

A STUDY OF PLAGIARISM IN RESEARCH W.R.T THE 2018 PLAGIARISM POLICY OF UGC FOR HIGHER EDUCATIONAL INSTITUTIONS

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ABSTRACT: “University Grants Commission” (UGC) is the apex body for collaboration, resolution and preservation of quality of higher studies. In recent years, UGC has taken some preventive measures to maintain academic integrity and to raise the level of education and research. In November 2018, a committee was set up under the leadership of prof. P. Balram for reviewing the quality of research and its promotion and also to observe Regulations of the entire M.Phil/Ph.D. Along with the release of the UGC-CARE List of Journals, another important measure was the notification of the “University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulation, 2018 in August 2018”. The regulation is considered to be applicable to faculty, students, researchers Educational Institutions in India. With these regulations, a major step has been taken to increase the quality of research and publications in journals. Accordingly, UGC has also circulated an anti-plagiarism software called Urkund to all major institutions across India and has also mandated all Universities to enter into MOUs with Infilbnet and upload M.Phil and Ph.D theses on the digital repository – Shodhganga. However, the regulations not being mandatory for institutions to follow has reduced its status to mere guidelines. One of the instances is where Mumbai University was issued an exclusive notification by UGC for granting around 330 Ph.Ds in an academic year without going through the plagiarism check. In this scenario, the present chapter would analyze the issue of plagiarism in academic research, factors contributing to such practice and its effects on future research endeavors.

INTRODUCTION

Quality education is the backbone of every nation's prospective growth, development and progress. In order to maintain good quality, it is essential that the academic research is developed and maintained with ethics and dignity, and is free from plagiarism. It has been a widely accepted fact that research must comprise the original work not in the sense that it should be a novel writing but with regard to creativity of the concept and its formation. This chapter discusses issue of stealing words, concepts and the management of the author for preventing these thefts. Although there are no statistics to show that example of plagiarism is on increasing, we are highly concerned about it and want to regulate this misconduct clearly.

“Article 27 of the Universal Declaration of Human Rights”, 1948 states that “every one has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” It also confers individual rights in para 2 of the same article. “Article 15(1)(b) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)”, 1966 it is notified the benefits of science development and this development is enjoyed with its ' (REBSPA).

It is the responsibility of both, the writers as well as the readers to protect the rights of each other, right of the author for his original work and right of the reader to fair use thus, imposing limitations on the exercise of their rights. Copyright system has evolved out of fairness and welfare theory, the former is author-centric while the latter revolves around the society. The interests of both the authors as well as the society must be balanced to an extent that results in the continuing existence and promotion of research. In order to achieve this objective, duty is cast upon the State to regulate plagiarism to maintain ethical standards in academic and research activities. The key component and exceptions of plagiarism and copyright in research and the regulation of misconduct on the part of researchers is being dealt with in this chapter.

LEGAL RESEARCH WRITING, COPYRIGHT AND PLAGIARISM

The word research has originated from the French word *recherché* and is defined in Oxford Dictionary as “the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions.” In normal words, testing means an arrangement attempt for gaining knowledge. It is a detailed search to define and refine the problems, formulating hypotheses, preparing the research design, collecting, analyzing and evaluating the data, carrying out deductions and arriving at the conclusions to test the hypothesis

laid down. The testing results are mainly printed in the structure of articles, reports and dissertations. Business writing and academic writing can be present in the articles.

It is classified academic writing as: (i) Writing of research : (ii) book writing: text book, book chapter, reference book and others (iii) write essay: (iv) write journal: (v) write project or report: (vi) write review and book, literature review, paper and review of articles are included in it. Purpose of this writing is to distinguish facts for academy, objective, orientation, subject, object and content.

Identifying the information for essential arriving at logical and legal marketing is the legal study. The information so gathered helps in sorting complex issues, analyzing them to apply to definite set of circumstances that require complete answers. Advocates are frequently approached for solving one's issues and advising, and doing correctly, they should understand regulations that may be applied to different situations that the clients will face. Clients may approach them after the occurrence of an event for asking to follow cure in a bad result, there is possibility in deafening themselves that their acts were wrong. A client can ask them for helping at the time of starting business or buying property pieces. In these circumstances, they need to know the rights of their clients and duties, as it was not defined illegal. For comprehensive success, legally research is compulsory for profit in the practice of legal. It is justified information of legal organization for understanding research process. In online and offline, the authorities are available for research from multiple sources. These resources can be printed for publishing and in electronic format. Many services of testing can be provided for legal publishers which easy accessible on electronic data which requires subscription and there are many internet sources available to us free of cost. From normal searching engine such as wikipedia, information can be obtained legally, in case of sometimes, the information available therein is not authentic and in that case it's better to conduct legal research with more specialized tools like LexisNexis, Westlaw or Manupatra.

Precautions are frequently inlaid by multiple researchers they must take for producing an original task of their own and for escaping escape of infringement of copyright, plagiarism' To plagiarize is defined by Webster's Dictionary "to steal and pass off (the ideas or words of another) as one's own: use (another's production) without crediting the source." Copying of other authors texts is meant by unattributed work or copying from nearby sentences and paragraphs is considered misleading the author's contribution. Stealing of cognitive property is included in plagiarism and copying the works of the authors from their textual is considered substantial unattributed. Credit disputes or another work is not copied also .

The seriousness with which plagiarism is considered in academia is denoted by a quotation from the Stellenbosch University Policy on Academic Integrity: The Prevention and Handling of Plagiarism, 2010. "All cases of plagiarism amount to a serious offense, which can have dire consequences for the person concerned, including suspension or expulsion (in the case of a student) or dismissal (in the case of a member of staff) from the University, besides possible criminal or civil action."

The easiest way to identify and condemn any form of plagiarism is the direct pilfering that includes plagiarism extending after catching sentences to the deprivation of plans. In order for understanding the difficult problem, reference is made to the most reliable announcement: The Statement was published on Plagiarism' by "American Historical Association" (AHA). It is defined on plagiarism as, " without any attribution of other author, extracting more words is the abuse of subtlety. Such tactics reflect an unworthy disregard for the contributions."

In 1956, J. Bronowski, in his book *Science and Human Values* (Julian Messner, Inc.), declared that:

"All our knowledge has been built up communally... It follows that we must be able to rely on other people; we must be able to trust their word. That is, it follows that there is a principle which binds society together, because without it the individual would be helpless to tell the true from false. This principle of truthfulness. If we accept truth as an individual criterion, then we have also to make it the cement to hold society together."

Both plagiarism and copyright infringement are considered to be two different, but interconnected, actions. By copyright system, the hard work of the authors is rewarded, and authors are allowed to retain control of the fruits of their labours. The academic authors are themselves the creators of copyright material. Thus, they must respect the material produced by each other and draw maximum benefit from these resources. Generally, the work created by the individuals can be copyrighted whereas when certain pronouncements or regulations are made by the authorities, they become an exception to the copyright protection. The Supreme Court in the case of *Eastern Book Co. v. D.B. Modak* has clearly ruled that the judgments and decisions of the court cannot be copyrighted. The court rested on the rule of "minimal degree of creativity" as the beginning of copyright protection and held that mere editing of the pronouncements could not be enough to claim copyright. At the same time, the case notes are creatively made in listing the judgments in the case journals and are thus, protected from copyright infringement. Avoiding plagiarizing is general rule and this rule is to be followed.

REGULATION OF PLAGIARISM

Whenever the misuse of a proposition exceeds the plausible use of it, there arises the need to curtail and control the misuse thus protecting the rights of the individual from being violated. With the emergence of technology, a large amount of contents are available in the electronic media thereby enhancing the accessibility of the researchers to a large plethora of material which can easily be copied and pasted in their own submissions but somewhere they lack the ethics required to use such material to avoid their own labour and hard work. When the academic credentials of an institution start deteriorating, they tend to maintain quality through curbing plagiarism and preventing copyright infringement by incorporating certain norms into their system in the form of regulations. Gradually, this tendency of enacting, regulating and controlling measures spreads on to the State when the matter gets percolated to tarnish the image of the nation as a whole. Increase in the requirements of publications for professional growth and outreach has led to the diminution in quality of research work. Accordingly, a need was felt for the enactment and implementation of certain regulations to maintain academic integrity and save the creators of original work from copyright infringement.

University Grants Commission, the institution regulating academics in India felt the need for expanding qualitative higher education (HE) in India and thus commented:

"One of the measures to curb mediocrity in research, plagiarism and scientific and academic dishonesty is to address this problem by stringent regulations to check plagiarism. Mandatory installation of plagiarism-check software like TURNITIN or any other relevant software in all libraries by UGC funding and an introduction of compulsory check of all thesis and dissertation before they are evaluated would bring in enormous scientific ethics and will control plagiarism."

Accordingly, checking plagiarism and eliminating the scope of HE as per the order, in 2018, the "UGC" and its 530th conference organised on 20 March 2018, accepted by the "UGC"

The UGC has made it mandatory for all the institutions to provide access of the software to all the researchers and academicians including student, faculty, researcher and staff and so on in conducting their studies. As per the Prevention of Plagiarism Regulations 2018, each student has submitted their thesis, any document for institutions of higher studies will be admitted for undertaking indicates that the document has been prepared by him or her and that the document is his/ her original work and free of any plagiarism. The following are expressly excluded from similarity checks amounting to plagiarism:

(i) Reproduction of quoted work with the required permission

(ni) Plagiarism can be considered to be following levels in the aspects of ascending order of severity for its definition:

Level 0:

Similarities up to 10% -

Minor similarities, no penalty.

Level 1: Similarities above 10% to 40% -

Level 2:

Similarities above 40% to 60% -

1 year suspension of the students

Level 3:

In comparison to US, the Office of Research Integrity in its Federal Policy on Research Misconduct approaches any misconduct through the following phases:

(i) Aspect of an inquiry for investigating substance of the allegation

(ii) Observation - A record of factual is the development of formal, the records of testing which leads for dismissals in case of recommendation for a finding result of misconducting research ;

(iii) adjudication - at the time of observation the correct recommendation is selected and actions are taken as per the recommendations.

Availability of management actions is included, in case there is no limit for approaching movement to correct the record of the research; reprimand letter, the particular certificate is imposed or it is ensured to follow the applying rules in term of the award, an active award is terminated, or it is debarment according to the rules of government which is applicable. Information on policies is available for the public which is taken in the event of debarment. US General Administration maintains the list of "Parties Excluded from Federal Procurement". The policies and rules are imposed on the government workers along with multiple agencies. Conclusion

Research cannot be carried out in isolation. One has to refer to the copyright material to keep abreast with newer developments in the area of research and create a repository for the next generation. Unauthorized use of the published content of others is not covered by the doctrine of fair use. It's not only that one has to be cautious to protect his copyright but also that he has a duty and responsibility to respect the right of others to maintain the

originality of his work and cite the same with due credit. Academic integrity as a rule should not extend only to the period of registered copyright but must be applied as ethical standard throughout the life of the researcher.

The increasing competition in the present academic system has led to substantial rise in the instances of plagiarism. The distinction drawn between national and international journals, peer-reviewed and non-reviewed journals, parity between publication houses are now receiving much attention and are thus, leading to decline in quality of research output. Mechanisms have been developed and implemented to maintain this quality and curb the practice of plagiarism but since it is a problem that was created from multiple angles, it's a problem that will have to be attacked from multiple angles including:

Decreasing Pressure to Publish: The pressure to publish has resulted in researchers gaining authorship or taking what could be one paper and breaking it into multiple works. Decreasing that pressure can help researchers focus on doing good work and publishing it when it is ready.

Decreasing Focus on Journal Impact Factor Impact factor is a measurement of how often a journal is cited. The focus on it tends to concentrate submissions to a small number of popular must-read" journals and steers researchers away from smaller, newer and possibly open access journals. Unfortunately, predatory journals and the lack of a simple metric for research quality makes this difficult, but questions over the validity of impact factor rankings and the concentration of research toward the top makes this a metric that needs to lose some value.

Awareness among students: The standards and ethics of research among the students must be imbibed right from school education so that when they reach the stage of disciplinary research, they respect the rights and ensure their own responsibility.

The ultimate goal to be achieved is to increase the places that a researcher can go to publish high-quality research that is peer reviewed and reasonably accessible to those who need it. Otherwise, the only option is to continue down our current path where research often struggles to get published and then, once it is published, struggles to get read and referred. The realities of the fast-moving society with internet are catching up to instant publishing but they are merging with long-running challenges forcing the industry to transform drastically. However, it's important to remember that we're not dealing with the latest blockbuster film when talking about these issues. Research plays a very different role in how it improves our society and it does so in a very different way. Simply put, the needs of a creator in academia is very different from the needs of an artist or filmmaker. We need to remember that as this story unfolds.

"It's not the honors and the prizes and the fancy outsides of life which ultimately nourish our souls. It's the knowing that we can be trusted, that we never have to fear the truth, that the bedrock of our very being is good stuff".

-Fred Rogers

REFERENCES

- [1]. "T. Padma and K.P.C. Rao, Legal Research Methodology (1st ed. Hyderabad: Asia Law House, 2011), 357"
- [2]. "Basic Legal Research: Tools and Strategies. Available at: [https://www.law.duq.edu/sites/default/files/documents/Admissions/Admitted%20Students/Sloan%20ed\)%20Chs%20%201%20%202.pdf](https://www.law.duq.edu/sites/default/files/documents/Admissions/Admitted%20Students/Sloan%20ed)%20Chs%20%201%20%202.pdf) (last visited on 5 January 2022). "
- [3]. "University of Akron, 'Code of Student Conduct of the University of Akron 3359-41-01'. Available at: <http://law.uakron.libguides.com/c.php?g=495096&p=3388166> (last visited on 5 January 2022)".
- [4]. The Office of Research Integrity, 'ORI Policy on Plagiarism', ORI Newsletter, 3(1), (December 1994).
- [5]. Owen Dean, 'Is Plagiarism Unlawful?' WIPO Magazine (September 2018). Available at: http://www.wipo.int/wipo_magazine/en/2018/si/article_0008.html (last visited on 6th Jan 2022).
- [6]. American Historical Association, 'Statement on Plagiarism' in Statement on Standard of Professional Conduct (Washington, 2003). Available at: <https://www.historians.org/publications-and-directories/perspectives-on-history/january-1989/statement-on-plagiarism> (last visited on 10 Jan 2022).
- [7]. " Lisa P. Lukose, 'Copyright in Legal Research and Writing' Journal of Intellectual Property Rights 21 (2016) 276"
- [8]. (2008) 1 SCC 1
- [9]. "University Grants Commission, Inclusive and Qualitative Expansion of Higher Education [Compilation based on the deliberations of the working group for higher education in the 12th 5-Year Plan (2012-17)] at 102 (UGC, Nov. 2011)"
- [10]. " Para 6 of the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018"
- [11]. Id, para 7