

*** Ordinance Governing Malpractice by Candidates Appearing in Examination and Officials/ Supervisory Staff, Punishment and Procedure under Section 48 (1) (d) of K.S.L.U. Act, 2009**

0.1 Malpractice by Candidates

Malpractice means and includes any one or more of the following acts by a candidate appearing for the University Examinations:

- I. Being in possession of, including an attempt at destroying on detection, any book, notes or paper with scribbling relating to the subject in the examination hall which might possibly be of assistance.
- II. Exchange of writing materials, stencils, mathematical tables, etc., while in the examination hall.
- III. Speaking to or communication in any way with, any other candidate while the examination is in progress.
- IV. Taking with him/her answer book written or blank answer book while leaving the examination hall
- V. Giving or attempting to give, or receiving or attempting to get assistance, or copying or attempting to copy from any paper, book or notes; or allowing any other candidates to copy from his/her answer book.
- VI. Use of Modern gadgets, instruments, such as electronic dairy, cellular phones, pagers etc in the examination.
- VI. Writing on any paper or articles, etc. clues or points which might possibly be of help to any other candidate during the examination.
- VII. Using or attempting to use any unfair means like smuggling in any answer book written outside or substituting the answer scripts, or inserting in answer scripts/sheets not supplied in examination hall.
- VIII. Carrying the answer scripts supplied in the examination hall written, unwritten, out of the examination hall.
- IX. Disclosing in his/her answer books(s) his/her identity or making any relative marks such as letter, symbols, drops of ink lines, etc. and whatever else that in the opinion of the Committee might constitute an attempt at helping identification of authorship.
- X. Using abusive or obscene language or being guilty of any other misconduct.
- XI. Assaulting in any form or manner any official involved in the conduct of the examination.
- XII. Disobeying instruction issued by the Senior or the Junior Supervisor or Squad members are being guilty of rude behavior or even found staring at the Supervisors in a threatening manner inside or within the precincts of the

Examination hall, with or without any articles that could be used as a weapon or means.

- XIII. Impersonating another, or allowing any other person to impersonate his/her in the Examination hall.
- XIV. Making any request or representation or offering any threat or inducement to supervisors/ Factotums/Class-IV servants or any other officials or officers of the college/University or the Examiner.
- XV. Approaching directly or indirectly to teachers, officers, officials or examiners, or bringing pressure or influence upon them for favors in the examination.
- XVI. Committing other act of commission or commission intending to gain an advantage or a favor in the examination by misleading, deceiving or inducing the examiners or offers or authorities of the college/University.
- XVII. Any other act on the part of the candidates which amount to malpractices in the opinion of the staff (Supervision) in charge of conduct of examination, as reported to the Registrar(Evaluation) by the concerned with such evidence as are necessary for action.

0.2: Procedure for conducting enquiry and Reporting:

- a) The Chairman of the Malpractice Consideration Committee (MPCC) shall fix a date for the conduct of inquiry in respect of each case.
- b) The Registrar (Evaluation) shall send a notice, by post Under Certificate of Post, to all the candidates booked for Malpractice Case asking them to appear before the Malpractice Consideration Committee (MPCC) for enquiry on the date and time and the venue of the enquiry mentioned in the notice and charge in brief, against the accused.
- c) The Registrar (Evaluation) shall also send a copy of the notice to the Principal of the college to serve the notice to the accused under due acknowledgement.
- d)
 - (i) A person served with the notice of enquiry shall present himself before the MPC on the date, time and the venue of enquiry.
 - (ii) If a person served with the notice of enquiry fails to appear before the committee on the prescribed date but sends a written submission (so as to reach the MPCC before the date of the enquiry) accepting the charges and admitting that he/she is guilty of committing the act/s of indiscipline or malpractice, he/she is charged with, the committee may, without insisting on the presence of the person for the enquiry, submit its report and

- recommendation in respect of the case to Vice-Chancellor on the basis of the submission received from the candidate.
- (iii) In all other cases, a person served with the notice of enquiry shall personally appear for the enquiry. If a person fails to appear before the MPCC the committee shall proceed to decide the case *ex parte* and on due consideration of the merits of the case, may make its report and recommendation in respect of the case to the Vice-Chancellor.
- e) When the accused person appears before the Committee for the enquiry, the MPC Committee shall read out the charges made against him/her and examine the person in the matter of the indiscipline or malpractice charge reported against him/her. If the committee finds it necessary to examine or enquire any other person with regard to the matter enquired into, the committee may do so. The committee shall record all the statements of the accused and other persons examined or enquired in the case.
- f) The Committee shall read out the recorded statements to the accused and obtain his/her signature on the recorded sheets, along with his/her statement.
- g) In all cases of indiscipline or malpractice the accused shall defend his/her case personally and no other person shall be allowed to represent the accused.
- h) After the completion of the enquiry the Committee shall submit its report to the Registrar (Evaluation) for further needful action.
- i) The Registrar (Evaluation) shall submit all the MPCC reports to the Vice-Chancellor at the earliest.

Action After the Submission of the Report

- A. The Vice-Chancellor shall place the report of MPCC before the Syndicate at the earliest opportunity. The Syndicate, after due consideration of the report, either, (i) may accept the recommendation of MPCC and decide to implement the recommended action, or (ii) if it is of the considered opinion that the report or recommendation suffers from inconsistency, non-application of mind in arriving at proper conclusion, noncompliance or wrong application of relevant and

- appropriate rules/regulation etc., may refer the report back, recording its opinion to the MPCC to review its report.
- B. If the Syndicate's decision is A(i) and the action recommended by the committee and accepted by the Syndicate is exoneration of the accused, the Registrar (Evaluation) shall inform the decision of the Syndicate to the accused by registered post immediately.
- C. If the Syndicate's decision is A(i) and MPCC has reported that the accused is guilty of indiscipline or malpractice reported against him/her and recommended punishment to the accused, then the Registrar (Evaluation) shall write to the accused informing the Syndicate's decision and asking him/her to explain in writing (not later than seven days from the date of receipt of the communication) as to why the decision of the Syndicate should not be confirmed and implemented.
- D. If no reply is received from the person concerned within the stipulated time, the Syndicate shall confirm and decide to implement the decision. The Registrar (Evaluation) shall intimate the same to the accused and take necessary steps to implement the decision.
- E. If the person concerned sends a reply to the Registrar (Evaluation)'s Communication referred to in A(C) and the Syndicate, after due consideration of the reply, is of the opinion that there is no point for reviewing the decision already taken, then the Registrar (Evaluation) shall communicate the same to the person concerned and take necessary steps to implement the decision.
- F. If the Syndicate, after due consideration of the reply from the accused to the communication referred to in A(C) is of the opinion that there is a case for reconsideration, then it shall send the reply of the accused with a note on the opinion of the Syndicate to MPCC for reviewing its earlier report and recommendation in the light of the reply of the accused.
- G. If MPCC, after due consideration of the reply from the accused is of the view that there is a prima facie case to re-enquire the matter then it may do so and make a fresh report with recommendation for appropriate action to the Vice-Chancellor.

If the Committee is of the opinion that the earlier report/recommendation needs no review, the Committee shall send the original report to the Vice-Chancellor.

- H. In the matter of a report sent back to the committee for reviewing, the Syndicate shall accept the report and the recommendation of the committee and decide to implement the action recommended. The Registrar (Evaluation) shall inform the decision to the person concerned and take necessary action to implement the decision of the Syndicate.
- I. Candidate, personnel, etc. involved in malpractice and summoned to appear before the committee shall not be eligible for TA & DA, etc. provided, however, Supervisory staff and others who are invited to tender witness or after clarifications, etc, shall be eligible for TA and DA as per rules.

For the purpose, the Committee shall have the power to summon, invite candidates, personnel and others.

0.3 Schedule of Punishment:

THE FOLLOWING SCHEDULE OF PUNISHMENT IS PRESCRIBED FOR OFFENCES COMMITTED BY THE CANDIDATES/SUPERVISORY STAFF/OFFICIALS INVOLVED IN THE CONDUCT OF THE EXAMINATION.

<u>Sl.No.</u>	<u>NAMES OF THE MALPRACTICE</u>	<u>NATURE OF PUNISHMENT</u>
1.	Communicating with other candidate in examination hall by gestures and conversation with the purpose of malpractices.	A warning letter from the University is to be given and the paper/papers be valued by imposing a penalty of Rs.100/-
2.	If the communication is from outside the examination hall by the students who belong to any college affiliated to Karnataka State Law University.	A warning letter from the University to be issued by imposing a penalty of Rs. 200/-
3.	If the communicator is outsider/not belonging to any college affiliated to Karnataka State Law University.	The Principal of that college is authorized to hand over him to the Police.
4.	Possession of manuscripts/printed material/Xerox copies written on question paper/hand-kerchief/ on scale	The candidate shall not be allowed to take next one available examination besides forfeiting his/her

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| | and on any other materials, etc. | performance in the examination in which he/she commits malpractice. |
| 5. | Copying from manuscript/written/printed/ Xerox papers/scale/hand-kerchief/questions/ Written paper and any other materials. | The candidate shall be debarred from taking next two available examination in all the Papers besides forfeiting his/her performance in the examination in which he/she commits malpractice by imposing a penalty of Rs.500/- |
| 6. | Copying from neighboring candidates. | The candidate shall be debarred from taking examinations in all the papers for next two available examination besides forfeiting his/her performance in the examination in which he/she commits malpractice by imposing fine of Rs.500/- |
| 7. | Exchanging of writing materials/main answer book/additional sheets but not copied. | A strict warning letter to the candidate to be given imposing a Penalty of Rs.500/- besides debarring the candidate for next two available examinations. |
| 8. | Exchanging writing materials/main book and copied by each other: | Both candidates shall be answerable and debarred from taking next available two examinations in all the papers besides forfeiting their performance in the examination in which they commit malpractice by imposing a penalty of Rs.500/- |
| 9. | Threats and incriminating materials. | The Candidate shall be debarred from taking next available three examinations in all the papers besides forfeiting his or her performance in which he/she commits malpractice by imposing a penalty of Rs.1,000/- |
| 10. | Misbehavior of the candidate, refusing give hall ticket, answer book and copying material to the examination staff. | The Candidate shall be debarred from taking next available three examinations in all the Papers besides forfeiting his or her performance in which he/she commits malpractice by imposing a |

- penalty of Rs. 1,000/-
11. Serious Mis-behaviour tearing of hall ticket/question paper/answer script or additional sheets and swallowing copy materials (slips), etc. The Candidate shall be debarred from taking next available four examinations, besides forfeiting his/her performance in the paper in which he/she commits malpractice by imposing a penalty of Rs.1,000/-
 12. Miss-conduct and rude behavior using Un-parliamentary words and disobeying. The candidate shall be debarred from Taking examination in all the papers for next two available examinations besides forfeiting his/her performance in the examination in which he/she commits malpractice by imposing a penalty of Rs.1,000/-
 13. Assaulting the officials who involved in work The candidate shall be Examination debarred from taking examination in all the papers for next (06) Six years by imposing a penalty of Rs.2,000/-, besides forfeiting his/her performance in the examination in which he/she commits malpractice.
 14. Tampering of Reg. No. and Name in the admission card. The candidate shall be debarred from taking in all papers for next(02) Two available examinations by imposing a penalty of Rs.500/- besides forfeiting his/her performance in the examinations which he/she commits malpractice.
 15. Tampering of original marks card, marks, Name and Reg.No. The Candidate shall be debarred from taking examinations in all the papers for next (05) Five available examinations by imposing a penalty of Rs.1,000/- besides forfeiting his/her performance in the examination in which he/she commits malpractice.
 16. Attempt of smuggling out the sheets from Main answer book or additional sheets written outside the examination hall or bringing such material inside the The Candidate shall be debarred from taking examinations in all the papers for Three years next (06) available examinations by imposing

- Examination hall from outside. a penalty of Rs. 1,000/- besides forfeiting his/her performance in the examination in which he/she commits malpractice.
17. Attempt of smuggling of Blank Main Answer books from outside to the examination hall and taking the blank main answer book outside the examination hall. The Candidate shall be debarred from taking examination in all the papers for next (02). Two available examinations besides forfeiting his/her performance in the examination in which he/she commits malpractice by imposing penalty of Rs.500/-
18. Stealing/tearing off blank written sheets from main answer book etc. The Candidate shall be debarred from next available (08) Eight Examination (04) years besides forfeiting his/her performance in the examination in which he/she commits malpractice by imposing a penalty of Rs.1,000/-
19. Impersonation at Examination. The Candidate shall be debarred from taking examination in all the papers for next (08) Eight available examinations (04) years by imposing a penalty of Rs.500/- besides forfeiting his/her performance in the examination in which he/she commits malpractice.
1. If the impersonator is a student of the affiliated college of the University, he/she shall also be debarred from taking examinations in all papers for next (06) Six available examinations with a penalty of Rs.500/- besides forfeiting his/her performance in examination he/she commits malpractice.
 2. If the impersonator is the student of the other University college, a report shall be sent to the concerned authorities for taking disciplinary action against him/her.
 3. If the impersonator is not student of any University or examining body,

- the person should be handed over to the police.
4. If the impersonator is an employee in any other department he/she shall be handed over to the police and report to the concerned Management/ Department for taking the disciplinary action.
20. Revealing identity by marking any Relevant marks such as symbols, drops ink, lines etc. Writing Registration No. in the place other than the one provided
- A strict warning letter to the candidate to be given by imposing of penalty of Rs.1,000/- besides forfeiting his/her performance in the paper in which he/she commits malpractice and other papers be valued.
21. Negligence of the supervising staff in discharging their duties leading to copying/ mass copying unruly behavior etc. on the part of the candidates causing smooth conduct of examination.
1. The Junior Supervisor and Senior Supervisor and factotum of the centre shall be imposed a penalty of Rs.1,000/- per event.
2. A report to the management against them is to be sent to take disciplinary action and the action taken in the matter is to be communicated to the University and to the Directorate of Collegiate Education by the Management.
3. If the class III and IV employees are involved in such activities, their entire remuneration shall be forfeited and further disciplinary action shall be taken by the Management and University against them

NOTE:

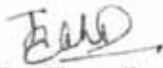
1. Notwithstanding anything contained in the schedule or rule(s) the committee is empowered to prescribe suitable punishment for any malpractice which is not covered under any of the items defined either in the schedule or in the ordinance.
2. Candidates involved in malpractice shall not be permitted to keep terms for the next higher course or pursue other alternative courses till their term of punishment is over. They shall also forfeit their scholarship/fellowship/financial assistance during that period.


3. The University shall also rusticate the candidates from pursuing their courses or alternative course in any college/institution.
4. If any person engaged by the University in the conduct of examination is involved in any kind of malpractice, he/she shall not be appointed for any responsible office work or examinership/ or senior supervisorships for a period of five years, apart from being subject to disciplinary action. In case, he happens to be an employee of an affiliated college he/she shall be subjected to immediate suspension pending enquiry by the University, and if found guilty of malpractice, he/she shall be subjected to dismissal. If such an action is not taken by the authorities, proceedings for the withdrawal of affiliation of the college shall be instituted.

O.4. Repeal and Savings Clause

- a) Any Ordinance / Regulation existing herein before governing Malpractice by Candidates Appearing in Examination and Officials/ Supervisory Staff, Punishment and Procedure stand repealed.
- b) Any action, decision or direction taken or directed by the University under any Ordinance, rule of regulation in force at any time earlier than this ordinance coming into force, shall be valid, binding on the institutions and remain in force notwithstanding anything contained in this Ordinance.


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