

PART I**HARYANA GOVERNMENT**
LAW AND LEGISLATIVE DEPARTMENT**Notification**

The 10th September, 2021

No. Leg. 25/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 4th September, 2021 and is hereby published for general information:-

HARYANA ACT NO. 25 OF 2021**THE HARYANA PUBLIC EXAMINATION (PREVENTION OF UNFAIR MEANS) ACT, 2021**

AN

ACT

to prevent unfair means and leakage of question paper in public examination and to provide for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Haryana in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Public Examination (Prevention of Unfair Means) Act, 2021. Short title and commencement.

(2) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires, — Definitions.

- (a) “conduct of public examination” means and includes preparation, printing, supervision, coding, processing, distribution of question papers, evaluation, declaration of result, etc.;
- (b) “examinee” means a person who has been granted permission by examination authority to appear in the public examination and includes a person authorized to act as scribe on his behalf in public examination;
- (c) “examination authority” includes the Haryana Public Service Commission, Haryana Staff Selection Commission or any other authority or agency or recruitment committee engaged or constituted by the State Government, Haryana Public Service Commission, Haryana Staff Selection Commission or University, from time to time for conducting public examination;
- (d) “examination center” means such premises, as specified by the examination authority to conduct public examination;
- (e) “inspection team” means persons authorised by the examination authority to inspect any examination center;
- (f) “public examination” means examination for the purpose of recruitment to any post under the State Government including autonomous bodies, authorities, boards or corporations;
- (g) “State Government” means the Government of the State of Haryana in the administrative department;
- (h) “supervisory staff” includes persons authorised by the examination authority to conduct public examination;

(i) "unfair means" includes,-

- (i) in relation to an examinee, to take unauthorised help in public examination from any person directly or indirectly or from any material written, recorded, copied or printed, in any form whatsoever, or use of any unauthorised electronic or mechanical instrument or gadget; and
- (ii) in relation to any person other than the examinee, to impersonate or leak or attempt to leak or conspire to leak or procure or attempt to procure or possess or attempt to possess question paper unauthorisedly, solve or attempt to solve or seek assistance to solve question paper or unauthorisedly directly or indirectly assist the examinee in any manner whatsoever, in the public examination for wrongful gains.

(2) Words and expressions used herein and not defined but defined in the Indian Penal Code, 1860 (Central Act 45 of 1860) shall have the meanings respectively assigned to them in that Code.

Prohibition of use or indulgence in unfair means.

3. No person shall use or indulge in unfair means in any public examination or the conduct of public examination.

Possession and disclosure of question paper.

4. No person authorized by virtue of his duties in conduct of public examination shall before the time fixed for opening and distribution of question papers-

- (a) open, leak or procure or attempt to procure, possess or solve such question paper or any portion or a copy thereof; or
- (b) give any information or promise to give such information to any person or examinee, for which he has knowledge or reason to believe that such information is related to or in reference to such question paper.

Prohibition to give information.

5. No person who is entrusted with the work pertaining to public examination or conduct of public examination, except where he is permitted so by virtue of his duties, shall by indulging in unfair means, directly or indirectly, give or attempt to give any information or part thereof, which has come to his knowledge by virtue of the work entrusted to him.

Prohibition to enter examination center.

6. No person who is not entrusted with any works pertaining to public examination or who is not an examinee, shall during the continuance of public examination, enter an examination center.

Prohibition to assist.

7. The management or the staff of an institution specified for conduct of public examination or entrusted with the work pertaining to public examination shall not assist any examinee or indulge in unfair means.

Penalties.

8. (1) If any examinee contravenes or attempts or abets to contravene any of the provisions of this Act, he shall be liable to be punished with imprisonment for a term which may extend upto two years and with fine which may extend upto five thousand rupees.

(2) If any person obstructs or threatens any member of the inspection team, supervisory staff, examination authority, officer or person appointed by the examination authority for performing duty or from entering any examination center, he shall be liable to be punished with imprisonment for a term which may extend upto two years and with fine which may extend upto five thousand rupees.

(3) If any person entrusted with the duty to conduct public examination, contravenes or attempts or abets to contravene any of the provisions of this Act, he shall be liable to be punished with imprisonment for a term which may extend upto seven years and with fine which shall not be less than one lakh rupees and more than three lakh rupees.

(4) If any person in an organized crime in conspiracy with the examination authority or otherwise indulges or attempts to indulge in unfair means or contravenes or abets to contravene any of the provisions of this Act, he shall be liable to be punished with imprisonment for a term which shall not be less than seven years and may extend upto ten years and with fine which shall not be less than ten lakh rupees.

Explanation.— For the purposes of this sub-section, “organized crime” means a person or a group of persons indulging in unfair means to pursue or promote a shared interest for wrongful gains.

- 9.** An examinee who has been convicted of an offence under the provision of this Act shall be debarred from taking any public examination for a period of two years. Debar on conviction.
- 10.** In case of conviction of person under sub-section (4) of section 8 of this Act, the court shall make an order of recovery of any wrongful gains made by such person, by way of attachment and sale of any of the assets/property, moveable, or immovable, or both, of such person by following the procedure as laid down in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). Attachment of property.
- 11.** Every person engaged in the conduct of public examination shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860). Public servant.
- 12.** The State Government may, from time to time, issue directions or order in writing, for giving effect to the provisions of this Act. Power to issue directions or order.
- 13.** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, within a period of two years from the commencement of this Act, by an order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of difficulty. Power to remove difficulties.
- 14.** (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
(2) Every rule made under this Act shall, as soon as possible, after it is made or issued, be laid before the State Legislature.
- 15.** The provisions of this Act shall be in addition to and not in derogation of any other law in force on the subject. Application of other laws not barred.

BIMLESH TANWAR,
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HARYANA, LAW AND LEGISLATIVE DEPARTMENT.