

**10.1 GENERAL**

- (i) If a candidate is found to have made a wrong statement in his/her application for admission to the examination or has attempted to secure or has secured admission to the examination of the Board by making a false statement or by fraud or by production of a false document or otherwise, he/she shall be deemed to have used unfair means and his/her result shall not be declared.
- (ii) In case where such a candidate has not yet appeared at the examination, his/her form of application shall be rejected and fee paid forfeited. If he/she has completed his/her examination, his/her form of application shall be rejected, fee paid forfeited and his/her examination shall be cancelled.
- (iii) If at any stage a candidate has tampered with any entry in the certificate or statement of marks or migration certificate or any other document that has been issued to him/her by the Board, he/she shall be deemed to have used unfair means. The Board may cancel the document in question and may even cancel his/her result, if it deems so necessary.
- (iv) In the answer book, a candidate is not permitted to write his/her identity to the examiner. A candidate infringing this rule shall be deemed to have used unfair means and his/her result shall not be declared and in addition he/she shall be liable to be punished under the rules.
- (v) If during the course of examination, a candidate is found indulging in any of the following, he/she shall be deemed to have used unfair means at the examinations and as such his/ her result shall not be declared but shall be marked as UNFAIRMEANS (U.F.M.):
- (a) *Having in possession any item or article which has been prohibited in examination centre or may be used for unfair practices including any stationery item, communication device, accessories, eatable items, ornaments or any other material or information relevant or not relevant to the examination in the paper concerned;*
  - (b) *Paying/Placing someone else to write examination (impersonation) on candidate's behalf or preparing material for copying;*
  - (c) *Breaching examination rules or any direction issued by CBSE from time to time, in connection with the conduct of EXAMINATIONS;*
  - (d) *Assisting other candidate to engage in malpractice, giving or receiving assistance directly or indirectly of any kind or attempting to do so;*
  - (e) Writing questions or answers on any material other than the answer book given by the Centre Superintendent for writing answers;
  - (f) Tearing of any page of the answer book or supplementary answer book etc.;
  - (g) Contacting or communicating or trying to do so with any person, other than the Examination Staff, during the examination time in the examination centre;
  - (h) Communicating with another candidate or the Assistant Superintendent directly or indirectly.
  - (i) Taking away the answer book out of the examination hall/room/centre;
  - (j) Smuggling out Question Paper or its part or smuggling out answer books/ supplementary answer sheet or part thereof;
  - (k) Threatening any of the officials connected with the conduct of the examinations or threatening any of the candidates;
  - (l) *Using or attempting to use any other undesirable method or means in*

- connection with the examination;
- (m) Forceful entry/exit in/from Examination Centre/Hall;
  - (n) Use or attempted use of any electronic device after entering the examination centre;
  - (o) Uploading/sharing any examination related material, correct or wrong, on social media.
  - (p) Affixing/uploading of fabricated photograph on the admit card;
  - (q) Erasing or obliterating any information printed on the ANSWER BOOK(S);
  - (r) Providing wrong information on the answer sheet;
  - (s) Having in possession Question papers of previous years;
  - (t) If a candidate approaches any Authority(ies)/person(s) related to the conduct of exams soliciting unauthorised privilege(s) in these Examinations.
  - (u) taking legal course or any other means to influence CBSE for gaining advantage in their favour, by providing false information
- (vi) A candidate found guilty of any of the unfair means mentioned at (v) above —
- (a) may be disqualified by the Board from the examination in that year (i.e. his/her examination for that year may be cancelled);
  - (b) may further be debarred by the Board from appearing at any examination of the Board for a period which may extend upto five years; and
  - (c) in serious cases, may permanently be debarred by the Board from taking any examination of the Board.

## 10.2 IDENTIFICATION AND REPORTING OF UNFAIR MEANS CASES

- i. As soon as it comes or is brought to the notice of the Centre Superintendent that a candidate, during the course of examination, has been found using or attempting to use unfair means, he/she shall take possession of the answer book of the candidate alongwith the paper(s) or other material(s) found with him/her, if any, and provide the candidate with a second answer book immediately. THE CANDIDATE IS NEITHER TO BE EXPELLED FROM THE EXAMINATION CENTRE IN THAT PAPER NOR IN THE REMAINING PAPERS OF THAT EXAMINATION. The Centre Superintendent shall record on the first answer book, the time when it was taken away from the candidate and on the second answer book the time of its issue. While issuing the second answer book, the candidate shall be asked by the Centre Superintendent to submit his/her explanation in regard to the allegation against him/her. If the candidate refuses to give an explanatory statement, the fact of refusal should be recorded by two Assistant Superintendents and attested by the Centre Superintendent on duty at the time of the occurrence. The Centre Superintendent shall call for the statement(s) of the Assistant Superintendent(s) concerned. He will forward to the Regional Officer concerned of the Board, in a separate envelope provided for the purpose, duly sealed, the two answer books used by the candidate alongwith the explanation of the candidate or the attested statement of refusal, the statement(s) of the Assistant Superintendent(s) and his/her own note on the case for further action by the Board.
- ii. The candidates who are booked under Unfair Means cases in any of the subject(s) and issued another answer sheet in that subject be advised by the Centre Superintendent not to repeat the answers to the questions which have already been answered on the first answer sheet.
- iii. The statement of the Assistant Superintendent/Centre Superintendent/Observer/ Representative of the Board who detects unfair means material in the possession of a candidate shall cover:
  - ❖ Name of candidate and roll number
  - ❖ Date of exams
  - ❖ Subject of exams

- ❖ Time when the material was detected
- ❖ Nature of material/unfair means detected
- ❖ How it was detected
- ❖ Signature of the person who detected unfair means material
- ❖ Counter signature of the Centre Superintendent on each paper

In respect of the cases detected by the outside Inspector/Observers appointed by the CBSE, the Centre Superintendent should forward the same with his/her report to the CBSE after giving an opportunity to the candidate concerned to explain his/her conduct.

- iv. All cases of unfair means must also be reported to local police for taking appropriate action under the laws of the land. The complaint/report should be sent to the local police in the prescribed format.
- v. In case a candidate has smuggled out the Answer Sheet, the Centre Superintendent should call for the student directly or through any source and try to procure the Answer Sheet. If the efforts fail, the matter should be reported to the police and a copy of the FIR be sent to the office of the Board alongwith the statement of the Assistant Superintendents present in the room and also of the candidate. The statement of the Peon/Police constable etc., if any, should also be forwarded.  
The statement should contain:
  - Time of incident.
  - Details of the case as to how the candidate took away the Answer Sheet,
  - Efforts made to recover the Answer Sheet alongwith the Question Paper.
- vi. In case of impersonation, the Centre Superintendent should send to the Board's office, the statement of the person found to be impersonating, the Assistant Superintendents and that of the real candidate, if possible. The Centre Superintendent shall also report the matter to the Police.
- viii. In case of misconduct of a serious nature, the matter should be reported to the Police, if necessary. Statement(s) of the Assistant Superintendent(s) and that of the Peon/policemen concerned may be obtained and sent to the office of the Board for further action.
- x. If any Examiner notices any case of copying of answer(s) either among two or more candidates or from any other source, he/she should mark the relevant portion(s) of the answer(s) and send the case immediately, alongwith his/her report on the same, to his/her Head Examiner. The Head Examiner will scrutinize the case and forward it along with his/her own remarks, in a sealed cover, to the Controller of Examinations of the Board for necessary action by the Board. If such a case comes to the notice of the Head Examiner himself/herself, he/she should also mark the relevant portion(s) in the answer(s) and forward the same immediately, alongwith his/her remarks in a sealed cover to the Controller of Examinations of the Board for further action.

### 10.3 IMPOSITION OF PENALTIES

- (i) The results of all candidates who have been reported to have used unfair means in an examination, by an Assistant Superintendent, Deputy Superintendent, Centre Superintendent, Members of Mobile inspecting parties, Surprise Inspectors, Observers or Examiners/Head Examiners, shall be declared as 'UNFAIRMEANS (U.F.M.)'.
- (ii) All cases of 'Unfair Means (U.F.M.)' shall be decided within a reasonable time after the declaration of the result.
- (iii) All CASES OF UNFAIRMEANS shall be reported to the Result Committee and the result of such candidates shall be disposed of in a manner and as recommended by the Result Committee of the Board.

- (iv) Before any penalty is imposed under any of the provisions of these Bye Laws on a candidate reported to have used unfair means, he/she shall be given an opportunity for explaining his/her conduct. He/she will be required to appear personally before the Result Committee to explain his/ her conduct for consideration of the Result Committee. In case he/she does not avail himself/ herself of the opportunity by the given date, ex-parte decision taken by the Result Committee shall be final.
- (v) If the Board is satisfied that the use of the Unfair means in a paper or papers has been widespread at a centre, the Board has the right to cancel the result of all candidates of that centre in the paper or papers concerned or even the entire examination at that centre, if several papers are involved.
- (vi) The names of candidates who are punished under any of the above rules shall be communicated to the Universities, Boards and other Organisations which conduct Secondary School, Senior Secondary School Certificate Examination, Intermediate or equivalent examinations and to the various State Governments as well as to the different Public Service Commissions in the country.

#### 10.4 GUIDELINES TO DEAL WITH THE UNFAIR MEANS CASES

##### **Main Examinations which are held in Feb/March/April.**

The following Guidelines are to be implemented for dealing with the Unfair means cases pertaining to ensuing Senior School Certificate (Class-XII) and Secondary School (Class-X) Examinations.

##### **CATEGORY 1**

- a) Having Question papers of previous years **OR** writing questions or answers on any material other than the answer book given by the Centre Superintendent for writing answers **OR** tearing of any page of the answer book or supplementary answer book etc. **OR** contacting or communicating or trying to do so with any person, other than the Examination Staff, during the examination time in the examination centre. The Centre Superintendent's report testifies it.
- b) The candidate had copying material (hard copy or soft copy including electronic devices) in his/her possession but did not use it. The Head Examiner/Additional Head Examiner or Examiner's report testifies it;
- c) ***Breaching examination rules or any direction issued by CBSE from time to time, in connection with the conduct of EXAMINATIONS***

##### **PENALTY**

Candidate's current examination in the subject in which he/she has been found in possession of unfair means materials shall be cancelled and be allowed to take the examination in that subject in the Compartment examination to be held in the same year in the month of July, if he/she is otherwise eligible. The benefit of doubt shall be given to such candidate against whom no evidence is available to testify to the foul intents on their part.

##### **CATEGORY 2**

- a) ***affixing/uploading of fabricated photograph on the admit card OR erasing or obliterating any information printed on the ANSWER BOOK(S) OR providing wrong information on the answer sheet*** **OR** had copying material in his/her possession (book/note-book or any stationery item or communication devices) **OR** a candidate reported to have communicated with another candidate or the Assistant Superintendent directly or indirectly **OR** ***Assisting other candidate to engage in malpractice, giving or receiving assistance directly or indirectly of any kind or attempting to do so.*** Allegation admitted/denied by the candidate. Strong evidence of allegation available. The Centre Superintendent's report testifies the Unfair Means used.

- b) The candidate had copying material in his/her possession (book/note-book or any stationery item or communication devices). He/She also used the same in answering one or more question(s). The Head Examiner/Additional Head Examiner or Examiner's report testifies it. The candidate admits/denies having used the copying material found in his/her possession

**PENALTY**

Current Examination shall be treated as cancelled. He/She shall have to take the examination in full subjects in the next year

**CATEGORY 3**

Taking away the answer book out of the examination hall/room/centre **OR** smuggling out Question Paper or its part or smuggling out answer books/ supplementary answer sheet or part thereof **OR use or attempted use of any electronic device after entering the examination centre** **OR** uses abusive language/threatens the staff on duty/indulges in violence at the time of examination or thereafter **OR forceful entry/exit in/from Examination Centre/Hall.** Allegation admitted/denied by the candidate but report of the Centre Superintendent/Assistant Superintendent and other documentary evidence available.

**PENALTY**

Current as well as next year's examination shall be cancelled. He/She shall have to take the examination in full subjects thereafter.

**CATEGORY 4**

Paying/placing someone else to write examination (Impersonation). Allegation admitted/denied by the candidate but report of the Centre Superintendent/ Assistant Superintendent and other documentary evidence available **OR uploading/sharing any examination related material, correct or wrong, on social media OR approaching any Authority(ies)/person(s) related to the conduct of exams soliciting unauthorised privilege(s) in these Examinations** **OR** taking legal course or any other means to influence CBSE for gaining advantage in their favour, by providing false information.

**PENALTY**

Current as well as the examination of next three years shall be cancelled. He/She will have to take the examination in full subjects thereafter.

**CATEGORY 5**

A candidate found guilty of using obscene/derogatory language in the answer book as reported by the Head Examiner or Examiner.

**PENALTY**

The candidate along with his/her parents shall be directed to appear before the UFM Committee and proper counselling shall be given to such candidate so that he/she abstains from using such language in the answer book in future examinations. If such a candidate encloses any currency note along with the answer book, the amount shall be forfeited and deposited in Board's account.

**Compartment Examination (held in July same year)**

1st chance Compartmental Examination cancelled and he/she shall have to take the 2<sup>nd</sup>/3<sup>rd</sup> chance in March/July next year.