



## **The Madhya Pradesh Recognized Examinations Act, 1937**

Act 10 of 1937

**Keyword(s):**

**Criminal Intimidation, Recognized Examination, Unfair Means, Prevention of Leakage of Questions**

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# THE MADHYA PRADESH RECOGNIZED EXAMINATIONS ACT, 1937

(No. 10 of 1937)

(Published in the "Central Provinces Gazette," dated the 12th February, 1937)

[An Act to provide for the prevention of leakage of question set for recognised examinations and to provide for penal action for adoption of unfair means at such examinations and for matters connected therewith.]<sup>2</sup>

*Preamble.*—[Whereas it is expedient to make provision for the prevention of the leakage of question set for recognised examinations and for penal action for adoption of unfair means at such examinations and for certain matters connected therewith;]<sup>3</sup>

And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act ;

It is hereby enacted as follows :—

1. (1) This Act may be called the [Madhya Pradesh]<sup>4</sup> Recognized Examinations Act, 1937.

Short title, extent and commencement.

[ (2) It extends to and shall be in force in the whole of Madhya Pradesh.]<sup>5</sup>

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

Definitions.

(a) "criminal intimidation" shall have the meaning assigned to it in section 503 of Indian Penal Code, 1860 (No. 45 of 1860) and the expression "Criminally intimidate" shall be construed accordingly ;

(b) "recognised examination" means any of the examinations enumerated in the Schedule and includes an examination held under the authority of any Government or by any body constituted under any enactment ;

(c) "unfair means" in relation to any recognised examination, means taking or giving or attempting to take or give any help other than one permissible, if any, under the rules applicable thereto from any material, written, recorded or printed or from any person in any from whatsoever.]<sup>6</sup>

1. For Statement of Objects and Reasons and Report of Select Committee, see Central Province Gazette, dated the 17th July 1936 and 25th September, 1936. Part II, Pages 253-254 and Page 454, respectively. For discussion, see Central Provinces Legislative Council Proceedings, dated the 6th August, 1936 and 6th November, 1936, 723 of Vol. XII of 1936 and page 45 of Vol. XIII of 1936, respectively,

2. Subs. by M. P. Act 7 of 1984, S. 2.

3. Subs. by S. 2, ibid.

4. Subs. by M. P. Act 23 of 1958, S. 3(4) for "Central Provinces and Berar"

5. Subs. by M. P. Act 23 of 1958, S. 3. (3). Sch. Part A, item 39, of sub sections (2) and (3).

6. Subs. by M. P. Act 7 of 1934, S. 4.

Restriction on copies of question paper and offer of information.

3. No person, who is not lawfully authorized or permitted by virtue of his duties so to do, shall, before the time fixed for the distribution of copies of a question paper to examinees at a recognized examination,—

- (i) procure, attempt to procure or possess, such question paper or a portion of such paper or a copy thereof; or
- (ii) impart, or offer to impart, information which, he knows or has reason to believe, relates to or is derived from such question paper.

Prevention of leakage by persons entrusted with examination work.

[3-A. No person who is entrusted with any work pertaining to a recognized examination shall, save where he is permitted by virtue of his duties so to do, directly or indirectly divulge or cause it to be divulged or known to other person any information or part thereof of which he has come in possession by virtue of the work being so entrusted to him.

Restriction on fake papers

3-B. No person shall procure, possess, distribute or otherwise publicise or cause to be publicised any question paper as being the one or purporting to be the one that is to occur or to be given at an ensuing recognised examination.

Prohibition of loitering etc, near examination centre.

3-C. No person save where he is permitted by virtue of his duties so to do or where he is authorised by an officer not below the rank of a Centre Superintendent, shall, during the hours when a recognised examination is conducted at any examination centre and two hours preceding the commencement of such examination on any date or dates on which such examination is conducted, commit any of the following acts within the premises of the examination centre or any public or private place within a distance of one hundred yards of the examination centre :—

- (a) loiter ;
- (b) distribute or cause to be distributed or otherwise publicise or cause to be publicised any paper or any other matter relating to the examination ;
- (c) indulge in such other activity as is likely to be prejudicial to the conduct of examination or is likely to affect the secrecy thereof :

Provided that nothing contained in this section shall apply in respect of bona-fide activities of examinees appearing at the examination which is conducted at such examination centre.]<sup>1</sup>

Prohibition of use of unfair means at recognised examinations etc.

[3-D. (1) No person shall adopt or take recourse to unfair means at any recognised examination.

(2) No person shall aid, abet or conspire in the use of unfair means at any recognised examination.

1. Ins. by M. P. Act 20 of 1966, S. 2.

3-E. Whoever being an examinee, within the premises of an examination centre, by words or by gesture or by use of any weapon or an object which if used as a weapon of attack is likely to cause injury to any human being, criminally intimidates an officer in charge of an examination centre, by whatever name called, or any invigilator or any member of staff assisting such officer-in-charge in the conduct of, any recognised examination or whoever in the like manner criminally intimidates any person otherwise concerned with the conduct of examination as paper setter or in any other capacity whatsoever shall be guilty of an offence of criminal intimidation in relation to recognised examination.]<sup>1</sup>

Criminal intimidation in relation to recognised examination.

[4. Whoever contravenes the provisions of section 3-A, section 3-B, section 3-C, section 3-D, or commits an offence of criminal intimidation under section 3-E, shall be punished with imprisonment of either description which may extend to three years or with fine which may extend to five thousand rupees or with both.]<sup>2</sup>

Penalty.

[5. Conviction under section 4 shall signify an act of moral turpitude shall disqualify the person convicted from seeking any employment or service in either case in connection with the affairs of the State.

Conviction to be act of moral turpitude disqualifying for service or employment under State.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), the offence under this Act shall be tried in a summary way by any judicial magistrate of the first class specially empowered in this behalf by the State Government and the provision of section 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 a case of conviction for any offence in a summary trial under this section it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term for which such offence is punishable under the relevant section.]<sup>3</sup>

7. The State Government may, by notification add to, or exclude from, the Schedule any examination.

Power to amend Schedule.

1. Ins. M. P. Act 7 of 1984, S. 5

2. Sub. S. 6, *ibid*:

3. Ins. M. P. Act 7 of 1984, S. 7.