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# The Abhorrent Act of Plagiarism in Higher Education

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## ABSTRACT

*“When you have the wit of your own it’s a pleasure to credit other people for theirs”*

– Criss Jam

*Plagiarism can be seen as a growing menace which today has become a punishable offence. Plagiarism is a process of borrowing somebody else’s hard work or idea and publishing it without giving the original owner any credit. The developing technology and internet have made it very easy to plagiarize works as vast information is available on the internet. Today we just have developed the habit of borrowing information from the internet without giving heed to the original source of information. There are various types of plagiarism. Paraphrasing is becoming a serious kind of plagiarism. Paraphrasing means borrowing the original idea of the owner and rewriting his work in different words. The most important question which we face is whether the practice of plagiarism is unlawful. Plagiarism in itself is not unlawful or illegal. It is just an unethical practice. But as soon as plagiarism violates the copyright law it becomes illegal and a punishable offence. Plagiarism no doubt is intellectual property theft. There is endless confusion that whether copyright violation and plagiarism are the same things. Although they may sound similar they are quite different from each other. In India, there are no separate laws to deal with plagiarism. There are no provisions under any law which clearly define plagiarism and provide for the punishment. Plagiarism is dealt with under the Indian Copyright Act, 1957 as an offence of violation of copyright. To eradicate the plague of plagiarism from the field of academics, UGC has laid down certain guidelines to check and control plagiarism. UGC has also fixed penalties for the students as well as researchers for the commission of plagiarism. It is very important to create awareness and educate students about the perils of plagiarism. Only then this growing menace of plagiarism can be curbed.*

**Keywords:** - Plagiarism, Copyright Act, Intellectual Property law, Higher Education.

## I. INTRODUCTION

Today the 21<sup>st</sup> century is amazed at the wonders and development of science and technology. Technology is within the reach of each person. Due to the internet, we have got an uncountable

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variety of sources for information. However inadvertently today's generation is simply aware of the way to use data from completely different sources. We tend to have developed a habit of accessing any information present over the internet and exploiting it in our works. We simply forget that the information that we are merely taking from the internet is created by some other people and is originally the product of their intellectual property and if we use such information then we are bound to give acknowledgement.

The word "plagiarism" which we happen to hear so often now has been derived from the Latin term 'platinum' which in literal terms means to kidnap or abduct. The meaning of the word 'plagiarize' in West Germanic is to take something that is not one's own and pass it off as one's own. utilise (another's creation) without giving due acknowledgement to the author and engage in literary piracy: showcase a concept or item that was borrowed from an established source as fresh and innovative. "Simply put, plagiarism is the process of taking other people's words and/or ideas and pretending that they are your own. An alternative definition of plagiarism is forwarded by the Collins Dictionary which explains that plagiarism is the practice of using someone else's work and pretending that it is your own. Plagiarism can also be defined as the act of deceiving your academic teacher or guide by submitting content which is not an original work." Plagiarism is a plague that is affecting the entire academics. Plagiarism has become a serious offence which has legal repercussions. Plagiarism is misconduct considered to be unethical and immoral regardless of who commits it.

In recent years plagiarism has grown worse due to the emerging popularity of the internet. Internet alleviated our lives by providing people with the treasures of information and that too with just one click. With unlimited information present over the internet, plagiarism has become a serious problem. The Internet has made it easy to steal the work of other people. Plagiarism is sometimes committed intentionally or sometimes accidentally. We unknowingly commit a serious offence by violating the copyrights. The copyright legislation must be understood by today's society. Most of the time, individuals are unaware that they are still plagiarizing even if they are merely summarizing or paraphrasing someone else's work, idea, or concept rather than outright quoting it. If credit is given where credit is due, it is acceptable to borrow another person's concept. It's not acceptable to copy someone else's ideas or works and present them as your own. Therefore, it is crucial to utilize suitable citation techniques at all times. One is guilty of plagiarism and may be prosecuted for copyright breaches if the correct citation is not used.

## **II. DIFFERENT KINDS OF PLAGIARISM**

### **(A) Complete Plagiarism:**

One of the most serious kinds of plagiarism occurs when a researcher publishes a paper or an article that was originally written by someone else under his name. It's almost the same as intellectual theft and stealing.

### **(B) Source-based Plagiarism:**

The diversity of available information sources makes plagiarism possible. Additionally, it happens when a researcher employs a secondary source but only mentions the main source. There are more references as a result of both kinds. Plagiarism also includes the fabrication and distortion of data. While data falsification is modifying or omitting data to create a wrong image, data fabrication includes making up data and study results.

### **(C) Direct Plagiarism:**

When an author takes another author's content directly, without using quote marks or giving credit, and passes it off as their own, this practice is known as direct plagiarism. In that sense, it is identical to outright plagiarism. This kind of plagiarism is unlawful and will result in academic repercussions.

### **(D) Self or Auto Plagiarism:**

It is sometimes referred to as self-plagiarism, which occurs when an author or researcher borrows major and crucial passages from his or her own previously published works without giving proper credit or acknowledgement. It is highly probable that established scholars, not college students, are the targets of this kind of plagiarism. It is still debatable whether or not this kind of plagiarism is serious. The amount of an author's work that may be reused has recently been limited by several academic publications. Before assessing articles, journals have begun to put them via plagiarism-detecting algorithms.

### **(E) Paraphrasing plagiarism:**

This is thought to be the kind of plagiarism that occurs most often. This involves copying someone else's writing while making minor alterations to the sentences to pass it off as one's own. Even if the term is different in this instance, the underlying concept is still the same, therefore plagiarism has still occurred.

### **(F) Inaccurate Authorship:**

There are two ways through which incorrect authorship or deceptive attribution may occur:

**First:** where a personality comes up with work but does not get due credit for it.

**Secondly:** where a person gets credit without any contribution to the work.

This kind of plagiarism is also conceivable when someone else edits a document and makes significant changes to it.

**(G) Mosaic Plagiarism:**

Because mosaic plagiarism intersperses other people's words or texts within its research, it might be difficult to spot. It is dishonest and purposeful, and is often referred to as "patchwork plagiarism."

**(H) Accidental Plagiarism:**

There is never a justification for plagiarism, and the repercussions are often the same whether it was intentional or not. However, whether it happened as a result of carelessness, an error, or an unintended paraphrasing, plagiarism may have been unintentional. Universities should emphasize the significance of teaching regarding this kind of plagiarism since students are more prone to engage in inadvertent plagiarism.

### **III. IS PLAGIARISM UNLAWFUL?**

Although plagiarism may be prohibited, this does not always mean that it is. Despite having differing technical definitions, these two terms are often used interchangeably in the current context. According to the definition of "illegal," it is a behaviour that is expressly prohibited by the law, such as murder. However, "illegal activities" are ineffective in law because—despite not being explicitly prohibited—the law disapproves of them.

Therefore if copyright infringement takes place it is a violation of law and commission of an "illegal" act. Although plagiarism is considered unethical, it is not "illegal" unless it violates copyright or some other rule of law.

Technically plagiarism is neither a criminal offence nor a civil offence. It was never a legal term n also it was never legally recognized. Still, violation of copyright is illegal and is considered a serious offence. If a researcher breaks the rules of copyright and commits intellectual property theft then it is considered illegal and also a serious offence which also calls for penal provisions. Any person can plagiarize somebody else's work if it is not subjected to copyright. Copyright doesn't necessarily mean that the author of the work should hold a copyright symbol. The mere fact that he has created a work asserts that he has copyright over that particular work. Only the original owner can decide who can make copies of the work. It is illegal to copy a person's work without permission even if one gives him due credit.

Plagiarism is just like theft. It's just that it is intellectual theft. It is pure unethical conduct. Plagiarism can also be considered fraud as one misrepresents somebody else works as its work. Plagiarism contains the ingredients of dishonesty so it can also be passed as cheating.

#### **(A) Plagiarism Is Intellectual Property Theft**

Seeing the nature of plagiarism, it can be very well considered as intellectual property theft. With such easy access to diverse internet and its unlimited extent, the concept of protecting intellectual property seems to be a distant dream. Today internet has become the tool to commit intellectual property theft with utmost ease. There are three categories of use of computers for intellectual property theft:

- Stealing with the internet
- Stealing within the internet
- Stealing from the internet

#### **(B) Copyright v. Plagiarism**

There is always an endless confusion going on between the concepts of copyright and plagiarism and whether they are the same thing. And to our dismay, the answer to this question is equally confusing i.e. it's both yes and no.

Copyright means giving the original owner or author a set of legal rights over an intellectual property which he only can exploit legally. These rights include the right to distribute copies to the public, the right to reproduce, the right to display the work in public etc. No copyright violation means the infringement of the rights of a copyright holder. In simpler terms, copyright violation means the use of a work without taking the original author's permission. Copyright violation is always a question of law which also calls for penal provisions.

Whereas plagiarism is defined as taking the original work of one person and publishing it as one's own without giving due credit to the original personality. Plagiarism is more likely to be unethical conduct. All plagiarisms are not copyright violations.

The main difference between the two is that in the case of copyright violation there is only one set of victims i.e. the copyright holder but in the case of plagiarism there are two sets of victims- the person who owns the copyright and the people who were misled about the creator of the work. Plagiarism becomes a copyright violation only when the work which is plagiarized was subjected to copyright law.

### **IV. VARIOUS LAWS ABOUT THE CONCEPT OF PLAGIARISM IN INDIA**

Sections 57, 63, and 63(a) of the Indian Copyright Act, 1957 regulate plagiarism in India.

Authors have the following rights under Section 57 of the Act:

(C) Right to claim ownership of their work

(D) Right to restrain or claim damages in respect of any distortion, mutilation, modification or other act about the said work which is done before the expiration of the term of copyright if such distortion, mutilation, modification or other act would be prejudicial to his honour or reputation.

The penalty for a breach or infringement of the rights indicated in this Act is outlined in Section 63 of the Copyright Act, 1957. It declares that anybody who intentionally violates or helps to violate-

- a. the copyright in a work
- b. any other right conferred under this Act

Shall be punished with a period of imprisonment that must not be less than six months but may not be less than three years, as well as a fine that must not be less than 50,000 rupees but may not be less than two lakhs.

Section 63(a) of the Copyright Act, 1957 provides on a second and subsequent conviction, the punishment is increased. If someone who has already been found guilty of an offence under Section 63 is found guilty of that same offence again, they will be punished with imprisonment for a term that must not be less than One Year but may not exceed Three Years and a fine that must not be less than One Lakh Rupees but may not be less than Two Lakhs Rupees for each subsequent offence.

## **V. UGC RULES REGARDING PLAGIARISM IN ACADEMICS**

In India, plagiarism is the biggest issue faced by the education sector. And such a practice is widespread like a plague in higher education. It is a stain upon the face of Indian education. To curb this growing menace University Grants Commission i.e. UGC has drafted certain regulations to keep a check on plagiarism and also to punish it.

To examine the problem of plagiarism, UGC established a committee, and this committee drafted the 2017 UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Education Institutions) Regulations. On March 20, 2018, UGC adopted the norms after receiving Ministry of Human Resource Development clearance.

UGC also defined plagiarism in these regulations as "...an act of academic dishonesty and a breach of ethics. It involves using someone else's work as one's own. It also includes data plagiarism and self-plagiarism" in Section 2 (k) of UGC Act 1956.

The scope of these guidelines has been restricted to Higher Education Institutions which are as follows:

1. Universities, which are any institutions that have been declared to be universities and have been incorporated by a federal, provincial, or state law.
2. Any institution that the parliament has designated as being of national significance.
3. Or any division within such institutions that offers education beyond the first few years of formal education and that offers degrees or certificates after the successful completion of such education.

Section 4 & 5 states that higher educational institutions must perform certain duties to fulfil the objectives specified in the guidelines.

1. A mechanism must be devised to raise awareness of the need to encourage ethical behaviour, prevent plagiarism, and maintain academic integrity.
2. Hold educational sessions every semester to raise awareness of appropriate behaviour among students, instructors, and other staff members.
3. Include academic ethics in every undergraduate, graduate, and masters-level education. Provide training for using plagiarism detection technology.
4. Establish facilities for the detection of plagiarism.

Section 6 provides the different ways in which plagiarism is to be checked and curbed by the various Higher Education Institutes.

- 1) When the scripts are presented to the university, they must put in place a system to identify plagiarism.
- 2) Each student submitting such scripts must additionally assure that the work is unique and free of any instances of plagiarism.
- 3) Access to such a plagiarism detection instrument must be granted to academic members and research students.
- 4) Each institution shall develop a policy against plagiarism, which must be authorised by the appropriate legislative authority.
- 5) Each supervisor will sign a certificate stating that the student or researcher under him or she has not used any stuff that is not original.
- 6) Research scholars must upload all electronic versions of their dissertations and theses to the Information and Library Network Center after receiving their degrees (INFLIBNET).



7) For the aforementioned dissertations, theses, papers, publications, and other internal works, the institutions will set up an online repository.

Section 8 and section 9 have also defined the tolerance of plagiarism. **Zero-Tolerance Area**- it means that no degree of plagiarism will be tolerated. Zero tolerance is observed in core areas which include hypothesis, recommendations, abstract, summary and conclusion. **Tolerance areas**- a certain extent of plagiarism is tolerated except in core areas. In this up to 10% of plagiarism is excluded. But if the percentage of plagiarism goes beyond that then it is categorized into different levels i.e. levels 1, 2, & 3.

### **Penalties Prescribed For Students**

Penalties which will be awarded to students will align with the Disciplinary Authority of Plagiarism. The punishment so given to students differs with the different levels of tolerance:

**Level 1:** students shall not be awarded marks and they will have to resubmit the revised script within a stipulated period which shall not exceed 6 months.

**Level 2:** students shall not be awarded marks and they will have to resubmit the revised script within a stipulated period which shall be during 1 year and 18 months.

**Level 3:** the student shall not be awarded any marks and their registration for the particular course will be cancelled.

If the student has already obtained a degree and in future, it is found that he was guilty of committing plagiarism then the said degree will be suspended.

## **VI. HOW TO PREVENT PLAGIARISM?**

Plagiarism can be prevented if the researchers are vigilant and careful. If any information is borrowed from someone else's idea then due credit should be given and proper citation should be used. People who regularly engage in purposeful plagiarism need to be aware of the significance of their behaviour and the potential repercussions. To avoid plagiarism, one should carefully document the sources at the initial stage of the research draft and a proper demarcation should be made between the ideas which are original and which are borrowed. If paraphrasing is done, the researcher should try to rewrite it from his memory instead of peeping into the primary source. If a researcher borrows a statement directly from somebody else's work then the quotation marks should be used properly. Before drafting any work, the researcher must formulate a proper outline of the work. It helps a lot in researching as well as in avoiding plagiarism. The researcher should always create a list bibliography beforehand very carefully.

Institutions also play a major role in curbing plagiarism. They should lay down proper rules and

procedures and guidelines to control plagiarism which must be strictly followed by the students. They must create awareness among the students and educate them about the perils of plagiarism. The government should implement stricter laws to prevent intellectual theft i.e. plagiarism. Further plagiarism is an unethical practice which is against morals and should be discarded.

## **VII. CONCLUSION**

It is very difficult to define plagiarism and to assert what constitutes plagiarism. Plagiarism no doubt is a learning process but at the same time, it is an unethical practice as well. Plagiarism slowly is becoming a serious offence which results in penal punishments. It is also a clear-cut infringement of copyright law. Plagiarism is also corroding the education system in India. No matter what, plagiarism should be avoided because at the end of the day it remains an intellectual property theft.

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