

**THE KARNATAKA PRE-UNIVERSITY COURSE STATE LEVEL PUBLIC EXAMINATION
RULES, 1997**

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TABLE

**¹[THE KARNATAKA PRE-UNIVERSITY COURSE STATE LEVEL PUBLIC EXAMINATION
RULES, 1997.]¹**

1. Published in the Karnataka Gazette Part IV-2C(i) Extraordinary No. 628 dated 26.5.1997.

(As ammended by ²[Notification No. ED 187 TPU 97, dated 22-9-1998]²

2. Published in the Karnataka Gazette part IV section 2C(i) Extraordinary No.1012 dated 5.10.1998.

NOTIFICATION

Whereas the draft of the Karnataka Pre-University Course state level public Examination Rules 1997 was published in Notification No. Ed 24 TPU 97 dated 25th April 1997 in Part IV. Section 2C(i) of the Karnataka Gazette Extrodinary dated 26th April 1997, inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said Gazette was made available to the public on 26th April 1997;

And where as no objections and suggestions have been received in this regard by the Government;

Now, therefore in exercise of the powers conferred by subsection (2) of section 22 and read with section 145 of the Karnataka Education Act 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby makes the following rules; namely:-

1. Title, commencement and application.- (1) These rules may be called Karnataka Pre-University Course State Level Public Examination Rules, 1997.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) They shall apply to Pre-university Course Examinations conducted by the Department of Pre-university Education.

2. Definitions.- In these rules unless the context otherwise requires,-

(a) 'Act' Means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995);

(b) 'Annexure' means an annexure to these rules ;

(c) 'Camp Office' means an office temporarily established by the department at any place to facilitate depositing or distribution of question papers and answer scripts, and for evaluation of answer scripts or any other works connected with the examination;

(d) 'Candidate' means either a regular student, a repeater or a private student whose application for appearance in an examination has been accepted by the Department;

(e) 'Department' means the Department of Pre-University Education;

(f) 'Examination' means the State Leave Public Examination conducted by the Department of at the end of each academic year of the Pre-University Course and includes a supplementary examination;

(g) 'Examiner' includes a question paper setter and an evaluator of answer scripts;

- (h) 'Head of the Institution' means the Principal or Head of a College imparting Pre-University Education;
- (i) 'Institution' includes a composite or independent Pre-University College or other college imparting Pre-University Education recognised by the department;
- (j) 'Lecturer' means a member of the teaching staff in an institution;
- (k) 'Near Relative' means a son, grand son, husband, brother, brother's son, sister, sister's son, daughter, daughter's son, wife, brother's daughter, son-in-law or daughter-in-law in relation to the candidate;
- (l) 'Physically handicapped candidates' means a blind or other physically handicapped candidate who has more than sixty percent of debility as certified by the District Surgeon or any other appropriate authority specified by the Director from time to time;
- (m) 'Private Student' means a person who is not a regular student or a repeater and who has completed the age of eighteen years as on 31st March of academic year, and has passed the X standard examination;
- (n) 'Regular Student' means a student who has satisfactorily completed the two years course prescribed by the Department in an institution during the academic year for which he submits the application for examination who is still on the rolls of the institution;
- (o) 'Regulation' means the detailed instructions contained in the "Hand book of regulations, Course of study, Scheme of examination and syllabus" issued by the Department from time to time;
- (p) 'Repeater' means a student who has satisfactorily completed two years course prescribed by the department in an institution in an year earlier to the academic year in which he submits the application for examination and either has failed in the previous examinations or has not given an examination at all or having passed all the subjects in previous examinations has been permitted to reject the results of the examination;
- (q) 'Section' means a section of the Act;
- (r) 'Specified' means specified by the Department by notification in accordance with the rule 36 ;
- (s) 'Writer' means a person appointed under rule 18 to assist a physically handicapped candidate.

3. Examination.- (1) The examination shall be conducted at the end of each academic year after the pre-university course as far as possible in the month of April every year and supplementary examination for the course shall be held as far as possible in the month of October every year.

(2) The examination may comprise of either written examination only, or of written examination in theory papers and a practical or oral examination and shall be held in accordance with the course of study and syllabus specified in the Regulations.

4. Disqualifications of candidates.- (1) No person other than a regular student, repeater or a private student shall be permitted to sit for examination.

(2) A regular student, repeater or a private student shall not be permitted to sit for examination:-

- (i) if he has been debarred from appearing for any specified number of examinations for malpractice in any examination conducted by the department or by any other examining body, within or outside the State;
- (ii) in the case of a regular student or a repeater, unless his progress and conduct are certified satisfactory by the Head of the institution in which he studied; and
- (iii) in every case unless he has submitted his application to appear for the examination within the last date specified for the purpose.

5. Submission of application.- A regular student or a repeater shall submit his application in the form specified by the department only through the institution in which he studied the course. A private candidate may submit his application for his enrolment and examination in the specified form in any of the institutions notified by the department for such submission. The department shall not be responsible for applications sent directly to the department in contravention of this rule. The application shall be submitted within the due date fixed by the Department. The application sent after due date or with incomplete or incorrect entries shall be liable to be rejected.

6. Scale of fee and payment.- The scale of examination fee or other related fee shall be as specified by the department, and shall be paid in cash by a regular student to the head of the institution, where the candidate has put in the course, and in the case of a private student through which he has sent his application. Under no circumstances such fee shall be sent in any form directly to the department.

7. Admission tickets.- (1) The department shall after satisfying itself about the eligibility, issue to every eligible candidate an admission ticket through the institution which forwarded his application.

(2) In case of loss of admission ticket a duplicate admission ticket shall be issued to the candidates upon proof of loss of the original and on payment of such fees as may be specified.

8. Centre of Examination.- (1) Examinations shall be conducted at such centres as may be specified by the department having due regard to the convenience of location and facilities available. As far as may be such centres shall be located in any institution or other premises as the department deems appropriate.

(2) All regular students and repeaters shall generally give the examination at the institutions where they studied the course.

9. Change of centre.- (1) All regular students and repeaters shall give examinations at the institution in which they last studied if it is made centre or at the centre to which that institution is attached. Candidates may in exceptional cases seek change of centre by filing application in

such form as may be specified explaining the reasons for seeking such change. Applications for change of centre shall be sent through the head of the Institution accompanied by the fee specified for that purpose.

(2) Applications for change of centres shall be submitted to the competent authority at least six weeks in advance of the date of commencement of the examination. The application shall be accompanied by three copies of latest pass port size photograph duly attested by the head of the institution in which he had studied.

(3) The competent authority may in its discretion grant or reject the request for change of centre.

10. Instructions to the Heads of the Institutions.- The department shall issue detailed instructions and guidance regarding conduct of examination to all the Heads of the Institutions.

11. Staff of Examination Centres.- (1) Each examination centre shall have a Chief Superintendent, a Joint Superintendent, an Office Superintendent, and a Superintendent to look after the work of superintendence during each session of an examination.

(2) A Block Superintendent may be appointed for each block within a centre where the number of candidates taking the examination is more than normal.

(3) Besides, there shall be appointed at each examination centre one Room Invigilator for every forty candidates or fraction thereof located in a single hall and one Relieving Invigilator for every five Room Invigilators.

(4) The Chief Superintendent may appoint other ancillary staff at each centre depending on the number of examiners, in accordance with the table below :

TABLE

Sl No.	No. of candidates	Assistants	Typist	Peon
1	2	3	4	5
1.	1-200	1	1	One for Every
2.	201-500	2	1	thirty candidates
3.	501-1000	3	2	and fraction
4.	1000- above	4	2	thereof

12. The Chief Superintendent.- (1) The chief superintendent shall be responsible for regular organisation and fair conduct of examination at his centre. The competent authority shall appoint the head of the institution, if he is not available for any reason during any session of the examination, the senior most member of the teaching staff of the institution in which the examination centre is located, as the Chief superintendent of the Centre.

(2) The Chief superintendent shall, on each day, oversee the seating arrangement for candidates in every hall and adjust the seating in such a way that maximum utilisation of each hall is achieved with a minimum number of invigilators.

13. The Joint Chief Superintendent.- (1) The competent authority shall appoint preferably the Head of an Institution which is not made an examination centre for the particular session, and if he is not available the senior most member of the teaching staff of such institution to be the Joint Chief Superintendent of the Centre.

(2) The Joint Chief Superintendent shall be responsible for safe custody of Question Paper Bundles, Answer Books and Answer Script Bundles at each session of the examination and will also assist the Chief Superintendent in regular organisation and fair conduct of the examination.

14. Other staff.- (1) The Chief Superintendent at each centre shall, in consultation with the Chief Superintendent of other examination centres in the locality appoint the Block superintendents, Room Invigilators, Relieving Invigilators, Superintendent and other staff in the pattern specified in rule 11, in such manner that these staff are not chosen from the same institution in which the examination centre is located. The Chief Superintendent may in case of necessity appoint any teaching staff of local educational institutions which are not chosen to locate the examination centre.

(2) The Office Superintendent can be a member of staff of the same institution in which the examination centre is located. He shall assist the Chief Superintendent particularly in sorting out the Question Paper and Answer Books to be supplied to each Room Invigilator, collection, sorting, bundling and sealing of Answer Scripts, and entrusting them to the custody of th Joint Chief Superintendent.

(3) The Invigilators shall in addition to the work of supervising the candidates during examination hours, carry out such other duty as the chief superintendent may entrust to them in the interest of fair conduct of examination.

(4) The other ancillary staff shall be drawn from among the members of non-teaching staff of the same or any other institution, preference being given to the staff of the same institution. These other staff shall carry out all the duties entrusted to them by the Chief Superintendent by general order or individual instructions, issued for the fair conduct of examination.

15. Disqualification of Superintending Staff.- (1) A person shall be disqualified from being appointed as a Chief Superintendent, Joint Superintendent, Office Superintendent, Invigilator, Superintendent or other staff, if,-

- (i) any of his near relative is taking the examination as a candidate at the centre of examination to which he is appointed:
- (ii) he having or has during the year proceeding the academic year, taken part in running coaching classes for candidates appearing for the examination.
- (iii) he is the author or plushier or has directly or indirectly any financial interest in the publication of any guide or annotation in any subject prescribed for the examination. If any question arises whether a book is such guide or annotation it shall be be decided by the Competent Authority whose decision shall be final;

- (iv) he has been debarred for any examination work or his name has been ordered to be removed from the list of supervisory staff at an examination centre for misconduct or negligence or abuse of authority by the Department or any other authority constituted by the State or Central Government.

16. Delivery, Safe Custody and Distribution of Question papers.- (1) The question paper bundles of each Examination centre shall be transported from Bangalore to the places of distribution by the staff of the department consisting of a Route Officer, an Assistant and a Group-D employee. At the distribution point a team of Special custodians shall receive the Question paper bundles. The Special Custodians shall after receipt of the bundles deposit the bundles at the specified Treasuries or Police Stations. The Special Custodians shall consist of Tahsildar or Deputy Tahsildar or any other Officer appointed by the Revenue Department, Block Education Officer or Assistant Educational Officer or any other officer appointed by the Deputy Director or Public Instruction and a Principal appointed by the Department.

(2) The Treasury Officer or Police Officer shall be responsible for safe custody of Question Paper bundles. The Special Custodians shall on the day of examination take the question paper packets from the treasury or police station as the case may be and deliver them to the Chief Superintendent or Joint Chief Superintendent of the Examination Centre.

17. Scale or remuneration and other allowances to Superintending Staff.- The Staff appointed to the examination centres shall be entitled to remuneration and other allowances at such rates as may be specified by the department with the prior approval of the State Government. They shall be entitled to Travelling allowance and D.A. in accordance with the Karnataka Civil Service Rules :

Provided that remuneration to the writer and water boys shall be paid by the Chief Superintendent of the center out of the contingency amount sanctioned by the Department.

18. Writers to assist Physically Handicapped Candidates.- In case of a physically handicapped candidate who has applied sufficiently in advance to the Chief Superintendent at the Examination centre concerned, along with the specified fee, for permitting him to write the examination by a writer, the Chief Superintendent shall after being satisfied of such handicap appoint a person,-

- (a) Who is not a near relative of the candidate; and
- (b) whose educational qualification is below the standard of examination for which he is appointed to be the writer Physically Handicapped Candidate.

19. Examiners Committee.- (1) The State Government shall constitute a Committee to be called Examiners Committee, for the purpose of selection of examiners from among evaluators, registered in accordance with rules 20.

(2) The Examiners Committee shall consist of,-

- (i) The Competent Authority : Chairman

- (ii) The Joint Director of Examinations : Member
Secretary
- (iii) The Deputy Director of Examinations : Member

20 Registration of Evaluators.- (1) Any Lecturer who has experience of teaching a particular subject for not less than three years, and who is on the date of application continuing in service as a lecturer, may before the 30th September each year apply to the Examiners Committee for registering his name on the Panel of examiners in his subject.

(2) The Examiners Committee shall specify by the form of application, fee to be paid thereon and the manner in which it is to be paid

(3) The Examiners Committee shall draw up a panel of examiners for each subject from which selection shall be made to the board of examiners, in such numbers computed at one for every two hundred and forty candidates taking the examination in each paper.

(4) The selection shall be made strictly on the basis of seniority in service. The panel shall be drawn up, in the month of October every year, and will hold good for both the annual and supplementary examination of the following academic year.

21. Board of Examiners.- (1) The Examiners Committee shall from among the panel of examiners drawn up each year, set up a Board of Examiners in each subject in the manner hereinafter provided.

(2) Each Board of Examiners shall consist of a Chief Examiner, one or more Deputy Chief Examiners and as many Examiners, not being less than four, as may be necessary, in accordance with sub-rule (4) below.

(3) Selection to the Board of Examiners in each subject shall be strictly on the basis of seniority in length of service. The senior most examiner on each board shall be the Chairman of the Board and the Chief Examiner for his subject, and the next junior to him shall be the Vice-Chairman.

(4) One Deputy Chief Examiner shall be appointed for every five Examiners or fraction thereof and one Examiner shall be appointed for every two hundred and forty candidates or fraction thereof. The Deputy Chief Examiner shall review and scrutinise the answer scripts valued by the Examiners and assigned to him by the Chief Examiners. He shall also assist the Chief Examiner in other duties, if so required by the Chief Examiner.

(5) The Board of Examiners will carry out the work of evaluation strictly in accordance with the instructions issued by the Competent Authority from time to time and ratified by the Department. These instructions shall be issued in the form of a hand book of Instructions to Examiners.

(6) Notwithstanding anything contained in this rule the Competent Authority shall have power to appoint any qualified person to function as an Examiner, in emergent situations.

22. Panel of Paper Setters,- (1) The Examiners committee shall also from among the Panel of Examiners drawn up each year set up a panel of paper setters for each subject in the manner hereinafter provided.

(2) The Panel of paper Setters in each subject shall consist of three examiners the senior most of whom shall act as the Chairman. It shall be the responsibility of the panel to set question papers in three sets of three answer paper each for the annual and the supplementary examinations of the year, both in English and Kannada/vernacular version. The panel shall be prepare the model answers for each question.

(3) The panel of paper setters will carry out work of question paper setting and preparation of model answers in accordance with the instructions issued by the Competent Authority.

(4) Notwithstanding anything contained in the rules the Competent Authority shall have power to appoint any qualified person to function as a paper setter in emergent situations.

23. Disqualification of Examiners.- A person shall be disqualified from being appointed as Examiner,-

(i) if a near relative of such person is appearing for the examination :

Provided that a person appointed to work as a examiner shall not be disqualified under this clause if his near relative has not offered the particular subject in which the person is appoint to work as an examiner;

(ii) if he has during the academic year taken any part in organising coaching classes for candidates appearing for the examination either partly or wholly:

Provided that tuition imparted in special classes organised by an institution shall not constitute a disqualification under this clause ;

(iii) if he is the author or publisher, or has directly or indirectly any financial interest in the publication of any guide or annotation on any subject prescribed for the examination. If any question arises whether a book is such guide or an annotation, it shall be decided by the Examiners Committee whose decision shall be final ;

(iv) if he has been removed from the list of examiners for any misconduct or negligence or abuse of authority for any specific period ;

(v) if he has been disqualified for appointment by an University established by Law in the State or by any Department or agency, constituted by the State or Central Government, in respect of any examination conducted by them.

24. Practical Examination.-The Board of Examiners in such subjects as involve practical work, shall assign work to the examiners and chalkout detailed programme of their work, distribution of candidates and examiners among the various centres of practical examination, duration of examination for each batch, drawing up of proper time table and fixation of experiments among various centres and also prepare detailed instructions to the Chief Superintendents and Examiners at the centres of practical examination.

25. Remuneration and other allowances to Examiners.- (1) The Examiners including Examiners appointed for revaluation of answerscripts shall be entitled to such remuneration and other allowances as the Department may with the prior approval of the State Government specify.

(2) Examiners who are allotted Practical Examination work shall be entitled to such additional remuneration as the Department with the prior approval of the Government may, specify, for such work of Practical Examination.

(3) Examiners shall be entitled to T.A. and D.A. in accordance with the Karnataka Civil Services Rules.

26. Marks Lists and valued answer Scripts.- (1) As soon as may be after the close of evaluation of answerscripts each day, marks lists shall be prepared by each examiner which he shall along with the valued answer scripts hand over to the Chief Examiner, who shall arrange for their review and scrutiny. The marks lists prepared shall after review and scrutiny, be sent to the Competent Authority, at the end of each day of evaluation work.

(2) The valued answer scripts shall however be bundled and sent to the Competent Authority on the immediate next day following the day of completion of evaluation work.

27. Declaration of Results.- The results of every examination conducted by the Department of Pre-University Education shall be declared and published in such manner and on such dates and time and at such places and through such manner and media as may be specified :

Provided that the results of candidates involved in malpractice shall be withheld and their results shall be announced only after Department takes a decision in such manners.

28. Re-totalling of Marks.- (1) Any candidate who desires to have his marks all or any subject of the examinations appeared by him re-totalled, may apply within fifteen days from the date of publication of the results of the examination on payment of such fee as may be specified by the Department, to the Competent Authority or any other officer authorised by him.

(2) The application shall contain full and correct particulars regarding,-

(i) name and full postal address (in block letters);

(ii) register number ;

(iii) name, year and month of the examination ;

(iv) the centre at which he took the examination ;

(v) number and name of the subjects in which he desires re-totalling of marks / totals ;
and

(vi) the amount of fee payable for re-totalling.

(3) Application not complying with the requirements specified in sub-rules (1) and (2) shall be rejected.

(4) Upon re-totalling, if variation in total marks is found, then corrections shall be effected in the concerned records and a fresh marks card shall be issued to the candidate.

(5) The fee once paid towards re-totalling of marks / totals by the candidate shall not be refunded.

(6) The Competent Authority or any other officer authorised by him shall be competent to decide the case of re-totalling of marks. All cases of re-totalling of marks involving any change in the total of marks shall be referred to the Competent Authority for declaration of the final marks.

29. Revaluation of answer papers.- (1) The State Government shall by a notification specify the subjects in which answer scripts may be revalued. The department shall arrange, soon after the declaration of the results, for the revaluation of the answer scripts of the students who are not satisfied with the valuation already done. Any candidate who is not satisfied with the valuation of the answer scripts if any of the subjects may apply for revaluation of such a paper.

(2) The Department shall by a notification, announce the date, time and place for submitting the applications for revaluation of answer scripts and also the date of declaration of the results of revaluation. The applications submitted by the candidates for the revaluation shall be referred to a Special Committee of three examiners appointed by the department for the purpose of revaluation. The place, time, duration of revaluation, names of the examiners and the details of answer papers referred shall be confidential.

(3) The department may specify the fee to be paid along with the application for revaluation.

¹[(4) (a) If there is an upward revision of marks by six percent of the total marks of the concerned paper or more after the revaluation, in any of the subjects, then the fee paid for revaluation shall be refunded to the student.

(b) If the marks awarded already remains the same or gets reduced or increased by five percent of the total marks of the concerned paper then the amount of fee paid for revaluation shall stand forfeited.

(c) If there is an upward or downward revision of marks by six percent of the total marks of the concerned paper or more in revaluation in respect of any answer paper, then the marks awarded in the first revaluation in respect of that answer paper shall stand annulled and fresh marks awarded in the revaluation shall only be the marks for the said answer paper and a fresh marks card shall be issued incorporating the marks awarded in the revaluation."]¹

1.Substituted by Notification No ED 187 TPU 97 dated 22.9.1998 w.e.f. 5.10.1998

(5) The revaluation results shall be final and there shall be no appeal or review against revaluation.

30. Issue of photocopies of valued Answer Scripts to Candidates.- (1) The Government shall by a notification specify the subjects in which the Department shall furnish the photocopies of the answer scripts to the candidates.

(2) The Department shall specify the place and the fee payable for the supply of photocopies of the answer scripts. The candidates who apply for the photocopies of the answer scripts in the specified form within the last date notified and the Department, shall furnish the photocopies of the answer scripts on an appointed date.

1[30A. Rejection of results by the candidate.- (1) A candidate who has passed in the examination conducted by the department can give the examination again, in any of the subjects, by rejecting the result in that subject. The candidate may so reject the result in any subject twice and in consecutive three examinations only.

(2) The candidate cannot opt for the marks of the previous examination, once the candidate writes the answer paper in the subsequent examination, in accordance with sub-rule (1).

(3) A candidate who rejects the result in any subject but does not give the examination subsequently in that subject may retain the rejected result by intimating in writing his intention to the Department, subject to payment of fee specified by the Department for issue of a duplicate marks certificate, before the commencement of the next consecutive examination.”] ¹

1. Inserted by Notification No ED 187 TPU 97 dated 22.9.1998 w.e.f. 5.10.1998.

31. Computerisation.- In respect of Pre-examination and Post-examination items of work under computer programme, the Competent Authority shall be empowered to take suitable steps or make such arrangements for the required staff. The scale of remuneration to the staff appointed in this behalf shall be as specified by the Government.

32. Issue of Duplicate Statements of Marks or Certificates.- The Department may on an application either by a candidate or by a parent or guardian of such candidate and on payment of such fees as may be specified, issue duplicate statement of marks or certificates.

33. Prevention of Malpractice at the Examination Centres.- (1) There shall be a District Level Committee for each District consisting of the following members for prevention or malpractices at Examination Centres.

- | | | |
|---|---|----------|
| (1) Deputy Commissioner | : | Chairman |
| (2) Superintendent of Police | : | Member |
| (3) Zilla Panchayat Chief Executive Officer | : | Member |
| (4) Divisional Joint Director of Public Instruction of the Department of Public Instruction | : | Member |
| (5) Principal, DIET | : | Member |
| (6) Deputy Director of Public Instruction of the Department of Public Instruction | : | Member |
- Secretary

(2) There shall also be Taluk Level Committee for each taluk consisting of the following members, for prevention of Malpractices at Examination Centres.

- | | | |
|--|---|----------|
| (1) Assistant Commissioner of Revenue Sub-Division | : | Chairman |
|--|---|----------|

- | | | |
|---|---|--------|
| (2) Taluk Panchayat Chief Executive Officer | : | Member |
| (3) Tahsildar | : | Member |
| (4) Circle Inspector of Police | : | Member |
| (5) Block Development Officer | : | Member |
| (6) Block Educational Officer | : | Member |

34. Malpractice Detection Squad.- The Competent Authority shall have power to appoint one or more Malpractice Detection Squads consisting of Deputy Director or Public Instruction or Special Deputy Director of Pre-University Education as Chairman and four other lecturers as members for every district. The malpractice 'detection squads shall make frequent and surprise visits to each of the centres throughout the duration of examination. The primary role of the squad to make an assessment whether the examinations are being conducted without giving scope for any malpractice or copying and to report cases of malpractice to the Competent Authority.

35. Manner of payment of fees etc.- Examination and other fees specified to be paid under these rules shall be paid only in the form of a Demand Draft drawn in favour of the Director, Pre-University Education, Bangalore, payable at Bangalore.

36. Specification of fee or other particulars.- The schedule of examination fee or other fees and particulars which are required to be specified by the Department under these rules shall be specified by notifications issued from time to time by the Department. All such notifications shall be published in the official Gazette and also caused to be displayed on the notice boards of the Department of Pre-University Education and of all the Institutions.

37. Camp Office.- The Competent Authority or a person authorised by him shall have power to appoint, shall appoint such number of officers and staff as may be necessary for the Camp Offices for the purpose of :-

- (i) Storing and distribution of question papers; and
- (ii) Storing and central valuation of answer scripts.

38. With-holding of marks card or pass Certificate.- Where there is a doubt that a second year annual pre-University marks card or Certificate is not genuine or not the one issued by the Department, the Director shall detain such marks card or pass Certificate and make such enquiry as he deems fit, after giving the candidate an opportunity or being heard and may order withholding the marks card or pass certificate or to return it to the candidate. The burden of proving the genuineness of such marks card or pass certificate shall be on the candidate. The Director may take appropriate action in accordance with law against persons responsible for altering or fabricating or forging a marks card or pass certificate.

1. Rules 38 & 39 inserted by Notification No ED 187 TPU 97 dated 22.9.1998 w.e.f.5.10.1998.

39. Categories of malpractices and penalties.- (1) Without prejudice to the provisions of the Act and any rules made or deemed to have been made under the Karnataka Civil Services Act, 1978 (Karnataka Act 14 of 1990), as a measure of discipline, where any person indulges in any

malpractice specified in column (2) of the Table below, and is found guilty, the Director, Pre-University Education (hereinafter referred to as the Director) or such other officer as may be specified by the Government, after following the procedure hereinafter provided, proceed to impose the penalty specified in the corresponding entries in column (3) thereof,

(2) The procedure for reporting malpractice shall be as follows:-

(a) Where the Room Superintendent / Invigilator notices a malpractice being committed by the candidate, he shall seize the incriminating material and the answer script or other substance forming part of the answer and report the same to the Chief Superintendent immediately.

(b) if the candidate refuses to hand over the incriminating material or destroys or runs away with the material or causes it to disappear, the facts shall be noted and got attested by two members of the Supervisory staff and reported to the Chief Superintendent immediately.

(c) if the candidate refuses to give the statement, the candidate should be asked to record in writing his refusal to give a statement. If he refuses to do even that, the fact shall be noted and got attested by two members of the Supervisory Staff.

(d) The Chief Superintendent shall hold a summary enquiry, record the report of the Room superintendent and obtain statement of the candidate if any, in the presence of a teacher other than the Room Superintendent concerned. He shall forward a report along with answer script or other substance and the incriminating material in a sealed cover or box, the statement and report of the Room Superintendent, the statement of the candidate, if any, to the deputy Director of the Examinations by name, who shall in turn, place before the Director all the materials and records received by him.

(e) The Chief Superintendent shall forthwith suspend the candidate from writing the examination and withdraw the admission ticket. Further, action taken under this clause shall be reported to the Director.

(f) The examiner, shall, if he suspects malpractice while valuing the answer script or other material, return the answer script or other material without valuation or further valuation to the Director by name after recording his reasons for suspicion on the answer script. If already valued, the marks shall not be entered in the regular marks list in which the marks awarded to other candidates are furnished but shall be entered in a separate list which shall be placed in a sealed cover and forwarded to the Director.

(3) No penalty shall be imposed on a candidate except after holding an enquiry as far as may be, in the manner hereinafter provided.

(a) The Director shall frame definite charges and communicate such charges together with a statement of allegations on which they are based, to the candidate in writing and he shall be required to submit within such time as may be specified by the Director, a written statement of his defence and also to state whether he desires to be heard in person ;

Provided, if any candidate has admitted having committed the malpractice before the Chief Superintendent of the Examination Centre, the Director may serve the charge sheet and if the

candidate accepts the charges without contest, proceed to impose the penalty provided in the rules.

(b) On receipt of the written statement of defence or if no such statement is received within the time specified, the Director shall inquire into the charges alleged against the candidate.

(c) The Director may nominate any official or officer to present the case in support of the charges. The candidate may present his case himself but shall not engage a legal practitioner for the purpose.

(d) The Director shall, in the course of enquiry consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charge or charges. The candidate shall be entitled to cross examine the witness examined in support of the charges and to give evidence in defence. The person presenting the case in support of the charges shall be entitled to cross examine the witnesses examined in defence.

(e) For the different acts of malpractice specified in column (2) of the Table below the penalties that may be imposed by the Director are as specified in column (3).

TABLE

Sl.No.	Nature of the wrong	Penalties
1	PENALTIES AND REMEDIAL ACTION IN RESPECT OF WRONGS COMMITTED BY CANDIDATES:	
	Candidates found guilty of Malpractices in the Examinations conducted by the Department shall be punished as shown below. For any other type of malpractices not specified below, the Director shall have the power to impose such penalty as he deems fit.	
1	Tampering with the entries in the records attached to the application for admission to the Pre-University Examination conducted by the Department.	Such a candidate shall be debarred from giving two examinations including the one to which the candidate sought admission
2	Possession of a manuscript or literature not relating to the subject of examination in examination hall / room by a candidate.	A severe warning be given by the Chief Superintendent of the centre.
3	(a) Possession of a manuscript or literature relating to the subject of examination in the examination hall / room.	Shall be debarred from giving two examinations in all the subjects including the one in which the candidate commits the malpractice.

Sl.No.	Nature of the wrong	Penalties
	<p>(b) Copying from manuscript, books or notes or from answer book of a neighbour.</p> <p>(c) Communication in the examination Hall / room by gestures and / or conversation with the purpose of committing malpractice.</p>	<p>-ditto-</p> <p>-ditto-</p>
4	Tampering with the answer papers anytime after the examinations with the intention of gaining good marks.	The candidates shall be debarred from appearing in five subsequent examinations and the results of all the subjects of the examination in which he/she committed the tampering shall be annulled.
5	Giving the examination as a fresh candidate concealing the fact that he or she completed the two years study and had either given the PUC or XII standard examination elsewhere and had passed in all the subjects or had failed in a few .	The results of all the subjects in the examination in which the candidate committed the malpractice shall be annulled and the marks card shall be impounded.
6	Writing the answers in the answer books either supplied by the department or obtaining the same outside the examination hall, either during the examination hours or after the examination hours and including them with the answer books of the rest of the candidates in that examination centre with or without the help of the officials entrusted with the examination work.	The results of all the subjects of the examination in which he or she committed the malpractice shall be annulled and he or she shall be debarred from appearing in subsequent six (6) examination. The marks card shall be impounded.
7	Possession and use of fake marks cards by a candidate or a person claiming to have studied PU Course in a college affiliated to the department.	The fake marks card shall be impounded and the offence shall be reported to the Police for criminal prosecution.

Sl.No.	Nature of the wrong	Penalties
8	Serious misbehavior on the part of the candidate in the examination hall / room or in the examination centre.	The candidate shall be sent out of examination hall / room and shall not be admitted to the examination hall / room on that day and on subsequent days of examination.
9	Manhandling or resorting to any other kind of violence by the candidate at the examination centre.	Such a candidate shall be debarred from taking examination for three years i.e., Six examinations including ONE in which the candidate resorts to manhandling of the staff.
10	Communication with the examiner through the answer book or otherwise.	Shall be debarred from the examinations in which he / she commits the malpractice in case such communication is of the serious nature
11	Impersonation at the Examination.	The candidate on whose behalf impersonation takes place shall be debarred from giving subsequent examination for THREE years, i.e., six examinations including the one in which the malpractice took place.
12	Tampering with the Register No. Name, etc., in the Admission ticket with the intention of committing malpractice.	Such a candidate shall be debarred from giving two examinations including the one in which he/she had tampered the Admission Ticket.
13	Attaching currency note / notes in the answer book.	The Candidate shall be debarred for SIX examinations including the ONE in which he / she has committed the malpractice.
14	Taking away or tampering with the answer books of the other candidate in the examination hall / room.	Such candidate shall be debarred for SIX examinations including the ONE in which he/she has committed the malpractice.

Sl.No.	Nature of the wrong	Penalties
15	Attempting to send out or take out of the examination hall / room blank answer books or additional sheets and to receive the answer book or sheets from outside the examination hall / room	The candidate shall be sent out immediately and not to be allowed to give the examination on subsequent days. He/she shall be debarred from giving TWO examinations including the ONE in which he or she commits the malpractice.
16	Appealing and promising to offer illegal gratification to examiners.	The candidate shall be debarred from giving TWO examinations including the one in which he or she committed the malpractice.
17	Taking out or sending out question paper outside the examination hall / room within the first half an hour from the commencement of the examination.	The candidate shall be debarred for TWO examinations including the one in which he or she committed the malpractice.
II	PENALTIES FOR THE WRONGS COMMITTED AT EXAMINATION CENTRES BY THE EXAMINATION CENTRE STAFF : No. TA & DA shall be paid for the erring staff when called for-enquiry.	
1	Failure to prevent mass copying by Chief Superintendent / Joint Chief Supdt. (Custodian) / Invigilator / Relieving Invigilator in the examination hall / room and later reported by the examiners at the time of valuation.	No remuneration shall be paid. They shall be debarred from being appointed as Chief Superintendent / Joint Chief Superintendent (Custodian) Invigilator / Relieving invigilator for 3 years, and shall be imposed a penalty of Rs. 500/-
2	Failure to detect the tampering / interchanging of register numbers by the Chief Superintendent / Joint Chief Superintendent (Custodian)/ Invigilator / Office Superintendent at the end of examination at the time of inserting the answer books to the confidential covers.	No remuneration shall be paid. They shall be debarred from being appointed as Chief Superintendent / Invigilator / relieving invigilator / Joint Chief Superintendent / Officer Superintendent, for two years and shall be imposed a penalty, of Rs. 500/-

Sl.No.	Nature of the wrong	Penalties
3	Failure to insert correct answer scripts according to marks list entries into the confidential covers by the chief superintendent / joint superintendent (custodian) / office superintendent.	No remuneration shall be paid. Chief superintendent / Joint chief superintendent (custodian) / office superintendent, shall be imposed a penalty of Rs 200.
4	Failure to obtain signature of the candidate / s in the invigilators diary at the time of issuing answer books as well as taking of over answer books.	No remuneration shall be paid to the concerned invigilator and shall be imposed a penalty of Rs. 50/- for each mistake.
5	Failure to collect the answer script and additional sheets from the candidate /s at the end of the examination.	No remuneration shall be paid and shall be debarred from examination work for a period of 5 years.
6	For removing the written answer scripts / replacing a new answer book by any of the examination staff from the bundle of answer scripts to be sent to the camp officer.	No remuneration shall be paid and shall be debarred from examination work for a period of 5 years.
7	Failure to report taking away of question papers from the examination centre / hall / room before half an hour of the commencement of the examination or before leaving the examination room / hall by joint chief superintendent (custodian) / chief superintendent / invigilator.	No remuneration shall be paid and shall be debarred from the examination work for a period of 5 years.
III	PENALTIES FOR THE WRONGS COMMITTED BY THE EXAMINERS : No TA & DA shall be paid to such examiners when called for enquiry.	
1	(a) Mistakes in Totalling upto 3 mistakes	A penalty of Rs. 100/- per mistake shall be levied.
	(b) Mistakes in totalling results in alteration of results or varies by 10 or more marks.	No remuneration shall be paid. The examiners shall be debarred from appointment as examiners for 5 years.
2	Failure to award marks to questions or part of questions up to 3 numbers	A penalty of Rs. 100/- per omission shall be levied and shall be debarred from appointment as examiner for 3 years.

Sl.No.	Nature of the wrong	Penalties
3	<p>Failure to award marks to more than 3 questions or part of questions resulting in the alteration of result.</p> <p>(a) Mistakes in transfer of marks from answer script to marks list.</p> <p>(b) Mistakes in transfer of marks from answer script to marks list of serious nature / major mistake.</p>	<p>No remuneration shall be paid to the examiners and shall be debarred from appointment as examiner for 5 years.</p> <p>A penalty of Rs. 100/- per mistake shall be levied and the examiner shall be debarred from appointment as examiner for 3 years.</p> <p>No remuneration shall be paid. The examiner shall be debarred from appointment as examiner for 5 years.</p>
4	<p>Failure to record marks of each question on the facing sheet of the answer script or against each answer inside the answer script or failure to round off the extra marks.</p>	<p>A penalty of Rs. 200/- per mistake shall be levied.</p>
	<p>Failure to write marks in words or figures or attestation in the marks list in figures and words.</p>	<p>A penalty of Rs. 50/- per mistake under each category shall be levied.</p>
5	<p>Failure to affix signature on the facing sheet of the answer book or on the marks list</p> <p style="text-align: center;">OR</p> <p>Failure to affix their code nos. legibly on the facing sheet of the answer book or on the marks list.</p>	<p>A penalty of Rs. 50/- per mistake under each category shall be levied.</p>
6	<p>Failure to record and report the discrepancies in the number of answer scripts or a different answer script is found in the cover with regard to the entry in the marks list.</p>	<p>The Examiners shall be debarred for 3 years.</p>
7	<p>Failure to notice over writing or tampering of register numbers on the script or additional sheets or interchange of register numbers on the answer scripts or additional sheets.</p>	<p>The examiner shall be debarred for 3 years.</p>

Sl.No.	Nature of the wrong	Penalties
8	Inter change of marks while transferring from answer scripts to marks list.	No remuneration shall be paid and the examiner shall be debarred for 3 years.
9	For removing of answer scripts from the camp office by CE / DCE / AE / Camp. Officers / Staff. OR Interchanging or replacing with a new answer script.	No remuneration shall be paid. Shall be debarred for 5 years.
10	For changing the marks on the answer script or on the marks list by CE & DCE, without the attestation of the Assistant Examiner.	No remuneration shall be paid. Shall be debarred for 5 years.
11	Failure to write numbers on the confidential covers as per the marks list during valuation.	A penalty of Rs. 50/- for each mistake shall be levied.
12	Inserting marks list in the answer book packet / bundle without handing over to camp officer.	A penalty of Rs. 100/- in each case shall be levied.
13	Inserting answer books in the packet / bundle without valuation.	(a) The examiners shall be debarred for the next two examinations in case the answer scripts are inserted in the packet without valuation. (b) The examiner shall be debarred for the next five years in case a packet is left without valuation.
IV	PENALTIES FOR THE WRONGS COMMITTED BY THE COMPUTER OPERATORS :	
1	Mistakes (Wrong entry) in keying of applications.	A penalty of 20 paise per each mistake / record / application shall be levied.
2	Mistakes (wrong entry) in keying of marks list.	A penalty of Rs. 100/- per mistake / record shall be levied and disciplinary action may be initiated.

Explanation :- (1) 'Examination Centre' means any premises consisting examination halls.

(2) 'Examination hall' includes any room, hall laboratory, work shop or any other premises used for holding examinations.

(3) 'Malpractices' includes anyone or more of the acts specified above committed by a candidate appearing for the examination conducted by the department.

(4) The term examiner includes Assistant examiner, Deputy Chief Examiner and Chief Examiner appointed for valuation work and scrutiny work.

(5) Penalty specified in the table imposed on examiners and others shall be deducted from the remuneration payable to them. If no remuneration is payable it shall be recovered from the salary through the Principal.]¹

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