances.

### 3) Objective

To scrutinize the charges on the student and impose suitable penalty, if proved.

### 4) Constitution of the Committee for prevention of Unfair Means

a) The Committee for prevention of Unfair Means shall be constituted by the Vice Chancellor of the University as under

I. Dean -	Chairperson
II. Two Professors (by rotation)-	Member
III. Two Associate Professor (by rotation) -	Member
IV. Controller of Examination -	Member Secretary

The tenure of the committee shall be two years. Quorum for the meeting shall be three.

### 5) Function of the Committee for prevention of Unfair Means:

The Committee for prevention of Unfair Means shall perform the following functions-

- i. To consider the matters relating to alleged use of unfair means in the Examinations.
- ii. To enquire into alleged act of unfair means during examination referred to it by the Controller of the Examinations.
- iii. To give personal hearing to the students involved in alleged act of unfair means.
- iv. To submit their finding, conclusion and recommendation for quantum of punishment under the provision of this regulation to the Vice Chancellor. .

### 6. Classification of Categories of Offence/ Misdemeanor during conduct of an Examination

Category	Offence / Misdemeanor	Range of Punishment
I	<p>If during the examination hours (theory/practical), a student is found</p> <ol style="list-style-type: none"> <li>a) whispering/talking to another student in the examination-hall,</li> <li>b) Whispering/ talking to a person/another student outside the examination-hall while going to the urinal, for drinking water etc.</li> <li>c) Writes solutions either on the question paper or anywhere else except answer sheet, which may have relevance to the syllabus of the examination paper concerned.</li> </ol>	The first answer-book (marked I) to be withdrawn and cancelled; and the second answer-book (marked II) to be provided and evaluated.

<p><b>II</b></p>	<p>(i) If during the examination (Theory/practical), a student</p> <ul style="list-style-type: none"> <li>a) Unnecessarily argues or disobeys with invigilator or other examination staff,</li> <li>b) changes the allocated seat without the permission of Invigilator or occupies a seat not allotted to him/her,</li> <li>c) Writes abusive or obscene language in the answer book/question paper.</li> </ul>	<p>Cancellation of the Examination in the paper of the day of incident only. Candidate to marked zero in the paper.</p>
<p><b>III</b></p>	<p><b>(i)</b> If during the examinations, (Theory/practical) a student is found <b>in possession of</b> any of the items listed below but it is established that he/she <b>has not used it</b>.</p> <ul style="list-style-type: none"> <li>a) Material written on any part of the body/ clothing or instrument.</li> <li>b) notes written on chair, table, desk or any other furniture items or room walls, floor etc.,</li> <li>c) an ordinary mobile phone with or without material stored in it,</li> <li>d) a smart mobile phone; programmable calculator or any other storage device or blue tooth based communication device or any other electronic gadget.</li> </ul> <p>(ii) If during the examinations (Theory/practical) a student is found guilty of hiding /placing notes or books or any other aid anywhere inside or outside the examination hall.</p> <p>(iii) In case of practical examination, presenting the examiner a practical or class work notebook not prepared by him/her.</p> <p>(iv) If a student is found attempting to influence the examiner by an appeal in the answer-book.</p>	<p>The said theory or practical Examination of the concerned paper to be cancelled.</p>
<p><b>IV</b></p>	<p>If during the examination (Theory/practical) a student is found to be</p> <p><b>a) copying</b></p> <ul style="list-style-type: none"> <li>i. using any means enlisted in clause 3.III(i),</li> <li>ii. by consulting notes or books (as per clause 3.III(ii)) while being outside/inside the examination hall during examination hours,</li> <li>ii. By passing on a copy of question(s) set in paper or a solution there of to anyone, excluding the invigilators.</li> </ul> <p><b>b) receiving help</b> from or giving help to another student through some written material/ electronic device pertaining to the questions set in the paper concerned in the examination hall or outside during the examination hours.</p> <ul style="list-style-type: none"> <li>c) Allowing any other student to copy from his/her answer-book.</li> <li>d) exchanging question papers/ answer sheets during the examination</li> </ul>	<p>The said theory or practical Examination of the concerned paper to be cancelled. He/She will not be allowed to appear in Supplementary examination of the paper and will be required to re-register the course. An affidavit is to be submitted by student and parent that action will not repeat in future and if it is repeated penalty of Rs.10,000/-, need to be paid before appearing in next scheduled examination.</p>

	e) Swallowing or destroying any note or paper or any other material found on/with him/her.	
<b>V</b>	<p>A student is found guilty of having made previous arrangement through the help of any person, student, supervisory or ministerial staff of the institute or some other agency for</p> <ol style="list-style-type: none"> <li>possession of the solution of a question or questions set in the paper,</li> <li>obtaining help during the examination in connection with the question paper,</li> <li>Communicating or attempting to communicate directly or through someone else with the examiner or anybody connected with the institute examination for influencing them in the awards of marks/grades.</li> </ol>	All the theory/practical examination for that semester to be cancelled an affidavit by student and parent that action will not repeat in future and if it is repeated penalty of Rs.10, 000/-, need to be paid before appearing in next scheduled examination.
<b>VI</b>	<p>A student is found guilty of any of the following:</p> <ol style="list-style-type: none"> <li>smuggling in an answer-book, taking out or arranging to send out an answer-book,</li> <li>writing deliberately another student's roll number/enrollment number in his/her answer sheet,</li> <li>leaving the examination hall without delivering the answer sheet to the invigilator or part thereof and taking it away or taking breaks to move out of his/her allotted seat without consent of the Invigilator,</li> <li>tearing own or other student's answer sheet or part thereof,</li> <li>serious misconduct or non-compliance with the instructions of the invigilators inside or outside the examination hall before, during or after the examination,</li> <li>tempers marks during answer showing,</li> <li>Coming to the examination hall under the influence of alcoholic drink or prohibited narcotics.</li> <li>Pestering the invigilator for issues including extra time allotment, allowing sitting for examination without necessary ID proofs/documents etc. even the invigilator has turned down the request at first instance</li> </ol>	All the theory/practical examinations for the semester to be cancelled and the student to be debarred from appearing at all University examinations for the next one semester.
<b>VII</b>	<ol style="list-style-type: none"> <li>Leaking of Question paper in any manner (mobile phone etc), receiving help from outside.</li> <li>Candidate is guilty of forging the signatures of the authority on any document required in connection with the examination</li> </ol>	All the theory/practical examinations to be cancelled and the student to be debarred from appearing at all University examinations during the next one year of all the students involved (inside & outside).
<b>VIII</b>	<ol style="list-style-type: none"> <li>Misbehaving with the Examination Staff/Flying Squad inside or outside the examination hall before, during or after the examination.</li> <li>Carrying or using prohibitory items, weapons like scissor/knife etc. inside the examination hall.</li> </ol>	All the theory/practical examinations for the semester to be cancelled and the student to be debarred from appearing at all University examinations during the next one semester.

		FIR to be lodged in the nearby police station
<b>IX</b>	Impersonation by a student of this Institute.	For both the students involved all the theory/practical examinations for the semester to be cancelled and both to be debarred from appearing at all University examinations for one year. <b>In case student is not from our university then FIR to be lodged in the nearby police station</b>
	Cases not covered by the above guidelines	To be decided by the Unfair Means Committee on case-to-case basis with final approval from Vice Chancellor.
<b>X</b>	A student/person, who is not a candidate for any examination, is found committing or abetting in commission of any of the offences mentioned above.	To be dealt with as per law in an appropriate manner.

**Note: Competent Authority may modify the same depending upon the gravity of the offence/situation prevailing at that time on case to case basis. In case of offence/irregularities in examination not covered in the definition of unfair means, the decision of Vice-Chancellor shall be final.**

7. A person appearing in place of an actual candidate to appear in an examination shall invite registration of criminal case under Indian Penal Code by the Centre Superintendent on behalf of the Controller of Examination and a report shall be sent by the Centre Superintendent to the Controller of Examination in a separate sealed cover immediately after the examination of the day. Such, student shall be disqualified from passing the examination for which he/she was a candidate, and may, in addition, be debarred from appearing at any future examination of the University and declared not a fit and proper person to be admitted to any further examination of the University.
8. If within four months of the publication of the results, it is brought to the notice of the Controller of Examinations that a candidate was guilty of the use of dishonest or unfair means at the examination in respect of which (his/her) result was declared, the provisions of the Ordinance shall apply mutatis mutandis to the case of such a candidate provided that before imposing any penalty including the penalty of cancellation of his/her result. He/She shall be given another opportunity to show cause against the proposed punishment and his/her explanation, if any, shall be considered by the Academic Council of the University.

A candidate against whom an enquiry is pending about his/her allegedly having reported to the use of dishonest or unfair means or disorderly conduct in the examination or against whom action is initiated under the provisions of the proceeding clause shall, if she takes or has taken any subsequent examination, be deemed to have been only provisionally admitted to that subsequent examination. That Examination will stand cancelled and his/her result therefore would not be declared if on account of the punishment imposed on his/her as a result of the said enquiry or action, she would not have been entitled to take that examination but for his/her provisional admission thereto.

## **9. Procedure for Processing the Cases:**

### **9.1 Actions by the Invigilator on detecting an Unfair Means case**

In the event that a Unfair Means case is found, the invigilator will notify the exam office right away and follow the instructions below:

- (a) The invigilator, a member of the flying squad, or any other authorized person may suspect a student of using unfair means may be searched by them and they may take immediate custody of the answer book and other pertinent materials discovered with the student. Any papers, notes, books, electronic devices, or other forbidden items discovered in the student's possession must be signed by the student and the invigilator, sealed, and attached to the answer book that has been confiscated in the student's presence. No such material shall be returned to the students.

A photo of the writing may be taken using the available camera, mobile phone camera, etc. if the student is discovered to have written something on a bodily part or anywhere else.

The invigilator must properly document the nature of the offence in the event that a student engages in Unfair Means behavior other than the possession of unauthorized material, such as talking to fellow students, copying from fellow students, allowing fellow students to copy, discussing answers with fellow students or anyone else outside the classroom, etc.

- (b) The invigilator will obtain the student's completed and signed copy of the prescribed form for unfair means and record his or her comments on it in the designated location. The invigilator will also collect the duly signed comments of the above-mentioned official on the specified form in the event that the flying squad member or another authorized person discovers the Unfair Means case.
- (c) The confiscated answer book will be marked as one when the aforementioned formalities are finished, and a new answer book will be provided to the student to finish the exam. There will be an II mark in the recently printed answer book.
- (d) The invigilator must record it on the prescribed form if the student fails to turn in the necessary materials and/or declines to complete and sign the required forms and documents. In this situation, the co-invigilator may attest to the incident by signing. If there is not a co-invigilator, the invigilator will call the Superintendent, Deputy Controller of Examination, COE, or a representative from the examination office to observe the event.
- (e) As a result of this method, no additional time will be granted to finish the exam.
- (f) The invigilator is required to provide the following items to the Superintendent in an envelope after the test is complete:
  - a. Answer books properly labelled as I (confiscated copy) and II (freshly issued copy)
  - b. The material that was seized while the student was in possession of it, properly signed by both the student and the invigilator, enclosed in a sealed envelope.
  - c. The circumstances mentioned in the prescribed Unfair Means Case form properly completed and signed by the invigilator and witness (d).

## **9.2 Action taken by Controller of Examination:**

The controller of examination along with Unfair Means Committee will carefully review the cases based on the material and papers submitted and will offer the concerned student, the concerned invigilator(s), and any additional official(s), if applicable, a chance to be heard. After properly defining the nature of the offence, it will submit its recommendation to the Vice Chancellor for review and approval. According to the Unfair Means Cases committee's decision, which the Vice Chancellor has legally accepted, necessary orders will be sent to the student through COE.

If a student is not found guilty, both of his answer sheets—marked I and II—will be made available for analysis before the outcome is announced

- 10.** If the person concerned, fails to appear before the Committee on the day, time and place fixed for the meeting, give he/she one more opportunity to appear before the Committee in his/her defense. Even after offering two chances, if the person concerned fails to appear before the Committee, the Committee shall take decision in his/her case in his/her absence on the basis of whatsoever evidences/ documents available before it and same shall be binding on the implicated person concerned.