



**स्वामी राम हिमालयन विश्वविद्यालय**  
**Swami Rama Himalayan University**

**POLICY FOR DEALING WITH THE CASES OF  
UNFAIR MEANS**

Approved by the Board of Governors in its 33<sup>rd</sup> Meeting held on  
20<sup>th</sup> November, 2023

**Swami Rama Himalayan University**

Swami Ram Nagar, Jolly Grant- 248 016, Dehradun, Uttarakhand

# SWAMI RAMA HIMALAYAN UNIVERSITY

## Policy for dealing with the cases of Unfair Means

### 1. Short Title & Commencement

- 1.1 This Policy shall be called “Policy for dealing with the cases of Unfair Means” of the University.
- 1.2 This Policy shall be deemed to have come into force from the date of approval of the Board of Governors of the University.
- 1.3 This Policy supersedes the earlier Ordinance SRHU/ORD/19 on the subject.
- 1.4 Unless otherwise specifically provided in this Policy, pronouns in masculine, feminine and neuter genders shall be construed to include any other gender, and words in the singular form shall be construed to include the plural and vice versa.

### 2. Definitions

Unless it is repugnant to the context:

- 2.1 “Annulment of Performance in a subject” means and includes performance of an examinee in Theory as well as Practical Examination of the University in a particular subject, but does not include performance at internal assessment, term work, project work, oral and dissertation unless unfair means are used thereat.
- 2.2 “Annulment of Performance in full” means and includes performance of an examinee in Theory as well as Practical Examination of the University in entire examination, but does not include performance at internal assessment, term work, project work, oral and dissertation unless unfair means are used thereat.
- 2.3 “Competent Authority” means Board of Examinations in the case of University examination. In the case of internal assessment, term work, project work, oral and dissertation, the Head/Principal of the Academic Unit/Constituent College or Department conducting the examinations shall mean Competent Authority.
- 2.4 “Centre In-Charge” means a Centre In-Charge appointed by the Vice Chancellor in accordance with the Rules for conduct of University examinations.
- 2.5 “Appropriate Authority” means Centre In-Charge/exam superintendent/invigilator or any person authorized by him.

  
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- 2.6 “Examinee” means a student who actually presents himself in person or a scribe/writer (duly permitted by the university), for an examination or a part thereof to which he has been admitted.
- 2.7 “Examinations” means any examination (theory / practical / viva / dissertation/project report) conducted by the University, its Academic units, its constituent colleges or any of its Departments.
- 2.8 “Examination Centre” means hall / room / place / department where the Examination is being conducted.
- 2.9 “Unauthorized Material” means and includes, any material and substance found in possession of the Examinee during examination related to the subject of the examination, printed, typed, handwritten or otherwise found on the person or on clothing, or body of the examinee or on furniture or other material, in any manner or in the form of chart, diagram, map or drawing or electronic aid or blank paper etc. which is not allowed in the examination hall.
- 2.10 “Unfair Means Inquiry Committee (UMIC)” the Committee constituted by the Vice Chancellor in the case of University examination to investigate into the cases of Unfair Means indulged in by an examinee or by a person involved in the work and/ or conduction of examinations. For the purpose of investigating unfair means resorted to by examinee(s) at the examination held by the Academic Unit / Constituent college / Department, the committee shall be constituted by the Head of the Academic Unit or by the Principal of the Constituent College as the case may be.
- 2.11 “Punitive Action” means passing of orders by the Competent Authority as it deems fit and as prescribed under this Policy.

### **3. Acts which constitutes & include “Unfair Means”:**

“Unfair means” includes one or more of the following acts of commission or omissions on the part of examinee during the examination till the result is declared.

- 3.1 Approaching an invigilator/staff on duty in any manner, so as to influence him for any help.
- 3.2 Assisting in any manner any other examinee in answering the question (s) during the course of the examination.
- 3.3 Indulging in making sounds/unsolicited gestures to hint at answers etc. during the course of examination.
- 3.4 Changing allotted seat without prior approval of appropriate authority.



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- 3.5 Leaving the examination room before the expiry of the stipulated period without obtaining the permission of the Invigilator.
- 3.6 Pressurizing the Superintendent/Invigilator for issues including but not limited to allowing to sit for exam in absence of University/ College ID Card, extra time allotment etc.
- 3.7 Examinee is possessing unauthorized material in any form but not able to make use of it in the Examination.
- 3.8 Possession of any paper, book, note or any other unauthorized material which has relevance to the syllabus of the examination paper concerned.
- 3.9 Possession of any Mobile Phones or any electronic gadget including blue tooth devices (which are not otherwise permissible), even in switched off mode, which can potentially be used for communication or copying.
- 3.10 Communicating with or approaching an examiner in any manner, so as to influence him in evaluating the answers.
- 3.11 An examinee after having been found in the possession of relevant/ irrelevant material does not hand over the material to the invigilator.
- 3.12 Refusing to sign the Unfair Means Form.
- 3.13 Altering the University/ College ID Card using any of the methods of forgery including but not limited to handwriting, printing, engraving, typewriting etc. and/or such document is produced with intent to defraud and sit in the examination.
- 3.14 Destroying or attempting to destroy a note or paper or any other material evidence of using Unfair Means.
- 3.15 Misbehaving (shouting, using abusive or obscene language/symbols etc.) at the Examination Centre before, during or after the examination hours.
- 3.16 Disturbing or disrupting the conduct of Examination and inciting or compelling other examinees to leave the examination room.
- 3.17 Where an examinee is guilty of forging the signatures of an authority on the record book presented as a part of practical examination or on any document required in connection with the examination.
- 3.18 Entering the Examination Centre in an inebriated/intoxicated state or consuming any prohibited substance during the examination.
- 3.19 Attempt to gain and/or gaining access to question paper, in whole or part thereof, before the examination.

  
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- 3.20 Taking out or arranging to send out the Question paper, in whole or part thereof in any form or by whatsoever means, before the examination.
- 3.21 Taking away the Answer Book(s) from the examination room and/or intentionally tearing off or mutilating an Answer Book, in whole or part.
- 3.22 Impersonating or getting impersonated in taking the examination.
- 3.23 In possession of any weapon in the Examination Centre.
- 3.24 Physically assaulting the Superintendent, Invigilator or other Staff working at the Examination Centre or another examinee in connection with the examination before, during or after the examination hours.
- 3.25 Any other act or commission or omission on the part of examinee, including but not limited to list provided herein above.

#### **4. Policy to deal with the cases of Unfair Means**

**4.1** Centre In-Charge/exam superintendent/invigilator shall deal with the cases of unfair means as provided herein under:

- 4.1.1 The Centre In-Charge/exam superintendent/invigilator shall immediately confiscate unauthorized material found, if any, in the possession of an examinee along with answer book. The confiscated answer book should be marked as “suspected unfair means case”.
- 4.1.2 Signature of the concerned examinee shall be obtained on the relevant materials and list thereon. Concerned invigilator and the Centre In-Charge/exam superintendent shall also sign on all the relevant materials and documents found in possession of the examinee.
- 4.1.3 Statement of the examinee and his undertaking in the prescribed format and statement of the concerned invigilator shall be recorded in writing by the Centre In-Charge/exam superintendent/invigilator. If the examinee refuses to make statement or to give an undertaking, the concerned invigilator and Centre In-Charge/exam superintendent shall record in writing accordingly under their signatures and videography may be done.
- 4.1.4 Obtain undertaking from the examinee to the effect that the decision of the concerned competent authority in his case shall be final and binding and the examinee be allowed to continue with his examination.



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- 4.1.5 After obtaining undertaking from the examinee, the Centre In-Charge/exam superintendent/invigilator shall then issue another answer book and shall mark it as Answer Book II and the examinee will continue to work in Answer Book II. No extra time shall be given to such examinee for completing the examination as a result of this exercise. After the examination is over, these answer books duly marked as Answer Book I (i.e. Suspected unfair means case) & Answer Book II along with the material found in possession accompanied with the prescribed form duly filled and signed by the Centre In-Charge/exam superintendent/invigilator shall be delivered separately to the Controller of Examinations/Head of the Academic Unit or to the Principal of the Constituent College as the case may be for further action.
- 4.1.6 Centre In-Charge/exam superintendent/invigilator shall take appropriate decisions depending upon seriousness/gravity of the case:
- (a) In case of impersonation or violence, the Answer Book of the examinee shall be confiscated and he shall be expelled from the Examination Centre and he shall not be allowed to continue in that particular examination.
  - (b) May report the case to the concerned Police Station.
- 4.1.7 In case of unfair means of oral type, the Centre In-Charge/exam superintendent/invigilator shall record the fact in writing and shall report the same to the Controller of Examinations / Principal /Head of the Academic Unit / Constituent College, as the case may be.
- 4.2 If the examiner at the time of assessment of answer-book suspects that there is a *prima-facie evidence that the examinee, whose answer-book(s) the examiner is assessing, appears to have resorted to unfair means in the examination, the examiner shall forward his report along with the evidence, to the Controller of examinations / Principal / Head of the Academic Unit / Constituent college as the case may be, with his opinion in separate confidential sealed envelope marked as "Suspected unfair means case".*
- 4.3 A Prima facie case of Unfair Means reported to the University / Academic Unit/ Constituent College by the Centre In-Charge/exam superintendent/invigilator and/or examiners shall be inquired into by the Committee constituted by the Vice Chancellor / Principal / Head of Academic Unit as the case may be.

  
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In the event of Unfair Means being reported through other sources, the concerned Head of the Academic Unit / Constituent College / Examination Section of the University, to which the case primarily pertained, shall scrutinize the case, collect preliminary information to find out whether there is a prima-facie case so as to fix up primary responsibility for framing a charge sheet and then shall submit the said case with his primary report to the concerned Competent Authority. If the Competent Authority is satisfied that there is prima-facie case of Unfair Means, it shall place the same before the Unfair Means Inquiry Committee for further investigation.

**4.4** Examination result(s) of the concerned examinee(s) involved in such cases shall be withheld till the competent Authority arrives at a final decision in the matter within a reasonable time in the interest of examinee. The final decision of the competent authority shall be communicated to the concerned examinee(s) and the college Institution to which he belongs.

**4.5** Appointment of Unfair Means Inquiry Committee (UMIC):

4.5.1 The Vice Chancellor shall constitute a standing committee for inquiring the cases of unfair means, which shall be known as Unfair Means Inquiry Committee (UMIC). The tenure of each UMIC shall be for a period of one year and shall have minimum three members. The Chairman of the Committee shall not be below the rank of Professor. Other two members shall be Associate Professor of the concerned constituent college/ school and subject related faculty, who shall be special invitee to the UMIC. The Controller of Examination or his nominee shall be ex-officio Secretary of UMIC. There shall be minimum one female member in the Committee if the implicated examinee is a female.

4.5.2 In case any of the member vacates UMIC on any account, same shall be filled within fifteen (15) days from the date of such vacancy for the remaining duration of UMIC.

4.5.3 For the purpose of investigating unfair means resorted to by examinee(s) at the examination held by the Academic Unit / Constituent college / Department, the committee shall be constituted by the Head of the Academic Unit or by the Principal of the Constituent College as the case may be . The tenure of each UMIC shall be for a period of one year and shall have minimum three members.

  
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The Chairman of the Committee shall not be below the rank of HOD/ Coordinator of the respective Department/course. Other two members shall be one Associate Professor of the concerned constituent college/ school and subject related faculty, who shall be special invitee to the UMIC. The Exam Coordinator of the respective constituent college/ school/ academic unit shall be the ex-officio Secretary of the UMIC. There shall be minimum one female member in the Committee if the implicated examinee is a female.

- 4.5.4 The Unfair Means Inquiry Committee shall function as investigating body and shall submit its report to the concerned Competent Authority. The Competent Authority shall issue final orders in respect of examinee after taking into account the reported facts and findings of the UMIC and after ensuring that reasonable opportunity has been given to the concerned implicated examinee in his defense and that the principle of natural justice has been followed.

#### **4.6 Policy to be followed by the Unfair Means Inquiry Committee (UMIC)**

- 4.6.1 The Secretary of Unfair Means Inquiry Committee (UMIC) shall inform the examinee concerned in writing of the act of unfair means alleged to have been committed by him, and shall ask him to show cause as to why the charge(s) levelled against him should not be held as proved.
- 4.6.2 The examinee shall submit his written reply/ explanation to the show cause notice served on him and shall appear in person before the Inquiry Committee on a day, time and place fixed by UMIC.
- 4.6.3 The documents that are being taken into consideration or are to be relied upon for the purpose of proving charge(s) against the examinee shall be shown to him by UMIC. The evidence, if any, should be recorded in the presence of the implicated examinee.
- 4.6.4 After serving a show cause notice, if the implicated examinee fails to appear before UMIC on the day, time and place fixed, the examinee may be given one more opportunity to appear before UMIC to present his case. If even after offering two opportunities, the examinee concerned fails to appear before the Committee, the Committee shall investigate the case in his absentia, on the basis of the available evidence/documents and shall submit the report before the competent authority.

  
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The decision of the competent authority shall be binding on the examinee concerned.

- 4.6.5 Reasonable opportunity, including oral hearing, shall be provided to the examinee to present his case before the UMIC. The written reply / explanation submitted by the examinee to the show cause notice shall be considered by the UMIC before submitting the report of the case.
- 4.6.6 The UMIC shall submit its inquiry report to the competent authority. The UMIC in its report shall clearly mention whether the charges levelled against the examinee concerned are proved/ partially proved/ not proved.
- 4.6.7 The UMIC shall submit its inquiry report to the competent authority within seven (7) working days from the date of allotment of the UMIC. However, the competent authority may reduce or extend the period of submission of inquiry report on the case to case basis. Under all circumstances, the UMIC shall ensure submission of inquiry report to the competent authority prior to declaration of concerned examination result.
- 4.6.8 In case the competent authority is of the opinion that inquiry/ investigation is not been conducted appropriately and the UMIC has not followed the principles of natural justice, the competent authority shall have the right to re-investigate/ further investigate or to conduct the inquiry/ investigation afresh.

## **5. Punitive Action:**

- 5.1 The Competent Authority concerned i.e. Board of Examinations in the cases of University examination, or the concerned Head / Principal in the cases of Academic Unit / Constituent College examination, after taking into consideration the inquiry report of UMIC, shall pass such orders, as it deems fit, including granting the examinee benefit of doubt, issuing warning or exonerating him from the charges and shall impose any one or more of the following Punitive Action on the delinquent examinee.

## **The Broad Categories of Unfair Means Resorted to by an examinee at Examination and the Quantum of Punitive Action for each Category thereof.**

  
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**Category – I (Mild)**

<b>Classification of Unfair means</b>	<b>Quantum of Punitive Action</b>
<p>(a) Approaching an invigilator/staff on duty in any manner, so as to influence him for any help.</p> <p>(b) Assisting in any manner any other examinee in answering the question (s) during the course of the examination.</p> <p>(c) Indulging in making sounds/ unsolicited gestures to hint at answers etc. during the course of examination.</p> <p>(d) Changing allotted seat without prior approval of appropriate authority.</p> <p>(e) Leaving the examination room before the expiry of the stipulated period without obtaining the permission of the Invigilator.</p> <p>(f) Pressurizing the Superintendent/ Invigilator for issues including but not limited to allowing to sit for exam in absence of University/ College ID Card, extra time allotment etc.</p>	<p>A warning letter be issued to the student, warning him to desist from such activities in the future, with a copy to the parents of the student. In case of repetition of such as an offence, a more strict action including expulsion from the university may be taken against him.</p>

  
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## Category – II (Moderate)

Classification of Unfair means	Quantum of Punitive Action
<p>(a) Examinee is possessing unauthorized material in any form but not able to make use of it in the Examination.</p> <p>(b) Possession of any paper, book, note or any other unauthorized material which has relevance to the syllabus of the examination paper concerned.</p> <p>(c) Possession of any Mobile Phones or any electronic gadget, even in switched off mode, which can potentially be used for communication or copying.</p> <p>(d) Communicating with or approaching an examiner in any manner, so as to influence him in evaluating the answers.</p>	<p>Annulment of performance in that particular subject/ course.</p> <p>➤ Thereafter he will appear for the supplementary examination of that particular subject(s) to be offered. Rules &amp; Regulations of supplementary examination will be followed.</p> <p>And/ or Cancellation of the university scholarship / awards/ prizes/ medals awarded to him.</p>

  
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### Category –III (Major)

Classification of Unfair means	Quantum of Punitive Action
<p>(a) An examinee after having been found in the possession of relevant/irrelevant material does not hand over the material to the invigilator.</p> <p>(b) Refusing to sign the Unfair Means Form.</p> <p>(c) Altering the University/ College ID Card using any of the methods of forgery including but not limited to handwriting, printing, engraving, typewriting etc. and/or such document is produced with intent to defraud and sit in the examination.</p> <p>(d) Destroying or attempting to destroy a note or paper or any other material evidence of using Unfair Means.</p> <p>(e) Misbehaving (shouting, using abusive or obscene language/symbols etc.) at the Examination Centre before, during or after the examination hours.</p> <p>(f) Disturbing or disrupting the conduct of Examination and inciting or compelling other examinees to leave the examination room.</p> <p>(g) Where an examinee is guilty of forging the signatures of an authority on the record book presented as a part of practical examination or on any document required in connection with the examination.</p> <p>(h) Entering the Examination Centre in an inebriated/intoxicated state or consuming any prohibited substance during the examination.</p>	<p>Annulment of performance in full (Entire University Exam-Theory &amp; Practical).</p> <p>➤ Thereafter he/she will appear for all subjects/ course as supplementary examination.</p> <p>Rules &amp; regulations of supplementary examination will be followed. And/ or Cancellation of the university scholarship / awards/ prizes/ medals awarded to him.</p>



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#### Category IV (Severe)

Classification of Unfair means	Quantum of Punitive Action
<p>(a) Attempt to gain and/or gaining access to question paper, in whole or part thereof, before the examination.</p> <p>(b) Taking out or arranging to send out the Question paper, in whole or part thereof in any form or by whatsoever means, before the examination.</p> <p>(c) Taking away the Answer Book(s) from the examination room and/or intentionally tearing off or mutilating an Answer Book, in whole or part.</p>	<p>Cancellation of entire two (current &amp; next) End Term Exam for the offender.</p> <p>➤ He will register the courses with next batch afresh to pursue his degree course &amp; can appear in supplementary examination to clear his backlogs. His degree will be extended by one year.</p> <p>And/ Or</p> <p>Debarring him from taking admission for any programme in the university for a stipulated period not exceeding five years.</p> <p>And/ or</p> <p>Cancellation of the university scholarship / awards/ prizes/ medals awarded to him.</p>

#### Category V (Very Severe)

Classification of Unfair means	Quantum of Punitive Action
<p>(a) Impersonating or getting impersonated in taking the examination.</p> <p>(b) In possession of any weapon in the Examination Centre.</p> <p>(c) Physically assaulting the Superintendent, Invigilator or other Staff working at the Examination Centre or another examinee in connection with the examination before, during or after the examination hours.</p>	<p>Expulsion of the student from the rolls of the university and subsequently FIR shall be lodged against him in the concerned Police Station.</p>

6. Any other act or commission or omission on the part of examinee, including but not limited to list provided herein above may also be dealt with appropriate punitive action.



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7. An examinee involved in unfair means at Practical/dissertation/Project Report examinations shall be dealt at par with the Punitive Action provided for the theory examination mentioned in clause 5 above.

**8. Appeal against the decision imposing Punitive Action**

Student aggrieved by the Punitive Action imposed on him may prefer an appeal to Student's Grievance Redressal Committee within a period of 30 days from the date of passing of such Punitive Action by the competent authority.

**9. Remedial Measures**

It is advisable that the Heads of constituent colleges/ schools/ Academic Units/HODs should adopt the following measures for building strong character of the students so that they do not indulge in any act of unfair means:

1. Continuous counselling of the students by the faculty-mentor.
  2. Extra classes, wherever needed, be conducted.
  3. Provide an opportunity to the students to share their limitations and accordingly the limitations be addressed.
  4. Any other measure to boost the morale of a student.
10. The University reserves the right to interpret, alter, amend, modify, cancel or withdraw any provision mentioned herein above in this Policy without any notice.

  
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