

THE [KHYBER PAKHTUNKHWA] CONDUCT OF EXAMINATIONS
(ERADICATION OF MALPRACTICES) ACT, 1995.

?IKHYBER PAKHTUNKHWA| ACT NO. V OF 1995.

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'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

Preamble.

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(ERADICATION OF MALPRACTICES) ACT, 1995.
[KHYBER PAKHTUNKHWA] ACT NO. V OF 1995.

[First published after having received the assent of the Governor of the
3 [Khyber Pakhtunkhwa] in the Gazette of “(Khyber Pakhtunkhwa]
(Extraordinary), dated the 3rd January, 1996]

AN
ACT

to provide for eradication of malpractices in examination to be conducted by
Universities and Boards in the [Khyber Pakhtunkhwa].

WHEREAS it is expedient to provide for the eradication of malpractices in
examinations to be conducted by Universities and Boards in the [Khyber
Pakhtunkhwa];

It is hereby enacted as follows—

1. (1) This Act may be called the 7 [Khyber Pakhtunkhwa] Conduct of
Examinations (Eradication of Malpractices) Act, 1995.

(2) It shall come into force at once.

(3) It shall extend to whole of the * [Province of the Khyber
Pakhtunkhwa].

2. In this Act, unless there is anything repugnant in the subject or context,-

(a) “abettment” shall have the same meaning as assigned to it in the
Pakistan Penal Code, 1860;

(b) “answer book” means the document containing the answer or answers
as given by a candidate during an examination to the question or
questions contained in the question paper meant for the said
examination and includes a part of an answer book;

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

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“Board” means a Board of Intermediate and Secondary Education or a Board of Technical Education, as the case may be, established by law in the Province of the [Khyber Pakhtunkhwa];

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

“employee” means any person employed by the University or a Board, permanently or temporarily either gratis or for remuneration, whether associated or not with the conduct of an examination;

“examination” means an examination held by a University or a Board for the purpose of examining candidates for the grant of certificates, diplomas or degrees, as the case may be;

“examiner” means a person appointed by a University or a Board for the purpose of examining and assessing the answer books of a candidate or his ability through a written or oral examination and awards of marks therefore and includes a person appointed to check the standard of marking of such examiner;

“premature disclosure of a question or question paper” means a disclosure of a question or any of the questions contained in a question paper before the time at which the question or the question paper containing the questions has to be communicated to a candidate in accordance with the procedure prescribed by a University or a Board;

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

“University” means a University established by law in the Province of the *[Khyber Pakhtunkhwa].

3. Whoever is guilty of—

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

replacement of an answer book or any portion thereof; or

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Punishment
for
malpractices.

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awarding with dishonest motive marks more or less than the marks deserved by a candidate, or recording in any document with dishonest motive marks more or less than marks awarded to a candidate; or

supplying to a candidate, during his examination, answer to a question contained in the question paper or a question put or to be put at an oral examination; or

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

divulging or procuring information pertaining to the examination papers, answer books, examiners, conduct of examinations, fictitious roll numbers, examination results or any information incidental thereto; or

falsification of official examination results by any means including substitution of answer books, mutilation, alteration or falsification of record maintained by a Board or a University; or

impeding the progress of examination at an examination centre by any means whatsoever, or assaulting or threatening, with a view to gaining any advantage in the examination, any person in charge of an examination centre or any other person employed in connection with an examination; or

impersonating actual candidate or allowing other person to appear in place of a candidate; or

appointing supervisor/secrecy staff for carrying out examination duty

in contravention of standing rules/instructions; or

issuing of the Roll No. slip without specifically indicating the centre
of the examination; or

attempting or abetting the commission of any of the aforesaid acts;

shall be punished with imprisonment for a term which may extend to five years or
with fine which may extend to five hundred thousand rupees or with both:

Provided that if the accused is a candidate the punishment shall not exceed
imprisonment for a term of two years, or a fine of two hundred thousand rupees, or

both.

4. The Registrar of the University concerned, or, as the case may be, the Chairman of the Board concerned, and the Secretary to Government of the [Khyber Pakhtunkhwa], Education Department or their nominees, not below the rank of a BPS-18 and above officer shall, on a complaint or suo-moto, initiate criminal proceedings against the offenders committing an offence under this Act.

5. No employee of a University or a Board shall give evidence of any fact relating to unpublished record or produce any document pertaining to the affairs of a University or a Board, except with the previous written permission of the Registrar of the University or the Chairman of the Board concerned, as the case may be, who may give or with-hold such permission in his discretion.

6. No employee of a University or a Board shall give evidence in any Court of law regarding communications made to him in the course of his employment or of information in his possession which comes to his knowledge by reason of employment by a University or a Board, except with the previous written permission of the Registrar of the University concerned, or, as the case may be, Chairman of the Board concerned.

7. The Khyber Pakhtunkhwa Conduct of Examination (Eradication of Malpractices) Ordinance, 1995 (Khyber Pakhtunkhwa Ordinance No. V of 1995) is hereby repealed.

BY ORDER OF THE SPEAKER,
PROVINCIAL ASSEMBLY OF *[KHYBER
PAKHTUNKHWA]

'Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.
? Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

Complaint
of offences.

Unpublished
records to be
privileged
documents.

Non-disclosure
of information
to courts
without
permission.

Repeal.