

PLAGIARISM: HUNG BETWEEN ETHICS AND LAW

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Abstract- the jurisprudence of law has hung between morality and legality for a long time. Now it's the turn of "plagiarism" to prove its stand. Undeniable what has come to stay, must be learnt more about, with these opening lines thy author humbly seeks your permission to present the paper for your consideration. Taking you on a trip to some legal sections, some factual considerations and attempting to drive you through some hypothetical ones too, the current paper is a humble attempt from the author's side to add something new to this much explored field.

Keywords: law, ethics, interdisciplinary study, international conventions, copyright act, plagiarism.

INTRODUCTION:

derived from the latin word "plagiarius" meaning "kidnapper", the concept of plagiarism¹ has its roots in the 16th century².

Drifting with the passage of time, and touring through nations³, the theme of plagiarism has taken criminal notation in almost all countries today.

What started from the theft and copying of religious scriptures⁴ in the early ages took a modern form with high-tech means today. There are numerous laws on plagiarism today covered by section 57⁵ and 63⁶ of Indian copyright act, 1957 r/w sec 438 CrPc⁷. not just this, on the academic front it may lead to cancellation of paper or even degree. But these severe penal punishments raise some pertinent questions:

- Is it the criminal nature of the act itself, which has made it such a big crime or are the software selling tech giants to be blamed?⁸
- Who decided on the types of plagiarisms? Ranging from mosaic⁹ to paraphrasing¹⁰, which thy author humbly admits, fears to explain in detail here for the fear of committing a plagiarism.
- Should there be punishments alike for students and professionals?
- Is the international competitiveness in the field of standardization playing its role in making this a big issue?
- Should the companies providing thesis writing "help" also be held liable?

Thy author humbly submits that these and many more questions boggle the mind, but before reaching conclusions, allow thy author to take you on a detour of some hypothetical situations

HYPOTHETICAL SITUATIONS:

Situation 1- a person x commits plagiarism, by changing every third word of the text, thereby making it difficult, for the software, to detect the plag. What is the remedy?

Situation 2- a plag detection software company escapes liability by putting a few disclaimers, but the apprehensive professor catching the similarity index, reports the same and student y has a jeopardized career, as his degree gets cancelled. Who is guilty?

Situation 3- a person x uploads his article on a website. Person y copies the same. Later the person x , does not renew his web license and there is no record that the piece of work belonged to him. Meanwhile, person y publishes the same by his name. what is the remedy?

Situation 4- a company x, provides a free software to check plagiarism online, the gullible happy sees his article coming clear out of it. When the same is checked by professor, on a professional paid software plag. Is detected. The student gets punished meanwhile the software company makes million by increasing page visitors? Where lies the justice?

Situation 5- a person x , habitual of writing in a particular way (alike thy author) has to write on two similar topics, though he does not intend but ends up committing self plagiarism¹¹ and his works get trashed by professor. Is it fair?

It is submitted utmost humbly that such situations could be numerous but before forming any opinion, allow thy author to take you through a pilot survey to help shed some light on the factual situation.

PILOT SURVEY:

FOR THE PURPOSES OF THIS SURVEY 100 students of governmental institutions of tricity of masters and doctoral level were randomly selected and administered a questinaire. Thy author assures that utmost confidentiality as to the the personal details of participants has been maintained. (also a copy of pilot survey for your kind consideration is attatched at the end.) on a lighter note, thy author also admits to have written the previous line in almost every survey conducted!

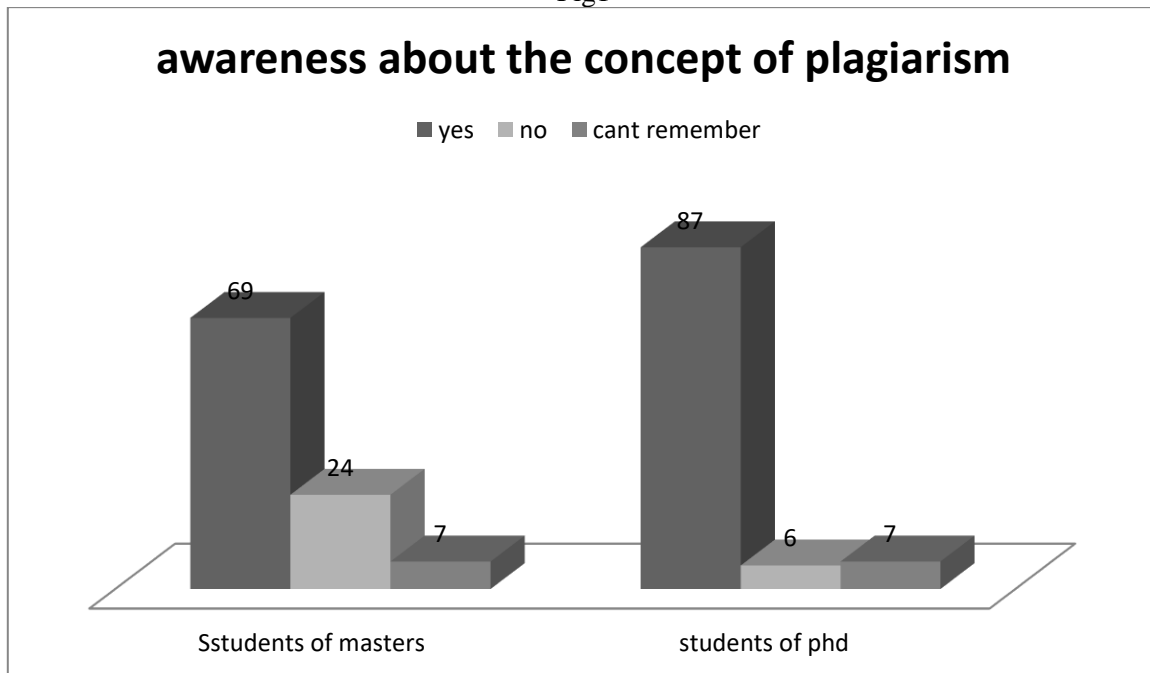
Allow thy humble author to draw your attention towards the drawbacks of the survey:

- The students of only governmental institutions could be covered owing to paucity f time
- A comparison of opinion of rural and urban areas could not be conducted (which thy author assures to do in next research paper hopefully)
- Field works though adept in the field of law lacked in psychology background and had no previous training in projection techniques which thy author initially intended to use for this paper.

Howsoever, to satiate the curiosity, allow thy author to present the data and statistics from the humble survey.

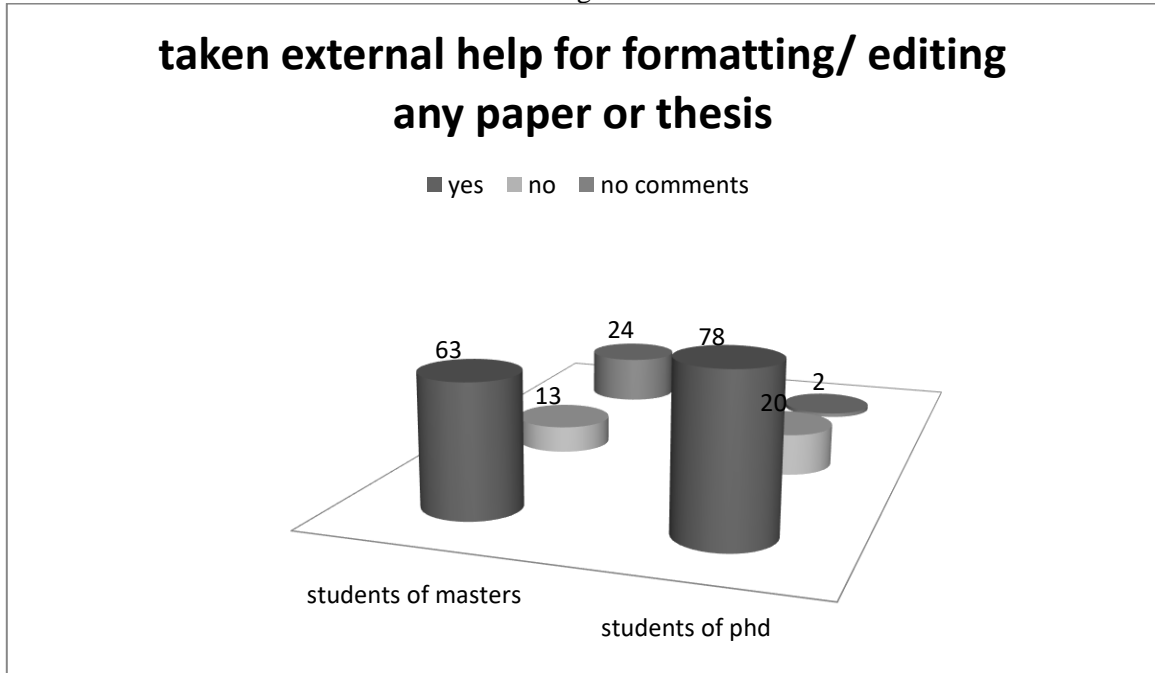
DATA AND STATISTICS DERIVED:

Fig1



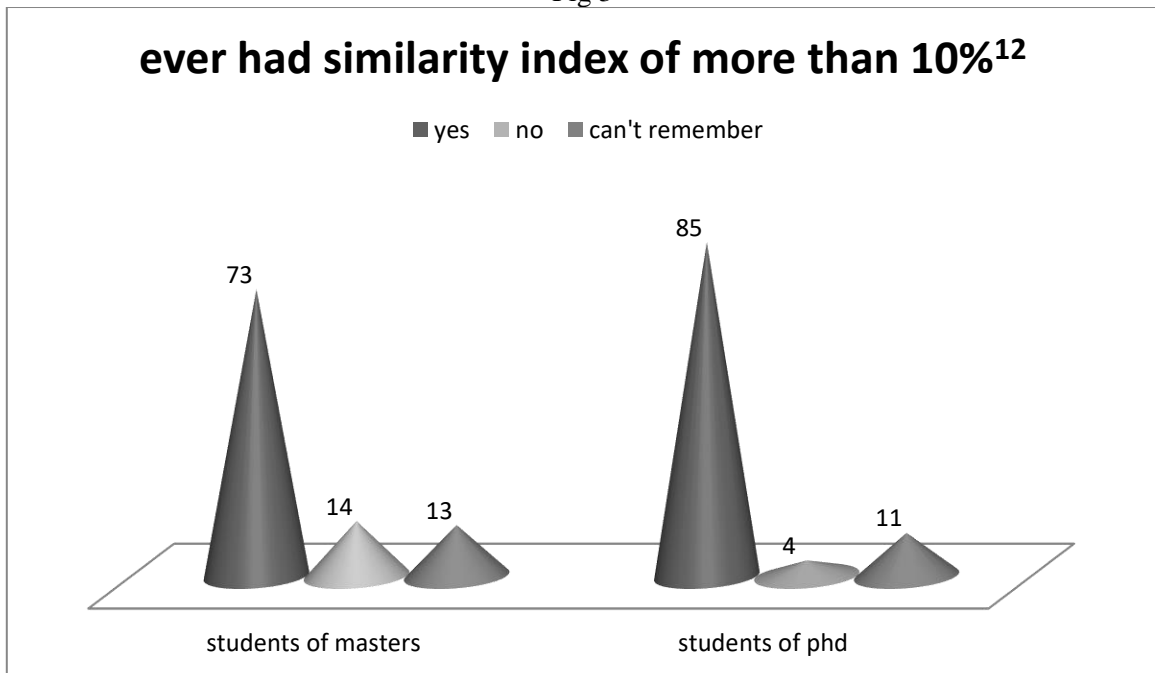
Awareness of the concept of plagiarism

Fig 2



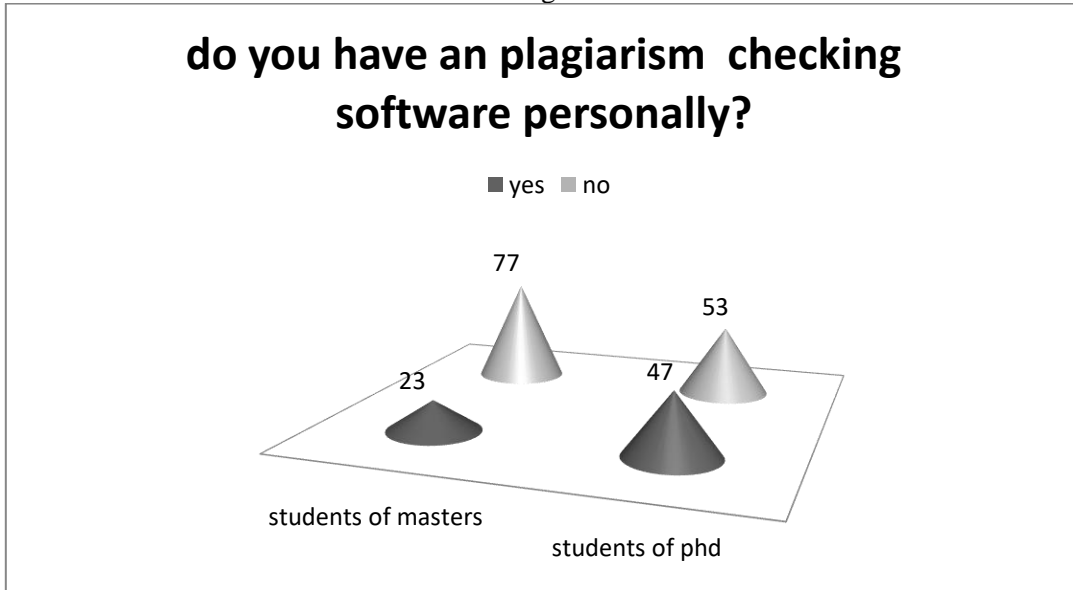
Professional “help” in editing papers

Fig 3



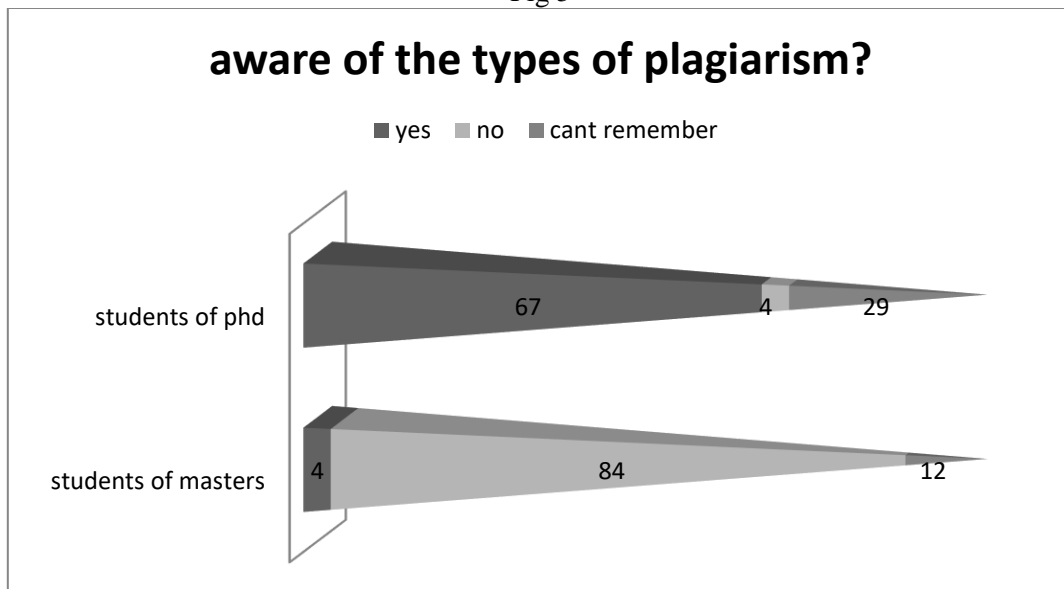
students Stuck in plag.

Fig4



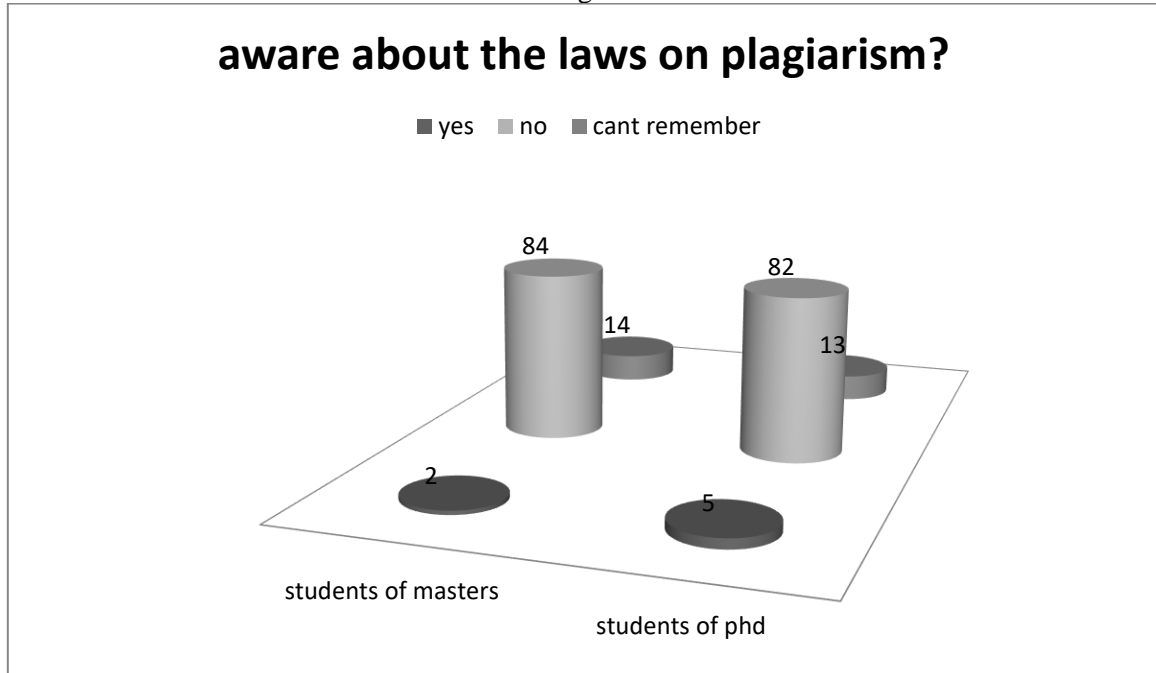
Students access vs. owning of plag. Software

Fig 5



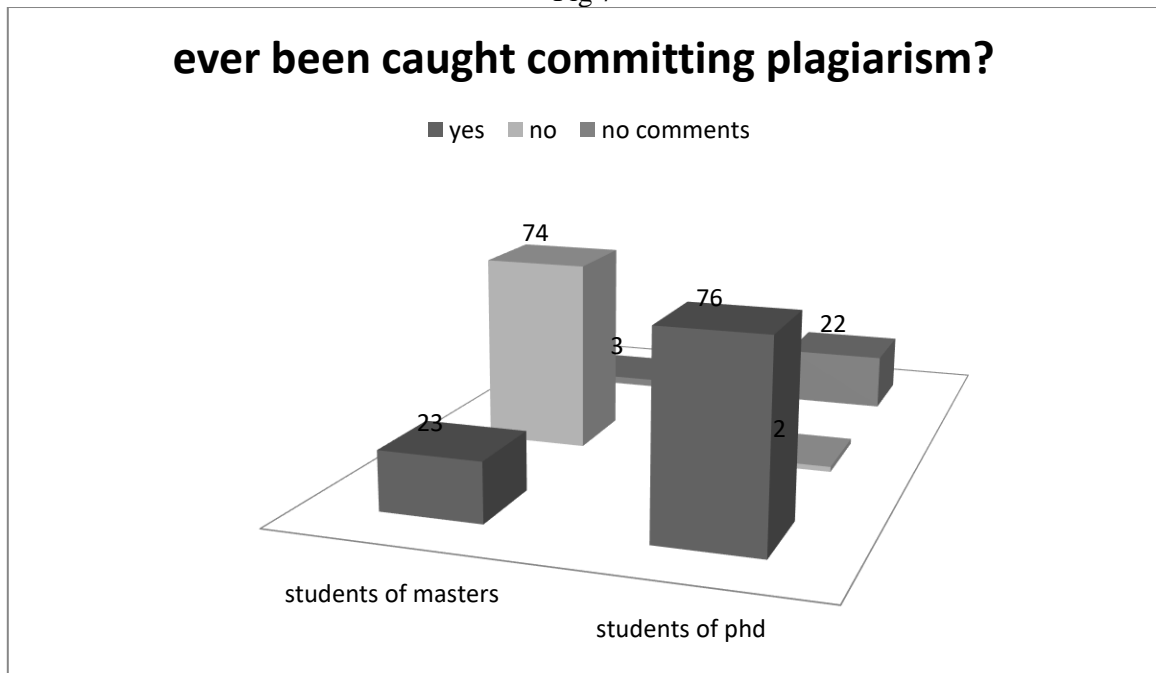
Awareness of plagiarism types

Fig 6



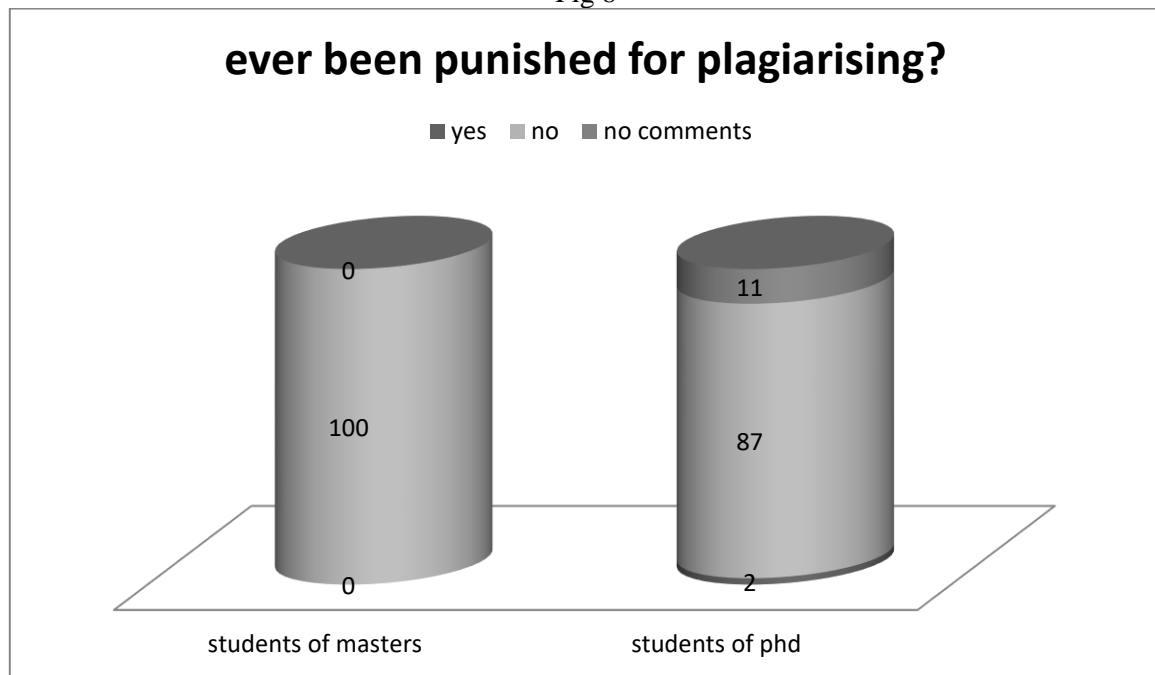
Awareness over anti plagiarism laws (copyright infringement penalty)

Fig 7



Admission of guilt vs hiding tactic

Fig 8



Professors leniency or work undetected?

A CRITICAL TAKE:

As its said popularly, “too many laws, lead to more probability of them being broken” also the ironical twist of law is that, “those who know it the best, know how to break it the best” there still exist highly ranked institutions with no plagiarism detection source, still thesis are written and sold, even inside campus of many institutes¹³ and then there are others where papers get flunk at “similarity indexes” . more then the problem itself, what is important is to understand the root cause behind it. Is it lethargy, ignorance or too much knowledge that is leading to such a situation. The author humbly leaves the question open ended for you hon’ble selves to ponder over.

TWIST OF LAWS:

Where the professionals escape liability under the cover of “adaptation” and “abridgement”, and still make millions, the poor students are hung for saving their degrees and lives, trying to put every goggled word in footnotes and references. Have we set the standards too high? Or is the deterrent effect of law still not forceful enough? It is submitted that some questions are better left in the lap of time to get the real answer. More importantly is it just an unethical act at student’s level or should the criminal laws be allowed to take their full course? What does the scale of justice say to you , is left to your humble selves to find out.

PUTTING FORTH SUGGESTIONS:

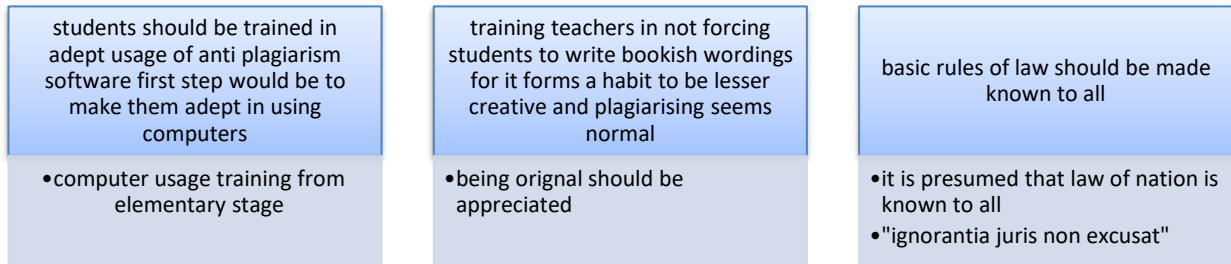
Though it is pertinent that plagiarism is being committed at larger scale now, (with the advent of technology,) but thinking of solutions is more important than emphasizing the problem itself. Here a few humble suggestions from thy author’s pen:

- Separate enactment with rules and regulations should be laid down for students at doctoral and post- doctoral level, covering more areas like selling-buying of thesis, but exempting them from copyright act provisions to ensure no career is ruined and at the same time, education standards are not compromised
- Professors of government colleges and universities should be mandatorily trained in handling anti plagiarism softwares
- Limited access of the software should be provided by the institution to students to be able to rectify their errors before submission, for everyone cannot afford owning one.
- More awareness is spread about the international conventions¹⁴ which have led to present enactments and laws

PLAN OF ACTION:

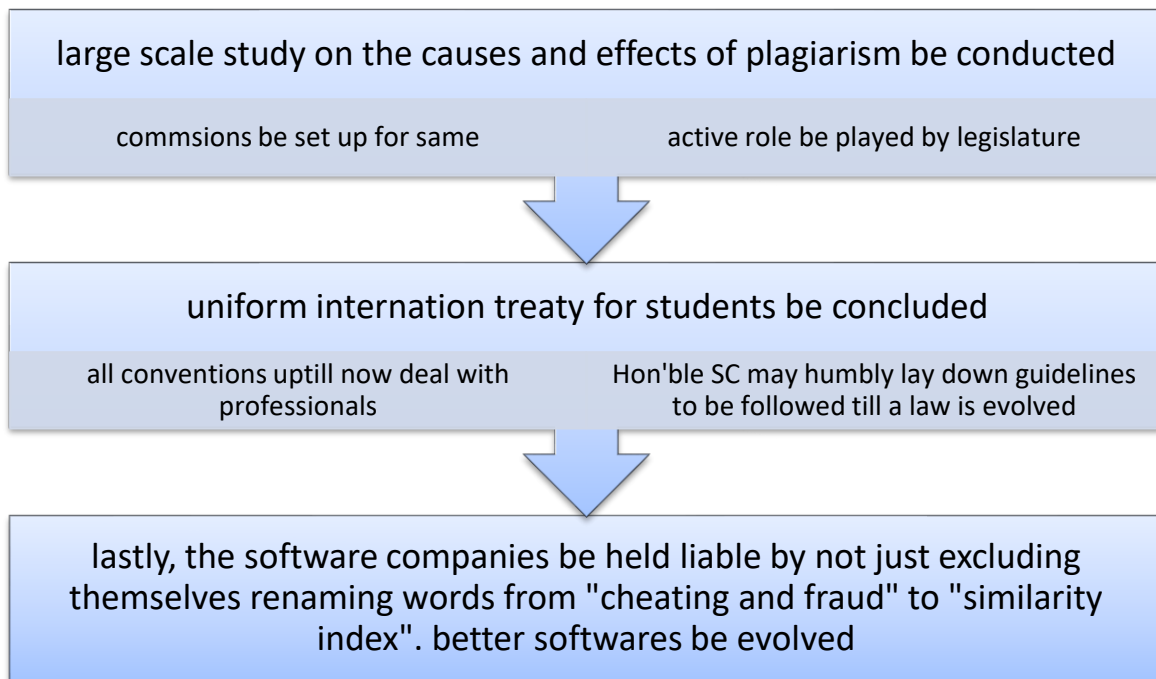
even the best of suggestions are useless without a plan of action with this and utmost humility thy author humbly proposes some POAs:

fig 9



Proposed POA1

Fig 10



Proposed POA2

HUMBLE REVIEW OF PAPERS MENTIONED IN THE REFERENCES:

It is worthy to mention that the few research papers cited at the end of the paper, have explicitly mentioned the perspective of plagiarism, its holistic approach and types. Also note worthy is the study made in reference 2 which a collection of data, though not primarily by the author. However, not being critical of the same, laws and conventions are the areas lesser dealt with in the papers humbly read over by the author.

CONCLUSION:

I get reminded of a few lines from my childhood poems, “for every hardship under the sky, there is a remedy or there is none, if there is one, try to find it, if there is none, never mind it”. Lucky, The whole concept of plagiarism is remedial but just encouraging author’s to write originally won’t serve the purpose till they are better guided towards

efficient reading and are made zealous about their field of research. With these lines and a positive note, I hereby conclude this paper.

ACKNOWLEDGEMENT

First and foremost i would like to thank the guide, Dr. Hadley and Dr. Jasgurpreet for their untiring efforts and dedication in guiding us through the dark roads and shady but luring paths of research. i am solely responsible for any errors and mistakes in this research and also find it pertinent to state that the views expressed are not intended to offend any person or community.

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