



# MGM INSTITUTE OF HEALTH SCIENCES

(Deemed University u/s of 3 UGC Act, 1956)  
Accredited by NAAC with 'A++' Grade

Annexure -1


## Composition for Unfair Means Inquiry Committee

### Period 01.11.2021 to 13.06.2022

Sr. No	Designation	Name of Member
1.	Chairperson	Dr. N.C. Mohanty, Professor Emeritus Pediatrics, MGMIHS, Kamothe, Navi Mumbai
2.	Co-Chairperson	Dr. K. R. Salgotra, Senior Professor/ Hospital Director, MGM Hospital, Kamothe, Navi Mumbai
3.	Dean of Faculty (Navi Mumbai & Aurangabad)	Dean (Centre - In- Charge) MGM Medical College, Navi Mumbai and Aurangabad
4.	Institutional Head	Member
5.	Member – Subject Expert	Member

### Period 14.06.2022 to 31.10.2022

Sr. No	Designation	Name of Member
1.	Chairperson	Dr. Sarabjeet Singh Kohli, Professor, Dept of Orthopaedics, MGM Medical College Kamothe, Navi Mumbai
2.	Member	Dr. Ipseeta Ray, Professor, Dept of Pharmacology, MGM Medical College, Kamothe, Navi Mumbai
3.	Member	Dr. Shylaja S., Professor & HOD, Dept of Dermatology, MGM Medical college, Navi Mumbai
4.	Institutional Head	Member
5.	Member – Subject Expert	Member

  
Controller of Examinations,  
MGMIHS, Navi Mumbai

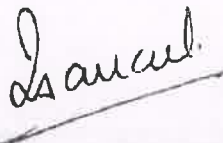




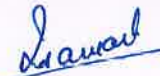
**MGM INSTITUTE OF HEALTH SCIENCES**  
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**EXAMINATION RULES OF MGM INSTITUTE OF HEALTH SCIENCES**  
(On All Matters Pertaining to Examinations Including Appointment of Paper-Setters  
and Examiners, Cancellation of Examinations, Examiner ship Etc.)

(Approved vide BOM – 04/2007 Resolution No. 4, amended up to  
BOM 63/2021 dated 17.02.2021)

  
**Controller of Examinations**



  
**Controller of Examinations**

  
**Dr. Shashank D. Dalvi**  
Vice Chancellor  
MGM Institute of Health Sciences  
Navi Mumbai - 410209

53.6 The Dean/Principal of the concerned college shall himself / herself be the Centre In charge. Substitute arrangement required, it shall be done only by prior permission of the University. However, the Dean/Principal shall alone be responsible for eligibility conditions appointment of examiners, any lapse(s) occurring during examination.

53.7 The external senior supervisor (Centre observer) appointed by the University shall report to the centre in-charge of the college where examination centre is located one day earlier to ensure the arrangements for the conduct of examinations.

53.8 He/ she shall ensure that the stationery required for the conduct of examinations, question papers etc. are received at the examination centre well in advance. He/ she shall also ensure that the packets of question papers are intact and duly sealed and are opened in his presence 10 minutes before the start of the examinations by the senior most invigilators. It must be ensured that no clerical staff in assigned invigilation duty.

53.9 He / She shall also ensure that the students are not resorting to unfair means / practices. In case any undesirable incident, he/she shall immediately report the cases of unfair means to the Controller of Examinations, along with his/ her report. He/ she should not leave the examination centre during the examination period.

53.10 He/ she shall ensure that the answer books are distributed to the students 10 minutes before the start of the examination.

53.11 The examination forms of the students shall be accepted by the Dean/Principal within the time prescribed by the University from time to time. The forms so accepted shall be submitted to the University within a week from the last day of acceptance of forms in the college along with the fees so collected, by demand draft.

53.12 On receipt of examination forms at the University, the Admit cards and the list of eligible students shall be sent to the concerned examination centers by the University one week before the commencement of respective examination.

53.13 The Head of the Department/ Dean/Principal immediately shall dispatch the answer books to the University after the practical examination and simulations central assessment so as to reach the University within 2 days.

#### 54 Unfair means Resorted to by the Candidate

54.1 General: On receipt of a report regarding use of unfair means by any candidate at any University examination, including breach of any of the rules laid down by the University, the Board of Examinations shall have power at any time to institute inquiry and to punish for such unfair means or breach of the rules by exclusion of such student from any University examination or from any University course in a Constituent College or in the University Department or from any Convocation for the purpose of conferring degree either permanently or for a specified period, or by cancellation of the result of the student in the

*Signature*

University examination for which the student appeared or by deprivation of any University Scholarship held by him/her or by cancellation of the award of any University prize or medal to him/her or by imposition of fine or in any two or more of the aforesaid ways, within a period of one year.

**54.2** On receipt of report regarding malpractices used or lapses committed by any paper setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination held by the University including breach of the rules laid down for proper conduct of examination, the Board of Examinations, in the cases of the University examinations, shall have power at any time to institute inquiry and to punish such malpractices or lapses by declaring the concerned paper setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination work disqualified either permanently or for a specified period or by referring his/her case to the concerned authorities for taking such disciplinary action as deemed fit as per the rules provided for or in any two or more of the aforesaid ways.

**54.3** Definition –Unless the context otherwise requires

- 54.3.1** Competent Authority: The Board of Examinations of the University shall be the competent authority to take appropriate disciplinary action against the students using, attempting to use, aiding, abetting, instigating or allowing to use unfair means at the examination conducted by the University.
- 54.3.2** “Unfair means” include one or more of the following acts of commission or omissions on the part of student/s during the examination period.
- 54.3.3** Possessing unfair means material and or copying there from.
- 54.3.4** Transcribing any unauthorized material or any other use thereof
- 54.3.5** Intimidating or using obscene language or threatening or use of violence against invigilator or person on duty for the conduct of examination or man-handling him/her or leaving the examination hall without permission of the supervisor or causing disturbances in any manner in the examination proceedings.
- 54.3.6** Unauthorized communicating with other examinees or anyone else inside or outside the examination hall.
- 54.3.7** Mutual / Mass copying.
- 54.3.8** Smuggling-out or smuggling-in of either blank or written answer books as copying material.
- 54.3.9** Smuggling-in blank or written answer book and forging signature of the Jr. Supervisor thereon.
- 54.3.10** Interfering with or counterfeiting of University/College/ Institution seal, or answer books or office stationery used in the examinations.

- 54.3.11** Insertion of currency notes in the answer books or attempting to bribe any of the person connected with conduct of examinations.
- 54.3.12** Impersonation at the University/College/Institution examination.
- 54.3.13** Revealing identity in any form in the answer written or in any other part of the answer book by the student at the University or College or Institution examination.
- 54.3.14** Or any other similar act/s of commission and/or omission/s which may be considered as unfair means by the competent authority.
- 54.3.15** "Unfair means relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act of coercion, undue influence or fraud or malpractice with a view to obtaining wrongful gain for oneself or to any other person or causing wrongful loss to other person/s.
- 54.3.16** "Unfair means material" means and includes any material whatsoever, related to the subject of the examination, printed, typed, handwritten or otherwise found on the person or on clothes, or body of the examinee or on wood or other material, in any manner or in the form of chart, diagram, map or drawing or electronic aid etc. which is not allowed in the examination hall.
- 54.3.17** "Possession of unfair means material by a student" means having any unauthorized material, including cell-phones, electronic devices if any on his/her person or desk or chair or table or at any place within his/her reach, in the examination centre and its environs or premises at any time from the commencement of the examination till its conclusion.
- 54.3.18** "Student found in possession" means a student, reported in writing, as having been found in possession of unfair means material by the invigilator or member of the vigilance Committee or Examination Squad or any other person authorized for this purpose, in this behalf, even if the unfair means material is not produced as evidence because of it being reported as swallowed or destroyed or snatched away or otherwise taken away or spoiled by the student or by any other person acting on his behalf to such an extent that it has become illegible, provided report to that effect is submitted by the Sr. Supervisor or Chief Conductor or any other authorized person to the Controller of Examinations or Dean/Principal or Head of the Institution concerned or any officer authorized in this behalf.
- 54.3.19** "Material related to the subject of examination" means and includes, if the material is produced as evidence, any material certified as related to the subject of the examination by a competent person and if the material is not produced as evidence or has become illegible for any of the reasons referred to in clause (59.4.17) above, the presumption shall be that the material did relate to the subject of the examination.

- 54.4 "Chief Conductor" means Dean/Principal of the College concerned, where concerned examination is being conducted, and any other person duly authorized by him or person appointed as the examination centre-in-charge, by the University.
- 54.5 Disciplinary control: During examination, examinees and other students shall be under disciplinary control of the Chief Conductor / centre in charge.
- 54.6 "Procedure to be followed by the invigilator incharge" the Examination Centre in charge shall, in the case of unfair means, follow the procedure as under:
- 54.6.1 The examinee shall be called upon to surrender to the chief Conductor, the unfair means material found in his or her possession, if any, and his/her answer book to the chief conductor/ centre in charge.
- 54.6.2 Signature of the concerned student shall be obtained on the relevant materials and list thereon. Concerned Supervisor and the Chief Conductor shall also sign on all the relevant materials and documents.
- 54.6.3 Statement of the student and his/her undertaking in the prescribed format (Appendix- I & II) and statement of the concerned Supervisor (Appendix - III) shall be recorded in writing by the Chief Conductor. If the student refuses to make statement or to give an undertaking, the concerned Supervisor and Chief Conductor shall record such fact(s) accordingly, under their signatures.
- 54.6.4 Chief Conductor shall take one or more of the following decisions depending upon seriousness/gravity of the case :
- 54.6.5 The case of impersonation or violence, expel the concerned student from the examination and not allow him/her to appear for the remaining examination.
- 54.6.6 Obtain undertaking from the examinee to the effect that the decision of the concerned competent authority in his/her case shall be final and binding and allow him/her to continue with his/her examination.
- 54.6.7 May report the case to the concerned Police Station as per provisions of Maharashtra Act. No. XXXI 1982 - An act to provide for preventing mal-practices at University; Board and other specified examinations.
- 54.6.8 Confiscate his/her answer book, mark it as "suspected unfair means case" and issue him/her fresh answer book duly marked.



- 54.6.9** All the materials and list of material mentioned in sub-clause (59.6.1) and the undertaking with the statement of the student and that of the Supervisor as mentioned in clause No. (59.6.2) and (59.6.3) and the answer book/s shall be forwarded by the centre in charge Chief Conductor, along with his / her report, to the Controller of Examinations / Head of the Institution, as the case may be, in a separate and confidential sealed envelope marked "Suspected unfair means case".
- 54.6.10** In case of unfair means of oral type, the Jr. Supervisor and the Sr. Supervisor or concerned authorized person shall record the facts in writing and shall report the same to the concerned.
- 54.7** Procedure to be followed by Examiner during Assessment: If the examiner at the time of assessment of answer book suspects that there is a prima-facie evidence that the examinee/s whose answer book/s the examiner is assessing appears to have resorted to unfair means in the examination, the examiner shall forward his/her report, preferably through the CAP In charge along with the evidence, to the Examinations with his/her opinion in separate confidential sealed envelope marked as "Suspected unfair means case".
- 54.8** A prima facie case of unfair means reported to the University/College/Institution by the invigilator/ Centre In charge / Supervisor and or examiners, shall be inquired into by the Committee appointed by the Vice Chancellor. In the event cases of unfair means are reported through any other sources, the concerned Officer/In-charge of the sub-section/Unit to which the case primarily pertained, at the Examination Section of the University/College/Institution shall scrutinize the case, collect preliminary information to find out whether there is a prima-facie case so as to fix up primary responsibility for framing a charge sheet and then shall submit the said case with his/her primary report to the concerned Competent Authority. If the Competent Authority is satisfied that there is a prima- facie case it shall place the same before the Unfair Means Inquiry Committee for further investigation. The concerned Officer of the Sub-Section/Unit, through which the case has originated or to who the case is pertaining to, shall be the Presenting Officer of the case before the Inquiry Committees, Police Authorities and Court of Justice and shall deal with the case till it is finally disposed of.
- 54.9** Result : Examination Result/s of the concerned student/s involved in such cases shall be withheld till the Competent Authority arrives at a final decision in the matter and the concerned examinee/s and the College/Institution to which he/she belongs to, shall be informed about the decision accordingly.
- 54.10** Appointment of Unfair Means Inquiry Committee: For the purpose of investigating unfair means resorted to by examinees at the University examination, the Board of Examinations shall appoint a Committee in terms of the provisions made in regulations of the MGM Institute of Health Sciences Regulation. The term of the Committee shall be not more than one year subject to provisions in Bye Laws further.



**54.10.1** The members of the College/Institution Examination Committee shall not be appointed members on the Unfair Means Inquiry Committee.

**54.10.2** The Unfair Means Inquiry Committee will function as a recommendatory body and submit its recommendations in the form of a report to concerned competent authority, which will issue final orders with regard to the penal action to be taken against the examinee/s after taking into account the reported facts and findings of the case by the Committee and after ensuring that reasonable opportunity has been given to the concerned implicated examinee in his/her defense, that the principle of natural justice has been followed that and the recommended quantum of punishment is in accordance with the guidelines laid down in this behalf.

**54.11** Procedure of the unfair means committee :

**54.11.1** The Controller of Examinations of the University or the Officer authorized by them, as the case may be, shall inform the examinee concerned in writing of the act of unfair means alleged to have been committed by him/her, and shall ask him/her to show cause as to why the charge/s leveled against him/her should not be held as proved and why the punishment stipulated in the show cause notice should not be imposed.

**54.11.2** The examinee may appear before the Inquiry Committee on a day, time and place fixed for the meeting, with written reply/explanation to the show cause notice served on him/her therein. The examinee himself/herself only shall present his/her case before the Committee.

**54.11.3** The documents that are being taken into consideration or are to be relied upon for the purpose of proving charge/s against the examinee should be shown to him/her by the Inquiry Committee, if the examinee presents himself/herself before the Committee. The evidence, if any, should be recorded in the presence of the delinquent examinee.

**54.11.4** Reasonable opportunity, including oral hearing, shall be given to the student in his/her defense before the Committee. The reply/explanation given by the student to the show cause notice shall be considered by the Committee before making final recommendation in the case

**54.11.5** The Committee should follow the above procedure in the spirit of the principles of natural justice.

**54.11.6** After serving a show cause notice, if the implicated examinee fails to appear before the Inquiry Committee on the day, time and place fixed for the meeting, the student may be given one more opportunity to appear before the Committee in his/her defense. Even after offering two chances, if the student concerned fails to appear before the Committee, the Committee shall take decision in his/her case in absentia, on the basis of the available evidence/documents, which shall be binding on the student concerned.



54.11.7 The Committee shall submit its report to the University along with its recommendations regarding punishment to be inflicted or otherwise.

#### 54.12 Punishment

54.12.1 The Board of Management as recommended of the Board of Examinations in the cases of University examination, shall pass such orders as it deems fit including granting the student benefit of doubt, issuing warning or exonerating him/her from the charges and shall impose any one or more of the following punishments on the student/s found guilty of using unfair means

54.12.1.1 Annulment of performance of the examinee in full or in part in the examination he/she has appeared for.

54.12.1.2 Debarring examinee from appearing for any examination of the University or College or Institution for a stipulated period not exceeding five years.

54.12.1.3 Debarring examinee from taking admission for any course in the University or College or Institution for a stipulated period not exceeding five years.

54.12.1.4 Cancellation of the University or College or Institution Scholarship/s or award/s or prize or medal etc. awarded to him/her in that examination.

54.12.1.5 In addition to the above mentioned punishment, the competent authority may impose a fine on the examinee declared guilty. If the examinee concerned fails to pay the fine within a stipulated period, the competent authority may impose on such a examinee additional punishment/penalty as it may deem fit.

54.12.1.6 As far as possible the quantum of punishment should be as prescribed (category-wise) as under :

54.12.1.7 The examinee concerned be informed of the punishment finally imposed on him/her in writing by the competent authority or by the Officer authorized on its behalf, under intimation to the College/Institution he/she belongs to as well as the Centre In charge.

54.13 If on a previous occasion, a disciplinary action was taken against a student for malpractice used at examination and he/she is caught again for malpractices at the examination, in this event, he/she shall be dealt with severely with enhanced punishment. This enhanced punishment may extend to double the punishment provided for the offence, when committed at the second or subsequent examination.



**54.13.1** Practical/Dissertation/Project Report Examination Student involved in malpractices at Practical examination / Dissertation/Project Report preparation including plagiarism shall be dealt with as per the procedure and quantum of punishment provided for the theory examinations.

**54.13.2** The Competent authority, in addition to the above mentioned punishments, may impose a fine on the student declared guilty. (Note : The Term "Annulment of Performance in full" includes performance of the student at the theory as well as annual Practical examination, but does not include performance at term work, project work with its term work, oral or practical & dissertation examinations unless malpractice is used in that.)

**54.14** Malpractices used or Lapses Committed by any Paper- Setters, Examiners, Moderators, Referees, Teachers or any other persons connected with the Conduct of Examination: The Board of Examinations shall be the competent authority to take appropriate disciplinary action against the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations committing lapses or using, attempting to use, aiding, abetting, instigating or allowing to use malpractice/s at the examinations conducted by the University under information to the respective institutional Head / Dean/Principals.

**54.14.1** Definition : Unless the context otherwise requires

**54.14.1.1** "Paper-setter, examiner, moderator, referee and teacher" means and includes person/s duly appointed as such for the examination by the competent authority and the term "any other person connected with the conduct of examination" means and includes person/s appointed on examination duty by the competent authority.

**54.14.1.2** Malpractice/lapses includes one or more of the following acts of commission or omissions on the part of the person/s included in (59.14.1.1) relating to the examination

**54.14.1.2.1** Leakage of question/s or question paper set at the University / College Institution examination before the time of examination.

**54.14.1.2.2** Examiner / Moderator intentionally awarding marks to student in assessment of answer books, dissertation or project work to which the student is not entitled or not assigning marks to the student to which the student is entitled.

**54.14.1.2.3** Paper-setter omitting a question, Sr. No. of question, repeating question or setting question outside the scope of syllabus.

**54.14.1.2.4** Examiner / Referee showing negligence in detecting malpractice used by student/s.



**54.14.1.2.5** Jr. Supervisor, Sr. Supervisor, Chief Conductor/ Centre Incharge showing negligence / apathy in carrying out duties or aiding / abetting /allowing / instigating students to use malpractice/s.

**54.14.1.2.6** Or any other similar act/s of commission and or omission/s which may be considered as malpractices or lapses by the competent authority.

**54.14.1.2.7** "Malpractice or lapse relating to examination" means and includes directly or indirectly committing or attempting to commit or threatening to commit any act of unfair means, fraud or undue influence with a view to obtaining wrongful gain for himself/herself or for any other person or causing wrongful loss to other person/s omitting to do what he/she is bound to do as duties.

**54.14.1.2.8** 'College' means, constituent or affiliated college or recognized institution of a University.

**54.14.2** Investigating Committee: The Committee appointed by the Board of Examinations shall investigate the cases of malpractices used and/or lapses committed by the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations at the University examinations.

**54.14.3** Procedure for Investigation: The cases of alleged use of unfair means or lapses committed by the paper-setters, examiners, moderators, referees, teachers or any other persons connected with the conduct of examinations, reported to the University/College / Institution shall be scrutinized by the concerned Officer / In-charge of the sub-Section / Unit to which the case is primarily pertained at the Examination Section of the University / College / Institution, who will collect preliminary information to find out whether there is a prima-facie case so as to fix up primary responsibility for framing a charge-sheet and then shall submit the said case with his primary report to the concerned competent authority. If the competent authority is satisfied that there is a prima-facie case, it shall place the same before the Unfair Means Inquiry Committee for further investigation. The concerned Officer of the Sub-Section / Unit through which the case has originated or the case is pertaining to, shall be the Presenting Officer of the case before the Inquiry Committee, Police Authorities and Court of Justice and shall deal with the case till it is finally disposed of.

**54.14.4** The Competent Authority or the Officer authorized by it on its' behalf, shall inform the implicated person (paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination) in writing about the act of malpractices used and alleged or lapses committed by him / her at the examination and shall ask him/her to show cause as to why the charge/s leveled against him/her should not be held as proved and why the punishment stipulated in the Show Cause Notice should not be inflicted on him/her.

**54.14.5** The concerned person be asked to appear before the Inquiry Committee on a day, time and place fixed for meeting, with written reply/explanation to the show



cause notice served on him/her and charge leveled against him/her therein. The concerned person/himself/herself only shall present his/her case before the committee.

- 54.14.6** The documents that are being taken into consideration or to be relied upon for the purpose of proving charge/s against the concerned person shall be shown to him/her by the Inquiry Committee if he/she presents himself/herself before the Committee. The evidence, if any, should be recorded in the presence of the delinquent.
- 54.14.7** Reasonable opportunity, including oral hearing, shall be given to the concerned person in his/her defense before the Committee. The reply/explanation given to the show cause notice shall also be considered by the Committee before making final report/recommendation.
- 54.14.8** The Committee should follow the above procedure in the spirit of principle of natural justice.
- 54.14.9** If the concerned person fails to appear before the Committee on the day, time and place fixed for the meeting, he/she be given one more opportunity to appear before the committee in his/her defense. If, even after offering two chances, the concerned person fails to appear before the Committee, the Committee shall take decision in his/her case in his/her absence on the basis of whatever evidences/documents which are available before it and the same shall be binding on the concerned implicated person.
- 54.14.10** The Committee shall submit its report to the concerned competent authority along with its recommendations regarding punishment to be inflicted on the concerned person or otherwise.
- 54.14.11** Punishment :- The competent authority, after taking into consideration the report of the Committee, shall pass such orders as it deems fit, including granting the implicated person benefit of doubt, issuing warning or exonerating him/her from the charge/s and shall inflict any one or more of the following punishments on the implicated person found guilty of using malpractice/s or committing lapses at the examination: -
- 54.14.12** Declaring disqualified the concerned paper-setter, examiner, moderator, referee, teacher or any other person connected with the conduct of examination, from any examination work either permanently or for a specific period.

- 54.14.13 Imposing fine. If the concerned person fails to pay the fine within a stipulated period, the Competent Authority may impose on such a person additional punishment / penalty as it may deem fit.
- 54.14.14 Referring his/her case to the concerned disciplinary authorities for taking such disciplinary action as deemed fit as per the rules governing his/her service conditions.
- 54.14.15 The competent authority or the Officer authorized in this behalf, shall inform the concerned person of the decision taken in his/her case and the punishments imposed on him/her.
- 54.14.16 An appeal made within 30 days of imposition of the punishment, other than the punishment referred to in clause No.(59.14.14) above, shall lie with the Board of Examinations if the case is pertaining to the University examination or with the Management of the College or Institution, if the case is pertaining to the college/institutions examination and their decision in the appeal shall be final and binding.
- 54.14.17 The Competent Authority shall supply a typed copy of the relevant extract of the fact-finding report of the Inquiry Committee, as well as the documents relied upon (if not strictly confidential), pertaining to his/her case to the appellant / petitioner, if applied for in writing.
- 54.14.18 The court matters in respective cases of malpractices/ lapses should be dealt with by the respective competent authority.
- 54.14.19 As far as possible the quantum of punishment should be prescribed category-wise as hereunder :-
- 54.14.20 The competent authority, may impose a fine on the concerned person, if declared guilty, in addition to the above mentioned punishment,
- 54.14.21 The competent authority, may report the case of the concerned implicated person to the appropriate Police Authorities as per the provision of Maharashtra Act No. XXXI of 1982.

#### 55 Central Assessment Programme Scheme

- 55.1 Preliminary :- Evaluation of Answer books of university exam have following steps. The conduct of examinations and declaration of results is one of the important activities of the University. The Scheme of is being introduced by way of this (1) declaring the results in the shortest possible time, (2) Increasing the reliability of the results, (3) Maintaining uniformity and consistency in the assessment, (4) Increasing accuracy and efficiency in the declaration of results and (5) creating confidence amongst the students about the assessment system.

