

**LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(GROUP-II)
NOTIFICATION**

Jaipur, April 6, 2022

No. F. 2(10)Vidhi/2/2022.- In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of Rajasthan Sarvjanik Pareeksha (Bhartee Mein Anuchit Sadhanon Kee Roktham Ke Adhyupay) Adhiniyam, 2022 (2022 Ka Adhiniyam Sankhyank 6):-

(Authorised English Translation)

**THE RAJASTHAN PUBLIC EXAMINATION (MEASURES FOR PREVENTION OF
UNFAIR MEANS IN RECRUITMENT) ACT, 2022**

(Act No. 6 of 2022)

(Received the assent of the Governor on the 5th day of April, 2022)

An

Act

to provide for effective measures to prevent and curb the offences of leakage of question papers and use of unfair means at public examinations for the purpose of recruitment to any post under the State Government including autonomous bodies, authorities, boards or corporations, and to provide for designated courts for the trial of such offences and for matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Seventy-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 (Measures for Prevention of Unfair Means in Recruitment) Act, 2022.

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

(3) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.- In this Act, unless the subject or context otherwise requires,-

- (a) "conduct of public examination" means and includes preparation, printing, supervision, coding, processing, storing, transportation, distribution and collection of question papers, answer sheets, OMR sheets and result sheets, evaluation, declaration of result, etc;
- (b) "examination authority" means an examination authority as specified in the Schedule-I;
- (c) "examination center" means any institution or part thereof or any other place fixed and used for the holding of a public examination and includes the entire premises attached thereto;
- (d) "examinee" means a person who has been granted permission by the concerning authority to appear in a public examination, and includes a person authorized to act as scribe on his behalf;
- (e) "public examination" means examination for the purpose of recruitment to any post under the State Government including autonomous bodies, authorities, boards or corporations as specified in the Schedule-II;
- (f) "unfair means" includes,-

- (i) in relation to an examinee, to take unauthorized help in public examination from any person or group directly or indirectly or from any material written, recorded, copied or printed, in any form whatsoever, or use of any unauthorized electronic or mechanical instrument or gadget;
- (ii) in relation to any person,-
 - I. to impersonate or leak or attempt to leak or conspire to leak question paper; or
 - II. to procure or attempt to procure or possess or attempt to possess question paper in unauthorized manner; or
 - III. to solve or attempt to solve or seek assistance to solve question paper in unauthorized manner; and
 - IV. directly or indirectly assist the examinee in the public examination in unauthorized manner.

Explanation.- Any person also includes an examinee; and

- (g) the words and expressions used herein and not defined, but defined in the Indian Penal Code, 1860 (Central Act No. 45 of 1860), shall have the same meanings respectively assigned to them in that code.

3. Prohibition of use of unfair means.- No person shall use unfair means at any public examination.

4. Possession and disclosure of question paper.- No person authorized by virtue of his duties in conduct of public examination shall before the time fixed for opening and distribution of question papers-

- (a) open, leak or procure or attempt to procure, possess or solve such question paper or any portion or a copy thereof; or
- (b) give any confidential information or promise to give such confidential information to any person or examinee, where such confidential information is related to or in reference to such question paper.

5. Prevention of leakage by person entrusted or engaged with examination work.- No person, who is entrusted or engaged 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. Unauthorized possession or disclosure of question paper and answer sheet or OMR sheet in any form.- No person who is not lawfully authorized or permitted by virtue of his duties to do so, shall, before the time fixed for the distribution of question papers-

- (a) procure or attempt to procure or possess, such question paper or answer sheet or OMR sheet or any portion or copy thereof in any form; or
- (b) impart or offer to impart, such 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.

7. Prohibition to enter in examination center.- No person who is not entrusted or engaged with the work pertaining to public examination or conduct of public examination or who is not an examinee, shall enter the premises of the examination center.

8. No place other than examination center shall be used for public examination.-

No person who is entrusted or engaged with the work pertaining to public examination shall use or cause to be used any place, other than the examination center, for the purpose of holding public examination.

9. Offences by Management, Institution or others.- (1) Whenever an offence under this Act has been committed by Management or Institution or Limited Liability Partnership or others, every person who at the time the offence was committed was incharge of, or was responsible to the Management or Institution or Limited Liability Partnership or others for conduct of the business of the Management or Institution or Limited Liability Partnership or others, as well as the Management or Institution or Limited Liability Partnership or others, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by Management or Institution or Limited Liability Partnership or others and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, partner, manager, secretary or other officer of the Management or Institution or Limited Liability Partnership or others, such director, partner, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

10. Penalties.- (1) If any examinee indulges in unfair means as defined under section 2(f)(i) shall be liable to be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine, which shall not be less than one lakh rupees and in case of default of payment of fine such examinee shall also be liable to be punished with imprisonment of either description for a term of nine months.

(2) If any person, including examinee, whether entrusted or authorized with the conduct of public examination or not, in conspiracy or otherwise indulges or attempts to indulge in unfair means as defined in section 2(f)(ii) or contravenes or abets to contravene any of the provisions of this Act, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to imprisonment of ten years and shall also be liable to fine which shall not be less than ten lakh rupees but which may extend to ten crore rupees and in case of default of payment of fine such person shall also be liable to be punished with imprisonment of either description for a term of two years:

Provided that the Court may for any adequate and special reasons to be recorded in the judgement impose a sentence of imprisonment for a term of less than five years.

11. Debarment on conviction.- An examinee who has been convicted of an offence under the provision of this Act shall be debarred from taking any public examination for a period of two years.

12. Attachment and confiscation of property.- (1) No person shall hold or be in possession of any proceeds of any offence under this Act.

(2) If an officer, investigating an offence committed under this Act, has reason to believe that any property represents proceeds of any offence under this Act, he shall, with the prior approval in writing of the State Government make an order seizing such property, movable or immovable or both, and where it is not practicable to seize such property, make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order or, as the case may be, the Designated Court and a copy of such order shall be served on the person concerned.

(3) The investigating officer shall duly inform the Designated Court, within forty-eight hours of the seizure or attachment of such property.

(4) It shall be open to the Designated Court either to confirm or revoke the order of seizure or attachment made under sub-section (2):

Provided that the Designated Court shall not pass an order unless an opportunity of making representation is given to the person whose property is being attached.

(5) Where the accused has been convicted of any offence punishable under this Act, the Designated Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both belonging to the accused and specified in the order shall stand confiscated to the State Government free from all encumbrances.

Explanation.- For the purpose of this section "proceeds of any offence under this Act" means all kind of properties which have been derived or obtained from commission of any offence under this Act or have been acquired through funds traceable to any offence under this Act and shall include cash, irrespective of person in whose name such proceeds are standing or in whose possession they are found.

13. Liability of Management etc. to pay all cost and expenditure.- If the person of the Management or Institution or Limited Liability Partnership or others has been found guilty of the offence under sub-section (2) of section 10 of this Act, the Management or Institution or Limited Liability Partnership or others shall be liable to pay all cost and expenditure related to the examination, determined by the Designated Court and shall be banned forever.

14. Offences to be Cognizable, non-bailable and non-compoundable.- All offences specified under this Act, shall be cognizable, non-bailable and non-compoundable.

15. Investigation of the offences.- No police officer below the rank of Additional Superintendent of Police shall investigate any offence committed under this Act.

16. Cases triable by Designated Courts.- Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), or in any other law for the time being in force, the offences specified under this Act shall be tried by the courts designated under this Act.

17. Power to appoint Designated Courts.- The State Government may, by notification in the Official Gazette, designate as many Courts of Sessions in consultation with the Chief Justice of the High Court of Rajasthan as it may be necessary to try offences punishable under this Act.

18. Act not in derogation of any other law.- The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

19. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

20. Power to make rules.- (1) The State Government may make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may comprise in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the sessions immediately following, the House of the State Legislature makes any modifications in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

SCHEDULE-I

[Section 2(b)]

1. Rajasthan Public Service Commission
2. Rajasthan High Court
3. Rajasthan Staff Selection Board
4. Any other authority or agency or recruitment committee engaged or constituted by the State Government
5. State Funded Universities
6. Rajasthan Board of Secondary Education
7. Rajasthan Police Recruitment and Promotion Board, Jaipur
8. Public Sector Undertaking owned by State Government
9. Any Societies, Corporations, Local Bodies and all PSU's owned by the State Government substantially or partially
10. Any other authority notified by State Government

SCHEDULE-II


[Section 2(e)]

1. Any examination conducted by the Rajasthan Public Service Commission.
2. Any examination conducted by the Rajasthan High Court.
3. Any examination conducted by the Rajasthan Staff Selection Board.
4. Any examination conducted by any other authority or agency or recruitment committee engaged or constituted by the State Government.
5. Any recruitment examination conducted by the State Funded Universities.
6. Any recruitment examination conducted by the Rajasthan Board of Secondary Education.
7. Any examination conducted by the Rajasthan Police Recruitment and Promotion Board, Jaipur.
8. Any examination conducted by the Public Sector Undertaking owned by State Government.
9. Any other examination conducted by any Societies, Corporations, Local Bodies and all PSU's owned by State Government substantially or partially.
10. Any other examination notified by the State Government or conducted by any agency appointed by the State Government.

प्रवीर भटनागर,

Principal Secretary to the Government.

 राज्य केन्द्रीय मुद्रणालय, जयपुर।

 सत्यमेव जयते	राजस्थान राजपत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
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भाग 4 (ग)

उप-खण्ड(II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा
अधिसूचनाएं

शिक्षा (ग्रुप-4) विभाग

अधिसूचना

जयपुर, अप्रैल 12, 2022

एस.ओ.8 :-राजस्थान सार्वजनिक परीक्षा (भर्ती में अनुचित साधनों की रोकथाम के अध्यापय) अधिनियम, 2022 (2022 का अधिनियम सं.6) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार, इसके द्वारा 12 अप्रैल, 2022 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के समस्त उपबंध प्रवृत्त होंगे।

[सं. एफ.3(33)शिक्षा-3/1985 पार्ट-2]

राज्यपाल के आदेश से,

भवानी सिंह देथा,

शासन सचिव।

Education (Gr.IV) Department

NOTIFICATION

Jaipur, April 12, 2022

S.O.8 -In exercise of the powers conferred by sub-section (3) of section 1 of the Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022 (Act No. 6 of 2022), the State Government hereby appoints 12th April, 2022 as the date, on which all the provisions of said Act shall come into force.

[No. F.3 (33) Edu-3/1985 Pt.-II]

By order of the Governor,

Bhawani Singh Detha,

Secretary to the Government.