

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,
Lucknow

Writ petition No- of 2013 (M/B-Civil) (PIL)

Tanaya Thakur and another Petitioners

Versus

Union of India and others Respondents

LIST OF DATES AND EVENTS

S No	Date	Event
1.	1954	National civilian awards instituted
2.	1977	National civilian awards abolished
3.	1980	National civilian awards re-initiated
4.	15/12/1995	Hon'ble Supreme Court decision on this issue
5.	16/11/2013	Bharat Ratna to Dr CNR Rao

The current procedure, method and criteria of awarding these highest National civilian awards is vague, wide-worded and amenable to misuse, affecting the significance, relevance and credibility of these awards which has been proved once again when Dr CNR Rao, scientist has been awarded Bharat Ratna despite having no worthy scientific contribution vis-à-vis many other truly great names in science, as being presented in the PIL, having presented an impossibly large number of research papers and having very specific charges of plagiarism against him and his having also accepted and apologized for one of these charges. Plagiarism is a very serious charge against any academic person and if large number of such charges have been made and also accepted in one specific case, then such a person is definitely not fit to get the highest award of India, Bharat Ratna.

Hence, this Writ Petition.

Lucknow
Dated- 03/12/2013

Tanaya Thakur
Petitioner in Person
94155-34525

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,
Lucknow

Writ petition No- of 2013 (M/B-Civil)(PIL)

1. Tanaya Thakur aged more than 18 years, d/o Sri Amitabh Thakur
r/o 5/426, Viram Khand, Gomti Nagar, Lucknow
2. Aditya Thakur, aged about 15 years, s/o Sri Amitabh Thakur r/o
5/426, Viram Khand, Gomti Nagar, Lucknow----- Petitioners

Versus

1. Union of India through Principal Secretary to the Hon'ble
President of India, New Delhi
2. Union of India through Principal Secretary to the Prime Minister,
Government of India, New Delhi
3. Dr CNR Rao, CSIR Centre for Excellence in Chemistry, Jawaharlal
Nehru Centre for Advanced Scientific Research Jakkur P.O.
Bangalore 560 064----- Respondents

Writ Petition under Article 226 of the Constitution of India

To,

The Hon'ble Chief Justice and His other Hon'ble companion Judges of the
aforesaid Court:

The humble petition of the above named petitioner most respectfully
begs to submit as under:

1. That by means of this petition, the petitioners are invoking the extra ordinary jurisdiction of this Hon'ble Court vested with it through Article 226 of the Constitution to file this Public Interest Litigation (PIL, for short) to kindly quash the Bharat Ratna awarded to Dr Chintamani Nagesa Ramachandra Rao (in short, Dr CNR Rao), an Indian scientist who has many proven charges of scientific misconduct and plagiarism against him, in one of which he has even formally apologized, has such an astonishing and abnormally large number of research publications in his name that is impossible to be truthfully done and such a large number of research publications could have been produced only through use of the research work of others by merely putting his name and is also less deserving for our country's highest civilian honour as compared to other Indian scientists past and present, for the reasons stated herein, and for being opposed to the orders of the Hon'ble Supreme Court in Balaji Raghavan & S.P. Anand Versus Union of India reported in (1996) 1 SCC 361.

The petitioners declares that they have not filed any Writ Petition in this case though their parents Sri Amitabh Thakur and Dr Nutan Thakur have filed a Writ Petition No 10942 of 2013 (PIL-Civil) to issue a writ of certiorari quashing the Bharat Ratna recently awarded to Sri Sachin Tendulkar for reasons explained there, along with certain other prayers, which this Hon'ble Court heard the PIL on 25/11/2013 and the order was reserved, which has not been announced so far. The two petitioners declare that they have not filed any other Writ petition before the Hon'ble Supreme Court and this Hon'ble Court either at Allahabad or its Lucknow bench pertaining to the subject matter and/ or for the relief prayed for in the instant writ petition. It is further declared that in respect of the same subject, no caveat notice has been received by the petitioner. As far as they know there is no authoritative pronouncement by the Hon'ble Supreme Court or this Hon'ble High Court on the specific issue raised here.

2. That the Petitioners state that the Petitioners are young, energetic and responsible citizens of India. They are socially conscious of the duties and responsibilities they owe towards the nation. The Petitioners state that in pursuance of Rule 1, subrule (3A) of Chapter XXII of the Allahabad High Court Rules 1952, they shall be presenting all the relevant facts related with themselves, their particulars, their past works, their concerns and their credentials etc. Petitioner No 1 is a student of Second Year, Law at Chanakya National Law University, Patna. She is also concerned with various social issues and has previously spearheaded a movement, along with her brother, petitioner No 2, against Sri Nirmal Baba against whom they filed an FIR after the intervention of the learned Chief Judicial Magistrate, Lucknow. Petitioner No 2 is a student of Class-XII at Lucknow and he also intends to study law in future. He is specially inclined towards fighting the evil of superstition and false religious cheatings. The Petitioners declare that the present Petition is being filed by way of public interest litigation and the Petitioners do not have any personal gains or interest of any kind in the matter. Thus, though young, the petitioners are deeply concerned with things around them and are always willing to contribute to it.

It is also stated on oath that the entire litigation costs, including all charges are being borne by the Petitioners only. The Petitioners state that a thorough research has been conducted in the matter raised in the Petition. As far as the Petitioners are aware there is no authoritative pronouncement by the Hon'ble Supreme Court or this Hon'ble High Court on the specific issue raised here.

The Petitioners put it on oath that they are not filing this PIL with any ulterior motive save and except as stated hereinabove nor have they received any compensation through any backdoor activity while filing this PIL. They further state on oath that they have no personal or private interest in the matter. The Petitioners further put it on oath that the result of the Litigation will not lead

to any undue gain to them or anyone associated with them or any undue loss to any person, body of persons or to the State. They also state that they have nothing personal against Dr CNR Rao and they are filing this PIL only because they feel that the law of the land has been violated while providing the Bharat Ratna to a person who has already been accused and has admitted the crime of plagiarism.

3. That this is a Public Interest Litigation (PIL) being filed as regards Bharat Ratna awarded to Dr CNR Rao, despite extremely serious allegations of plagiarism made on him and finally proved and even accepted by him, having much lesser scientific contribution than many other Indian scientists being mentioned here in details and having much a large number of research papers to his credit which is physically impossible.
4. That the petitioners make it amply clear that their objective here is not to malign any particular individual or administrative authority, including Sri Rao. The purpose is also not to harm the interests of any of the individuals related or involved with the process of Bharat Ratna. The sole purpose of filing this PIL is to make Bharat Ratna truly synonymous to its name and to annul the highest award of this land being given to a person being accused and having accepted the sin of plagiarism. The recognition of Bharat Ratna is a matter associated with ultimate service to the Nation and hence this is a matter that comes under the realm of Public Interest Litigation (PIL) because the matter is associated with the entire Nation and the petitioners have no personal gain from this. At the same time, this is a PIL because it is a concern of the entire Nation and has its ramifications in so many ways over the psyche of the entire Nation. Bharat ratna is the highest award of this land and any person who is awarded Bharat Ratna becomes the ultimate role model and symbol of excellence and achievement for the Nation. Hence a matter related with why and

how a person has been given this award is definitely and certainly a matter of Public interest and comes under the realm of PIL.

5. The Petitioners state that the citation issued from the office of the Hon'ble Prime Minister in awarding the Bharat Ratna to Dr. CNR Rao reads as- "Prof. C.N.R. Rao is an eminent scientist and a well recognized international authority on solid state and materials chemistry. He has published over 1,400 research papers and 45 books. Prof. Rao's contributions have been recognized by most major scientific academies around the world through conferment of memberships and fellowships. He has been honoured with several national and international awards."
6. That the Petitioners state the following facts are relevant for consideration of this Petition by this Hon'ble Court--
 - (a) Soon after India achieved independence, there was considerable shortage of food and India went across the world with a begging bowl. The wheat supplied by the USA under the PL-480 plan is a shameful glaring example of this fact. But Indian scientists worked diligently and today we have surplus food grains. It was the Green Revolution under the leadership Dr. M.S. Swaminathan- now 88 years old living legend of Indian agriculture. He is known as the "Father of the Green Revolution in India," for his leadership and success in introducing and further developing high-yielding varieties of wheat in India. In 1999, Time magazine placed him in the 'Time 20' list of most influential Asian people of the 20th century
 - (b) Dr. Verghese Kurein who died just a year ago in September 2012, known as the "Father of White Revolution", brought India from a milk deficient country to be today the largest milk producing nation of the world even surpassing the United States of America in as back as in 1988 and is well respected for his 'billion-litre idea' (Operation Flood) — the world's biggest agricultural development programme. The operation took India from being a milk-deficient nation, to the largest

milk producer in the world, surpassing the United States of America in 1998, with about 17 percent of global output in 2010–11, which in 30 years doubled the milk available to every person. Dairy farming became India's largest self-sustaining industry. He made the country self-sufficient in edible oils too later on, taking head-on the powerful and entrenched oil supplying lobby. He founded around 30 institutions of excellence (like AMUL, GCMMF, IRMA, NDDB) which are owned, managed by farmers and run by professionals. As the founding chairman of the Gujarat Co-operative Milk Marketing Federation (GCMMF), Sri Kurien was responsible for the creation and success of the Amul brand of dairy products. A key achievement at Amul was the invention of milk powder processed from buffalo milk (abundant in India), as opposed to that made from cow-milk, in the then major milk producing nations. His achievements with the Amul dairy led Prime Minister Sri Lal Bahadur Shastri to appoint him as the founder-chairman of National Dairy Development Board (NDDB) in 1965, to replicate Amul's "Anand model" nationwide. One of the greatest proponents of the cooperative movement in the world, his work has alleviated millions out of poverty not only in India but also outside.

- (c) Dr. Homi Jehangir Bhabha whose contribution to India's nuclear status and industry is unparalleled and he is more known than any other person. He not only brought India to be one of the world's powerful nations but generated a large pool of Indian scientists and technologists of the highest order. The nuclear power plants spread over the country and the nuclear tests conducted in Pokharan are the testimony to the greatness of this great man. He was the founding director, and professor of physics at the Tata Institute of Fundamental Research. Colloquially known as "father of Indian nuclear programme", Sri http://en.wikipedia.org/wiki/Homi_Bhabha - [cite note-](#)

[4](#) Bhabha was the founding director of two well-known research institutions, namely the Tata Institute of Fundamental Research (TIFR) and the Trombay Atomic Energy Establishment (now named after him); both sites were the cornerstone of Indian development of nuclear weapons which Sri Bhabha also supervised as its director. As a result of his vision, "India has the most technically ambitious and innovative nuclear energy program in the world. The extent and functionality of its nuclear experimental facilities are matched only by those in Russia and are far ahead of what is left in the US."

- (d) Dr. Vikram Sarabhai's contribution cannot be measured in number of publications. He is the creator of India's Space Programme introducing satellites that have brought revolution in communication with cell phones in the hands of almost every alternate Indian, the rockets exploring the far outer space like Chandrayan for the Moon and Mars Orbiter Mission and the nuclear capable missiles for defense. It is worth mentioning that the other scientist with Bharat Ratna Award, Dr. A.P.J. Abdul Kalam, the past President of India, is a product of the institution created by Dr. Vikram Sarabhai. The establishment of the Indian Space Research Organization (ISRO) was one of his greatest achievements. He successfully convinced the government of the importance of a space programme for a developing country like India after the Russian Sputnik launch. Sarabhai established many institutes which are of international repute. Most notable among them are the Nehru Foundation for Development in Ahmedabad, Indian Institute of Management Ahmedabad (IIMA), which is considered a world class management institute. Also, he helped establish the Physical Research Laboratory (PRL), which is doing a commendable job in R&D in physics. He also set up the

Center for Environmental Planning and Technology (CEPT). Other well-known institutions established by him include the Faster Breeder Test Reactor (FBTR) in Kalpakkam, Variable Energy Cyclotron Project in Calcutta, Electronics Corporation of India Limited (ECIL) in Hyderabad and Uranium Corporation of India Limited (UCIL) in Jaduguda, Jharkhand

- (e) The contribution of Dr. Shanti Swaroop Bhatnagar in the development of all branches of science in India cannot be ignored. Soon after the independence he created the concept of and established the national laboratories in various parts of India and laid solid foundations for excellence in science. He was the first director-general of the Council of Scientific and Industrial Research (CSIR), and he is revered as the "father of research laboratories". He was also the first Chairman of the University Grants Commission (UGC).
- (f) The originator of India's overall scientific research policy was none other than Dr. Megh Nad Saha who finally became a M.P. and ensured that politicians did not interfere with the development of scientific research in the country in the formative years. He is best known for his development of the Saha equation, used to describe chemical and physical conditions in stars. This equation is one of the basic tools for interpretation of the spectra of stars in astrophysics. He also helped to build several scientific institutions, such as the Physics Department in Allahabad University and the Institute of Nuclear Physics in Calcutta. He founded the journal Science and Culture and was the editor until his death. He was the leading spirit in organizing several scientific societies, such as the National Academy of Science (1930), the Indian Physical Society (1934), Indian Institute of Science (1935) and the Indian Association for the Cultivation of Science (1944). A lasting memorial to him is the Saha Institute of Nuclear

Physics, founded in 1943 in Kolkata. He also invented an instrument to measure the weight and pressure of solar rays

(g) Still back in time scale, no one can deny the genius of Prof. Jagdish Chandra Bose who is the discoverer of wireless system though he did not get the full credit since India was under foreign rule. He was a polymath, physicist, biologist, botanist, archaeologist, as well as an early writer of science fiction. He pioneered the investigation of radio and microwave optics, made very significant contributions to plant science, and laid the foundations of experimental science in the Indian subcontinent. IEEE named him one of the fathers of radio science. He is also considered the father of Bengali science fiction. He also invented the crescograph. Sri Bose's place in history has now been re-evaluated, and he is credited with the invention of the first wireless detection device and the discovery of millimetre length electromagnetic waves and considered a pioneer in the field of biophysics. Many of his instruments are still on display and remain largely usable now, over 100 years later. They include various antennas, polarisers, and waveguides, which remain in use in modern forms today.

(h) Prof. S. N. Bose famous for Higgs Boson (God's Particle) reported in 2012 and famous Bose Einstein Theory is no less a genius. He was an physicist specialising in mathematical physics. He is best known for his work on quantum mechanics in the early 1920s, providing the foundation for Bose–Einstein statistics and the theory of the Bose–Einstein condensate. A Fellow of the Royal Society, the class of particles that obey Bose–Einstein statistics, bosons, was named after him by Sri Paul Dirac

7. That the Petitioners state that Dr CNR Rao cannot be, in any way, rated superior to any of the aforesaid scientists neither on their scientific researches nor on their role in country's scientific

progress. In fact, even the citation of Dr Rao stated above does not mention any of his specific scientific endeavours and achievements or his scientific works but talks only of his 1400 research papers, which is next to impossible, and definitely prone of deep suspicion, as shall be explained in subsequent Paras. This citation has no reference to any individual or personal scientific endeavour of Dr Rao, making it amply clear that possibly there are none that could be mentioned, unlike that of each of the above mentioned scientists.

8. That hence the first question that arises is how have the respondents ignored the above-mentioned names and how could they select the same of Dr CNR Rao, after ignoring the other mentioned names, for this highest award of India?
9. That so far only two more scientists Sri CV Raman and Sri APJ Abdul Kalam have been awarded the Bharat ratna. The caliber, work, contribution, greatness, response, legacy and impact of each of the above scientists, Sri Jagdish Bose, Sri S N Bose, Sri Vikram Sarabhai, Sri Homi Bhabha, Sri Meghnad Saha etc, each of them a true genius and truly world-renowned scientists, having come up with ultimate works in their respective fields, is definitely above that of Dr CNR Rao. Hence, the first and foremost question is- "How could the respondents choose Dr Rao above all the names mentioned above?"
10. That since it is the respondent No 2 who makes the recommendations in his personal capacity and respondent No 1 who finally accepts it and makes the award and since this is the highest award of India, hence the respondents cannot give it to any one all and sundry.
11. That though bestowing Bharat Ratna is the discretion of the respondents but it is now well established by the Hon'ble Supreme Court that no discretion can be arbitrary and vague but it has to be based on sound reason and objectiveness.

12. That it is also well-established now, through a catena of judgements that any arbitrary act or any such act which cannot be explained is wrong and is liable to be quashed after appropriate judicial scrutiny, to which every administrative act, including the bestowing of Bharat Ratna, is liable.
13. That since every administrative decision, including the bestowing of Bharat ratna is subject to judicial scrutiny and cannot be arbitrary, improper and without rational/logic, hence the matter is being presented before this Hon'ble Court for judicial scrutiny.
14. That the first point being presented by the petitioners is that in the light of all the above facts, Dr CNR Rao's contribution to science comes as being definitely much inferior to the above great scientists and hence awarding him Bharat ratna instead of the above-mentioned doyens of science in India is definitely an inappropriate act, an arbitrary act, an act which is devoid of merit, an act which is incorrect, which cannot be explained and hence it needs to be immediately quashed.
15. That even a logic that many of these scientists are already dead and gone does not hold much water because there are enough number of instances where persons have been bestowed this award after their death. Till 1966 only living persons were given these awards till it was given posthumously to Sri Lal Bahadur Shastri in 1966, almost immediately after his death. Then Sri Kumaraswami Kamraj (1976) and Sri Acharya Vinobha Bhave (1983) were also awarded Bharat Ratna, almost immediately after their deaths, as was Sri M G Ramchandran in 1988. It was in 1990 that a person having died some 34 years ago was granted Bharat Ratna, in case of Sri B R Ambedkar who died in the year 1956. Soon thereafter in 1991, Sri Vallabh Bhai Patel and in 1992 Sri Maulana Abul Kalam Azad were granted Bharat Ratna while Sri Patel had died as early as in 1950 and Sri Azad in 1958. Again Sri

Jaya Prakash Narayan was granted Bharat ratna in 1999 exactly 20 years after his death in 1979.

16. That what the above facts present is that now for the past few years a definite policy has begun of assessing the contributions of persons who have been dead long ago and to grant them Bharat Ratna much later after their death and hence all or any of the scientists mentioned above, having definitely much superior scientific achievements than Dr Rao are very strong claimants for the award of Bharat ratna and their names could not have been ignored to give preference to a person whose scientific achievements, as far as the records state, come as being much inferior to that of the above named truly great scientists of India.
17. That the second point to be noted here is the number of research articles published by Sri Rao. Publication of 1400 papers is possible only in India where a feudalist culture still exists in science and the works of the students is lapped by the Guide and/or the Head of the Department or that of the Institution etc. Thus often the research paper is published with a minimum of 3 authors, student, the guide and the professor. As time passes, the academic person moves-up further and at this juncture every new student wants to be guided by him or to have his name in the research paper as the student can have easy access to all the facilities and his status is privileged. Thus a situation has emerged where the concerned person on top of scientific institutions acts more like a banyan tree and his name appears in all publications even if he has not met the student, neither read even the title of the paper much less the science it contains. In many research institutions it is a practice (though a sad one) that before a manuscript is sent of publication, it has to be officially cleared/ approved by the institutional final authority, mostly the Director of the institute. The manuscript is easily and quickly cleared if the name of the authority also appears as a co-author in the

manuscript. Normally, the student is the first author followed by the collaborating students, then the guide and the last is the Head of the team/ Department/ institute. In many cases in India, this is the secret of large number of publications. They are the co-authors, but they have not even read the text of the paper which they include in the list of their publications. The result is sometimes calamitous. This is certainly most unethical thing to happen in scientific research.

18. That 1400 research papers by Sri Rao clearly seems to come under this category because 1400 research papers is not a number than can be achieved in any other manner. Even if one takes a scientific life of 50 years for Dr Rao, what it means is that he produced roughly 30 papers every year, all too consistently. This makes it almost 2-2.5 papers every month, that is one research paper getting finished in around 15 days.
19. That it is well-known and widely accepted that any serious and truthful research paper needs at least a few months. If a truly worthy and impact-making research paper with newer ideas, new facts and contributing something new to the world is to be produced, it will need at least a year or two. That is the reason why a P Hd student is allowed a minimum of two years for presenting his P Hd thesis. The petitioners' father Sri Amitabh Thakur is pursuing his Fellow program in management from IIM Lucknow where he has to undertake his fellowship in a minimum of 4 years which needs him to produce research 3 papers. Ordinarily it is expected that a P Hd in a University will take around 3 years.
20. That in such circumstances, it can be easily understood that when ordinarily a research scholar is taking 2-3 years for one or two research papers, no person can actually and truthfully produce research papers every 15 days.

21. That the above facts make it amply clear and make it obvious that such a large number of research papers can be produced only if they are being written by others and one of the persons is only giving his name to the research paper, so that his name appears every 15 days in some research paper.
22. That this fact is so obvious and so mathematically clear that it needs no further clarification and elucidation that 1400 actual and truthfully done research papers is not possible.
23. That if one considers the fact that the Dr Rao has been Director of some academic institution, member of some government scientific committee, Vice Chancellor and has been holding other non-academic administrative positions most of the time in his career, it becomes all the more apparent that such a large number of research papers could never have been truthful and really qualitative in nature but would have been the result of other's labour and works, with only the name of Dr Rao put on the research paper, to make it weighty and more high-sounding.
24. That in all such situations where a person does not actually look at the paper, does not work on it and only gives his name, later on controversies and unsavoury incidents are bound to erupt, as happened in the case of Dr Rao where while previously, with lack of effective mechanism, issues of plagiarism remained hidden but after development of appropriate soft-wares, many such instances have come to light.
25. That hence still more serious aspect of the aforesaid practice is plagiarism. As explained above, the student is normally under great pressure time-wise and financially to complete the Thesis. He/she has to finish the Thesis and write the papers hurriedly as his scholarship may run-out. The manuscripts are written by the novice students who resort to picking up sentences and paragraphs from papers of other scientists published earlier without realizing that it may amount to plagiarism which is illegal

and unethical. In earlier times it was difficult to detect plagiarism. But in recent times soft-ware programmes have become available to detect plagiarism and most of the journals first scrutinize manuscripts for plagiarism before accepting for publication.

26. That Plagiarism is the "wrongful appropriation" and "purloining and publication" of another author's "language, thoughts, ideas, or expressions," and the representation of them as one's own original work. Plagiarism is considered academic dishonesty and a breach of ethics. It is subject to sanctions like expulsion. Plagiarism is not a crime per se but in academia and industry it is a serious ethical offense, and cases of plagiarism can constitute copyright infringement
27. That within academia, plagiarism by students, professors, or researchers is considered academic dishonesty or academic fraud, and offenders are subject to academic censure, up to and including expulsion. Many institutions use plagiarism detection software to uncover potential plagiarism and to deter students from plagiarizing. For professors and researchers, plagiarism is punished by sanctions ranging from suspension to termination, along with the loss of credibility and perceived integrity Charges of plagiarism against students and professors are typically heard by internal disciplinary committees, by which students and professors have agreed to be bound
28. That Plagiarism is defined in multiple ways in higher education institutions and universities. For example among the generally accepted best universities of the world, Stanford University sees plagiarism as the "use, without giving reasonable and appropriate credit to or acknowledging the author or source, of another person's original work, whether such work is made up of code, formulas, ideas, language, research, strategies, writing or other form", Yale University views plagiarism as the "...use of another's work, words, or ideas without attribution," which includes

"...using a source's language without quoting, using information from a source without attribution, and paraphrasing a source in a form that stays too close to the original", Princeton perceives plagiarism as the "deliberate" use of "someone else's language, ideas, or other original (not common-knowledge) material without acknowledging its source", Oxford University characterizes plagiarism as the use of "a writer's ideas or phraseology without giving due credit" while Brown University defines plagiarism as "...appropriating another person's ideas or words (spoken or written) without attributing those word or ideas to their true source."

29. That the Petitioners humbly state that the Bharat Ratna Dr. CNR Rao has not only been accused of plagiarism, he has also accepted these accusations.
30. That the copy of the formal Apology dated 29/11/2011 made by Dr Rao in one instance reads as such –“Infrared Photodetectors Based on Reduced Graphene Oxide and Graphene Nanoribbons; Basant Chitara, L. S. Panchakarla, S. B. Krupanidhi,* and C. N. R. Rao* Adv. Mater. 2011, 23, 5419–5424 DOI: 10.1002/adma.201101414- “The corresponding authors regret the reproduction of text from an article that appeared in Applied Physics Letters (S. Ghosh, B. K. Sarker, A. Chunder, Lei Zhai, S. I. Khondaker, Appl. Phys. Lett. 2010, 96, 163109) in their paper. The corresponding authors sincerely apologize to the readers, reviewers, and editors for this oversight and for any miscommunication”.
31. That in India a short report from PTI exposed this plagiarism committed by the team led by Dr CNR Rao. The report titled “No plagiarism, student copied a few sentences: C N R Rao” dated 23/02/2013 said- “Rejecting charges of plagiarism in a paper co-authored by him, prominent scientist C N R Rao today said it was an instance of "copying" of a few sentences of text. "This should

not be really considered as plagiarism, but an instance of copying of a few sentences in the text," Rao, Scientific Advisor to the Prime Minister, said. Editorial office of Advanced Materials, which published the paper 'Infrared Photo-detectors Based on Reduced Graphene Oxide and Graphene Nanoribbons' on July 22, 2011, has sought clarifications about "possible overlaps" between it and a paper published in Applied Physics Letters in April 2010. Besides Rao, the paper has been authored by Indian Institute of Science student Basant Chitara, L S Panchakarla of Jawaharlal Nehru Centre for Advanced Scientific Research and IISc Professor S B Krupanidhi. The clarification was sought by Advanced Materials in a July 28, 2011 letter to Rao and Prof Krupanidhi. Objecting to the use of the word "plagiarism", Rao said the "copying" took place "because of Chitara". The student had apologised for copying the sentences, Rao told PTI. He said the apology was sent long ago soon after the paper was on the Internet but the Editor decided to publish the paper since the scientific content was good. Chitara had copied one sentence about the advantage of using solution processed material and another on description of a well-known equation from the literature, he said. "I myself had written to the Editor that it was best to withdraw the paper," Rao said. He said the paper was written by Prof Krupanidhi and he did not go through it and had no control on the issue. "I did not directly produce the manuscript which I normally do... The paper seemed perfectly alright except that later we found that in the introduction and in the description of an equation, a few sentences had been taken from a paper published already," he added."

32. That it was followed by another detailed article by Sri R Prasad in The Hindu dated 09/03/2012 titled "More instances of plagiarism come to light". It said-"Three more instances of plagiarism committed by C.N.R. Rao, eminent scientist and Scientific Adviser to the Prime Minister, and S.B. Krupanidhi, senior professor at the

Indian Institute of Science (IISc) in Bangalore, have come to light. Professor Krupanidhi's student Basant Chitara at the IISc is the first author of two papers. Nearly one-third of the introduction section of a paper published by these authors and another student in the December 2011 issue of the Journal of Luminescence has been plagiarised. The 20 unattributed lines have been lifted almost verbatim from two papers published in the June 2009 issue of Nanotechnology and January 2006 issue of Advanced Materials. G. Itskos from the Department of Physics, University of Cyprus, is the first author of the paper in the Nanotechnology, and George Heliotis from the Imperial College, London, is the first author of the paper in the Advanced Materials. Quite surprisingly, these two authors are unaware of the research misconduct by the Indian authors. Similarly, a paper published in 2009 in Nanotechnology, with Chitara as the first author and the two senior researchers and another student as co-authors, has nearly six lines in the introduction taken almost verbatim without attribution from a 1995 paper by Z.C. Huang et al., in the Applied Physics Letters journal. It also contains a few lines taken from a 2005 book by Peter Y. Yu and Manuel Cardona ("Fundamentals of semiconductors: Physics and materials properties"). Another paper published in 2010 in the Applied Physics Express suffers from the same kind of transgression. The first author here is S. Venkataprasad Bhat from the Jawaharlal Nehru Centre for Advanced Scientific Research in Bangalore and the two senior scientists are the co-authors. Seven lines in the very beginning of the introduction have been plagiarised from a 2008 paper by P. Matheu et al., published in the Applied Physics Letters. These disclosures in a blog by an anonymous person come close on the heels of a PTI report about two weeks ago of plagiarism committed by these researchers. The PTI report was about the plagiarised lines in a July 2011 paper published in Advanced Materials. The 12 lines were lifted almost verbatim from the April

22, 2010 paper of Surajit Ghosh et al., in the Applied Physics Letters. “We go through checks several times. However, the exact lines [that] appear in the introduction may not be detected by senior authors. Senior authors mainly focus on experimental results, analysis and interpretation of results,” Professor Krupanidhi replied through email to questions raised by The Hindu on how and why the senior researchers failed to identify the infraction. Though his e-mail response was restricted to the specific instance of transgression found in the Journal of Luminescence paper, it holds good in the case of other papers where research misconduct has been spotted. Ever since the first transgression by the authors came to light, the crucial question on who is to be held responsible for the infraction has been widely debated. The confusion came about as the senior researchers pointed out that it was Chitara who wrote the paper. On the other hand, the apology published in Advanced Materials states that “the corresponding authors regret the production of text... The corresponding authors sincerely apologise to the readers...” So who is to be held responsible for the research misconduct in all the papers — the person who wrote it, or the senior-most author, or the corresponding author or all the authors? “Strictly speaking, responsibility lies with everybody. However, when sharing the work in preparing the paper, the student should do the first draft, as it is part of training,” noted Professor Krupanidhi. Regarding the apology published in the journal, he clarified to The Hindu over the phone that the corresponding authors, who communicate with the journal, have apologised to readers on behalf of all the authors. Since nearly one-third of the introduction in the Journal of Luminescence paper has been plagiarised, can the scale of research misconduct be considered as serious? “Though it is regrettable, the lines appeared only in the introduction and does not relate to the actual work done by us,” Professor Krupanidhi said. According to him “the research ideas and results are totally

original and [the paper was] published purely based on technical merit.”

33. That a few of the comments to this article are noteworthy. One Sri Prashant says-“These are some very irresponsible statements made by Prof. Krupanidhi and other so-called 'senior researchers'. They are simply blaming a doctoral student for all the misconduct and claiming all the merits of the paper for themselves. If Prof. Krupanidhi and Prof. Rao claim not to know much about the specifications of this particular paper, their name should not be in the coauthors list in the first place. This is a standard malpractice of Indian scientists that they insist on their name being added to the list of co-authors in all the papers emerging from a lab, irrespective of whether or not they have contributed in that particular research” while Sri Adima says-“I do agree with Prashant. Moreover, in almost all the prestigious Institutes of India, so called big shots are busy in academic related politics, but they force the students to put their names to pose that they are still active in academics. Profs. like Rao and Krupanidhi are only got caught. More interestingly these persons are decision makers. Indian academic world no way less corrupt than our Indian politicians as these politicians choose the Directors/Vice Chancellors so and so forth”.
34. That “No science in 'cut and paste', another article in The Hindu dated 10/03/2013 by Sri Rahul Siddharthan from the Institute of Mathematical Sciences, Chennai says-“There is an urgent need for an institutional mechanism to deal with plagiarism and other violations of academic ethics.” It adds-“It was widely reported in mid-February that an apology had appeared in the December 2011 issue of the journal Advanced Materials, by the authors of a paper that had been published in that journal in June 2011, for incorporating verbatim text from an earlier paper by a different set of authors. The newsworthiness of this arose from the identity

of the last author: C.N.R. Rao, former director of the Indian Institute of Science, Bangalore, founder of the Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore, fellow of the Royal Society (U.K.), scientific adviser to the Prime Minister of India, and one of the most celebrated living Indian scientists.” It adds-“Unfortunately, the senior authors (Rao, who was the last author, and S.B. Krupanidhi of IISc, Bangalore) did three other things. They both publicly blamed the first author, a graduate student of Krupanidhi. They both denied that it was plagiarism. And Rao declared that he had had little personal involvement with this paper. Suddenly, many topics discussed at the ethics meeting appeared starkly relevant.”

35. That the article further says-“It was observed by many speakers that students have a limited understanding of what plagiarism is; and the Indian educational system, which encourages rote learning and verbatim reproduction of answers from memory, was squarely blamed. Rao and Krupanidhi, by denying that plagiarism occurred, have demonstrated that the understanding of senior scientists is not much better. Plagiarism in the introduction is better than plagiarism of the results, but it is plagiarism nonetheless. It is disheartening to see a scientist of Rao's eminence claiming that a verbatim cut and paste is not plagiarism. But, on the bright side, one speaker (T.A. Abinandanan of IISc, Bangalore) noted that, since automatic plagiarism-detection software became widespread, about four years ago, the number of retracted papers from India (as reported by the PubMed database) has plummeted: most such cases are now caught by journals at the pre-publication stage. But cut and paste plagiarism is only the simplest kind. What if a researcher borrows the essential ideas from a previously published paper, re-expresses them in new languages, and fails to cite the original? Here, in my opinion, Rao's paper is in a grey zone. The paper that they plagiarised the introduction from deals with a very similar

material (graphene thin films; Rao et al. also consider nanoribbons); measures similar physical properties (photocurrent, electrical transport properties, time response) using similar techniques (infrared laser); and even contains similar graphs. Rao and his colleagues were undoubtedly aware of the previous paper, since they plagiarised from it; yet they cite it only once, briefly and without discussion, in the introduction. Not only do they fail to compare their results with a very relevant prior publication: they nowhere even hint to the reader that such work exists. Rao's response to journalists, essentially passing the buck to Krupanidhi and his student, also raises questions of appropriate authorship. There is a widespread convention in the experimental sciences that the student who does the hard work is the first author; the student's adviser, who plans and conceives the experiment, is the last author; and anyone else who contributes appears in the middle of the author list. In this case, by Rao's own account, the work was primarily that of Krupanidhi and his student: yet Rao is the last author (which is usually the case in Rao's papers). To claim "senior authorship" and then disclaim the paper in this manner is rather unsatisfactory. Though media attention has focused on just one paper (for which an apology was published), an anonymous commenter on my blog has given four other examples of papers authored by Rao that contain plagiarised text; none of these have, I believe, been apologised for. One paper, published in Applied Physics Express in 2010, is notable in that it does not include the aforementioned student as an author; the three authors are Rao's own student, Krupanidhi, and Rao. It lifts the first part of its abstract, much of its introductory paragraph, and some text elsewhere, from a 2008 paper by Matheu et al., published in Applied Physics Letters. Both papers deal with scattering from gold nanoparticles in silicon photovoltaic devices (in addition, Matheu et al. consider dielectric silica nanoparticles, while the Rao paper considers metallic ReO

nanoparticles); the figures in both papers deal with I-V characteristics and photocurrent response. And, on this occasion, Rao and co-authors make no reference at all to the paper they plagiarised from.”

36. That the article says-“So the Advanced Materials paper cannot be dismissed as a one-time incident, and it seems inappropriate to blame it entirely on one student. This does not, of course, invalidate the work that Rao has earned respect for over the decades. Rao is a prolific scientist — he has over 1,500 published papers, an unthinkable number for most scientists. Five questionable papers may seem a small number in comparison, but they should not be ignored. A scientist of Rao's stature needs to ask himself some hard questions, and then share his answers with the scientific community.”
37. That some very pertinent responses came to this Article. One by Sri Krishna dated 14/03/2012 says-“I won't be surprised if Prof.CNRao's students, linkers, and networkers wherever they are will do the fire-fighting. Ask any "true" scientist how many papers one can possibly publish in a year. The average maybe Minimum five and maximum ten (even with collaboration). It is not humanly possible to publish 1500 papers without doing some tricks. In Indian science every field has a feudal LORD but CNR Rao is LORD of Lords. Many will get Ph.D in bibliometrics if they analyse authorship patterns and their affiliation/link with CNR in all his publications. Look at Directors of IISER (DO Only chemistry people carry out science in India?) which is one of the brainchild of CNR.” Another by Sri V.S.Srinivasan dated 11/03/2012 says-“Only in India the authors pride themselves in publishing hundreds of articles. How many are originals ? At least CNR Rao must know this. This is a very bold article and the author has the courage to challenge Rao whose attitude to step on others is well known. Probably memory fades as one is past 60.”

38. That another comment by Sri Amit Kumar S dated 11/03/2012 says-"I just wish to add the following, which should be read with the comments from "alp" that, Prof. CNR Rao had resigned from the Superconductivity Project after spending about 20 crores Indian tax payers' money, as reported in front page by Indian Express (Bangalore issue) in mid nineties. Obviously, no body knows what extraordinary advancement was achieved from the project."
39. That one Sri Alp says-"I am from IISc, when CNR Rao was the director. This kind of taking authorship from almost entire SSCU/MRL department as if, he is the main idea contributor and rest of the professors does not have original idea has been going on for several years. What has come out is only the tip of an iceberg. There is an avalanche of irreproducible results based papers he published especially in the area of superconductivity. All, it requires for some one to test the papers he has published and people will find the truth."
40. That when this matter has come in public realm in 2012, one Sri Dileep D'Souza had written an article titled- "Shame on you, CNR Rao" which said-"The latest example to hit the news has nothing to do with cricket. It's from a paper co-authored by the eminent scientist CNR Rao. There's plenty of coverage in the press, and comment elsewhere by far more informed folks than me, so I won't try to duplicate it. (For example, see Abi's two posts The Rao Row and Prof Rao responds, and Rahul's three posts on his blog). I'm only writing this to vent some steam: I'm just appalled by CNR Rao's reaction to this episode. If he had said nothing, it would have blown over as a relatively minor transgression that even the journal concerned was essentially willing to overlook. But instead, Rao chose to speak to PTI about it. And he says, first of all: "This should not be really considered as plagiarism, but an instance of copying of a few sentences in the text."Just what does that mean? In my dictionary, the word is defined as "the practice

of taking someone else's work or ideas and passing them off as one's own." How does copying of a few sentences from another paper evade this description? But if CNR did not quite cover himself with glory with that remark, he digs himself further in the mire with these: "I myself had written to the Editor that it was best to withdraw the paper ... I did not directly produce the manuscript which I normally do." CNR is implying here that he didn't read the paper that carries his name on it (first), and that when he apparently did read it, he himself thought it wasn't worthy of publication. Both of which reflect extremely poorly on an eminent scientist. But CNR sinks below mire, and into despicability, with one final remark. The "copying", he said, happened "because of X" (X being the student whose name appears on the paper). Instead of having the courage and decency to take the blame himself, CNR chooses to blame, by name, the student: thus likely leaving a permanent black mark on a young scientist's career. Shame on you, CNR Rao. I can only hope you are the exception in Indian science, not the rule."

41. That the issues raised above are extremely serious, particularly in the light of the concept of plagiarism and the fact that while Sri Rao has already accepted and apologized for one particular act of plagiarism (though not formally acknowledging it in so many words and trying to wrongly put the blame on the junior authors, instead of being truthful and sharing the lapse and/or connivance in equal measures) as regards "Infrared Photodetectors" article in Advance Materials journal, the issues related with other cases of alleged plagiarism (along with definite and concrete proof) as raised by Sri R Prasad in "More instances of plagiarism come to light about nearly one-third of the introduction section of a paper published by him and others in the December 2011 issue of the Journal of Luminescence with 20 unattributed lines lifted almost verbatim from two papers published in the June 2009 issue of Nanotechnology and January 2006 issue of Advanced Materials, a

paper published in 2009 in Nanotechnology, by him and others, with nearly six lines in the introduction taken almost verbatim without attribution from a 1995 paper by Z.C. Huang et al., in the Applied Physics Letters journal and a few lines taken from a 2005 book by Peter Y. Yu and Manuel Cardona (“Fundamentals of semiconductors: Physics and materials properties”), another paper published in 2010 in the Applied Physics Express by him and others having seven lines in the very beginning of the introduction plagiarised from a 2008 paper by P. Matheu et al., published in the Applied Physics Letters remain completely unanswered.

42. That thus while on the one hand there is an apology and a strange and condemnable effort on the part of Sri Rao to discredit his junior coauthors so as to shift the burden of blame if any, on his junior coauthors, when plagiarism was found, many other instances still remain unanswered and examined.
43. That these are only a handful of such research papers which have already come to light and as explained above, it is only the advent of newer and effective softwares that is assisting in actually finding out instances of plagiarism, if all the work of Dr Rao is actually critically evaluated, their large number (1400 articles) would possibly make it a much larger number of articles based actually on plagiarism.
44. That the Petitioners state that by presenting the aforesaid narration, the Petitioners by no means intend to harm or injure the feelings of Dr Rao and/or that of the students, colleagues and admirers of Dr Rao. The Petitioners do not intend to insult Dr. Rao in any way and are tendering an unqualified public apology in advance before this Hon'ble Court if they are misunderstood otherwise. The Petitioners' only intention is to bring to the attention of this Hon'ble Court that there are and have been many doyens of science in India with unblemished reputation who have

done yeoman service to the nation as exemplified briefly hereinabove but they have been blatantly ignored by the Respondents while nominating Dr Rao for the highest civil award of our country - the Bharat Ratna-2013, which seems to have been the result of his being the Head of the Scientific Advisory Council to the current Prime Minister of India since 2009.

45. That this is not the first post close to proximity in power that Sri Rao is holding. As per his own Bio-data as Advisor to the PM, he has previously been—"Chairman, National Nano Initiative, Government of India, Member, Atomic Energy Commission of India, Chairman, Indo-Japan Science Council, Chairman, Indo-Brazil Science Council, Chairman, Indo-Russia Long-term Programme in Science & Technology, Chairman, Standing Committee of the Council of Indian Institutes of Technology (IIT) and Indian Institutes of Science Education and Research (IISER), Member, Council of Tata Institute of Fundamental Research, Mumbai, Chairman, Scientific Advisory Committee to the Union Cabinet, Chairman, Science Advisory Council to the Prime Minister of India (1985-89), Chancellor, North-Eastern Hill University, Shillong, Chancellor, Assam University, Chairman, Advisory Board, Council of Scientific and Industrial Research (India), Member, University Grants Commission, India, Member, Planning Commission, Government of India, Chairman, Chemical Research Committee, Council of Scientific and Industrial Research, Chairman, Chemistry and Metallurgy Research Committee, Department of Atomic Energy, Member, Board of Directors, Indian Petrochemicals Corporation Limited, Chairman (Honorary), Board of Directors, Hindustan Insecticides Limited (a Public sector undertaking), Member, National Committee on Science & Technology and later Science Advisory Committee to the Cabinet, Member, Science and Engineering Research Council, Government of India, Member, Executive Committee, Committee on Data for

Science and Technology (ICSU) and Director, Reserve Bank of India.”

46. That all these posts and positions are those close to authority and power and have less to do with scientific achievements, which also stated that in these periods, due to extremely heavy administrative responsibilities, Dr Rao’s scientific contribution should definitely have been affected but it does not happen and his research works go on coming unabated because of the reasons explained above.
47. That in fact his own web-page as Scientific Advisor has no individual scientific achievement of his to present except innumerable positions he has held in Universities, Government and its organization and so on. Hence Petitioners state that the Respondents have nominated Dr Rao for this prestigious award not for his scientific achievements but for his proximity to power and authority.
48. That as mentioned hereinabove the Prime Minister having the absolute power to recommend, seems to have clearly erred while making this recommendation in the name of a scientist who has abnormally large number of physically impossible “1400 research papers” to his credit and has not only been accused of plagiarism but has also accepted this fact before the concerned magazine.
49. That it is in this frame of reference, this PIL assumes greater importance since the recognition of Bharat Ratna is a matter associated with ultimate service to the Nation, not to any political ideology and the matter is associated with the entire Nation.
50. That in this connection it is highly relevant to mention the observations of the Hon’ble Supreme Court of India in Balaji Raghavan/S.P.Anand (supra) that said – “32. It has been contended before us that over the years, the purpose for which these awards were instituted has been diluted and they are

granted liberally to persons who are undeserving of them. The perversion of the system was the motivating factor behind the Bill introduced in Parliament by Acharya Kripalani to abolish these decorations” and that-“ The existing procedure for selection of candidates is wholly vague and is open to abuse at the whims and fancies of the persons in authority. Conferment of Padma awards without any firm guidelines and fool-proof method of selection is bound to breed nepotism, favoritism, patronage and even corruption” and that- “Though the Padma awards are not titles but in case these awards are given at the whims of the authorities - without there being proper criteria and method of selection - they are bound to do more harm to the society than the title-seekers did during the British regime”

51. That as explained earlier, since the act of rewarding Bharat Ratna is an administrative act of the respondents, hence it is liable to judicial scrutiny particularly in the light of the above-mentioned facts which are not vague allegations or assertion but are very definite and specific in nature, because it is well settled law that every administrative act is liable to judicial scrutiny to see that it is not arbitrary and hence violative of Article 14.
52. That hence the petitioners approaches this Hon’ble Court because in the prevailing circumstances, the petitioners are left with no other option than to approach the Hon’ble Court with this Writ Petition to ask for certain prayers because of the reasons being stated among the Grounds as enumerated below.
53. That the petitioner’s photograph and Identity proof in the form of Passport has been enclosed along with.

GROUNDS

- (1) Because the current system of choosing the awardees for the Bharat Ratna is extremely wide, imprecise, amenable to misuse by the designated authority and is unsatisfactory for the important

objective that it seeks to achieve, which seems to have been improperly used in case of Dr CNR Rao once again

- (2) Because the current system of choosing the awardees for the Bharat Ratna has the potential to lead to allegations, counter-allegations, incongruities, incoherency, confusions and controversies as is the case of Dr CNR Rao
- (3) Because even the Hon'ble Supreme Court in Balaji Raghavan & S.P. Anand (supra) has expressed its serious concern over the matter of national civilian awards
- (4) Because as explained above, Dr. CNR Rao does not seem to be the best among the other past and current contemporaries to deserve these awards who have been much greater achievers in science and contributors to scientific development of the nation.
- (5) Because the field of science in which Dr CNR Rao has been working has not brought any national laurels.
- (6) Because there are many allegations against Rao of unethical practices and plagiarism as reported in scientific literature, Newspapers and social media. This has put the Nation to great shame and would also discourage the younger generation and send them wrong signal against taking science as a career.
- (7) Because 1400 research papers of any quality are not possible, as explained in the PIL.

PRAYERS

The Petitioners humbly pray in Public Interest that:

- (a) this Hon'ble Court be pleased to issue a writ of certiorari or mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India to the respondents, calling for all the records, papers, proceedings and other relevant documents from the Respondents relating to the recommendation of the award of Bharat Ratna to Dr CNR Rao (respondent No 3) from the office of the Hon'ble Prime

Minister or elsewhere and after perusing the same the impugned notification be quashed;

(b) for any such and other reliefs that this Hon'ble Court may deem fit and proper in the circumstances;

Lucknow
Dated- 03/12/2013

(Tanaya Thakur)
Petitioner in Person
94155-34525

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,
Lucknow

Writ petition No- of 2013 (M/B- Civil)(PIL)

Tanaya Thakur and another

Petitioners

Versus

Union of India and others

Respondents

AFFIDAVIT

I, Tanaya Thakur, aged above 18 years, d/o Sri Amitabh Thakur r/o 5/426, Viram Khand, Gomti Nagar, Lucknow, religion Hinduism, education- L Lb student, profession- Law student, the deponent, do hereby solemnly affirm and state on oath as under-

1. That the deponent is the petitioner No 1 in the above noted petition and as such she is fully conversant with the facts and circumstances of the case, deposed to hereunder. She also states on oath that she is filing this Affidavit on behalf of Petitioner No 2,

Sri Aditya Thakur, as well, who has been permitted by her natural guardian, Dr Nutan Thakur, the petitioners' mother, to file this PIL.

2. That the contents of the paragraphs 1
of the Writ petition are true to my personal knowledge,
based on documents and records and
are believed to be true or are based on legal
advice.
3. That the Annexure No NONE is the true copy of the original.

Place Lucknow
Date- 03/12/2013

(Tanaya Thakur)
Deponent

VERIFICATION

I, the deponent above named, do hereby verify that the contents of paragraphs 1 to 3 above this Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed. So, help me God

Signed and verified this the _____ day of _____ 2013
at Lucknow

Deponent

Identification

I identify the deponent, on the basis of records produced before me, who has signed before me.

Advocate

Solemnly affirmed me on _____ at _____ am/pm by
the deponent Tanaya Thakur, who has been identified by Sri
clerk to Sri

, Advocate, high court, Lucknow Bench, Lucknow

I have satisfied myself by examining the deponent that she understands the contents of this Affidavit which have been read over and explained to him by me

Oath Commissioner