

Appendix-H

Standard Operating Procedure

for

***Dealing with Unfair Means and
Mass Copying Cases***

(Bye-laws Governing Examinations & Certification - 2012)



National Institute of Open Schooling

(An Autonomous Institution under Department of School Education & Literacy, MHRD, Govt. of India)
A-24-25, Institutional Area, Sector-62, NOIDA-201309

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STANDARD OPERATING PROCEDURE FOR DEALING WITH THE CASES OF UNFAIR MEANS AND MASS COPYING

Examination is a normal activity in the life of a student. The examination should be taken as per the rules and regulations fixed for the purpose. No attempt should be made to use unethical practices during the examination as that will expose the candidate to face penalties which are quite stringent besides carrying a stigma through out the life. The Centre Superintendent & Invigilation staff should caution the students about this prior to the start of the examination everyday and make frequent announcements to discourage the students to use unfair means to avoid facing the consequences.

A candidate found indulging in any of the following activities shall be deemed to have used unfair means and his/her examination result shall be withheld. The decision of the UFM Committee in imposing penalty for the offence committed by the candidate shall be final and binding on him/her.

UNFAIR MEANS ACTIVITIES DURING THE EXAMINATION

1. Writing name, roll number or putting signature at a place other than the space provided for or putting any other mark in the Answer Book which may disclose, in any way, the identity of the candidate.
2. Appearing in an Examination Centre other than the allotted one without the permission of NIOS.
3. Possessing book(s), notes, papers or any other like material related in any way with the examination.
4. Receiving or giving assistance in copying, or in any form during the course of the examination.
5. Smuggling in or out of the examination hall an answer book etc. and tearing leaf/leaves from the answer book or tampering with the answer book in any way.
6. Using abusive/derogatory language orally or in the Answer Book/against the Centre Superintendent/Examiner/Invigilator or threatening/using violence towards Invigilators or Centre Superintendent.
7. Impersonation, i.e. sending some other person to take the examination on his/her behalf.
8. Communicating with the Examiner or any other person connected with the Examination, with the objective of unduly influencing him in any way.
9. Any other type of misconduct or a deliberate previous arrangement to indulge unfair practices in the examination.
10. Writing questions or answers on any paper other than the Answer Book.
11. Possessing cell phones during the examination. .
12. Any other unethical and unlawful activity observed by the Centre Superintendent
13. Any other case of Unfair Means detected at any stage during or after the examination.

A. PROCEDURE TO BE FOLLOWED BY THE CENTRE SUPERINTENDENT IN BOOKING UFM CASES.

1. Issuance of Second Answer Book

As soon as any case of unfair means comes to the notice of the Superintendent of the examination centre, he shall take possession of the Answer Book of the candidate along with paper or other material found in his possession and immediately provide the candidate a second Answer Book. The words "Second Answer Book" should be superscribed on the top of second answer book. The Superintendent shall record on the first Answer Book the time when the case was brought to his notice. He shall also record the time of issue on the second Answer Book

2. Explanation of the candidate

While issuing the second Answer Book, the candidate shall be asked by the Centre Superintendent to submit his explanation in writing. In case the candidate refuses to give his statement, he should not be forced to do so, only the fact of his refusal and the time of occurrence of the incident should be recorded by the Invigilator/s on duty. The statement of the candidate if any and the statement of the Invigilator/s be attested by the Centre Superintendent with UFM proforma.

3. Statement of the Invigilator

The Invigilator, who detects the use of UFM by a candidate, shall also record his statement which shall be verified and signed by the Centre Superintendent and sent to the Regional Director alongwith UFM proforma.

4. Material recovered from the candidate

As far as possible precise information as to from where the material was recovered (in the pocket, desk, shoes etc.) should be mentioned in the statement of the Invigilator/s. The copying material so detected by an Invigilator should also be signed by the Invigilator and countersigned by the Centre Superintendent on each page and the total number of pages detected should be mentioned on the title of the Answer Book duly signed by the Invigilator and Centre Superintendent.

5. Procedure to be followed in case of smuggling out an Answer Book

In case a candidate has smuggled out an Answer Book, the Centre Superintendent should call for the student directly and try to secure the Answer Book. In case of non-availability of the Answer Book, the matter should be reported to the police in the format Annexure B and a copy of the FIR be sent to the office of the NIOS/concerned Regional Centre along with the statement of the Invigilator present in the room and also of the candidate. The statement of the peon/police constable etc., if any should also be forwarded.

6. Other Cases of Unfair Means

a) Impersonation:

In case of impersonation, the Centre Superintendent should send to the NIOS/Concerned Regional Centre, the statement of the person found to be impersonating, the Invigilator/s and the actual candidate, if possible. He may also report the matter to the police in the format as given in Annexure B and shall arrange for taking photographs of the impersonator from 3 angles (front, left and right) and send

the same along with the case. The expenditure incurred in this connection shall be reimbursed by the NIOS.

b) Misconduct:

In cases of misconduct of a serious nature, the matter should be reported to the police, if necessary. Statement of the Invigilator/s and that of the peon/policeman concerned may be obtained and sent to the office of the National Institute of Open Schooling Regional Centre Concerned for further necessary action.

7. Documents required to be sent in UFM cases

All cases of UFM should be recorded in the form for reporting UFM cases as given in Annexure A. The form shall be accompanied by the following documents:

- a) First and Second Answer Books
- b) Explanation of the candidate
- c) Statement of the Invigilator
- d) Unfair means material found from the candidate

Note: All the columns of the proforma must invariably be filled in properly in order to strengthen the case, complying with the instructions given in the proforma.

8. Despatch of UFM Cases

A separate sealed cover should be sent to the Regional Centre along with the prescribed proforma in each case booked daily under UFM with a covering proforma as per Annexure C.

List of Penalties for Different Types of Offences Under UFM

Unfair Activity	Penalties
1. Copying material in his/her possession but did not use it.	Current examination in the subject concerned to be cancelled and the candidate be debarred from appearing in the next October/April examination (and upto March/September in case of On Demand Exam) in the subject concerned.
2. Copying material brought in examination hall and used.	Entire current examinations in all the subjects to be cancelled and the candidate be debarred from appearing in the next October/April examination in any subject (and upto March/September in case of On Demand Exam).
3. Ran away with answer book or decamped with the answer book.	(a) Action against the examination centre to be initiated on the recommendation of UFM Committee if there is any fault of exam. centre and (b) Entire current exam. in all the

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|--|--|
| | subjects of the student cancelled and debarred from appearing in the next three examinations. Matter to be reported to the nearest Police Station in writing under proper receipt. |
| 4. Impersonation | Entire Current examination to be cancelled in all the subjects and debarred from appearing for the next three years. Matter may be reported to the nearest Police Station in writing under proper receipt. If the centre is found involved in impersonation, FIR against the person concerned to be filed. |
| 5. Use of abusive language in answer book or at the exam centre, threatening to the staff and indulgence/involvement in violence during examination. | Current examination to be cancelled as a whole and disqualified from appearing in the next two examinations. Matter may be reported to the nearest Police Station in writing under proper receipt |
| 6. Swallowing/ destroying evidence including tearing of any answer book and also other examination material. | Examination to be cancelled as a whole and disqualified to appear in next two consecutive examinations. |
| 7. Change of examination centre at his/her own will | Action against the Centre Superintendent/School and disqualifying the candidate for that examination as a whole. |
| 8. Mass copying or indulging in any other group activity leading to Unfair Means. | Penalty as may be decided by the Unfair Means Committee. |
| 9. The answer book is not written in candidate's own handwriting. | Cancellation of the current examination as a whole and to debar him/her for the next three examinations. |
| 10. Mass/Group coping booked on the basis of Special Evaluation | Current examination result in the subject concerned is cancelled and allowed to appear in the next Public examination. |
| 11. Any other Unfair Means not covered above which jeopardize the sanctity of NIOS examination. | Penalty as may be recommended by the UFM Committee and approved by the Competent Authority. |

IMPORTANT NOTES

1. The roll no. of the candidate booked under UFM on a particular day should be recorded in the attendance sheet as well as in the statement for dispatch of Answer Book to the Regional Centre concerned.
2. The candidate booked under UFM is not to be expelled from the examination centre in the paper of that particular examination.
3. Candidates found using any of the UFM are not to be debarred from appearing in the remaining papers of that particular examination.
4. Candidates can be physically searched by the Centre Superintendent/Invigilators/Member of the team of Observers deputed by the NIOS/concerned Regional Centre before or during the examination at any time. A female candidate should be searched by a female member only.
5. When a candidate goes to toilet etc. the invigilators must ensure that the Answer Book and Question Paper of the candidate has been left on his seat in the examination hall.
6. At the end of the examination, no candidate should be allowed to leave the room till all the answer books are collected, counted and found correct. If a candidate forces his way out with the answer books, the complete statement explaining the circumstances under which the candidate had left with the answer book should be made out. **In no case, this provision should be used to cover up the loss of Answer Book.** The statement should also contain the time of the incident and details of the case as to how the candidate took away the Answer Book/efforts made to recover the Answer Book should also be stated.
7. In respect of the cases detected by the members of the team of observers, the Centre Superintendent should forward the same to the NIOS/Concerned Regional Centre after giving an opportunity to the candidate concerned to give his explanation. For these cases also requisite proforma should be used.
8. Proper procedure must be followed while reporting the UFM cases.
9. In order to curb UFM/Mass copying, the staff on examination duty at the examination centre must display their I-card indicating that the individual is on examination duty to check the entry of outsiders. Similarly, the team of the observers will also carry their I-cards/Authority letter for disclosing their identity at the examination centre.

B. Cases of Mass Copying

Mass copying is different from the individual UFM cases. It is a group activity resorted to Unfair Means in the examination detected or reported at any stage during or after the examination.

Broad areas of the mass-copying are as under:-

- i) Copying from the printed/photostate sheet circulated in the examination hall.
- ii) Displaying copying material on the blackboard.
- iii) Use of loud speaker from outside.
- iv) Dictating answers by the Invigilators etc.
- v) Any other evidence which proves mass copying.

LIST OF PENALTIES AGAINST THE CENTRES BOOKED UNDER MASS COPYING:

- a) De-accreditation of the A.I.
- b) In the case of institution other than AIs, the institution shall be black listed as recommended by UFM Committee.
- c) Respective Boards will be requested for deaffiliation of the institution for resorting to unethical practices.
- d) Publicity in the press against the Institutions involved in unethical practices during the exam. Indicating action taken against these institutions.

C. ACTION BY THE REGIONAL CENTRE ON UFM/MASS COPYING CASES

Individual UFM Cases:

- 1) UFM Answer Books received from the examination centre will not be given fictitious roll nos. and kept separately.
- 2) All Such Answer Books will be evaluated by the evaluators and signed by the team leader.
- 3) All cases of UFM will be forwarded together in one lot course-wise on the prescribed proforma as given in Annexure (D) and (E).

Cases of Mass Copying:

- 1) All Answer Books will be given Fictitious Roll Numbers and kept separately.
- 2) The Answer Book will be got evaluated by the evaluators and signed by the team leaders. The evaluators will also prepare their report in the proforma as given in Annexure F about the details of the question numbers, Enrolment no.of cases of copying and not copied roll nos. as per Annexure G. The Evaluators will identify specifically the question numbers in which the Mass Copying has taken place and also type of Mass Copying like diagram, language etc. found by them from various Answer Books.
- 3) All Answer Books along with the Reports of the Evaluators should be sent to the Director (Evaluation) after the evaluation work is completed in the spot evaluation centre in the prescribed proforma for forwarding mass copying cases as Annexure H.

D. ACTION BY THE HEAD QUARTER (EVALUATION DEPTT.) IN DEALING WITH UFM/MASS COPYING CASES.

- 1) All cases of UFM and Mass copying will be examined separately course/subject wise and region wise. No percentage for booking Mass Copying Cases is fixed.
- 2) There will be second evaluation by different set of subject experts to confirm the report of the evaluators on the first evaluation received from the Regional Centre.
- 3) Keeping in view the number of students booked under individual UFM/Mass Copying they will be sent a Show Cause Notice and asked to present themselves before the UFM Committee on different dates or send their written statement of defence as per Annexure I.

- 4) Results of the clear cases will be declared immediately on the receipt of recommendation of the UFM Committee and the students will be given suitable time to register themselves for the next examination subject to his/her eligibility for the same .
- 5) Approval of the Chairman, NIOS will be obtained on the recommendation of the UFM Committee for implementation.
- 6) Details of the Institutions booked under Mass Copying and penalty imposed in individual UFM cases, if any, will be sent to the AI's and Regional Centres for their information.
- 7) In the event of the following happenings in examination centres, strict action will be taken against the examination centre as well:
 - a) The candidate decamps with the Answer Book.
 - b) Missing Answer Book vis-à-vis, the number of students present.
 - c) Allowing candidate of other examination centre to appear in the examination without the written permission of NIOS HQ/Regional Centre.
 - d) Involvement in cases of mass copying.

NATIONAL INSTITUTE OF OPEN SCHOOLING EXAMINATION

FORM FOR REPORTING UNFAIR MEANS CASES SECONDARY/SR. SECONDARY/VOCATIONAL

1. Centre No Name of Centre
2. Roll No Name of Candidate
3. Subject
4. Date and Time of incidentDate Time
5. Mode of Unfair Means used in exam
and circumstances in which caught:
 - a) Type of copying
material found from
the candidate i.e. help
book, loose
printed/hand written
sheets, No. of pages/
loose sheets found be also indicated
 - b) Place from where copying
material recovered,
e.g. pant pocket, shirt
pocket,-beneath
desk or in the answer book,
inside shoes/socks etc.
6. Any other information

Sign. of the
Candidate

Sign. of member
of flying Squad/OSD

Sign of Incharge/
Observer

Witness of Centre
Superintendent/ Invigilator

1. Please make the report in duplicate,. One copy be attached with the answer book of the candidate and the other copy be sent to the Concerned Regional Director the same day for necessary action.
2. If the candidate is caught copying, please encircle the portion copied in the Answer Book as well as in the copying material and mention its page no. on the top of the Answer Book and the copying material.
3. The 2nd Answer book should be issued 'to the candidate immediately and the candidate should not be debarred from taking the future examinations. If the candidate refuses to accept the 2nd Answer book please . write down this fact in para 6 above and on the cover page of the first Answer Book of the candidate.
4. The Flying Squad/OSD Incharge/Centre Supdt. should record the Roll No. of the candidate on the material recovered and sign after numbering it.
5. The Incahrge should record on the Answer Book the fact and brief details of the UFM case.

**NATIONAL INSTITUTE OF OPEN SCHOOLING EXAMINATION
SPECIMEN OF APPLICATION
TO LODGE F.I.R. TO THE POLICE**

Reference No. _____

Date _____

The Station House Officer

Subject: Use of Unfair Means (UFM) in the Examination of National Institute of Open Schooling.

Roll No _____

Dear Sir/Madam,

_____ (Name) Roll No. _____ is appearing in the Secondary/
Sr. Secondary Examination of National Institute of Open Schooling being held in our Centre. Today the

_____ in subject _____ .

(Day) (Date)

This candidate has resorted to use of Unfair Means by:

- I. Misbehaving with the Invigilator/Undersigned;
- II. Tearing off the answer-book and running away from the Centre;
- III. Not depositing the answer-book and running away with the answer book.
- IV. Allowing other person to take examination in his place.
- V. Any other misconduct (please specify)

You are requested to look into the matter and take necessary action as per the law of the land.

Yours faithfully,

Name _____

Designation _____

Address _____

Exam. Centre No. _____

OTHER PARTICULARS OF THE CANDIDATE ARE :

Name _____

Address _____

Exam. Centre No. _____

NATIONAL INSTITUTE OF OPEN SCHOOLING EXAMINATION

SPECIMEN FORM FOR FORWARDING THE CASES OF UNFAIR MEANS CASES

Secondary/Senior Secondary/Vocational Examination

1. Name of the candidate _____
2. Roll No. _____
3. Exam Centre no. _____
4. Date _____
5. Subject & Paper _____
6. Time of the Incident _____
7. Circumstances under which caught _____
8. Unfair aids recovered _____
9. Whether Statement
obtained from the candidate? _____
10. Whether 2nd Answer Book was issued? _____
11. Whether Statement of
Invigilator obtained? _____

Remarks of Centre Superintendent:

Sig. of Centre
Superintendent _____
Name of Centre Superintendent

Address _____

Exam Centre No. _____

Date _____

Enclosures:

1. First/Second Copies of Answer Book 1/2 Copies _____
2. Statement of Candidate Enclosed/not enclosed _____
3. Statement of Invigilator Enclosed/not enclosed _____
4. Unfair aids/materials recovered Pages _____
Enclosed _____

(Note: **Please** use **separate** proforma for **each** case)

PROFORMA FOR REPORTING UFM CASES

Annexure (D)

Name of Expert _____
Residential Address _____

National Institute of Open Schooling
(Government of India)
A-24-25, Institutional Area, Sector 62,
Noida (U.P.)

Subject Code/Subject _____
Course Sec./Sr. Sec./Vocational

S.No.	Roll No.	Centre No.	Name of Candidate	Marks Obtained		Whether the candidate has copied from the attached material. If yes, record your observation and encircle the copied portion in the answer book as well as on the UFM material giving the Question No. of the answer copied and the Page No. of the material and the answer-book	Additional remarks, if any
				1 st Copy	2 nd Copy		

Signature of the Evaluation Expert

NATIONAL INSTITUTE OF OPEN SCHOOLING
PROFORMA FOR FORWARDING UFM CASES COURSE-WISE
SECONDARY/SENIOR SECONDARY

Region _____

S.No.	Centre No.	Fictitious/Enrolment No. of the Candidate	Subject	No. of Answer Book	Marks Obtained	Report of the Evaluator/Team Leader	Material forwarded 1. Answer Books 2. Statement of the Candidate 3. Statement of the Invigilator 4. Details of material sent. 5. Copy of F.I.R., if any.

Signature of the Evaluation Expert

**PROFORMA FOR FORWARDING CASES OF MASS COPYING (COURSE-WISE)
SECONDARY/SENIOR SECONDARY/VOCATIONAL**

Region _____

S.No.	Centre No.	Subject Code	Subject	No. of Cases booked	No. of cases found copying	No. of cases not found copying	Material forwarded 1. Report of the Evaluator/Team Leader 2. Award List 3. No. of Answer Books

Regional Director

**National Institute of Open
Schooling**
Report of the Expert Committee
A 24/25, Institutional Area, Setor-62,
NOIDA (UP)

Report of the Expert Committee for review of Answer Books in respect of Examination Centre No. _____ in the subject of _____ (code No. _____) for Secondary/Sr. Secondary Examination held in _____

An Expert Committee consisting of the following experts met on _____ checked and scrutinized the Answer Books of all the candidates in respect of the above examination centre in the subject _____ (Code _____)

The Expert Committee compared and checked all the individual Answer Books of each candidate to verify the truth in the alleged mass copying at the above centre. The Committee after checking all the individual Answer Books is of the view:

1. that there was copying/mass copying at the above mentioned exam centre as enclosed letter.
2. that there was no copying/mass copying at the above mentioned exam centre. Such cases are treated as normal case.

Details of the cases reviewed by the committee are given below:

Total No. of candidates =

Proven cases of mass copying

Normal cases =

Signature of the subject experts

- 1.
- 2.
- 3.
- 4.

**Proforma for forwarding Cases of Mass Copying (Course-wise)
Secondary/Senior Secondary/Vocational**

Region_____

S.No.	Centre No.	Subject Code	Subject	No. of Cases booked	No. of cases found copying	No. of cases not found copying	Material forwarded 1. Report of the Evaluator/Team Leader 2. Award List 3. No. of Answer Books

Regional Director

NATIONAL INSTITUTE OF OPEN SCHOOLING

A-24-25, Institutional Area, Sector 62, NOIDA (U.P.)

Ref: No. _____

Dated _____

To

Roll No.

Subject:

Sub : Use of Unfair means in the NIOS Examination held in April/October- (Secondary/ Sr.Secondary/Vocational/ODE)

Dear Student,

A case of Unfair means has been registered during the NIOS Examination held on April/October in which there is allegation against you. The UFM Committee of NIOS will scrutinize the charges and impose suitable penalty, if proved.

Or

During the process of Special evaluation/scrutiny of Answer Books, a case of use of unfair means (involved in Mass/Group Copying) subjects mentioned above was reported against you. The UFM Committee of NIOS will scrutinize the charges and impose suitable penalty, if proved.

Or

A case of Unfair means has been registered during the NIOS Examination held in April/October in which there is an allegations that you have appeared unauthorized in the examination centre other than the allotted one. The UFM committee will securitize the charge and impose suitable penalty, if proved.

NIOS is considering your case under its rules, but before any decision is taken in this regard, you are hereby given an opportunity to appear in person and explain you conduct for above alleged unfair means in NIOS Exam before the Unfair means Committee on _____ at _____ at NIOS Headquarters, A 24/25, Institutional Area, Sector-62, NH-24, Noida (UP)

If you are unable to appear before the committee on said date and time personally, you may send your written statement so as to reach this office by _____ positively for consideration of Unfair means Committee. No other person shall be allowed to represent you in the matter. You have to show your 'identity card and this letter before the committee. You may also send your representation through Fax No. 0120-4089850 and 4089847.

Please note that if you fail to present yourself or send your written statement by the said date, no further opportunity will be given to you and it will be presumed that you are not interested in challenging the allegations and a decision shall be taken by the Unfair Means Committee on merit without any further reference to you which shall be final and binding on you.

Please quote complete Reference No, Serial No., Roll No, Subject(s) etc. mentioned above in the matter. You have to bear the cost of Travel and other expenses at your own. No TA/DA and conveyance charges will be paid by NIOS

Yours faithfully,