

^{AS}
[TO BE INTRODUCED IN THE SENATE]

A

Bill

to prohibit the use of malpractices in educational examinations in the Islamabad Capital Territory

WHEREAS it is expedient to prevent the leakage of question papers, use of unfair means and other illicit practices in educational examinations in the Islamabad Capital Territory and to provide for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Islamabad Educational Examinations (Prevention of Unfair Means) Act, 2021.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

- (a) "**abetment**" shall have the same meaning as assigned to it in the Pakistan Penal Code, 1860;
- (b) "**answer book**" means the document containing answers to questions contained in a question paper and includes a part of an answer book;
- (c) "**Board**" means the Federal Board of Intermediate and Secondary Education, Islamabad.
- (d) "**candidate**" means a person who has applied for admission to an examination or has appeared as an examinee in such examination;
- (e) "**examination**" means an examination, written, oral or practical held by a University or Board for the purpose of examining candidates for the award of degree, certificate or diploma;
- (f) "**Examination Centre**" means any room, hall, residence, institution or any other place declared to be the examination centre for holding of examination and includes the entire premises attached thereto;
- (g) "**examination material**" means question paper, answer book, information relating to fictitious roll numbers, examination result or identity of examination staff or any instructions regarding conduct of examination issued from time to time;

- (h) **"examination record"** means any register or document or computerized data maintained for the purpose of keeping record of marks, grade, percentage, and division obtained in an examination;
- (i) **"examination staff"** means a person employed, appointed or deputed by a University or the Board in connection with the conduct of an examination and includes a paper setter, moderator, examiner, invigilator, inspector, tabulator and scrutinizer;
- (j) **"misconduct"** includes any reprehensible behaviour such as refusing to obey any lawful order of the examination staff, carrying weapons and electronic devices which may be used for cheating in the examination centre, abusing, threatening, assaulting or unlawfully detaining any member of the examination staff, disturbing or impeding the progress of any examination or inciting or instigating others in order to disturb or impede the progress of any examination;
- (k) **"question paper"** means a document containing the questions to be put at an examination for being answered by the candidates;
- (l) **"unfair means"** includes—
 - (i) the unauthorized help from any person, source or material either written, printed or recorded in any form whatsoever; or
 - (ii) the use of any unauthorized medium including telephone, mobile, wireless, computer, internet devices or any other instrument or gadget; or
 - (iii) making any misrepresentation or impersonation in examination; or
 - (iv) approaching or influencing any member of the examination staff or any person responsible for the transportation or safe custody of examination material to act dishonestly or corruptly in the conduct of any examination with a view to changing, replacing or making addition to any answer book, marking of answer book, recording marks in any register, result card, certificate or obtaining secret information relating to any examination staff or examination material; and
- (m) **"University"** means a University established under an Act of the Parliament and accredited by the Higher Education Commission, Islamabad.

3. Penalty of unfair means.- Whoever uses, or attempts or abets to use unfair means in an examination shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or with both.

4. Penalty for misconduct.- Whoever commits, or attempts or abets to commit an act of misconduct in an examination centre shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or with both.

5. Penalty for leaking confidential information- Whoever, not lawfully authorized by virtue of his duties to do so, divulges or cause to be divulged or procures or attempts to procure any secret or confidential information relating to examination material shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or with both.

6 Penalty for forgery, etc.- Whoever forges or falsifies or tampers with any examination record or result card or certificate or degree shall be punished with imprisonment for a term which may extend one month or with fine which may extend to twenty fifty thousand rupees or with both.

7. Procedure for arrest, bail and trial.- An offence punishable under this Act shall be-

- (a) cognizable and bailable; and
- (b) tried summarily by a Magistrate of the first class and the provisions of sub-section (1) of section 262, section 264 and section 265 of the Code of Criminal Procedure, 1898, shall mutatis mutandis apply to such trial.

8 Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Federal Government or any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

9. Power to make Rules.- The concerned Ministry or Division of the Federal Government may by notification, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

This legislation seeks to curb and punish unfair means, misconduct and prevent the leakage of confidential information relating to examination and forgery in record/degrees, etc. in educational examinations.