LEGAL IMPACTS IN PLAGIARISM IN INDIA

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Abstract

Indian scientific community has to seriously consider the issue of academic integrity and evolve norms, guidelines and code of conduct to curb the plagiarism. A national plan of action to combat plagiarism needs urgent and serious consideration.

Keywords: Usage of Online databases, ICT, Ophthalmologists

1. Introduction

Plagiarism: The deliberate use of any outside source without proper acknowledgment. "Outside source" means any work, published or unpublished, by any person other than the student. The incorporation of someone else’s work into our own work, with or without their consent and presenting it as our own without full acknowledgement is known as "PLAGIARISM".

It may be intentional or unintentional. It is one of the most severe violation of the Academic writing. The English word “Plagiarism” has been derived from the Latin word “Plagiare” means “to kidnap or abduct”. To plagiarize means stealing and passing off the ideas or words of another as one’s own. It is a literary theft and can be taken as fraud because it contains both elements i.e., stealing someone else’s work and lying about it afterward. Academic plagiarism is on the rise in India also. Increasing pressure to publish, deficient training in ethical scientific writing, ignorance, oversight and lack of statutory controls and clear policies to deal with scientific misconduct in academics has led to the rise of research misconduct which can severely impact growth of India's higher education system.

Linking publications to individual's professional growth, academic promotions, and pay cheques have resulted in unethical publishing and indulgence in plagiarism. This is evidenced by dramatic rise in multiple authorship papers over the past few years, that too not only in low profile journal but also in some high profile journals. Many substandard, new publications also referred as ‘predatory publishers’ have started where authors pay to get their manuscripts published; least realizing that publishing in such journals does not have any scientific value as these publications are not indexed in the approved indices. The manuscripts published in such journals are not peer reviewed and not cited, so there is no check on plagiarism, pre-print or post-print. Such publishers aim to dupe researchers especially those inexperienced in scholarly communication.

Some Types of Plagiarism:- The Potluck Paper: -
The writer use different sources and compile them up to create a new article. Actually only few sentences and paragraphs are changed.

The Photocopy: - Some significant portion is taken exactly without making any alteration.

Requirements for the Acknowledgment of Sources in Academic Work:

The academic departments of the University have varying requirements for the acknowledgment of sources, but certain fundamental principles apply to all levels of work. In order to prevent any misunderstanding, students are expected to study and comply with the following basic requirements:

Quotations

Any quotations, however small, must be placed in quotation marks or clearly indented beyond the regular margin. Any quotation must be accompanied (either within the text or in a footnote) by a precise indication of the source—identifying the author, title, place and date of publication (where relevant), and page numbers. Any sentence or phrase which is not the original work of the student must be acknowledged.

Paraphrasing

Any material which is paraphrased or summarized must also be specifically acknowledged in a footnote or in the text. A thorough rewording or rearrangement of an author's text does not relieve one of this responsibility. Occasionally, students maintain that they have read a source long before they wrote their papers and have unwittingly duplicated some of its phrases or ideas. This is not a valid excuse. The student is responsible for taking adequate notes so that debts of phrasing may be acknowledged where they are due.
Ideas and Facts

Any ideas or facts which are borrowed should be specifically acknowledged in a footnote or in the text, even if the idea or fact has been further elaborated by the student. Some ideas, facts, formulae, and other kinds of information which are widely known and considered to be in the "public domain" of common knowledge do not always require citation. The criteria for common knowledge vary among disciplines; students in doubt should consult a member of the faculty.

Footnotes and Bibliography

All the sources which have been consulted in the preparation of an essay or report should be listed in a bibliography, unless specific guidelines (from the academic department or instructor) request that only works cited be so included. However, the mere listing of a source in a bibliography shall not be considered a proper acknowledgment for specific use of that source within the essay or report. With regard to essays, laboratory reports, or any other written work submitted to fulfill an official academic requirement, the following is considered academic fraud: Plagiarism. The deliberate use of any outside source without proper acknowledgment. "Outside source" means any work, published or unpublished, by any person other than the student.

Plagiarism and Copyright Infringement

Plagiarism invites the charges of copyright infringement in most of the cases. But there is a difference between plagiarism and copyright infringement. In plagiarism the use of author’s work is done without giving attribution to him whereas the use of author’s work without the permission where the work is protected by copyright, it is known as copyright infringement. Plagiarism is an act related with moral wrong apart from inviting legal action as the the original author has the moral right to be called the author of the work. Plagiarism may occur even without the copyright infringement. Copyright infringement will occur only if the work that is copied is protected by copyright but the use of a work without crediting its author would be plagiarism.

Laws concerned with Plagiarism

The right not to be plagiarised is not recognised by any of the statute in India, but the section 57 of the Indian Copyright Act, 1957 gives authors the right to claim authorship of their works among other things.

The section 57 of the Indian Copyright Act,1957 grants to the authors the “special right” to be attributed for their work. It is a moral right and perpetual in nature. The statute recognises the right to attribution analogous to the rights not to be plagiarised. Section 63 of the Indian Copyright Act, 1957 is considers infringement as the criminal offence and awards the same punishment for both i.e., the violation of section 57 and the copyright infringement. The convicted infringers are awarded imprisonment that ranges between six months to three years under section 63 of the Act. They have also compensate in monetary terms for the act of infringing. Section 63 (A) of the same act stipulates an enhanced penalty for second and subsequent convictions. Civil Wrongs and Criminal Offences Plagiarism is actually considered as an unethical conduct of a person and not a crime by itself. The violation of an author’s right to be credited and copyright infringement are both civil wrongs and criminal charges can also be filed against the violator. In case of a civil suit, the remedies that can be awarded are : injunctions to restrain further infringement, damages, the delivery of accounts of profit and both infringing copies of the work used to make them. Certain administrative actions may also be taken.

Conclusion

To make strict law to prevent plagiarism in academics. The law will consist provisions from warning to deregistration of students and dismissal of the teacher concerned. In the field of socio-economic and cultural development of the society facilitates us with enormous inventions and creations which are making our life better and easier. The need of the hour is to encourage the inventors and the creators. Their work must be rewarded by suitable legal protection through strict laws otherwise the people working behind the scene for the development will be at a loss.

Indian scientific community has to seriously consider the issue of academic integrity and evolve norms, guidelines and code of conduct to curb the plagiarism. A national plan of action to combat plagiarism needs urgent and serious consideration.

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