

Bill No. XXXV of 2021

THE ACADEMIC INTEGRITY BILL, 2021

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BILL

to promote academic integrity in Higher Educational Institutions in the country and to curb plagiarism by establishing the Central Academic Integrity Authority and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

1. (1) This Act may be called the Academic Integrity Act, 2021.
- (2) It extends to the whole of India.
- 5 (3) It shall apply to students, researchers, faculty and staff of all Higher Educational Institutes in the country;
- (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent,
application
and
commencement.

Definition.

2. In this Act, unless the context otherwise requires,—

(a) "Academic Misconduct Panel" means the body constituted to investigate allegations of plagiarism as described under section 6 of this Act;

(b) "academic integrity" means intellectual honesty in proposing, performing and reporting any activity, which leads to the creation of intellectual property; 5

(c) "aggrieved party" means any person, whose academic work such as a research paper, manuscript, etc. has been dishonestly taken by a student, researcher or faculty member of an Higher Educational Institute;

(d) "author" includes a student or a faculty or a researcher or staff of Higher Educational Institution who claims to be the creator of the work under consideration; 10

(e) "Authority" means the Central Academic Integrity Authority constituted under section 3 of this Act;

(f) "college" means any institution, whether known as such or by any other name which provides for a course of study for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognized as competent to provide for such course of study and present students undergoing such course of study for the examination for the award of such qualification; 15

(g) "faculty" refers to a person who is teaching or guiding students enrolled in an Higher Educational Institute in any capacity whatsoever *i.e.* regular, emeritus, *ad-hoc*, guest, temporary, visiting, etc; 20

(h) "Higher Educational Institution" means an institution of learning including a university, an institution deemed to be university, a college, an institution of national importance declared as such by an Act of Parliament, or a constituent unit of such institution, which is imparting, whether through conduct of regular classes or distance education systems, higher education after twelve years of schooling leading to the award of a degree or diploma; 25

(i) "plagiarism" means an act of academic dishonesty and a breach of ethics and involves using someone else's work as one's own and also includes data plagiarism and self plagiarism;

(j) "prescribed" means prescribed by rules made under this Act; 30

(k) "researcher" means a person conducting academic or scientific research in an Higher Educational Institution.

(l) "script" includes research paper, thesis, study, project report, assignment, dissertation and any other such work submitted for assessment or opinion leading to the award of degree or publication in print or electronic media by students or faculty or staff of an Higher Educational Institution, excluding answer scripts submitted in response to a question paper set by a Higher Educational Institution; 35

(m) "student" means a person duly admitted and pursuing a programme of study including a research programme in full time or part-time or distant mode in an Higher Educational Institution; 40

Words and expressions used and not defined in these regulations but defined in the University Grants Commission Act, 1956 shall have the meanings respectively assigned to them in that Act. 3 of 1956.

CHAPTER II

AUTHORITIES UNDER THIS ACT

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the Central Academic Integrity Authority consisting of the following members, namely:—

Central
Academic
Integrity
Authority.

(a) Union Minister of State in the Ministry of Education — Chairperson *ex-officio*;

(b) Union Minister of State in the Ministry of Electronics and Information Technology—Vice-Chairperson *ex-officio*;

(c) Chairperson, University Grants Commission—Vice-Chairperson *ex-officio*;

(d) Secretaries of the Union Ministry of Education and Ministry of Electronics and Information Technology—Members *ex-officio*;

(2) The Central Government shall appoint such number of officers and staff as it may consider necessary for the functioning of the Authority.

(3) The salary and allowances payable to and other terms and conditions of services of officers and staff of the Authority shall be such, as may be prescribed.

4. (1) The Authority shall take steps to establish the Central Integrated Academic Database as well as the Central Integrated Plagiarism Software, as referred in section 7 of this Act.

Functions of
the Central
Academic
Integrity
Authority.

(2) The Authority shall meet at least twice in a year and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

(3) The expenditure incurred to attend meetings by the members referred to in sub-clauses (a) to (d) of section 3, shall be borne by the Ministries concerned.

5. (1) Every Higher Educational Institution shall constitute a Academic Misconduct Authority to consider the recommendations of the Academic Misconduct Panel and take appropriate decisions after giving an opportunity to the accused persons to present their case.

Academic
Misconduct
Authority.

(2) The Academic Misconduct Authority shall consist of four members namely:—

(i) the Head of the Higher Educational Institution — Chairperson

(ii) the Dean of the Higher Educational Institution — Member

(iii) the Director (Academic Research) or equivalent of the Higher Educational Institution — Member

(iv) one senior academician not below the rank of Professor in the relevant discipline from outside the Higher Educational Institution — Member.

(3) The Academic Misconduct Authority shall prescribe the procedure based on principles of natural justice to be followed by the Academic Misconduct Authority while investigating allegations of plagiarism.

6. (1) Every Higher Educational Institutions shall constitute an Academic Misconduct Panel to investigate allegations of plagiarism and other forms of academic dishonesty.

Academic
Misconduct
Panel.

(2) The Academic Misconduct Panel shall have the power to assess the level of plagiarism ascertained by Central Integrated Plagiarism software, and recommend penalty accordingly.

(3) The Academic Misconduct Panel shall consist of seven members who shall be senior academicians with a good publication record to be appointed in such manner as may be prescribed.

(4) The Academic Misconduct Panel shall be headed by a Chairperson, who shall be an academic functionary of the Higher Educational Institutions.

(5) The Academic Panel shall consist of:—

(a) at least one female senior academician.

(b) at least one senior academician belonging to Schedule Castes or Scheduled Tribes.

(c) at least one senior academician appointed by the Head of the Higher Educational Institutions from outside the Higher Educational Institutions.

(d) at least one member shall be an expert, well versed with anti-plagiarism tools.

(e) one member shall be a reputed academician from the discipline in which the plagiarism is alleged.

(6) The Academic Misconduct Panel shall follow the principles of natural justice while deciding about the allegation of plagiarism against the student, researcher, faculty member or any other employee of Higher Educational Institutions.

(7) The Academic Misconduct Panel shall send the report after investigation containing its recommendations on penalties to be imposed to the Academic Misconduct Authority preferably within a period of thirty days from the date of complaint or initiation of the proceedings in case of *suo motu* notice.

(8) The Academic Misconduct Panel shall provide a copy of the report to the person(s) against whom the inquiry report is submitted.

CHAPTER III

DATABASE AND PLAGIARISM SOFTWARE

Central
Integrated
Academic
Database.

7. (1) The Authority shall, in consultation with senior academicians, create a national database, called the Central Integrated Database consisting of research papers, dissertations and thesis submitted by students, researchers and faculty members.

(2) The Authority shall, in collaboration with the Ministry of Statistics and Programme Implementation, provide access to statistical data and reports on the Central Integrated Academic Database in such manner as may be prescribed.

(3) The Central Integrated Academic Database shall be developed in such manner, to be used as a research database by students, researchers and faculty members of Higher Educational Institutions and it shall be an open access database in order to foster academic development.

Central
Integrated
Plagiarism
Software.

8. (1) The Authority shall, in consultation with professionals engaged in data analytics and senior academicians, create an ante plagiarism software which shall have capabilities to detect:—

(i) similarities by pattern matching method, in order to disclose the amount of plagiarism in a concerned script; and

(ii) plagiarism in English and all languages mentioned in the Eighth Schedule of the Constitution.

(2) The Authority shall ensure that all persons covered by this Act, shall have access to plagiarism checking tools as part of the Central Integrated Plagiarism Software, in order to promote academic integrity.

CHAPTER IV

PENALTIES

9. (1) Penalties in cases of plagiarism shall be imposed on students pursuing studies at the level of Under Graduate, Post Graduate, Masters, Ph.D. and researchers and faculty members of the Higher Educational Institutions only after the academic misconduct in question has been established without doubt and when all avenues of appeal are exhausted. Penalties in case of plagiarism.

(2) The Academic Misconduct Authority of the Higher Educational Institution, while referring to the levels of plagiarism defined in the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018, shall impose a penalty considering the severity of the Plagiarism, based on recommendations of the Academic Misconduct Panel which may be as follows:

(a) In case of students:

(i) if similarities are in the range of 10 per cent to 40 per cent, the concerned student shall not be awarded any marks or credits for the plagiarised script and he shall be asked to submit a revised script within a stipulated time period decided by the Academic Misconduct Panel.

(ii) if similarities above 40 per cent to 60 per cent, the concerned student shall not be awarded any marks or credits for the plagiarised script and he shall be asked to submit a revised script after a period of one year but not exceeding eighteen months.

(iii) if similarities above 60 per cent, the concerned student shall not be awarded any marks or credits for the plagiarised script and his registration for that particular course shall be cancelled:

Provided that, in case of repeated plagiarism by the concerned student, he shall be punished for one level higher than the previous level committed by him and in case the level of plagiarism is the highest, the same punishment shall be applied:

Provided further that, in case plagiarism is proved on a date later than the date of award of degree/credit, the Academic Misconduct Authority shall decide a period for which the degree or the credit shall be kept in abeyance.

(b) In case of researchers and faculty members of Higher Educational Institutions:—

(i) if similarities are in the range of 10 per cent to 40 per cent, the concerned person shall be asked to withdraw his script and shall be barred from publishing any work for a minimum period of one year.

(ii) if similarities are above 40 per cent to 60 per cent, the concerned person shall be asked to withdraw his manuscript submitted for publication and shall be barred from publishing any work for a minimum period of two years and shall be denied a right to one annual increment and shall not be allowed to be a supervisor to any student or scholar for a period of two years.

(iii) if similarities are above 60 per cent, the concerned person shall be asked to withdraw his manuscript submitted for publication and shall not be allowed to publish any work for a minimum period of two years and shall be denied a right to one annual increment and shall not be allowed to be a supervisor to any student/scholar for a period of two years:

Provided that, in case of repeated plagiarism by the concerned person, he shall be punished for one level higher than the previous level committed by him and in case the highest level of plagiarism is repeated, the concerned person shall be dismissed:

Provided further that in case plagiarism is proved on a date later than the date of award of degree or credit, the Academic Misconduct Authority, shall decide a period for which the degree or the credit shall be kept in abeyance.

(c) In case of any complaint of plagiarism against the Head of an Higher Educational Institute; the Authority shall take appropriate action after investigating the complaint under the provisions of this Act. 5

Remedies for an aggrieved party.

10. (1) Any party aggrieved by acts of academic dishonesty committed by persons covered under this Act, may approach the Academic Misconduct Authority with such complaints.

(2) The Academic Misconduct Authority shall, in accordance with principles of natural justice, investigate such complaints and furnish a report. 10

(3) The report, shall be forwarded to the concerned police station, in the form of a complaint, in case the aggrieved party wishes to seek appropriate remedies under the Indian Penal Code, 1860 and the Copyright Act, 1957.

45 of 1860.
14 of 1957.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: 15

Provided that no such order shall be made after the expiry of the period of three years from the date on which this Act receives the assent of the President. 20

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make rules.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session, or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 25 30

STATEMENT OF OBJECTS AND REASONS

In today's globalised world, academic research plays a significant role in any educational institution. It is of vital importance, to have knowledge-driven growth, that is based on innovation and originality of ideas. Research is the pillar that supports the advancement and flow of knowledge. The quality of such research unequivocally affects the quality of teaching and learning. This inevitably benefits students that later contribute to the society and the country.

Academic research refers to the creative process that is undertaken in a methodical manner in order to augment one's stock of knowledge. It refers to solving problems, both theoretical and practical, in a scientific and systematic way. However, we see that the Indian Education system faces a plethora of challenges such as, an emphasis on rote learning, absence of intellectual simulation, lack of scientific knowledge and most importantly, lack of training in research methodology.

The University Grants Commission (UGC), is the statutory body charged with the coordination, determination and maintenance of standards of higher education. While the UGC has brought in regulations to deal with academic standards from time to time, it has failed to tackle the issue of low standards with respect to academic integrity. Plagiarism, publishing in fake journals and adding an author's name to a paper they haven't contributed to, are few of the many ways research fraud is committed in India. The UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018 were brought in with the sole aim of addressing plagiarism by teachers and students, researchers and faculty at India's universities and colleges. However, these Regulations have failed to effectively deal with the issue at hand.

This Bill seeks to bring a change to the current set of regulations governing research methodology and tackle the menace of plagiarism. It would bring in a set of guidelines and reduce the multiplicity of regulations that exist but do not give clarity on the subject. This Bill, in Chapter V makes reference to the levels of plagiarism prescribed as per the University Grants Commission (Promotion of Academic Integrity And Prevention of Plagiarism In Higher Educational Institutions) Regulations, 2018. To tackle the issues of plagiarism and other forms of academic fraud this Bill would create an Authority under the Ministry of Education, enforced with the duty to create an anti-plagiarism software that would not only cover publications written in English, but also twenty-two languages mentioned in the Eighth Schedule to the Constitution. The current system of Universities using their own set of guidelines and third-party plagiarism checkers - leads to a lack of uniformity in academic research as well as the sidelining of publications in vernacular languages, since these checkers are not equipped to deal with regional languages. Additionally, the Authority would also be tasked with the responsibility of creating a National Database consisting of all academic papers, thesis, manuscripts, etc. This Database shall serve as an open-access resource for every student, researcher and faculty member engaged in academic research.

This Bill, therefore, seeks to bring in much needed changes in order to foster notions of academic integrity.

DR. FAUZIA KHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Central Academic Integrity Authority and expenditure to be incurred for salary and allowances.

Clause 7 mandates the establishment of the Central Integrated Academic Database (CIAD) and Clause 8 provides for the Central Integrated Plagiarism Software (CIPS). The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees one hundred crore would be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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BILL

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for matters connected therewith and incidental thereto.

(Dr. Fauzia Khan, M.P.)

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