

8

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 918/2013

MOHAMMAD YUSUF & ORS

..... Petitioners

Through: Dr. Sumant Bhardwaj, Advocate with
Mrs. Mridula Ray, Advocate.

versus

PROF S K SOPORI & ANR

..... Respondents

Through: Ms. Ginny J. Rautray, Advocate with
Ms. Harsha, Advocate.

%

Date of Decision: 16th July , 2015

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

CM Appls. 11130- 11131/2015 in Cont.Cas(C) 918/2013

Keeping in view the averments in the applications, delay in filing and re-filing the rejoinder affidavit is condoned.

Accordingly, the applications stand disposed of.

Cont.Cas(C) 918/2013 & CM Appl. 19026/2013

1. Present contempt petition has been filed by the petitioners alleging wilful disobedience of the order dated 30th September, 2013 in W.P.(C)

6249/2013 whereby the same was disposed of with a direction to the competent authority of respondent No.1 to consider the complaint of Plagiarism against Professor Ainul Hasan in terms of the report of the expert appointed by the University and to take appropriate decision thereon within a period of eight weeks.

2. Learned counsel for petitioner states that on 06th July, 2006, complaints had been filed by Professors in Delhi and Bombay against Professor Ainul Hasan with regard to the thesis submitted by him in 1986 titled “Farrogah-e-Farrokhzad, her poetry and Problems of the Iranian Society” and the book “Issues & Themes: Studies in Persian Literature”.

3. Learned counsel for petitioners states that Professor S.K. Zeenathulla Javed, an expert appointed by the Jawaharlal Nehru University, found merit in the allegation of Plagiarism levelled against respondent No.2. The relevant portion of the report of Professor S.K. Zeenathulla is reproduced hereinbelow:-

“In my opinion sight of the fact shows that many pages, paragraphs and lines have been copied from Javednama and included in the chapter first (page no. 11 to 18), chapter third (page no. 48 to 82) and chapter seventh (page no. 169-191) of the thesis submitted by Prof. S.A. Hasan. This material could be used as a source but unfortunately Mr. Hasan copied the same material as it exist in Javednama. The scholar could not digest the relevant material and represent it in his own style. Somewhere he tried to replace a few words but did not succeed. Therefore it is clear that the thesis is not his original research and the references and source books are not used properly.”

4. Learned counsel for petitioners states that yet no action has been taken by the respondent-University.

5. Learned counsel for respondent-University states that upon receipt of the initial complaints against Professor Ainul Hasan, the matter was referred to two experts namely, Professor I.K. Burke, Head Department of Arabic & Persian, Kolkata and Professor S.K. Zeenathulla Javed, Malterktla, Punjab.
6. According to learned counsel for respondent-University, since Professor S.K. Zeenathulla Javed despite repeated reminders did not submit his report within the stipulated time, Professor Mahmood Siddiqui, Professor of Persian, M.S. University of Baroda, Vadodra, was appointed as an expert.
7. After examining the Ph.D. thesis of Professor Ainul Hasan, the two experts Professor I.K. Burke and Professor Mahmood Siddiqui expressed their opinion that the thesis had not been plagiarized by respondent No.2.
8. Learned counsel for respondent-University states that thereafter the matter was closed on 26th May, 2010 based on the report of the two experts.
9. In rejoinder, learned counsel for petitioners states that the stand of the respondents is incorrect as on 17th September, 2013, the petitioner in response to an RTI application had stated that action against Professor Ainul Hasan was still pending. She also states that the inquiry could not have been closed on 26th May, 2010 as on 30th September, 2013 the respondent had been directed to consider the report of the experts appointed by the University.
10. Having perused the file, this Court finds that after the expert Professor S.K. Zeenathulla Javed had furnished his report finding merit in the allegations of plagiarism, a fresh note was put up by the Evaluation Branch. On Rector's recommendation, the Vice Chancellor of JNU directed the matter to be placed before the current Committee on Plagiarism on 13th August, 2013. It was in this context that a statement was made before this

Court on the first date of hearing itself, i.e., 30th September, 2013 that the University shall consider the complaint alleging Plagiarism in terms of the report of the expert appointed by the University and shall take appropriate decision.

11. Thereafter, the matter was taken up by the Committee on Plagiarism and after going through the records as well as the sequence of events it concluded that since Professor Mahmood Siddiqui had been appointed as an expert in place of Professor S.K. Zeenathulla Javed, who did not send his report within the stipulated time, it would not be appropriate to consider his report and re-open the case.

12. The relevant extract of the report of the two experts, i.e., Professor I.K. Burke and Professor Mahmood Siddiqui is reproduced hereinbelow:-

“Prof. I.K. Burke

“The Jawedana” is an important source for the study of Foroogh-e-Farookhzad. It consists of a compendium of Persian writings on the poetess’s life, time and works and as anthology of her poetry. Any researcher is bound to consult the above mentioned source for writing his research paper, dissertation and theses on Foroogh-e-Farrokhzad. The ex-student of Jawaharlal Nehru University wrote the said theses and also relied upon the Jawedana. He has used several quotations from this source with precise mention of the book, year of the publication, name of the publisher/author and the page numbers. As his quotations in the said thesis clearly mention the source from where they have been taken, therefore it is absolutely wrong to suggest that the researcher has committed an act of plagiarism.

The second work in question “Studies in Persian Language and Literature: Issues & Themes” contains the chapter “Omar Khayam Between East and the West”. The author of the book

while writing the chapter on Khayyam banked upon 15 sources. The Indo-Iranica vol. 33 of Calcutta is a commemorative volume exclusively on Omar Khayyam in which many contemporary Indian scholars have contributed their research on Khayyam. The author in question has rightly chosen equations from the Indo-Iranica with clear mentioning of the source of Indo-Iranica showing the name of article-writer, topic of the article and page number which is correct method involved in all the researches.

Hence the charge of plagiarism against the author by the complainant is again baseless. As the aforesaid book has already been published and the writers of the articles in the Indo-Iranica are mostly alive, had there been any plagiarism the writers of the articles or the editor of the Indo-Iranica would have sued the author.

“Both the above mentioned thesis and the book are individual efforts in the field of Persian Studies in India where the subject receives little patronage and encouragement from individuals and organizations. Under such circumstances, these literary and academic efforts must be appreciated rather than discouraged by levelling baseless charges of plagiarism.”

Prof. Mahmood Siddiqui

I have perused the thesis “Forugh-i-Farrukhzad’s verses and the Problems of Persian Society” and the book “Issues & Themes: Studies in Persian Literature”. These two works have been written in accordance with the research methodologies of Persian Studies in vogue in the Indian subcontinent.

The first work “Forugh-i-Farrukhzad’s Verses and the Problems of Persian Society” has been written in Persian language and deals with biographical and poetical dimensions of the Iranian Poetess Farrukhzad. The research scholar has consulted the primary and secondly sources of the study on the poetess and has clearly mentioned them appropriately. He has clearly spelt out the names of the authors, publishers, year of

publications and the page numbers of all the quotations which he has utilized in his studies. Biographical and poetic evaluation done by the scholars in this field and in literary studies is naturally more or less same. So the similarity in the study cannot be construed as plagiarism. The bare facts of life and times of Farrukhzad in the thesis and that in the source ought to be same no matter whatsoever undertakes the study. There is a remote possibility of difference as far as biographical study of the subject is concerned. Therefore, there are many instances in the theses where one could see identical passages with the sources which are also clearly mentioned in the thesis.

Hence, the allegation of plagiarism in the aforesaid thesis is not sustainable. If the scholar has deliberately omitted the source and incorporated the matter in the thesis as his own writing then the issues of plagiarism in thesis could have been raised. As the research scholar has already mentioned the source(s), the allegation of plagiarism does not stand against the thesis/ research scholar.

Moreover, the thesis addresses the Problems of the Persian Society in the context of Farrukhzad's versus. The research scholar has discerned the problems of the Persian society which were not approached & unearthed earlier by any authority on the subject. If the complainant had alleged that the research scholar had plagiarized the problems in his thesis then the allegation of plagiarism was sustainable. The problems of Persian Society discussed in the thesis are the findings of the research scholar and it is characterized by discovery of new vista, fresh approach towards the interpretation of facts, certain remarks are thought provoking and may open new avenues for further research. Therefore the thesis is an original contribution of the research scholar to the subject and no amount of allegation of plagiarism can undermine its genuineness and veracity.

The second work i.e. the book titled "Issues & Themes: Studies in Persian Literature" has been studied by me to probe plagiarism

in it. I have found it as a collection of articles which the writer has presented in conferences and published in journals in the last two decades. The article in question has been properly referenced by the writer. He has given the source: The Indo-Iranica Vol. 33 published by the Iran Society, Calcutta along with page numbers in article. As he has fully furnished all the details of the Indo-Iranica in his article of Khayyam, the allegation of plagiarism against the author by the complainant is ridiculous and smacks of ill intention and does not have any academic merit.

“In view of my above findings, I consider the allegation of plagiarism against the research scholar/author devoid of academic merit and show a personal bias, malice and lack of scruples of complainant, may be to deter the research scholar/author from pursuing his academic goals. Hence I am of the opinion that you may treat the allegation of plagiarism as baseless and a personal attack on academics.”

13. Since two experts have found no merit in the allegation of Plagiarism, this Court is of the view that it cannot be said that University has acted in wilful disobedience of the order dated 30th September, 2013.

14. Consequently, the present contempt petition and application are dismissed and the notice of contempt is discharged.

MANMOHAN, J

JULY 16, 2015

js