

The Rajasthan Public Examination (Prevention of Unfairmeans) Act, 1992
(Act No. 27 of 1992)

(Received the assent of the Governor on the 8th day of
November 1992)

An
Act

to prevent the leakage of question papers and use of unfairmeans at public examinations and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Forty-third Year of the Republic of India as follows:-

1. Short title, extent and commencement.—(1) This Act may be called the Rajasthan Public Examination (Prevention of Unfairmeans) Act, 1992.

(2) It shall extend to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Definitions.—In this Act,—

(a) "examination centre" means any place fixed for holding public examination and includes the entire premises attached thereto;

(b) "public examination" means any of the examination specified in the schedule;

(c) "unfairmeans" in relation to an examination while answering question in a public examination, means the unauthorised help from any person, or from any material written, recorded or printed, in any form whatsoever or the use of any unauthorised telephonic, wireless or electronic or other instrument or gadget; and

(d) the words and expressions used herein and not defined, but defined in the Indian Penal Code (45 of 1860), have the meanings. Respectively assigned to them in that code.

3. Prohibition of use of unfairmeans.—No person shall use unfairmeans at any public examination.

4. Unauthorised possession or disclosure of question paper.—No person who is not lawfully authorised or permitted by virtue of his duties so to do shall, before the time fixed for distribution of question papers to examinees at a public examination—

- (a) procure or attempt to procure or possess, such question paper or any portion or copy thereof; or
- (b) impart or offer to impart, information which he knows or has reason to believe to be related to, or derived from or to have a bearing upon such question paper.

5. Prevention of leakage by person entrusted with examination work.— No person who is entrusted with any work pertaining to public examination shall, except where he is permitted by virtue of his duties so to do, directly, or indirectly divulge or cause to be divulged or make known to any other person any information or part thereof which has come to his knowledge by virtue of the work being so entrusted to him.

6. Penalty.—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or section 4 or section 5, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to two thousand rupees or with both.

7. Penalty for offence with preparation to cause hurt.—Whoever commits an offence punishable under section 6 having made preparation for, causing death of any person or causing hurt to any person or assaulting any person or for wrongfully restraining any person or for wrongful restraint shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees.

8. Power to amend Schedule.—The State Government may, by notification in the Official Gazette include in the Schedule any other public examination in respect of which it considers necessary to apply the provisions of this Act and upon the publication in the Official Gazette the Schedule shall be deemed to have been amended accordingly.

THE SCHEDULE (Section 2)

1. Any examination conducted by the Board of Secondary Education for Rajasthan under the Rajasthan Secondary Examination Act, 1957 (Act No: 42 of 1957).
2. Any examination conducted by any University established by law in India.
3. Any examination conducted by the Rajasthan Public Service Commission or Union Public Service Commission.
4. Any examination conducted by any Autonomous College in the State.¹
5. Any Examination conducted by Railway Recruitment Board, Ajmer.²
6. Any examination conducted by the Rajasthan High Court.³
7. Any examination conducted by the Rajasthan Subordinate and Ministerial Service Selection Board.⁴
8. Any examination of All India Trade Test (AITT) conducted by the Directorate General of Training (DGT), New Delhi, under the Ministry of Skill Development and Entrepreneurship of Government of India.⁵

¹ Inserted vide Gazette Notification dated 15th April 1993 (published 16th April 1993)

² Inserted vide Gazette Notification dated 18th Nov 1999 (published 20th Nov 1999)

³ Inserted vide Gazette Notification dated 6th June 2014

⁴ Inserted vide Gazette Notification dated 13th May 2015 (published 18th May 2015)

⁵ Inserted vide Gazette Notification dated 15th Jan 2019 (published 21st Jan 2019)