

# THE PUNJAB UNIVERSITIES AND BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION MALPRACTICES ACT, 1950

(Punjab Act XXXII of 1950)

## C O N T E N T S

### SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Punishment for malpractices, etc.
- 3-A. General provisions.
4. Offences to be cognizable and bailable.
5. Unpublished records to be privileged documents.
6. Official information not to be asked for by courts from University and Board employees.

## **<sup>[1]</sup>THE PUNJAB <sup>[2]</sup>[UNIVERSITIES AND BOARDS OF INTERMEDIATE AND SECONDARY EDUCATION] MALPRACTICES ACT, 1950**

**(Pb. Act XXXII of 1950)**

[21 November 1950]

*An Act to provide for the eradication of malpractices in connection with University Examinations*

**Preamble.**— WHEREAS it is expedient to provide for the eradication of certain malpractices in connection with examinations held by the <sup>[3]</sup>[Universities and Boards of Intermediate and Secondary Education:]

AND, WHEREAS, the Governor of the Punjab has, in pursuance of a proclamation<sup>[4]</sup> issued by the Governor-General of Pakistan under section 92-A of the Government of India Act, 1935, assumed on behalf of the Governor-General all powers vested in or exercisable by the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed, the Governor of the Punjab is hereby pleased to enact as follows:-

**1. Short title, extent and commencement.**— (1) This Act may be called the <sup>[5]</sup>[Universities and Boards of Intermediate and Secondary Education] Malpractices Act, 1950.

(2) It shall extend to the <sup>[6]</sup>[whole of the <sup>[7]</sup>[Province of the Punjab] except the Tribal Areas.]

(3) It shall come into force at once.

**2. Definitions.**— In this Act, unless there is anything repugnant to the subject or context—

(a) “abetment” shall have the meaning assigned to it in the Pakistan Penal Code;

(b) “answer book” means the document 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 an answer book;

<sup>181</sup>[(bb) “Board” means a Board of Intermediate and Secondary <sup>191</sup>[or Technical] Education established under any law for the time being in force in <sup>110</sup>[the Punjab <sup>111</sup>[or any other examining body notified by the Government]]];]

(c) “candidate” means a person who has applied for admission to an examination or has appeared as an examinee at any such examination;

(d) “employee” means any person employed by <sup>112</sup>[a University or Board] permanently or temporarily either *gratis* or for remuneration;

(e) “examination” means an examination held by <sup>113</sup>[a University or Board] for the purpose of examining candidates for the grant of certificates, diplomas or degrees;

(f) “examiner” means a person appointed by <sup>114</sup>[a University or Board] for the purpose of examining and assessing the answer books 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 and instructing him in assessing the marks to be awarded by him.

(g) “premature disclosure of a question or 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 the question paper containing the question has to be communicated to a candidate in accordance with the procedure prescribed by the University <sup>115</sup>[or the Board concerned];

(h) “question paper” means a document containing the question or questions to be put at an examination for being answered by the candidate; and

<sup>116</sup>[(i) “University” means a University established under any law for the time being in force in West Pakistan.]

<sup>117</sup>**[3. Punishment for malpractices, etc.—** (1) Whoever is guilty of —

(i) possessing firearms or other implement capable of being used as weapon of offence in or around an examination centre; or

(ii) impersonating another who is a candidate for an examination; or

(iii) forging, mutilating, altering, erasing or otherwise tampering with any document connected with an examination or making undue use of such document; or

(iv) premature disclosure of a question or question paper knowing that such question or question paper is to be put or set at an examination written or oral; or

(v) replacement of an answer book or any portion thereof; or

(vi) recording in any document with dishonest motive marks more or less than the marks awarded to a candidate by the examiner concerned, if the person doing so is other than the examiner; or

(vii) mutilation, alteration interpolation or erasure in any certificate or other document or any record maintained by a University or Board or in any manner using or causing to be used as certificate, document or record knowing that it is so mutilated, altered, interpolated or erased; or

- (viii) divulging or procuring information pertaining to a University or Board examination papers, answer books, examiners, conduct of examinations, fictitious roll numbers, examination results or any information incidental thereto; or
- (ix) falsification of official examination results by any means including substitution of answer books, mutilation, alteration or falsification of University or Board records; or
- (x) impeding the progress of examination at any examination centre by any means whatsoever; or
- (xi) assaulting or threatening any person incharge of an examination centre or any other person employed in connection with an examination; or
- (xii) attempting or abetting the commission of any of the aforesaid acts,

shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees.

(2) Whoever is guilty of —

- (i) making false representation in his admission form or any other document connected with an examination; or
- (ii) 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; or
- (iii) unauthorisedly copying or receiving assistance from any paper, book, note or other source for answering a question; or
- (iv) taking unauthorisedly the whole or a part of an answer book or a continuation sheet into or out of any examination centre; or
- (v) awarding with dishonest motive marks more or less than the marks deserved by a candidate, if the person doing so is an examiner; or
- (vi) supplying to a candidate during his examination answer to a question contained in the question paper or a question put or to be put at an oral examination; or
- (vii) approaching or influencing any employee to act corruptly or dishonestly in the conduct of any examination, declaration of any examination result, or marking of papers, or obtaining secret information relating to any examination; or
- (viii) attempting or abetting the commission of any of the aforesaid acts

shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees or with both.]

<sup>[18]</sup>**[3A. General provisions.—** (1) The offences under section 3(2) of this Act may be tried summarily under the provisions of the Code of Criminal Procedure 1898.

(2) There shall be no appeal by a convicted person in cases which are tried summarily and a sentence of fine not exceeding one thousand rupees only is passed in respect of an offence under this Act.]

<sup>[19]</sup>**[4. Offences to be cognizable and bailable.—** Notwithstanding any provision contained in the Code of Criminal Procedure, 1898, or any other law for the time being in force, an offence under this Act shall be cognizable by the police only on a report made, in the case of an offence relating to a University, by the <sup>[20]</sup>[Vice Chancellor] of the University or such other official of the university as may be specially authorised by him in this respect in writing, and in the case of an offence relating to a Board or an examination held or to be held by a Board, by the Chairman of the Board or such other

officer of the Board as may be specially authorised by him in this respect in writing,<sup>[21]</sup> [and the offences mentioned in section 3(1) shall be non-bailable while those mentioned in section 3(2) shall be bailable].]

<sup>[22]</sup>**[5. Unpublished records to be privileged documents.—** 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 Board except, in the case of University records or documents pertaining to the affairs of the University, with the previous written sanction of the Vice-Chancellor or the Registrar of the University, and in the case of Board records or documents pertaining to the affairs of the Board, of the Chairman of the Board, and the Vice-Chancellor, the Registrar or the Chairman, as the case may be, may give or withhold such permission in his discretion.]

<sup>[23]</sup>**[6. Official information not to be asked for by courts from University and Board employees.—** No employee shall be compelled to give evidence in any court of law of communications made to him or information in his possession which comes to his knowledge by reason of his employment by a University or Board except, in the case of a University employee, with the previous written sanction of the Vice-Chancellor or the Registrar of such University, and in the case of an employee of a Board, with the previous written sanction of the Chairman of the Board, and such Vice-Chancellor, Registrar or Chairman, as the case may be, may give or withhold such sanction in his discretion.]

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<sup>[1]</sup>This Act was reserved by the Governor of the Punjab on 9th Oct., 1950 for the consideration of the Governor-General who assented to it on 9th Nov., 1950; and, was published in the Punjab Gazette (Extraordinary), dated: 21st Nov., 1950, pages 275-277.

<sup>[2]</sup>Substituted, for the word “University”, by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966), section 2.

<sup>[3]</sup>Substituted, *ibid*, for the words “University of the Punjab”.

<sup>[4]</sup>It was issued on 24th January, 1949 and stood revoked on 5th April, 1951.

<sup>[5]</sup>Substituted, for the word “Punjab University” by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966), section 4(i).

<sup>[6]</sup>Substituted, *ibid*. for the word “Punjab”.

<sup>[7]</sup>Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb A.O. 1 of 1974), for “Province of West Pakistan”.

<sup>[8]</sup>Inserted by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966).

<sup>[9]</sup>Inserted by the Punjab Universities and Boards of Intermediate and Secondary Education Malpractices (Amendment) Ordinance, 1999 (XLII of 1999), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>[10]</sup>Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb A.O. 1 of 1974), for “West Pakistan”.

<sup>[11]</sup>Inserted by the Punjab Universities and Boards of Intermediate and Secondary Education Malpractices (Amendment) Ordinance, 1999 (XLII of 1999), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>[12]</sup>Substituted, for the words “the University”, by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966), section 5(ii).

<sup>[13]</sup>*Ibid*.

<sup>[14]</sup>Substituted, for the words “the University”, by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966), section 5(ii).

<sup>[15]</sup> Added by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966), section 5(iii).

<sup>[16]</sup> Substituted *ibid.*, for the original clause (i), section 5(iv).

<sup>[17]</sup> Substituted by the Punjab Universities and Boards of Intermediate and Secondary Education Malpractices (Amendment) Ordinance, 1999 (XLII of 1999), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>[18]</sup> Added by the Punjab Universities and Boards of Intermediate and Secondary Education Malpractices (Amendment) Ordinance, 1999 (XLII of 1999), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>[19]</sup> Substituted by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966).

<sup>[20]</sup> Substituted, for the word “Registrar” by the Punjab Universities and Boards of Intermediate and Secondary Education Malpractices (Amendment) Ordinance, 1999 (XLII of 1999), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

<sup>[21]</sup> Substituted *ibid.*, for the words “and every offence shall be bailable”.

<sup>[22]</sup> Substituted by the Punjab University Malpractices (West Pakistan Amendment) Ordinance, 1966 (XVI of 1966).

<sup>[23]</sup> *Ibid.*