

# THE ODISHA CONDUCT OF EXAMINATION (AMENDMENT) ACT, 2016

## TABLE OF CONTENTS

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 2.
3. Amendment of section 9.
4. Insertion of new section 10-A and 10-B.

# The Odisha Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 324, CUTTACK, THURSDAY, MARCH 2, 2017 / FALGUNA 11, 1938

LAW DEPARTMENT

NOTIFICATION

The 2nd March, 2017

No.1791-I-Legis-7/2016/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor of Odisha on the 1st March, 2017 is hereby published for general information.

ODISHA ACT 4 OF 2017

## THE ODISHA CONDUCT OF EXAMINATION (AMENDMENT) ACT, 2016

AN ACT TO AMEND THE ODISHA CONDUCT OF EXAMINATION ACT, 1988

BE it enacted by the Legislature of the State of Odisha in the Sixty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Odisha Conduct of Examination (Amendment) Act, 2016.

Amendment of section 2.

2. In the Odisha Conduct of Examination Act, 1988 (hereinafter referred to as the principal Act), in section 2, for clause (a), the following clauses shall be substituted, namely:—

Odisha Act 2 of 1988.

“(a) “Candidate” means a person who has applied for admission to a recognized examination and has appeared as an examinee in such examination ;

(a-1) "Examination Body" means a 'University' established by an Act of the State Legislature, or Board of Secondary Education established under the Odisha Secondary Education Act, 1952, or Council constituted under the Odisha Higher Secondary Education Act, 1982, or the Policy Planning Body constituted under the Odisha Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Act, 2007 or such other authority or Board responsible for conducting examination as may be specified, by notification, by the State Government;

Odisha Act  
10 of 1953.

Odisha Act  
19 of 1982.

Odisha Act  
4 of 2007.

(a-2) "Examination Centre" means any institution or part thereof or any other place fixed for holding of a recognized examination or part thereof or any other place for holding of a recognized examination and includes the entire premises attached thereto;

(a-3) "Examination Staff" means a person employed, appointed or deputed by the Examination body in connection with the conduct of examination and includes a question paper setter moderator, examiner, invigilator, inspector, tabulator and such other person as may be declared by the Examination body or the State Government, as the case may be, to be the examination staff.

(a-4) "Recognised Examination" means an examination specified in the Schedule and includes evaluation, tabulation, publication of results and all other matters connected therewith;".

Amendment  
of section 9.

3. In the principal Act, for section 9, the following sections shall be substituted, namely:—

"9.(1) Whoever, uses, or attempts to use, or adopt unfair means at the examination centre, or contravenes the provisions of sections 6, 7 and 8 shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to three thousand rupees but shall not be less than five hundred rupees or with both.

(2) Whoever,—

- (a) being the examination staff, helps the candidate or candidates to use unfair means or abets for use of unfair means in any form in the examination centre;
- (b) contravenes the provisions of sections 4 and 5;
- (c) neglects in his duty while carrying question papers, answer books, mark foils and such other examination materials as lawfully entrusted to him; or
- (d) manipulates data sheets or mark sheets and result sheets.

shall be punishable with imprisonment for a term which shall not be less than two years but may extend to five years and with fine which may extend to one lakh rupees.

Deemed  
abatement.

9-A. If at any Examination centre mass copies has occurred or question paper has been leaked, the superintendent of the said centre or the person in charge of the said centre by whatever named called, and the Head of the Educational Institution in which the recognised examination is held, shall be deemed to have abetted the commission of offence of unfair means and shall be punished as provided for in sub-section (2) of section 9.

Cognizance  
of offence.

9-B. No court shall take cognizance of an offence under this Act except on a complaint made by an officer as may be authorized in this behalf, by the State Government.

Recovery of  
money spent  
for re-  
examination.

9-C. (1) In addition to the punishments provided in sub-section (2) of section 9 or section 9-A the court shall, when passing the judgement, order the person or persons so convicted to pay, by way of compensation, such amount which shall not be less than the amount spent by the Examination Body for holding the re-examination.

(2) Where the order of compensation made under sub-section (1) is not complied, the same shall be recovered under the provisions of the Odisha Public Demands Recovery Act, 1962 from the said person or persons as the case may be, as if it were an arrear of land Revenue.”.

Insertion of  
new section  
10-A and  
10-B.

4. In the Principal Act, after section 10, the following sections shall be inserted, namely:—

\*Power to  
issue  
direction.

10-A (1) The State Government may give such directions to any educational Institution and to any Examination Body as in its opinion are necessary or expedient for carrying out the purpose of this Act and the management of such Institution and head of such Examination Body shall comply with every such directions.

(2) Whoever willfully fails to comply with the direction issued under sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

Protection of  
action taken  
in good faith.

10-B. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the Government or any person acting under the direction of the Government in respect of anything which is, in good faith done or intended to be done under this Act.”.

By Order of the Governor

B. P. ROUTRAY

Principal Secretary to Government