

Academic Council 25/05/2011

Item No. 4.101

University of Mumbai



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NAAC ACCREDITED
(2001-2006)

Additional Provisions

To

General Ordinances

With Respect to

**Credit Based Semester and Grading System
(CBSGS)**

For the Programmes

Under

The Faculty of Arts, Commerce & Science

With effect from the Academic year 2011-12

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ORDINANCE O.5042 – A: - Grace Marks passing in each course/ head of passing (Theory/ Practical/ Oral/ Sessional/ TW/ External / Semester End Exam / Internal Assessment)

The examinee shall be given the benefit of grace marks only for passing in each course / head of passing (Theory / Practical / Oral / Sessional/ TW) in External / Semester End Examination or Internal Examination Assessment as follows:

Head of Passing	Grace Marks Upto
Upto - 50	2
051 - 100	3
101 - 150	4
151 - 200	5
201 - 250	6
251 - 300	7
301 - 350	8
351 - 400	9
And 401 and above	10

Provided that the benefit of such gracing marks given in different courses/ head of passing shall not exceed 1% of the aggregate marks in that examination.

Provided further that the benefit of gracing of marks under this Ordinance, shall be applicable only if the candidate passes the entire examination of semester / year.

Provided further that this gracing is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE, UGC etc.

ORDINANCE O. 5043-A: - Grace Marks for getting Higher Class / Grade

A candidate/learners who passes in all the subjects / courses and heads of passing in the examination without the benefit of either gracing or condonation rules and whose total number of marks falls short for securing Second Class / Higher Second Class/ First Class or next Higher Grade by marks not more 1% of the aggregate marks of that examination or up to 10 marks, which ever is less, shall be given the required marks to get the next higher or grade as the case may be.

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Provided that benefits of above mentioned grace marks shall not be given, if the candidate fails to secure necessary passing marks in the aggregate course / head of passing also, if prescribed, in the examination concerned.

Provided further that benefits of above mentioned grace marks shall be given to the candidate for such examination/s only for which provision of award of Class / Grade has been prescribed.

Provided further that this gracing is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE etc.

ORDINANCE O.5044-A: - Grace Marks for getting distinction / Grade 'O' in the subject / course only

A candidate/learners who passes in all the Courses or Subjects/ Heads of passing in the examination without benefit of either gracing or condonation rules and whose total number of marks in the courses/ subject/s falls short by not more than three marks for getting Grade 'O'/ distinction in the courses / subject/s respected shall be given necessary grace marks up to three (03) in maximum two subjects, courses subject to maximum 1% of the total marks of that Head of Passing whichever is more, in a given examination.

Provided that benefits of above mentioned grace marks shall not be given to the candidate only for such examination/s for which provision for distinction in a course / subject has been prescribed.

Provided further that this gracing is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE etc.

ORDINANCE O. 5045-A: - Condonation

If a candidate/learners fails in only one course/ head of passing, having passed in all other courses/ heads of passing, his/her deficiency of marks in such head of passing may be condoned by not more than 1% of the aggregate marks of the examination or 10% of the total number of marks of that course / head of passing in which he/she is failing, whichever is less. However condonation, whether in one head of passing or aggregate head of passing be restricted to maximum up to 10 marks only.

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Condonation of deficiency of marks be shown in the Grade Card/ Statement of Marks in the form of asterisk and Ordinance number.

Provided that this condonation of marks is concurrent with the rules and guidelines of professional statutory bodies at the All India level such as AICTE, MCI, Bar Council, CCIM, CCIH, NCTE etc.

ORDINANCE O. 5046-A: - Moderation

1. The Moderation System shall be application to all the faculties for Under Graduate and Post Graduate Semester End Examination / External Theory Examination.
2. 100% moderation of the answer book shall be carried out in the case of candidates failing by 10% of marks of the aggregate marks of that course / paper.
3. In case of professional faculties / courses, 100% moderation shall be carried out in case of candidates obtaining 70% and above marks or Grade 'O'. For non-professional faculties / courses 100% moderation shall be carried out in case of candidates obtaining First Class Grade 'A' and above marks.
4. The moderation of answer books of at least 5% of total number of candidates obtaining marks between Grade 'E' / minimum passing marks and marks required for Grade 'A' and above First Class/ distinction shall be carried out on random sample basis.
5. One moderator shall be appointed per five examiners. However Chairman, Board of paper setters will act as the moderator, where there are less than five examiners.
6. Moderation work shall be carried out simultaneously with the central assessment of answer books at CAPs.
7. Where marks awarded by the moderator vary from those awarded by original examiner, the marks awarded by the moderator shall be taken as final.
8. Each University shall formulate detailed scheme of moderation on the basis of guidelines given above.

ORDINANCE O.5047-A: - Vigilance Squad

1. The Vigilance Squad/s of not less than three and not more than four members shall be appointed by the Vice Chancellor to visit the Centres of University Examinations to:
 - i. Ensure that the University Examinations are conducted as per norms laid down.

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- i. Observe whether the Senior Supervisors and Block Supervisors are following scrupulously instructions for conduct of the University Examinations.
- ii. Check the students who try to resort to malpractices at the time of University Examinations and report such case to the University.

2. The Vigilance Squad is authorized to visit any Examination Centre without prior intimation and enter office of the In-charge of the Examination Centre to check the record and other material relating to the conduct of Examination. They can enter in any block of Examination for checking the candidates identify card, fee receipt, hall tickets etc. to ascertain the authenticity of the Candidate. The Vigilance Squad shall e authorized to detect use of malpractices and unfair means in the University Examination.
3. The Vice Chancellor shall appoint Vigilance Squad which may include:
Senior Teachers of Affiliated College/Recognized Institution/ University Departments / Teachers and desirably one lady teacher; and any other person as the Vice Chancellor considers appropriate.
4. The Chairman of Vigilance Squad/s shall submit the report on surprise visit directly to the Vice Chancellor with a copy to the concerned Principal. The Vigilance Squad/s may make suggestions in the matter of proper conduct of examinations, if necessary.
5. The Principal of the College where the centre of examination is located shall be responsible for the smooth conduct of examination. He/ She shall ensure strict vigilance against the use of unfair means by the students and shall be responsible for reporting such cases to the University as well as the law of enforcing authority.

ORDINANCE O. 5048-A: - Amendments of Results

Due to errors

In any case where it is found that the result of an examination has been affected by errors, the Controller of Examinations shall have power to amend such result in such manner as shall be in accordance with the true position and to make such declaration as is necessary, with the necessary approval of Vice Chancellor / Pro Vice Chancellor, provided the errors are reported / detected within 6 months from the date declaration of results. Errors detected thereafter shall be placed before the Board of Examinations.

Error means:-

- i) Error in computer/data entry, printing or programming and the like.
- ii) Clerical error, manual or machine, in totaling or entering of marks on ledger/register.

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iii) Error due to negligence or oversight of examiner or any other person connected with evaluation, moderation and result preparation.

A. Due to fraud, malpractices etc.

In any case where the result of an examination has been ascertained and published and it is found that such result has been affected by any malpractices, fraud or any other improper conduct whereby an examinee has benefited and that such examinee, has in the opinion of the Board of Examination been party of privy to or connived at such malpractice, fraud or improper conduct, the Board of Examination shall have power at any time notwithstanding the issue of the Certificate or the award of a Prize or Scholarship, to amend the result of such examinee and to make such declaration as the Board of Examination considers necessary in that behalf

Note: a) The Ordinances 0.5049, 0.5050 will be as per the existing ordinances. However, the term “Student” be read as “Learners”

b) The Number of the Ordinances will be same. However, it is followed by alphabet ‘A’ only.

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No. Exam./Photo & Rev./Univ./VCD/ 4637 of 2010

Rules and Procedure for providing the Photo/Xerox copies of assessed answer-book/s to the examinee and Process of Revaluation of the Answer-book/s of the examinee who apply for the revaluations

(Examinations Conducted by the University)

WHEREAS as per the Order of the Hon'ble High Court of judicature at Bombay passed by a division bench consisting of their Lordship Chief Justice Dalvir Bhandari and Justice D. Y. Chandrachud, while hearing a group/bunch of petitions filed by students from different faculties, directing the University to restart revaluation in all faculties that has been scrapped since 2002, it was decided to restart the revaluation system in order to bring transparency on the examination system, and accordingly the Vice-Chancellor of University of Mumbai issued Directions No. Exam./Rev./VCD/785 of 2004 dated 17th November, 2004,

AND

WHEREAS considering the delay being caused due to the modalities and procedure of revaluation, it was decided to modify the procedure of issuing Xerox copy and revaluating the answer books,

AND

WHEREAS the Board of Examinations at its meeting held on 7th April, 2007 vide item No.6, appointed a committee to review the existing revaluation process and to suggest modifications for making the process more effective and faster,

AND

WHEREAS the said committee suggested the modifications and recommendations in that behalf and prepared a revised draft of the Vice-Chancellor's Directions to that effect,

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AND

WHEREAS considering the observation passed by the Hon'ble High Court in Writ Petition bearing No. 52 Of 2009 dated 31st August 2009, regarding completion of the process of revaluation expeditiously, and considering the importance and urgency of the matter,

AND

WHEREAS the said draft is finally approved by the Board of Examinations at its meeting held on 22nd October 2009 vide item No.04,

AND

WHEREAS, making of the new Rules and Regulations in this respect by the Management Council will take some time,

Now therefore, I, Dr. Chandra Krishnamurthy holding the charge of the Vice-Chancellor, University of Mumbai in exercise of powers conferred upon me under sub section (8) of section (14) of the Maharashtra Universities Act, 1994, hereby issue the revised **Directions in supersession of the earlier Directions** No. Exam./Rev./VCD/785 of 2004 dated. 17th November, 2004 as under:-

1. This direction may be called "Rules and procedure for Supply of Photo/Xerox copy of answer book/s to the examinee and for revaluation of the answer books of the examinee."
2. These directions shall come into force from the examinations to be held from the First Half of the Year 2010.
3. In this directions unless the context otherwise requires :
 - (a) "Act" means Maharashtra Universities Act, 1994.
 - (b) "Directions" means a direction issued in accordance with the provisions of sub-section (8) of section 14 of the Act.
 - (c) "College" means a College conducted by the University or affiliated to the University, situated in the University area, including autonomous College,

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academic institution/Department of higher learning not being a College, associated with and admitted to the privileges of the University including autonomous institution, University Institution and recognized institution, University department of higher learning, research or specialized studies, recognized to be so by the University and imparting undergraduate/post-graduate instructions or guidance for research.

- (d) “Principal” means a head of ‘the College’ {as defined in rule 3(c)}.
 - (e) “Examinee” means the examinee, who has appeared for the examination conducted by the University during the current session.
 - (f) “Answer book/s” means the answer book/s used by the examinee/s for answering the questions of theory paper of the examination.
 - (g) The “32 (5) (a) Committee” means a committee constituted by the Board of Examinations in accordance with the provisions of Clause (a) of sub-section (6) of Section 32 of Maharashtra Universities Act, 1994, in order to appoint paper-setters, examiners and moderators.
 - (h) The “32 (6) (a) Committee” means a committee constituted by the Board of Examinations in accordance with the provisions of Clause (a) of sub-section (6) of Section 32 of Maharashtra Universities Act, 1994, in order to investigate and recommend disciplinary action for malpractices and lapses against the person or persons involved in the malpractices directly or indirectly.
4. **Applying for Photo/Xerox copy of answer book and applying for Revaluation will be two independent processes.**
5. Applying for the Photo/Xerox copy of the answer book or having Photo/Xerox copy of the answer book shall not be a pre-requisite for applying for revaluation of the answer book in the said subject.

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6. **The student can independently apply for Revaluation or Photo/Xerox copy or both simultaneously.**

PART - I

Rules and Procedure for providing the Photo/Xerox copy/ies of assessed answer-book/s

7. The facility of obtaining Photo/Xerox copy/ies of assessed and/or moderated answer book/s by the examinee is extended with a view to bring transparency in the examinations system and ensure its credibility.
8. This facility, thus provided, shall be **for theory papers only** of all the examinations conducted by the University in the current session.
9. Under these rules applying for the Photo/Xerox copy/ies of answer-books shall not be permitted in respect of :
- (i) The examinations conducted by the University at Post-graduates level in the faculties of Medicine, Ayurved, Dentistry and Unani Medicine.
 - (ii) The examinations conducted by the Director of the Institute of Distance Education/Principals of constituent/affiliated Colleges or Directors/Heads of University Departments/Recognized Institutions on behalf of the University.
 - (iii) The scripts of practical examination / sessional work / project work / dissertation / internal assessment / term work (including theory part) and in Viva voce /oral / practical examinations. However **within seven (07) working days** from the date of declaration of the results or on issue of the statement of marks by the College the candidate shall be allowed to apply in the prescribed format for the head wise internal split of his marks obtained at such examinations along with payment of non-refundable fee of Rs.100/- by cash or D.D. drawn in favour of the Principal of the respective College to which the candidate has registered for the said course; and the provisions of Rule 10 to Rule 24 shall be applicable mutatis mutandis, to

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the extent they shall be applicable, for supply of the head wise internal split of the marks, except that of applying for revaluation.

10. The Photo/Xerox copy/ies shall be sought by submission of application in the prescribed form along with the non-refundable fee of Rs.100/- per answer- book by the examinee. The said fee shall be remitted by cash or by D.D. drawn in favour of the Principal of respective Colleges to which the candidate to which the candidate belongs or through which the candidate has submitted the examination form. The examinees belonging to the reserved categories shall be granted 50% concession in the fee.
11. The prescribed application form for obtaining Photo/Xerox copy/ies of answer book shall have to be filled and signed by the applicant examinee only and shall be submitted to the respective College to which the candidate belongs or through which the candidate has submitted the examination form **within seven (07) working days** from the date of the declaration of result of the examination or receipt of the statement of marks by the College / institute, whichever is later.
12. Incomplete application forms shall be rejected without assigning any reason whatsoever and the fees paid along with the application form neither shall be refunded nor will any representation be entertained.
Note: - a) It will be the responsibility of the College to distribute the statement of marks immediately on receipt from the University.
b) It will also be the responsibility of the student to collect the statement of marks from the College and apply for photo/Xerox copy/ies or / and revaluation within stipulated time.
c) No application after the due date will be entertained on any ground whatsoever.
13. The Principal of the College or Head of Department will publish the last date of submission of application for photocopy of each examination on the notice board.

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14. The respective College to which such applications for the Photo / Xerox copy/ies are submitted shall forward to the Controller of Examinations of University of Mumbai, the list of such applicants **within ten (10) working days** from the date of declaration of result or receipt of the statement of marks by the College, whichever is later (i.e. within three (3) working days from the last date of submission of forms), in such format and as per such procedure as shall be prescribed by the Controller of Examinations, along with Rs. 80/- per Photo / Xerox copy of the answer book / subject and retain Rs. 20/- per Photo / Xerox copy of the answer book / subject as the administrative expenses at the College out of Rs. 100/- per application received from the students.
15. The University shall endeavor to supply Photo/Xerox copy/ies of answer books as far as possible **within twenty five (25) working days from the date of receipt of application** to the University from the respective College through which the candidate has made the application for Photo/Xerox copy/ies of the answer book/s.
16. The Principal of the College shall publish the list of students on the Notice Board, whose Photo/Xerox copies are received from the University in the College.
17. The Photo/Xerox copy/ies shall be handed over by such respective College to the applicant examinee in person only and under no circumstances to any other person.
18. While obtaining the Photo/Xerox copy/ies from such respective College the applicant examinee shall have to produce the original receipt of submission of application form and to establish his/her identity, to the Principal or the Officer of the College authorized by him.
19. On receipt of Photo/Xerox copy/ies the applicant examinee shall be the sole custodian of it and under any circumstances the examinee shall not part with the custody/possession of the same and also shall not use the same for any other purpose/s.
20. The Photo/Xerox copy/ies so obtained by the examinee shall be for his/her exclusive and relevant use. Neither the said examinee nor any other person can use the said copy to

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dispute or challenge the quality of assessment or quantum of marks assigned to the answers therein.

21. If the examinee is found guilty of indulging in any unfair act/attempt he/she shall be liable to be tried before the Unfair Means Inquiry Committee of the University and the decision taken by the authorities based on the recommendation of the said committee shall be final.
22. If his/her indulgence/commission in unfair act/attempt is proved, the examinee shall be liable for the punishment ranging from: (i) cancellation of his/her marks in the said subject, either originally granted or granted on revaluation as the case may be, (ii) annulment of examination/s for a stipulated period of maximum up to 5 examinations, (iii) cancellation of his/her result of the examination etc.
23. On receipt of the photocopy if the discrepancy of following nature is noticed by the examinee, he should apply to the University through the Principal in the prescribed form along with the said photocopy and copy of the question paper **within seven (07) working days** from the date of publication of notice by the Principal of the respective College under clause No. 12 hereinabove, to be forwarded to the Controller of Examinations.
 - i) Mistake in totalling
 - ii) Non assessment of a question / sub-question if required

After due verification, the Controller of Examinations shall make necessary rectification in the marks allotted to the said subject and consequently in the result of the candidate without charging any further fee for rectification.

24. On receipt of the notice of the rectification of the result by the college as per the provisions above the Principal of the College shall forthwith intimate the candidate of such rectification, the candidate can apply for revaluation **within seven (07) working days** from the date of receipt of the rectified result, if he/she by such rectification becomes eligible for revaluation in the said subject, subject to other limitations

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contained herein; and the Principal of the College shall forward such application for revaluation **within ten (10) working days** from the date of receipt of the rectified result.

25. In case of non-assessment of question / sub-question the original assessor or if the answer book is moderated the moderator will be called for rectification. It will be binding on the concern examiner / moderator to attend the call of the University and it will also be the responsibility of the Principal to relieve the examiner / moderator under intimation to the Controller of Examinations to attend University **on the given date or within four (04) working days** if no specific date is communicated. Not attending the call of the University within stipulated period will be treated as misconduct and penalty of Rs. 100/- per day will be imposed on all concerned and recovered from the pay by the Principal on receipt of the intimation from the Controller of Examinations and the same will be deposited with the University. The concern examiner / moderator will be entitled for only travelling allowances.
26. The examinee is free to apply for Photo/Xerox copy/ies of answer books of as many subjects as he / she desires.

PART- II

Rules and Procedure for the Revaluation of the Answer-book/s

27. If the examinee is not satisfied with the marks awarded, he/she may independently apply for revaluation to the University through College in the prescribed form within the period and as the manner prescribed hereinafter, whether or not he/she has applied for Photo/Xerox copy/ies of the same.
28. This revaluation facility shall be **for theory papers only** of all the examinations conducted by the University for the respective current session.
29. Under these rules the revaluation of answer books shall not be permitted in respect of

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- i) The examinations conducted by the University at Post-graduates level in the faculties of Medicine, Ayurved, Dentistry and Unani Medicine.
 - ii) The examinations conducted by the Director of the Institute of Distance Education/Principals of constituent/affiliated Colleges or Directors/Heads of University Departments/Recognized Institutions, on behalf of the university,
 - iii) The marks awarded to the scripts of practical examination/ sessional work / project Work / dissertation / internal assessment/term work (including theory part) and in viva voce / oral / practical examinations.
30. A candidate can apply for the revaluation of the answer book of the subject only if he/she has secured at least 20% of the total marks in that subject or 40% of the marks required for passing in the said subject, whichever is less or the grade equivalent to the above criteria where grades are assigned to the theory papers.
31. The prescribed application form for revaluation of answer book can be obtained from the respective College to which the candidate belongs or through which the candidate has submitted the examination form.
32. The non refundable prescribed fees of Rs. 500/- per subject/answer book for the purpose of revaluation shall be paid by the examinee. The said fee shall be remitted by cash or by D.D. drawn in favour of the principal of respective College to which the candidate belongs or through which the candidate has submitted the examination form. The candidates belonging to the reserved categories shall be given 50% concession in the fees, provided a certified copy of the caste certificate is enclosed.
33. The prescribed application form for revaluation of answer book duly filled in and signed by the applicant examinee only is to be submitted to the concerned college office along with the statement of marks, prescribed fees as above and question paper/s for which he/she intends to apply for revaluation, **within seven (07) working days** from the date of the declaration of the result of the respective examination or from the date on which the

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college issued the statement of marks, whichever is later. Incomplete form and form not accompanied by relevant documents may be rejected without assigning any reason whatsoever.

34. The respective College to which such applications for the revaluation are submitted shall forward the list of such applicants along with forms and documents, to the Controller of Examinations, University of Mumbai **within fourteen (14) working days** from the date of declaration of result of respective examination or from the date on which the College received the statement of marks, whichever is later, in such format and as per such procedure as shall be prescribed by the Controller of Examinations, along with Rs. 450/- per subject for revaluation on retaining with itself Rs. 50/- per subject as the administrative expenses out of Rs. 500/- as fees for revaluation per subject.
35. The applications for revaluation received after the last date shall not be accepted by the University under any circumstances, whatsoever.
36. On receipt of the applications for revaluation from the Colleges, the subject wise consolidated information and list of the examiners for the process of revaluation shall be prepared. The examiners shall be appointed by the Controller of Examinations from the examiners panel approved by Board of Examinations on the recommendation by the Dean of the Faculty or the Chairman of the concerned Board of Studies for the process of revaluation.
37. The processing and co-ordination of the revaluation cases will be done by the Revaluation Unit; the verification and rectification, if required, in these cases will be done by the Revaluation Unit; assessment of the Revaluation process will be done by arranging the CAP and marks statement will be send to the CCF for processing and result/s will be declared with new result file of the revaluation by the respective Results Units of the Examinations Section.
38. Effect shall be given to the change in original marks on revaluation, as under:-

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(i) The marks obtained after revaluation shall be accepted by the Principal of the respective college, if the marks assigned to a paper as a result of revaluation, increase or decrease in revaluation by ten percent (10 %) or more than the marks originally obtained by the candidate in the paper without any grace, and in such cases the marks originally obtained by the candidate in the paper shall be treated as null and void and the marks obtained by the candidate after revaluation shall be accepted as the marks obtained in that paper. The fractions shall be ignored for the purpose of computing the ten percent (10%) difference in marks.

Notwithstanding what is stated above, the marks obtained after revaluation shall be accepted by the University, if the candidate gets benefit of passing the subject/examination or change of class or grade in that paper or in the overall result at the said examination with or without grace marks under the provisions of relevant Ordinances or as resolved by the examiners in the said subject.

(ii) Notwithstanding what is contained in clause 38(i) where the difference between the marks originally obtained by the candidate in the paper with corrections, if any, made during the process of revaluation without any grace marks and the marks obtained after revaluation will be accepted up to twenty five percent (25%) of the maximum marks assigned to that paper (Ignoring the fractions, if any). If the difference between the marks originally obtained by the candidate in the paper, if any, made during the process of revaluation without any grace marks, and marks obtained after revaluation increase or decrease by twenty five percent (25%) ignoring the fractions, if any, of the maximum marks assigned to that paper, a second revaluation of the said answer books be done by a third examiner from the panel of examiners for the said subject, in such an event the average marks of the first and second revaluations shall be accepted by the University as the final marks for the said subject.

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(iii) An answer book shall be sent for second revaluation to another senior examiner appointed by the Controller of Examinations in consultation with the Dean of faculty or Chairperson of the Board of Studies of the University if on the first revaluation a candidate's marks are decreased below the passing marks or the marks required for securing a class from originally secured marks required for passing or for the particular class and the marks assigned by the third examiner in the second revaluation be treated as the final marks in the said subject.

(iv) The revised marks obtained by a candidate after revaluation, as accepted by the University shall be taken into account for the purpose of amendment of his results only and the said result shall be communicated to the student/s through Principal of the respective college.

39. The Principals of the Colleges shall be bound to make available the teachers required for revaluation on top priority basis on the day and date communicated by the Controller of Examinations.
40. It will be mandatory for the teachers of the Colleges to attend the revaluation work on top priority basis. If any teacher fails to comply with the orders, it shall be treated as misconduct and such teacher shall be liable for disciplinary action. If the Principal of the College fails to relieve the teacher for revaluation or the teacher fails to attend the work of revaluation, penalty of Rs. 100/- per day may be imposed on all concerned and the same shall be recovered from the pay by the Principal of the College or any other authority responsible to draw the salary and the same shall be credited to the University funds as directed from time to time.
41. The remuneration for examiner/s appointed shall be paid at the rate of Rs. 20/- per answer book and Rs.120/- as travelling allowances per day; or the lump sum remuneration of Rs.320/- shall be paid to the examiner if the answer books available for revaluation at the revaluation centre are less than 10 (ten) when the examiner visits the revaluation centre

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from other colleges. The examiner/s from the University Department shall not be entitled for the travelling allowance.

42. The answer books already revaluated shall not be moderated or further re-revaluated, unless so directed by the Vice-Chancellor, in exceptional cases.
43. The whole process of revaluation shall be completed **as far as possible within a period of forty five (45) working days** from the date of receipt of the application for revaluation by the University.
44. **THE PHOTO/XEROX COPY OF THE REVALUATED ANSWER-BOOK/S SHALL NOT BE PROVIDED TO THE EXAMINEE/S.**
45. Pending the process of revaluation, and subject to the availability of the seats in the college, the student may be admitted to the next higher class to which he could have been admitted if he/she had passed in the said examination or had been granted A.T.K.T. for admission to the next class in the original examination as per the rules applicable for the stream and faculty of his education, as per the following norms:-
- (i) The student may be admitted to the next higher class to which he could have been admitted if he/she had passed in the said examination or had been granted A.T.K.T. for admission to the next class in the original examination as per the rules applicable for the stream and faculty his/her education, if he/she had originally obtained required passing marks in the papers in which he/she had applied for revaluation,
 - (ii) The college shall be entitled to charge fees of Rs. 500/- at the time of granting admission *to such students* to the next class before declaration of the result of the revaluation,
 - (iii) Such admission shall be provisional; and automatically stands cancelled on receipt of the result of revaluation process, if the student is not declared passed in the requisite number of the subjects on revaluation which would entitle him/her to

University of Mumbai

Examinations Section, Mahatma Jotirao Phule Bhavan, Vidyanagari, Kalina,
Santacruz (East). MUMBAI - 400 098



take admission in the next higher class, and in such case the fees originally collected by the college or any part of the same shall not be refunded.

46. In case if the student is declared pass in the requisite number of the subjects on revaluation which would entitle him/her to take admission in the next class as per the Ordinances / regulations, the provisional admission will be regularized in the college:-

(i) In case of the reserved category student or other students who are entitled to get the fee concession, on appropriating the amount equal to the amount of fees which the College can collect from the student and the balance amount shall be refunded to the student at the time of confirmation and continuation of his/her admission. (ii) In case of other students, the said amount shall be deducted from the total fees which the College or the institution is entitled to collect from the student as per the rules applicable.

47. Pending the declaration of the result of the revaluation, the students who have taken admission to next higher class, as mentioned above, shall be allowed to appear at the examination of the next class and their results of the next examinations shall be declared only on their passing in the requisite number of the subjects on revaluation which would entitle them to take admission in the next class; and in case the students does not succeed in passing in such requisite number of subjects, their admission to the examinations of the next class, their performance and results of the same shall be treated as null and void.

48. Examiners and/or moderators, if found careless in the original assessment, the appropriate action will be taken as per the rules and regulations of the University.

49. The Controller of Examinations will prescribe the detailed office / administrative procedure.

University of Mumbai

Examinations Section, Mahatma Jotirao Phule Bhavan, Vidyanagari, Kalina,
Santacruz (East), MUMBAI - 400 098



This VCD shall come into force with immediate effect i.e. First Half 2010 Examinations and shall remain in force till new rules and regulations in pursuant to the subject matters dealt with in this VCD are made by the appropriate authorities

Mumbai – 400 098
Date: 05th April, 2010

(Dr. CHANDRA KRISHNAMURTHY)
Ag. VICE-CHANCELLOR

No. Exam /Photo & Rev./College/VCD/ 4637-A of 2010

To,

The Directors / Heads of the University Departments, Professor-cum-Director of Institute of Distance & Open Learning, The Principals, Sir J.J. College of Architecture and the Principals / Directors of the affiliated colleges / Institutes are requested to implement the above VCD immediately.

Copy forwarded with compliments for information to:-

1. The Secretary to His Excellency Chancellor of University of Mumbai, Rajbhavan, Malbar Hill, Mumbai.
2. The Principal Secretary, Higher & Technical Department, Government of Maharashtra.
3. The Secretary to the Chairman, University Grant Commission, Delhi, Bahadur Shah Zafar Marg, New Delhi. 110002.
4. The Director of Higher Education, Higher Education Maharashtra State, Central Building Pune, 411001.
5. The Director of Technical Education, Directorate of technical Education, Maharashtra State Mahapalica Marg, Mumbai.
6. The Joint Director, Higher Education, Mumbai Region, Mahapalica Marg, Mumbai.

University of Mumbai

Examinations Section, Mahatma Jotirao Phule Bhavan, Vidyanagari, Kalina,
Santacruz (East). MUMBAI - 400 098



7. The Joint Director, Technical Education, Mumbai Region, Khetwadi, Bandra. Mumbai.
8. The Deans of faculties of Arts, Science, Commerce, Law, Technology & Fine Arts of University of Mumbai.

Copy to:-

The Director (CCF), the Director (Students Welfare), Director (Adult & Continuation Education & Extension), the Co-ordinator (Ratnagiry Sub centre), All Deputy Registrar, All Assistant Registrar, Assistant Registrar (Ratnagiry Sub centre), Executive Secretary to the Vice Chancellor, Personal Assistant to the Pro-Vice Chancellor, Personal Assistant to the Registrar, Personal Assistant to the Director (BCUD), Personal Assistant to the Controller of Examinations, Personal Assistant to the Finance & Accounts Officer.

Mumbai – 400 098
Date: 05th April, 2010

(Prof. Vilas B. Shinde)
Controller of Examinations

महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

गुरुवार ऑक्टोबर १४, १९८२/आश्विन २२, शके १९०४

स्वतंत्र संकलन म्हणून छईत करण्यासाठी या भागातून वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांची प्रस्तावित केलेले अध्यादेश व केलेले विनियम

अनुक्रमिका

	PAGES
MAHARASHTRA ACT No. XXXI OF 1982.—An Act to provide for preventing malpractices at University, Board and other specified examinations	221-223

The following Act of the Maharashtra Legislature, having been assented to by the President on the 11th October, 1982, is hereby published for general information.

D. N. CHAUDHARI,

Joint Secretary to the Government of Maharashtra,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XXXI OF 1982

(First published, after having received the assent of the President in the "Maharashtra Government Gazette" on the 14th October, 1982)

An Act to provide for preventing malpractices at University, Board and other specified examinations.

WHEREAS, both House of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstance existed which rendered it necessary for him to take immediate action to have a special law in this State to provide for preventing malpractices at examinations held or proposed to be held by any University or the Board or any other authority specified by the State Government in this behalf, including leakages of question papers or copying at such examinations, and for matters connected therewith, and, therefore, promulgated the Maharashtra Prevention of Malpractices at University, Board or other specified Examinations Ordinance, 1982, on the 25th May 1982 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature : It is hereby enacted in the Thirty-third Year of the Republic of India as follows :—

Short title
and
commence-
ment

1. (1) This Act may be called the Maharashtra Prevention, of Mal-practices at University, ~~Board~~ and other specified Examinations Act, 1982.

Definitions

(2) It shall be deemed to have come into force on the 25th May, 1982.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the Maharashtra State Board of Secondary and Higher Secondary Education established under the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 or any of its Divisional Boards.

Mah.
XLI of
1965.

(b) "Examination" means any examination held or proposed to be held by any University or the Board and includes such other examination held or proposed to be held by such other authority as may be specified in this behalf, from time to time, by the State Government by notification in the Official Gazettee ;

(c) "University" means any University established by law in the State of Maharashtra.

Duties of
paper-setters
and
punishment
for contra-
vention

3. (1) Any person who is appointed as a paper setter at any examination shall not supply or cause to be supplied the question paper drawn by him or a copy thereof or communicate the contents of such paper to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by his appointing authority in this behalf.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Duties of
persons
entrusted
with
printing, etc.
of question
papers and
punishment
for contra-
vention

4. (1) Any person who is entrusted with the work of printing, cyclostyling typing or otherwise producing copies of any question paper set for the purposes of any examination shall not supply or cause to be supplied a copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the work to him.

(2) Any person who contravenes the provision of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

[भाग चार महाराष्ट्र शासन राजपत्र, असा., ऑक्टोबर १४, १९८२/आश्विन २२, शके १९०४ २२३]

5. (1) Any person who is entrusted with the custody, or is otherwise in possession, of any question papers set-up for the purposes of any examination shall not supply or distribute or cause to be supplied or distributed any copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with the instructions given to him in writing by the authority which entrusted the custody or gave possession thereof to him.

Duties of person entrusted with custody of question papers and punishment for contravention.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

6. Whoever has in his possession any question paper set or purported to be set for any examination and supplies or causes to be supplied or offers to supply a copy thereof, or communicates or offers to communicate the contents thereof, to any person, whether for any consideration or otherwise, or gives publicity thereto in any manner, except in accordance with the instructions issued in writing by an authorised officer of the University, Board or other authority concerned with the examination, at any time before the examination is held, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Prohibition of supply or publication of any question paper before examination is held

7. Whoever is found in or near an examination hall by the invigilator or any other person appointed to supervise the conduct of the examination, copying answers to the question paper set at the examination, from any book, notes or answer papers of other candidates, or appearing at the examination for any other candidate or using any other unfair means, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Prohibition of copying and impersonating at examinations.

8. Whoever abets any offence punishable under this Act shall be punishable with the punishment provided for the offence.

Punishment for abetment or offences.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences under this Act shall be cognizable offences and shall be non-bailable.

Offences to be cognizable and non-bailable.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by any Metropolitan, Magistrate or any Judicial Magistrate of the First Class and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial :

Offences to be tried summarily.

Provided that in the case of conviction for any offence in a summary

II of 1974.

II of 1974.

trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Act.

Mah. Ord.
IV of
1982.

11. (1) The Maharashtra Prevention of Malpractices at University Board and other specified Examinations Ordinance, 1982, is hereby repealed.

Repeal of
Mah. Ord.
IV of 1982
and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the said Ordinance shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.

UNIVERSITY OF MUMBAI

ORDINANCE 5050 :

1. (a) On receipt of a report regarding use of unfair means by any student at any University examination, including breach of any of the rules laid down by the University Authorities, for proper conduct of examination, the Board of Examinations shall have power at any time to institute inquiry and to punish such unfair means or breach of the rules by exclusion of such student from any University examination or from any University course in a College or Recognised Institution or in the University Department or from any Convocation for the purpose of conferring degree either permanently or for a specified period, or by cancellation of the result of the student in the University examination for which the student appeared or by deprivation of any University Scholarship held by him/her or by cancellation of the award of any University prize or medal to him/her or by imposition of fine or in any two or more of the aforesaid ways *within a period of one year*.
 - (b) Where the examinations of the University courses are conducted by the constituent Colleges /Recognised Institutions on behalf of the University, the Principal/Head of the concerned constituent College/Institution, on receipt of a report regarding use of unfair means by any student at any such examination, including breach of any of the rules laid down by the University Authorities or by the College/Institution for proper conduct of examination, shall have power at any time to institute inquiry and to punish such unfair means or breach of any of the rules by exclusion of such a student from any such examination or any University course in any College/Institution either permanently or for a specified period or by cancellation of the result of the student in the College/Institution examination for which he/she appeared or by deprivation of any College/Institution Scholarship or by cancellation of the award of any College/Institution prize or medal to him/her or by imposition of fine or in any two or more of the aforesaid ways.
 - (c) On receipt of report regarding malpractices used or lapses committed by any paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination held by the University or Colleges or Recognised Institution including breach of the rules laid down for proper conduct of examination, the Board of Examinations, in the cases of the University examinations or the Management Body in the cases of the examinations conducted by the College/Institution on behalf of the University, as the case may be, shall have power at any time to institute inquiry and to punish such malpractices or lapses by declaring disqualified the concerned paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination from any examination work either permanently or for a specified period or by referring his/her case to the concerned authorities for taking such disciplinary action as deemed fit as per the rules provided for or in any two or more of the aforesaid ways.
2. **Competent Authority :**
- (i) The Board of Examinations of the University constituted under the provisions of Section 31(3) shall be the competent authority to take appropriate disciplinary action against the students using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the University.
 - (ii) The Principal of the constituent College or Head of the Recognised Institution shall be the competent authority to take appropriate disciplinary action against the student/s using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the College or Institution on behalf of the University.
3. **Definition-Unless the context otherwise requires :**
- (a) "Student" means and includes a person who is enrolled as such by the University/College/Institution for receiving instruction qualifying for any degree, diploma or certificate awarded by the University. It includes ex-student and student registered as candidate (examinee) for any of the degree, diploma or certificate examination.
 - (b) "Unfair means" includes one or more of the following acts or omissions on the part of student/s during the examination period.
 - (i) Possessing unfair means material and or copying therefrom.
 - (ii) Transcribing any unauthorised material or any other use thereof.
 - (iii) Intimidating or using obscene language or threatening or use of violence against invigilator or person on duty for the conduct of examination or manhandling him/her or leaving the examination hall without permission of the supervisor or causing disturbances in any manner in the examination proceedings.
 - (iv) Unauthorisedly communicating with other examinees or anyone else inside or outside the examination hall.
 - (v) Mutual/Mass copying.

- (vi) Smuggling-out, either blank or written, or smuggling-in of answerbooks as copying material.
 - (vii) Smuggling-in blank or written answerbook and forging signature of the Jr. Supervisor thereon.
 - (viii) Interfering with or counterfeiting of University/College/Institution seal, or answerbooks or office stationary used in the examinations.
 - (ix) Insertion of currency notes in the answerbooks or attempting to bribe any of the persons connected with conduct of examinations.
 - (x) Impersonation at the University/College/Institution examination.
 - (xi) Revealing identity in any form in the answer written or in any other part of the answerbook by the student at the University or College or Institution examination.
 - (xii) Or any other similar act/s and/or omission/s which may be considered as unfair means by the competent authority.
- (c) "Unfair means relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act or coercion, undue influence or fraud or malpractice with a view to obtaining wrongful gain to him or to any other person or causing wrongful loss to other person/s.
- (d) "Unfair means material" means and includes any material whatsoever, related to the subject of the examination, printed, typed, handwritten or otherwise on the person or on clothes, or body of the student (examiner) or on wood or other material, in any manner or in the form of chart, diagram, map or drawing or electronic aid etc. which is not allowed in the examination hall.
- (e) "Possession of unfair means material by a student" means having any unauthorised material on his/her person or desk or chair or table or at any place within his/her reach, in the examination centre and its environs or premises at any time from the commencement of the examination till its conclusion.
- (f) "Student found in possession" means a student, reported in writing, as having been found in possession of unfair means material by Jr. Supervisor, Sr. Supervisor, member of the vigilance Committee or Examination Squad or any other person authorised for this purpose, in this behalf, even if the unfair means material is not produced as evidence because of it being reported as swallowed or destroyed or snatched away or otherwise taken away or spoiled by the student or by any other person acting on his behalf to such an extent that it has become illegible. Provided report to that effect is submitted by the Sr. Supervisor or Chief Conductor or any other authorised person to the Controller of Examinations or Principal or Head of the Institution concerned or any officer authorised in this behalf.
- (g) "Material related to the subject of examination" means and includes, if the material is produced as evidence, any material certified as related to the subject of the examination by a competent person and if the material is not produced as evidence or has become illegible for any of the reasons referred to in clause (f) above, the presumption shall be that the material did relate to the subject of the examination.
- (h) "Chief Conductor" means Principal of the College concerned or Head of the *University Department or* Recognised Institution concerned, where concerned examination is being conducted, and any other person duly authorised by him or person appointed as in-charge of examination, *by prior approval* of the University.
4. During examination, examinees and other students shall be under disciplinary control of the Chief Conductor/s.
5. **Chief Conductor/s of the Examination Centre shall, in the case of unfair means, follow the procedure as under :—**
- (i) The student shall be called upon to surrender to the Chief Conductor the unfair means material found in his or her possession, if any, and his/her answerbook.
 - (ii) Signature of the concerned student shall be obtained on the relevant materials and list thereon. Concerned Sr. Supervisor and the Chief Conductor shall also sign on all the relevant materials and documents.
 - (iii) Statement of the student and his/her undertaking in the prescribed format and statement of the concerned Jr. Supervisor and Sr. Supervisor shall be recorded in writing by the Chief Conductor (Appendix-C). If the student refuses to make statement or to give undertaking the concerned Sr. Supervisor and Chief Conductor shall record accordingly under their signatures.

- (iv) Chief Conductor shall take one or more of the following decisions depending upon seriousness/ gravity of the case :
 - (a) In the case of impersonation or violence, expel the concerned student from the examination and not allow him/her to appear for remaining examination.
 - (b) Obtain undertaking from the student to the effect that decision of the concerned competent authority in his/her case shall be final and binding and allow him/her to continue with his/her examination.
 - (c) May report the case to the concerned Police Station as per the provisions of Maharashtra Act No. XXXI 1982—An Act to provide for preventing mal-practices at University; Board and other specified examinations.
 - (d) Confiscate his/her answerbook, mark it as "suspected unfair means case" and issue him/her fresh answerbook duly marked.
- (v) All the materials and list of material mentioned in sub-clause (i) and the undertaking with the statement of the student and that of the Jr. Supervisor as mentioned in clause No. (ii) and (iii) and the answerbook/s shall be forwarded by the Chief Conductor, alongwith his report, to the concerned Controller of Examinations/Principal/Head of the Institution, as the case may be, in a separate and confidential sealed envelope marked "Suspected unfair means case".
- (vi) In case of unfair means of oral type, the Jr. Supervisor and the Sr. Supervisor or concerned authorised person shall record the facts in writing and shall report the same to the concerned Controller of Examinations/Principal/Head of the Institution, as the case may be.

6. Procedure to be followed by Examiner during Assessment :

If the examiner at the time of assessment of answerbook suspects that there is a *prima-facie* evidence that the student/s whose answerbook/s the examiner is assessing appears to have resorted to unfair means in the examination, the examiner shall forward his/her report, preferably through the Chairman in the subject, alongwith the evidence, to the Controller of Examinations/Principal/Head of the Institution, as the case may be, with his/her opinion in separate confidential sealed envelope marked as "Suspected unfair means case".

- 7. Case of unfair means having *prima-facie*, reported to the University/College/Institution by the Chief Conductor/Jr./Sr. Supervisor and or examiners shall be inquired into by the committee appointed by the Board of Examinations/Principal/Head of the Institution, as the case may be. In the event cases of unfair means reported through any other sources, the concerned Officer/In charge of the Sub-section/Unit to which the case is primarily pertained, at the Examination Section of the University/College/Institution shall scrutinise the case, collect preliminary information to find out whether there is *prima-facie* case so as to fix up primary responsibility for framing a charge sheet and then shall submit the said case with his/her primary report to the concerned Competent Authority. If the Competent Authority is satisfied that there is a *prima-facie* case it shall place the same before the Unfair Means Inquiry Committee for further investigation. The concerned Officer of the Sub-Section/Unit through which the case has originated or the case is pertaining to, shall be the Presenting Officer of the case before the Inquiry Committees, Police Authorities and Court of Justice and shall deal with the case till it is finally disposed of.
- 8. Examination Result/s of the concerned student/s involved in such cases shall be held in reserve till the Competent Authority takes final decision in the matter and the concerned student/s and the College/Institution to which he/she belongs to, shall be informed accordingly.

9. Appointment of Unfair Means Inquiry Committee :

- (i) For the purpose of investigating unfair means resorted to by students at the University examination, the Board of Examinations shall appoint a Committee in terms of the provisions made under Section 32(6)(a) of the Maharashtra Universities Act 1994. The term of the Committee shall be five years subject to provisions of Section 42 and 43 of the said Act.
- (ii) For the purpose of investigating unfair means resorted to by students at the examination held by the College/Institution, the Unfair Means Inquiry Committee appointed by the College/Institution shall consist of five teachers (other than the Principal/Head) to be nominated by the Principal/Head of the Institution, one of whom shall be designated as Chairperson. The members appointed on the College/Institution Examination Committee shall not be appointed as members on the Unfair Means Inquiry Committee.
- (iii) The Unfair Means Inquiry Committee will function as a recommendatory body and submit its recommendations in the form of a report to concerned competent authority, which will issue final orders with regard to the penal action to be taken against the student/s after taking into account the reported facts and findings of the case by the Committee and after ensuring whether

reasonable opportunity has been given to the concerned implicated student in his/her defence, the principle of natural justice has been followed and the recommended quantum of punishment is in accordance with the guidelines laid down in this behalf.

10. Procedure of the Committee should be as under :

- (i) The Controller of Examinations of the University/Principal of the College or Head of the Recognised Institution, or the Officer authorised by them, as the case may be, shall inform the student concerned in writing of the act of unfair means alleged to have been committed by him/her, and shall ask him/her to show cause as to why the charge/s levelled against him/her should not be held as proved and the punishment stipulated in the show cause notice be imposed.
- (ii) The student may appear before the Inquiry Committee on a day, time and place fixed for the meeting, with written reply/explanation to the show cause notice served on him/her therein. The student himself/herself only shall present his/her case before the Committee.
- (iii) The documents that are being taken into consideration or are to be relied upon for the purpose of proving charge/s against the student should be shown to him/her by the Inquiry Committee, if the student presents himself/herself before the Committee. The evidence, if any, should be recorded in the presence of delinquent.
- (iv) Reasonable opportunity, including oral hearing, shall be given to the student in his/her defence before the Committee. The reply/explanation given by the student to the show cause notice shall be considered by the Committee before making final recommendation in the case.
- (v) The Committee should follow the above procedure in the spirit of the principle of natural justice.
- (vi) After serving a show cause notice, if the implicated student fails to appear before the Inquiry Committee on the day, time and place fixed for the meeting, the student may be given one more opportunity to appear before the Committee in his/her defence. Even after offering two chances if the student concerned fails to appear before the Committee, the Committee shall take decision in his/her case in *absentia*, on the basis of the available evidence/documents, which shall be binding on the student concerned.
- (vii) The Committee shall submit its report to the concerned competent authority alongwith its recommendations regarding punishment to be inflicted or otherwise.

11. Punishment :

The Competent Authority concerned i.e. the Board of Examinations in the cases of University examination, the concerned Principal in the cases of College examination, and the Head in the cases of examination held by the Recognised Institution, after taking into consideration the report of the Committee shall pass such orders as it deems fit including granting the student benefit of doubt, issuing warning or exonerating him/her from the charges and shall impose any one or more of the following punishments on the student/s found guilty of using unfair means :

- (a) Annulment of performance of the student in full or in part in the examination he/she has appeared for.
- (b) Debarring student from appearing for any examination of the University or College or Institution for a stipulated period not exceeding five years.
- (c) Debarring student from taking admission for any course in the University or College or Institution for a stipulated period not exceeding five years.
- (d) Cancellation of the University or College or Institution Scholarship/s or award/s or prize or medal etc. awarded to him/her in that examination.
- (e) In addition to the above mentioned punishment, the competent authority may impose a fine on the student declared guilty. If the student concerned fails to pay the fine within a stipulated period, the competent authority may impose on such a student additional punishment/penalty as it may deem fit.
- (f) As far as possible the quantum of punishment should be as prescribed (category wise) in Appendix-A.
- (g) The student concerned be informed of the punishment finally imposed on him/her in writing by the competent authority or by the Officer authorised by it in this behalf, under intimation to the College/Institution he/she belongs to.

Appendix A

12. The Broad Categories of Unfair Means Resorted to by Students at the University/College/Institution Examinations and the Quantum of Punishment for each Category thereof.

S. No.	Nature of Malpractice	Quantum of Punishment
(1)	Possession of copying material	Annulment of the performance of the student at the University/College/Institution examination in full.* (Note :— This quantum of punishment shall apply also to the following categories of malpractices at Sr. No. (2) to Sr. No. (12) in addition to the punishment prescribed thereat.
(2)	Actual copying from the copying material	Exclusion of the student from University or College or Institution examination for one additional examination.
(3)	Possession of another student's answer-book.	Exclusion of the student from University or College or Institution examination for one additional examination. (BOTH THE STUDENTS)
(4)	Possession of another student's answer-books + Actual evidence of copying therefrom.	Exclusion of the student from University or College or Institution examination for two additional examinations (BOTH THE STUDENTS).
(5)	Mutual /Mass copying.	Exclusion of the student from University or College or Institution examination for two additional examinations.
(6)	(i) Smuggling-out or smuggling-in of answerbook as copying material.	Exclusion of the student from University or College or Institution examination for two additional examinations.
	(ii) Smuggling-in of written answer-book based on the question paper set at the examination.	Exclusion of the student from University or College or Institution examination for three additional examinations.
	(iii) Smuggling-in of written answer-book and forging signature of the Jr. Supervisor thereon.	Exclusion of the student from University or College or Institution examination for four additional examinations.
(7)	Attempt to forge the signature of the Jr. Supervisor on the answerbook or supplement.	Exclusion of the student from University or College or Institution examination for four additional examinations.
(8)	Interfering with or counterfeiting of University/College/Institution seal, or answerbooks or office stationery used in the examinations.	Exclusion of the student from University or College or Institution examination for four additional examinations.
(9)	Answerbook, main or supplement written outside the examination hall or any other insertion in answerbook.	Exclusion of the student from University or College or Institution examination for four additional examinations.
(10)	Insertion of currency notes/to bribe or attempting to bribe any of the person/s connected with the conduct of examinations.	Exclusion of the student from University or College or Institution examination for four additional examinations. (Note :—This money shall be credited to the Vice-Chancellor's Fund)
(11)	Using obscene language/violence threat at the examination centre by a student at the University/College/Institution examination to Jr./Sr. Supervisors/Chief Conductor or Examiners.	Exclusion of the student from University or College or Institution examination for four additional examinations.
(12)	(a) Impersonation at the University/College/Institution examination.	Exclusion of the student from University or College or Institution examination for five additional examinations. (both the students if impersonator is University or College or Institute student).
	(b) Impersonation by a University/College/Institute student at S.S.C./H.S.C. any other examinations.	Exclusion of the impersonator from University or College or Institution examination for five additional examinations.

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|------|---|---|
| (13) | Revealing identity in any form in the answer written or in any other part of the answerbook by the student at the University or College or Institution examination. | Annulment of the performance of the Student at the University or College or Institution examination in full. |
| (14) | Found having written on palms or on the body, or on the clothes while in the examination. | Annulment of the performance of the student at the University or College or Institution examination in full. |
| (15) | All other malpractices not covered in the aforesaid categories. | Annulment of the performance of the student at the University or College or Institution examination in full, and severe punishment depending upon the gravity of the offence. |

16. If on previous occasion a disciplinary action was taken against a student for malpractice used at examination and he/she is caught again for malpractices used at the examinations, in this event he/she shall be dealt with severely. Enhanced punishment can be imposed on such students. This enhanced punishment may extend to double the punishment provided for the offence, when committed at the second or subsequent examination.

17. **Practical/Dissertation/Project report Examination.**

Student involved in malpractices at Practical/Dissertation/Project report examinations shall be dealt with as per the punishment provided for the theory examination.

18. The Competent Authority, in addition to the above mentioned punishments, may impose a fine on the student declared guilty.

*(Note : The term "Annulment of Performance in full" includes performance of the student at the theory as well as Annual Practical examination, but does not include performance at term work, project work with its term work, oral or practical and dissertation examinations unless malpractice used threat).

13. **Malpractices used or Lapses Committed by any Paper-Setters, Examiners, Moderators, Referees, Teachers or any other persons connected with the Conduct of Examination.**

(I) **Competent Authority :**

- (a) The Board of Examinations shall be the competent authority to take appropriate disciplinary action against the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations committing lapses or using, attempting to use, aiding, abetting, instigating or allowing to use malpractice/s at the examinations conducted by the University.
- (b) The Management (includes the Trustees, Managing Body or Governing Body) of the constituent affiliated/conducted college or Recognised Institution shall be the competent authority to take appropriate disciplinary action against the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations committing lapses or using, attempting to use, aiding, abetting, instigating or allowing to use malpractice/s at the examination conducted by the constituent affiliated/conducted colleges' or Recognised Institution on behalf of the University.

(II) **Definition—Unless the Context Otherwise Requires :**

- (a) "Paper-setter, examiner, moderator, referee and teacher" means and includes person/s duly appointed as such for the examination by the competent authority and the term "any other person connected with the conduct of examination" means and includes person/s appointed on examination duty by the competent authority.
- (b) Malpractice/lapses includes one or more of the following acts or omissions on the part of the person/s included in (a) relating to the examination :—
 - (i) Leakage of question/s or question paper set at the University/College/Institution examination before the time of examination.
 - (ii) Examiner/Moderator intentionally awarding marks to student in assessment of answerbooks, dissertation or project work to which the student is not entitled or not assigning marks to the student to which the student is entitled.

- (iii) Paper-setter omitting questions, Sr. no. of question, repeating question or setting question outside the scope of syllabus.
- (iv) Examiner/referee showing negligence in detecting malpractice used by student/s.
- (v) Jr. Supervisor, Sr. Supervisor, Chief Conductor showing negligence/apathy in carrying out duties or aiding/abetting/allowing/instigating students to use malpractice/s.
- (vi) Or any other similar act/s and or omission/s which may be considered as malpractices or lapses by the competent authority.

- (c) "Malpractice or lapse relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act of unfair means, fraud or undue influence with a view to obtaining wrongful gain to him/her or to any other person or causing wrongful loss to other person/s or omitting to do what he/she is bound to do as duties.
- (d) 'College', means conducted, constituent or affiliated college or recognised institution of a University.

(III) Investigating Committee :

- (i) The Committee appointed by the Board of Examinations under the provisions of Section 32(6)(a), 42 and 43 of the Maharashtra Universities Act 1994, to investigate unfair means resorted to by student/s at the University examinations shall also investigate the cases of malpractices used and/or lapses committed by the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations at the University examinations.
- (ii) Similarly, a Committee appointed by the College or Institution to investigate unfair means resorted to by student at the concerned examinations shall also investigate malpractices/lapses on the part of paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations conducted by the affiliated/conducted College or institution on behalf of the University.

(IV) Procedure for Investigation :

- (i) The cases of alleged use of unfair means or lapses committed by the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations, reported to the University/College/Institution shall be scrutinized by the concerned Officer/Incharge of the Sub-Section/Unit to which the case is primarily pertained at the Examination Section of the University/College/Institution, collect preliminary information to find out whether there is prima-facie case so as to fix up primary responsibility for framing a charge-sheet and then shall submit the said case with his primary report to the concerned competent authority. If the competent authority is satisfied that there is a prima-facie case, it shall place the same before the Unfair Means Inquiry Committee for further investigation. The concerned Officer of the Sub-Section/Unit through which, the case has originated or the case is pertaining to, shall be the Presenting Officer of the case before the Inquiry Committee, Police Authorities and Court of Justice and shall deal with the case till it is finally disposed of.
- (ii) The Competent Authority of the Officer authorised by it in this behalf, shall inform the implicated person (paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination) in writing of the act of malpractices used and or lapses or committed by him/her at the examination and shall ask him/her to show cause as to why the charge/s levelled against him/her should not be held as proved and the punishment stipulated in the Show Cause Notice be imposed.
- (iii) The concerned person be asked to appear before the Inquiry Committee on a day, time and place fixed for meeting, with written reply/explanation to the show cause notice served on him/her and charge levelled against him/her therein. The concerned person himself/herself only shall present his/her case before the Committee.
- (iv) The documents that are being taken into consideration or to be relied upon for the purpose of proving charge/s against the concerned person shall be shown to him/her by the Inquiry Committee if he/she presents himself/herself before the committee. The evidence, if any, should be recorded in presence of the delinquent.
- (v) Reasonable opportunity, including oral hearing, shall be given to the concerned person in his/her defence before the Committee. The reply/explanation given to the show cause notice shall also be considered by the Committee before making final report/recommendation.
- (vi) The Committee should follow the above procedure in the spirit of principle of natural justice.

- (vii) If the concerned person fails to appear before the committee on the day, time and place fixed for the meeting, he/she be given one more opportunity to appear before the committee in his/her defence. Even after offering two chances, if the concerned person fails to appear before the committee, the committee shall take decision in his/her case in his/her absentia on the basis of whatever evidences/documents which are available before it and same shall be binding on the concerned implicated person.
- (viii) The committee shall submit its report to the concerned competent authority alongwith its recommendations regarding punishment to be inflicted on the concerned person or otherwise.

(V) Punishment :

The competent authority, after taking into consideration the report of the committee, shall pass such orders as it deems fit including granting the implicated person benefit of doubt, issuing warning or exonerating him/her from the charge/s and shall impose any one or more of the following punishments on the implicated person found guilty of using malpractice/s or committing lapses at the examination :—

- (i) Declaring disqualified the concerned paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination, from any examination work either permanently or for a specified period.
- (ii) Imposing fine. If the concerned person fails to pay the fine within a stipulated period, the Competent Authority may impose on such a person additional punishment/penalty as it may deem fit.
- (iii) Referring his/her case to the concerned disciplinary authorities for taking such disciplinary action as deemed fit as per the rules governing his/her service conditions.
- (iv) The competent authority or the Officer authorised in this behalf, shall inform the concerned person of the decision taken in his/her case and the punishments imposed on him/her.
- (v) An appeal made within 30 days of imposition of the punishment, other than the punishment referred to in clause No. (iii) above, shall lie with the Board of Examinations if the case is pertaining to the University examination or with the Management of the College or Institution, if the case pertaining to the college/institutions examination and their decision in the appeal shall be final and binding.
- (vi) The Competent Authority shall supply a typed copy of the relevant extract of fact-finding report of the Inquiry Committee, as well as the documents relied upon (if not strictly confidential), pertaining to his/her case to the appellant/petitioner, if applied for in writing.
- (vii) The court matters in respective cases of malpractices/lapses should be dealt with by the respective competent authority.
- (viii) As far as possible the quantum of punishment should be prescribed category-wise as hereunder :—

14. Action for Malpractices and lapses on the part of the Paper-Setter, Examiner, Moderator, Referee, Teacher or any another person connected with the Conduct of University/College/Institution Examination/s.

Appendix B

S. No.	Nature of Malpractices/Lapses	Punishment
(1)	Paper-setter found responsible for leakage of the question set in the University/College/Institution examination/s whether intentionally or due to the negligence before the time of examination.	Disqualification from any examination work + disciplinary action by concerned authorities as per the rules applicable.
(2)	Leakage of question/question paper set in the University/College/Institution examination before the time of examination at the University/College/Institution, or examination centre by any person/s connected with the conduct of the examination.	Disciplinary action against the guilty/responsible person/s as per the prevailing rules/standard code by the concerned authorities.
(3)	Favouring a student (examinee) by examiner, moderator, referee in assessment of answerbooks/dissertaion/Project Report/Thesis by assigning the student marks to which the student is not entitled, at the University/College/Institution examination.	Disqualification from any examination work + disciplinary action by the concerned authorities.

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|---|--|
| (4) Examiner/Moderator/referee intentionally/negligently not assigning the student in assessment of his/her answer-books/dissertation/project work, the marks to which the student is entitled to at the University/College/Institution examinations. | Disqualification from any examination work + disciplinary action by the concerned authorities. |
| (5) Paper-setter omitting question at the time of finalisation of question paper set at examination of repeating Sr. No. of question while writing. | Disqualification from any examination work for a period of three years. |
| (6) Paper-setter setting questions outside the scope of the syllabus. | Disqualification from any examination work for a period of three years. |
| (7) While assessing answerbook examiner showing negligence in detecting malpractices used by the student/s. | As decided by the authorities of the University/College/Institution. |
| (8) Guiding Teacher showing negligence in supervision of dissertation/project work (e.g. use of manipulated data by a student) | As decided by the authorities of the University/College/Institution. |
| (9) Sr. Supervisor/Chief Conductor showing apathy in carrying out duties related to examination (e.g. not taking rounds to the examination hall at Examination Centre during examination period or opening the packet of question paper before prescribed time) | As decided by the authorities of the University/College/Institution. |
| (10) Jr. Supervisor helping student in copying answers while in the examination or showing negligence in reporting cases of copying answers by students when on supervision duty. | Disqualification from any examination work upto a period of three years + disciplinary action by the concerned authorities as per the rule if he/she is a University/College/Institution employee. |
| (11) Jr. Supervisor helping student (examinee) in mass-copying while on examination duty. | Permanent disqualification from any examination work + disciplinary action by the concerned authorities as per the rule if he/she is a University/College/Institution employee. |
| (12) The competent authority, in addition to the above mentioned punishment, may impose a fine on the concerned person if declared guilty. | |
| (13) The competent authority may report the case of the concerned implicated person to the appropriate Police Authorities as per the provision of the Maharashtra Act No. XXXI of 1982. | |
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UNIVERSITY OF MUMBAI**Statement of candidate who is alleged to have used Unfair-Means at the University Examination**

Name in Full :

Address :

Examination :

Paper No. & Subject :

Seat No. :

To,

The Controller of Examinations,
University of Mumbai,
M. J. Phule Bhavan,
Vidyanagari,
Santacruz (East),
Mumbai—400 098.

Sir,

I appeared at the above examination held on _____ at the

College

(Centre) in the Morning/Evening session.

I give below my statement as follows :—

Place :

Date :

Time :

Signature of the Candidate

FORM OF UNDERTAKING

Full Name of the Candidate : _____

Permanent/Local Address : _____

To,

The Controller of Examinations,
University of Mumbai,
M. J. Phule Bhavan,
Vidyanagari,
Santacruz (East),
Mumbai—400 098.

Sir,

I, the undersigned, student of _____ College/Institution

appearing for _____ Examination at the

_____ College (Centre) do hereby state, on solemn affirmation as under :—

I understand that I am involved in respect of an alleged use of Unfair Means in the Examination Hall and therefore, a case against me is being reported to the University.

That inspite of the registration of a case of Unfair Means against me I request the University authorities to allow me to appear in the present paper and the papers to be set subsequently and/or at the University Examination to be held hereafter.

In case my request is granted, I do hereby agree that my appearance in the examination will be provisional and subject to the decision of the University authorities in the matter of disposal of the case of alleged use of Unfair Means referred to above.

I also hereby agree that in the event of myself being found guilty at the time of investigation the said case, my performance at the examination to which I have been permitted to apply provisionally, consequent upon my special request, is liable to be treated as *null and void*.

I witness whereof I set my hand to this undertaking.

Signature of the Candidate

Before me

Date : _____

Chief Coductor of the Centre,
and Rubber Stamp of the College/Institution/University.

Date : _____

UNIVERSITY OF MUMBAI

Report of the Jr. Supervisor/Sr. Supervisor/Chief Conductor

Block No. :

Examination :

Subject :

Date :

To,

The Controller of Examinations,
University of Mumbai,
M. J. Phule Bhavan,
Vidyanagari,
Santacruz (East),
Mumbai—400 098.

Sir,

I, the undersigned Jr. Supervisor appointed on the above-mentioned Block at the _____
examination held at _____ college (centre), am hereby making report against Candidate No. _____
Shri /Kum. _____ at the examinations,
as follows :—

Yours faithfully,

(Jr. Supervisor)

Date :

Time :

Name and Address of the Junior Supervisor

On the basis of the report made by the Jr. Supervisor, I am of the opinion that there is a *prima facie*
case of Unfair Means resorted to by the aforesaid Candidate No. _____ and therefore the case
be forwarded to the University for investigation.

Signature of Sr. Supervisor

Name :

Date :

Forwarded to the Controller of Examinations, University of University of Mumbai, M. J. Phule Bhavan,
Examination Section, Vidyanagari, Santacruz (East), Mumbai—400 098 for necessary action.

Seal of the College/Institute/University (centre)

Place : _____

Date : _____

Encl. : _____

Signature of Chief Conductor

(N.B. : Kindly enclose a copy of the relevant question paper)

PROFORMA 'A'

To,
The Inspector/Sub-Inspector,

_____ Police Station,

Sub : Complaint against the student for the alleged use of Unfair Means at the _____
_____ examination held in the _____

Sir,

On behalf of the University of _____, the _____

Examination held in the First Half/Second Half of 20 _____ is conducted in the premises of the _____

_____ College/Institute/University, I have been authorised by the University of _____

_____ vide letter No. _____ dated _____

addressed to the Principal by _____, to take action under the provisions of
Maharashtra Act. XXXI of 1982 an Act to provide for preventing malpractices at University, Board and other
specified examination.

I furnish herewith the details of the following student/s who has/have used Unfair Means at the _____
_____ examination.

1. Name of the Student :
2. Examination Seat No. :
3. Name of the College through
which he/she appeared for the
examination. :
4. Name of the Subject, :
Date and Time :
5. Name of the Jr. Supervisor :
6. Name of the Sr. Supervisor :
who detected the case
7. Material found with the :
Candidate
8. Other Information if any in :
connection with the case

According to Section '7' of the Maharashtra Act XXXI of 1982—An Act to provide preventing malpractices
at University/Board and other specified examinations, Shri/Kumari/Smt. _____
has committed the offence at _____ examination and therefore I lodge a
complaint against him/her with the Police Station (_____).
Name of the Police Station

Yours faithfully,

Place : _____

Chief Conductor

Date : _____

Name of the Centre _____

PROFORMA 'B'

Proforma for submission of the Information regarding prosecution of Candidates appeared at the Centre

Centre No.	Examination	Name and Seat No. of the Candidate prosecuted	Date of Prosecution	Report of which the candidate was found malpractising and nature of malpractice in brief	Name of the Person who detected the malpractice	Signature of the Jr. Supervisor	Signature of the Sr. Supervisor	Signature of the Chief Conductor	Remarks
1	2	3	4	5	6	7	8	9	10