

Mashelkar is not new to plagiarism

Manoj Mitta | TNN

New Delhi: While seeking to withdraw his plagiarism-hit report on patents, technocrat R A Mashelkar said that while there have so far been "12 high powered Mashelkar committees" over the past two decades, "this has happened for the first time".

But the truth is otherwise. A book co-authored by him in 2004, again on intellectual property (IP), bore striking similarities with a 1996 paper (see table) brought out by a British IP expert, Graham Dutfield, who took objection to it as he was given no credit.

What's more, those similarities are in a chapter dealing with traditional knowledge, an aspect of intellectual property that Mashelkar himself is said to have worked on extensively to protect In-

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dia's heritage during his 11-year tenure as head of Council of Scientific and Industrial Research.

The 2004 book, *Intellectual Property and Competitive Strategies in the 21st Century*, was written by Mashelkar and another Indian expert, Shahid Alikhan, while Dutfield's paper appeared in a 1996 issue of bulletin of the Working Group on Traditional Resource Rights.

TOI contacted Dutfield in UK and Mashelkar in US to reconstruct the plagiarism controversy that followed the publication of the book.

Dutfield said that he wrote a "polite letter" to the book publisher two years ago shortly after discovering that his paper had been reproduced "virtually verbatim". Subsequently, Mashelkar's co-author, Alikhan, got in touch with Dutfield and met him over lunch to sort out the matter.

According to Dutfield, Alikhan told him three things:

- That since both believed in intellectual property, Mashelkar and he "regretted" what happened.
- That "the plagiarism was in Mashelkar's part

Asked how his book came to reproduce Dutfield's paper almost word by word, technocrat Mashelkar sounded horrified: "Don't say that. Don't say that. What are you trying to do?"

Asked how he could claim in his recent letter to the government that he was facing plagiarism allegations for the first time, he said that he was referring only to his committee reports down the years on various subjects

Graham Dutfield Paper (1996)



Bulletin of the Working Group on Traditional Resource Rights (TRR) Spring 1996 No.2

- Knowledge and traditional resources are central to the maintenance of identity for indigenous and local communities.... Adequate and effective protection and benefit-sharing mechanisms inevitably require a shift from economic or ecological-determined legal and political frameworks to a rights-driven system. (138 words)
- The term Traditional Resource Rights (TRR) has emerged to define the many "bundles of rights" that can be used for protection, compensation and conservation.... Even so, for many, privatisation or commoditisation of their resources is not only foreign, but incomprehensible or even unthinkable. (162 words)
- For example, the TRR concept can be effected by identifying guiding principles for legislative processes, and by formulating the basis for practical instruments and mechanisms that guarantee protection, benefit sharing, and political and financial support for indigenous and local communities.

● A positive step would be the establishment of an Ombudsman's Office that would not only advise indigenous and local communities on the protection of their resource rights and on benefit sharing but represent them in their complaints relating to infringements of their resource rights.

● Financial and political support for indigenous and local communities can also be provided through new guidelines for policies and projects funded by governments...This will require the development of new guidelines and laws for defining and implementing prior informed consent. (60 words)

of the book" and that the actual plagiarism was done not by Mashelkar but by one of his researchers.

- That they will make amends in the second edition of the book.

Mashelkar confirmed to TOI that Alikhan did meet Dutfield in London in connection with "the reproduction of some paras". But as for the "substance of the dialogue", Mashelkar said he had only "a vague recollection" and was therefore in no position to comment on Dutfield's version.

Asked how his book came to reproduce Dutfield's paper almost word by word, Mashelkar sounded horrified: "Don't say that. Don't say that. What are you trying to do?"

Asked how he could claim in his recent letter to the government that he was facing plagiarism allegations for the first time, he said that he was

Mashelkar Book (2004)



Intellectual Property and Competitive Strategies in the 21st Century, by S. Alikhan and R. Mashelkar, Kluwer Law International, 2004.

● Knowledge of traditional resources is central to the maintenance of identity of indigenous and local communities embodying traditional lifestyles.... Adequate and effective protection and benefit sharing mechanisms inevitably require a shift from economic or ecological-determined legal and political frameworks to a rights-driven system. (145 words)

● The term Traditional Resource Rights (TRR) has emerged to define the many "bundles of rights" that can be used for protection, compensation and conservation.... Even so, for many, privatisation or commoditisation of their resources is not only foreign, but incomprehensible or even unthinkable. (160 words)

● The TRR concept can be implemented by identifying guiding principles for legislative processes, and by formulating the basis for practical instruments and mechanisms that guarantee protection, benefit sharing, and political and financial support for indigenous and local communities.

● Governments should also press for the establishment of an Ombudsman's Office that would not only advise indigenous and local communities on the protection of their resource rights and on benefit sharing but represent them in their complaints relating to infringements of their resource rights.

● Financial and political support for indigenous and local communities can also be provided through new guidelines for policies and projects...This will require the development of new guidelines and laws for defining and implementing with prior informed consent. (59 words)

referring only to his committee reports down the years on various subjects.

Dutfield on his part is disappointed that Mashelkar himself never bothered to call and acknowledge the violation of his copyright. "I guess, I was not important enough to Mashelkar, or this issue was not deemed important enough for him to apologise to me directly".

Given his own experience, how does he see the controversy surrounding the withdrawal of the latest Mashelkar committee report? Dutfield said: "I don't want to brand Mashelkar as a plagiarist, at least until there is more evidence than we have. But what I would say is that he is sloppy and irresponsible in the sense of using ghost writers to do his work for him, not checking what is published in his name, and of then blaming these people when it goes wrong".