

Uttarakhand's new anti-cheating law

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In news– Recently, the Uttarakhand Governor gave his assent to the **Uttarakhand Competitive Examination (Measures For Control and Prevention of Unfair Means in Recruitment) Ordinance, 2023**, brought by the state government to prevent the use of unfair means in exams.

Key features of the law-

- The ordinance said that the **main aim behind the law was to prevent offences related to obstructing the sanctity of examinations**, use of unfair means, leakage of question papers, and other irregularities.
- It **covers public examinations for recruitment to posts under the state government, autonomous bodies** run by the government, and authorities, corporations, and institutions operated with grants of the state government.
- According to the ordinance, **if any examinee is caught cheating or causing another examinee** to cheat in a competitive examination (online and offline) or to have indulged in unfair means, he shall be **punishable with imprisonment for three years and with a minimum fine of Rs 5 lakh**.
- If the fine is not paid, the examinee shall be jailed for another nine months.
- **A second-time offender will be punishable with a minimum jail term of 10 years and fine of Rs 10 lakh**. In default of payment of fine, he will be jailed for another 30 months.
- **If any person, printing press, service provider contracted or ordered for examination, management for conducting an examination**, or any person and

organisation authorised to keep and transport the examination material, any employee of the examination authority, limited liability partnership, coaching centre or any other institution has **indulged in conspiracy or other unfair means, they shall be punished with a jail term of not less than 10 years**, which may extend to life imprisonment.

- They will also be **punished with a minimum fine of Rs 1 crore, which can go up to Rs 10 crore**. If they can't pay the fine, the convicts will serve another jail term of three years.
- Also, **an applicant found cheating will be debarred for two to five years** from the date of the chargesheet, and in case of conviction, from all competitive exams for 10 years.
- **All the properties earned using unfair means will be seized. The offences are cognizable, non-bailable and non-compoundable.**

UP's anti-cheating law of 1992-

- In the late 1980s and early 90s, public examinations in Uttar Pradesh (from which Uttarakhand was carved out in 2000) frequently witnessed allegations of cheating, involving officials, teachers, students and even local gangsters.
- In 1991, then Uttar Pradesh Chief Minister Kalyan Singh appointed Rajnath Singh as the education minister.
- Both leaders planned to establish a system to curb cheating. Next year, in 1992, the Kalyan Singh government promulgated a stringent anti-cheating Act.
- **The law aimed to end the practice of mass copying in school and university examinations**, and contained a provision that **any student found copying would be handcuffed and sent to jail**.
- **The Act made the use of unfair means in exams a non-bailable cognizable offence** and allowed the police to

enter examination centres to conduct checks and arrest the offenders.

- During the UP-Board examinations of 1992, newspapers in the state published pictures of handcuffed students caught cheating in the exams, causing an uproar.
- Due to the strict implementation of the law, around 17 per cent of the students left the examination midway. As a result, only 14.70 per cent of intermediate and 30.30 per cent of high school candidates passed the board exams.
- In the 1993 elections, the SP came to power in alliance with the Bahujan Samaj Party, and scrapped the anti-copying ordinance within hours of taking oath.
- The government also implemented the **'self-centre' rule**, allowing schools and colleges to become examination centres for their own students.
- In 1997, with the return of the BJP and Kalyan Singh as the CM, the government reintroduced the Anti-Copying Act, but with the change that the offence was made bailable.