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HEC Plagiarism Policy as a Tool for Exploitation and Victimization in Higher Education Sector of Pakistan: Defenses and Pragmatic Techniques to avoid Plagiarism

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Abstract

Plagiarism is a form of scientific misconduct in research, which refers to the ideas or words produced by someone else and attempt to publish such work without properly citing the original author and publication. Now a day, Plagiarism remains a constant problem, because it encompasses a wide variety of errors in academic writings. Plagiarism leads towards the unauthorized, corrupt and unethical standards of knowledge in the field of education and research in the country. It is pertinent to mention here that, 'Plagiarism' is entirely different phenomenon than the 'similarity index', It has been observed that in some public sector education institutions, more specifically in Pakistan, due to lack of technical and legal awareness about the phrase 'Plagiarism' sometimes it is muddled with the phrase 'similarity index' and has been used as an instrument to exploit and victimize the opponent academicians. However, this research provides the possible defenses to the author under investigation of plagiarism allegation, based on legal and technical grounds. This research will explore the ideas how to avoid Plagiarism in research. This research also highlights the loopholes in HEC plagiarism policy and way forward to reform the HEC plagiarism policy, which will act as catalyst to promote research culture in higher education institution of Pakistan

Keywords: Plagiarism, Similarity Index, Turnitin, HEC Plagiarism Policy, Techniques and Defenses

Introduction

Research is an instrumental force for the acceleration of national development and innovation in scientific and socio-economic spheres of human life. Research is an organized and efficient mechanism to procure innovative knowledge in all domains of human activities. Therefore, the education research is labeled as a solution of all applied problems and issues of society (Kapur, 2018). Research and education are integral part of each other, because, both develop human skills, potential, behavior and other forms of practical ethics and morals. There is considered arguments among the educationist and researchers that research and education are observed as beneficial elements for both

individuals and the States which involved in higher education sector (Basu, 2020). In this perspective, research is a precious instrument in the higher education institutions of Pakistan, which develops the understandings and improves the academic approach of both the faculties and students across the country. Moreover, it also enhances the quality standards of education and accelerates the knowledge-based economy (Javaid, 2019).

It is pertinent to mention here that, despite of all the significance of research, the research culture in Pakistan is unfortunately highly discouraging. The legislators and academia have not played their role to promote the real research in sciences, humanities and social sciences in Pakistan. In this context the government of Pakistan is required to revisit its policies for the promotion of higher education and research culture in the country. In the light of latest World-Bank data, Pakistan has put up 0.29% of the GDP on the research and development (World Bank, 2022), which is quite depressing and insignificant amount. On the other hand, in the light of the World-Bank data the R&D spending in Singapore was 1.89% of the GDP in 2019 (World Bank, 2022), which seems reasonable. It is further argued that, our educational institutions having lack of awareness about the creation of academic culture and research, inter-alia, insufficient coordination between researchers, institutions, think tanks and applied industries. Therefore, there is a dire need for the policymakers and researchers to develop an effective mechanism and liaison in order to reap the benefits of research in the interest of socio-economic development of Pakistan.

Literature Review

The philosophy of the research is to create knowledge and techniques in the domain of education and to serve the humanity and nation. It has been argued that while doing research sometime researcher use incongruous, immoral and de-standardized methods which lead towards unauthorized, corrupt and unethical standards of knowledge (Tavakol, 2010). Plagiarism is one of those methods which are against the morals of the research and harmful for the knowledge-based society. Now a days, such ridiculous issues have been increased in the domain of higher education, and in coming days these problems will attain a great momentum and become more complex and difficult challenge to cope with. It pertinent to mention here that, 'Plagiarism' is entirely different phenomenon than the 'similarity index', and it has been argued that the plagiarism is one of the important problems of the education institutions in the last two decades (Bahadori, 2012). It has been observed that in some public sector education institutions, more specifically in Pakistan, due to lack of technical and legal awareness about the phrase 'Plagiarism' sometimes it is muddled with the phrase 'similarity index' and has been used as an instrument to twist the arms of researcher for the political victimization against opponents academia.

In present time, Plagiarism is a debatable topic in higher education sector, and has been increased among the academia. Reportedly, unconstrained access to the educational websites and lack of concrete plagiarism policy and non-professional training of the academia caused a serious increase in plagiarism cases, particularly in developing nations like Pakistan. It has been observed that in higher education institutions the subject of research methodology is being taught, however, the proper guideline to avoid the plagiarism is not imparting at adequate level, and there is dire need to arrange awareness programs and launch seminars on 'how to avoid plagiarism in research work' at graduate level.

Moreover, the Higher Education Commission Policy of Pakistan needs to be revised with meaningful consultation with the technical experts and legal minds. In case of non-serious attitude of the higher education institution regarding 'plagiarism' will certainly damage all social realms of society, resultantly, people will become lethargic and will not pay serious attention to research and will heavily depends on the ready-made research produced by the earlier academia, and such irrational

attitude of the researchers will shatter the norms of education and research. Therefore, without enforcing the intellectual protection regime a country will be considered as a looser and far-behind in research and will heavily depend on obsolete achievements and experiences. Moreover, protection and enforcement of intellectual property shall promote technological innovation, and it will also help for the transfer and dissemination of technology to the mutual advantage of both producer and user of knowledge. In this regard the WTO's TRIPS agreement is worth-noting, which highlighted that the protection of the intellectual property rights of the researcher is inalienable human right which is an integral part for social and economic welfare and to a balance of rights between consumer and producer (TRIPS, 1995).

Historical Background

Plagiarism is an oldest phenomenon; however, on account of scientific development and information in globalized world it has attained new concepts and various techniques as compared to the earlier period, where in past very few people were involved in research, they produced a limited number of research papers in their whole life. In the 19th century the issue with respect to pilfering notions was emerged, therefore, several innovations and discoveries were in controversies regarding their original intellectual property holder. The eminent scholar 'Ben Jonson' was the first who coined the term 'Plagiarism' in the 17th century, and it was very difficult for the original authors to protect their intellectual rights before the promulgation of the copyright laws.

However, the phenomenon of the plagiarism has got great momentum during the 18th century and the copy right laws were redrafted and re-visited in the middle of the century on the ground that the plagiarists faced a strong resistance from general public at large, because, the public considered it as an unethical act on the part of plagiarists and liable for penal actions. However, in modern times several conventions and treaties have been made which are relevant to the protection of intellectual property rights of the holders, in this regard the WTO's TRIPS agreement protects the rights of the copy right holders across the globe. In the compliance of the said agreement Pakistan has revisited their intellectual property laws and introduced amended copy right law, 2000, which provides the minimum duration of protection of copy rights equal to the life of the author plus 50 years. Subsequently, the Higher Education Commission of Pakistan (HEC) announced the HEC Plagiarism policy in order to the credit, respect and recognition of research work of the original author.

Critical Analysis of HEC Plagiarism Policy

The Authors firstly argued that the HEC policy is not a law, but, just guidelines, and the guidelines have no legal binding effects on the authorities and academia. Because, there is a considered opinion among the legal experts that the Policies are only documents and not law (Law vs Policy, 2019), Moreover, the policy does not acquire the status of the enactment, and therefore policy cannot penalized the accused, and nor can award the civil obligations or criminal punishments without having the status of enactment. Therefore, to award civil obligation or criminal punishments comes within the purview of the enactment not in the policy. In this reference, there is a dire need to formulate anti-plagiarism enactment to control the menace of plagiarism across the country.

The last paragraph of preamble of the said policy elucidates the objective of policy and various kinds of plagiarism and provides a method to conduct the investigation against the accused and endorses the punishments for the offense of plagiarism (HEC Policy,2007). It is pertinent to mention here that, the word preamble cannot be used in the policy; rather, the word preamble always comes in the sphere of the enacted Law. The said policy covers all the academicians and institutions which are engaged in the research work. According to the policy all academic and research organizations are under obligation to create awareness among the academicians and researchers about the consequences of

plagiarism in case of proved guilty. In this context, the policy enshrined with the pre-requisites and the procedure to file a complaint against the plagiarist, it describes that the complaint should be made through email, post, fax or any other mean, which must contain the necessary information (HEC Policy, 2007) about the plagiarized work and about the identity of the complainant, an anonymous complaint only on the basis of a Turnitin report, which shows the similarity index, could not be entertained according to the policy. However, it has been observed that, it is a common practice particularly in public sector institutions that, any person only for the sake of downgrading his competitor, filed a complaint of plagiarism solely dependent upon the similarity index of the Turnitin report, without observing the criteria of a valid complaint as provided in the paragraph 7 of the plagiarism policy.

Furthermore, for a valid complaint it is a settled principle of law that the complainant should have a locus-standi to file the complaint of plagiarism. Regardless of the said principle of law, it came into the observation that most of the time the complaint is not filed by the original intellectual property right holder (author), rather, it is filed by some other person who does not has locus-standi to file the complaint. Moreover, the burden of proof always lies on the shoulder of the complainant to prove his case beyond reasonable doubt. It has also been observed that in most of the cases the due process of law is not observed, because, the opportunity of fair trial and cross examination is not provided to the author under investigation (accused), which is against the spirit of the Article 10-A (Constitution of Pakistan, 1973) of the Constitution of Islamic Republic of Pakistan, 1973. It is pertinent to mention here that, no legal action in so far has been taken against the complainant, who lodged a baseless, false, frivolous, concocted complaint on ulterior motives, however, such false complainants are compromised on account of interference by some pressure groups in the public sector universities.

Possible Defenses against Plagiarism Allegation

The researchers have evaluated the various cases of plagiarism in different educational institutions in Pakistan and have a considered opinion that the accused of the plagiarism can invoke the factual, legal and technical defenses in order to prove his/her innocence. The illustrations of these defenses are set out below:

Factual Grounds

- 1.** It has been observed in a number of plagiarism cases that the complaint of plagiarism was found baseless, frivolous, self-concocted, politically motivated, filed with malafide intention, and in most of the cases the complainant has found even no connection with any educational institute and neither he was found an aggrieved person/party nor his interest or right was being compromised or violated. In this regard, it is a settled principle of equity that “A person who seeks equity, he must come with clean hands.
- 2.** That complaint should not be anonymous and vague. Complete address and credentials of the complainant should be given very clearly in the complaint as per the HEC plagiarism policy, which states that: “Name, designation, organization, address, e-mail address and telephone number of the complainant is mandatory, otherwise The Vice Chancellor / Rector / Head of the Organization will not take any action on anonymous complaints”. Thus, the complaint is neither maintainable in the eyes of law and nor has any legal effect and is liable to be dismissed in preliminary.
- 3.** That the complainant must have locus-standi and interest, he must prove himself a researcher, teacher, academician or the author of the purported academic publication. In this connection, the Honorable High Court of Sindh observed in a landmark case (Ali Dodani, 2010) that “for establishing infringement of copy right there has to be some owner/claimant of the original work otherwise he has

no locus-standi”. Therefore, in the light of said judgment the complainant should have relevance with research, or the author of original work and his right should have been violated, otherwise the complaint of plagiarism would be considered as frivolous and with mala-fide intention and liable to be dismissed.

Legal Grounds

1. That the Limitation Act of 1908 is to be followed while deciding the complaints regarding plagiarism. A time barred complaint cannot be entertained according to the section 3 of the Limitation Act 1908 (Limitation Act, 1908).

2. The Chambers Dictionary and Concise Oxford Dictionary have given the definition of plagiarism in these words “one who steals the thoughts or writings of others and gives them out as his [sic] own” or “taking and using the thoughts, writings and inventions of other persons as one’s own”. It has been observed in numerous cases that even the victim has acknowledged the work of others by referring to the relevant provisions/sources and citations in the footnotes of his work, still he is victimized through complaints of plagiarism referring the above mentioned dictionary’s definition of the plagiarism, which is a clear misuse of the HEC plagiarism policy. Such complaints are liable to be dismissed straightaway.

3. That HEC Plagiarism Policy clearly states that plagiarism includes: “Verbatim copying, near-verbatim copying, or purposely paraphrasing portions of another author's paper or unpublished report without citing the exact reference”. Therefore, if the author under investigation has acknowledged all the references and citations in his work, in such a situation, the Author under investigation cannot be investigated and complaint of plagiarism can-not be entertained.

4. If a researcher made any research for his private use and never claimed any benefit on account of the alleged publication, and neither, used that publication for any commercial purpose, nor, published that work in any journal, then a complaint of plagiarism against such research work cannot be entertained in the eye of law.

5. That it is a common practice of the international conferences that before accepting any paper for the publication in the conference they required title of the paper at first stage, then abstract of the paper and then the full paper and they reviewed the submitted paper at length with all ethical and moral standards of the research which also includes plagiarism test as well, and after the due process of law they invite the author for participation as a presenter. So, if a researcher passed through such stringent procedure, then a question of plagiarism cannot be raised against the research work of the Author which is under investigation.

6. That according to the HEC Plagiarism Policy, in case of lodging a complaint, the following information has to be provided: “Citation of the original paper or document or idea which was plagiarized, (paper title, author(s), publication title, month and year of publication if available and the journal, in which published, with details). If the original paper is unpublished (e.g. an institutional technical report, an on-line paper), the complainant has to provide as much information as possible to ensure authenticity of the claim”. So, the burden of proof is on the complainant and he must prove his claim beyond reasonable doubt by providing enough evidence and must show that the complaint is without malafide intention and ulterior motives. Moreover, the complainant must have to face the cross examination before the standing committee.

7. It is also laid down by the Honorable Lahore High Court in a leading case (Elahi, 2016) of 2016 that it is the obligation on the part of the Vice Chancellor to afford equal opportunities of hearing to both the parties i.e. complainant and the original author of the work against whom the investigation

is being carried out. Otherwise in case of non-compliance it shall be considered the violation of the clause 8 (e) of the HEC plagiarism policy and due process of law. In another case (Sultan,2011) [16] the honorable Lahore High Court observed that right to a fair procedure is inalienable right of every citizen provided under Article 4 of the Constitution.

8. It is a common practice that the complaint of the plagiarism suddenly appeared when the complainant has some competition with author who is victim of such complaint, just to undermine and victimize his competitor in the process of promotion, or any other institutional benefits. Moreover, delaying tactics also used by the complainant in conveyance with the administration to twist the arms which cause mental torture and defame to the author under investigation. In this contextual perspective, the Honorable Supreme Court of Pakistan's judgment (Government of Pakistan,2011) is worth mentioning, which established that the competent executive authorities are under obligation to decide the matters of their subordinates within reasonable time with proper application of mind and reasons, because it is the inevitable right of every citizen under Article 4 of Constitution to be treated in accordance with law.

9. It is a settled principle of law that if the preliminary order or act relating to initiation of proceedings was against the law and illegal, then all the subsequent proceedings and actions will be illegal and having no legal effect. The same principle was adopted in a landmark case (Haleem, 2009) of Supreme Court of Pakistan.

Technical Grounds

1. In plagiarism cases the role of Turnitin software is also of great importance. There has been found some lacunas in the performance of Turnitin software, such as, sometimes the researcher refers some universal truth, and scientific formulas, quotations of the eminent scholars in inverted commas or refers any book name or scholar name or more specifically in Law research the researchers refers the case law or judgments of the superior courts, which are very imperative to be refer for the research, however, the Turnitin software also includes those quotations, books names, scholars names, case law or judgments in the plagiarism. In nutshell, the Turnitin software shows the similar words as plagiarism and not only the ideas. This is a technical gap between research and plagiarism which must be addressed. Therefore, there is a dire need to launch updated software to control the unethical practice in the research field.

2. That while deciding the complaint of plagiarism, the competent authorities must have to take in account the expertise, qualification and track record of the author who is under investigation, because, sometimes it has been found that the Author who is under investigation, he possessed exceptional research expertise and also having outstanding qualification and research record through a number of publications in his name in the past, which makes the allegation of plagiarism against his research work feeble.

3. That there is a difference between similarity index and plagiarism, however, in some cases both have been taken as the same thing, which does not make sense. This blunder is used to politically victimize the researcher and to defame and undermine his credibility.

Techniques to Avoid Plagiarism

Plagiarism- a common issue in the academia as argued above, which is the yardstick of determining the originality of the content and so the sanctity of the author. Though significant, the students and sometimes the teachers fall prey to it causing delay to meet the deadlines. There can be multiple reasons of high plagiarism in one's write-up but considering it to be the only threshold is an ongoing debate among the academicians. In the perspective of research ethics, giving the due credit prior

borrowing one's idea is justified and there must be such a system for its check, yet at the same time, the lack of information of avoiding it and the subsequent plagiarism removing techniques, is the domain in which the senior academicians have to contribute (Willhoit, 2010) This research discusses the major causes due to which the plagiarism is caused and the subsequent section is based on the pragmatic techniques to be adopted for avoiding plagiarism in one's research work.

Firstly, to diagnose the problem is as significant as to cure it and thus one must objectively understand the gravity of this issue. According to a major faction of the academicians, plagiarism is a highly emotional issue over which they take strict policy and so the beginners may face expulsion, semester fall outs, revisions in the term papers and so the low grades. The act of plagiarism is taken up as a serious problem not only for the beginners but also a heinous crime among the seniors and the faculty members. It is generally associated with 'theft', dishonesty and unethical in the community which lowers the repute of an otherwise honest teacher. Therefore, the issue is grave enough to be taken up seriously by the researchers and academicians.

Another significant issue which has been a major reason, is the lack of proper knowledge and so the channelization of it to the research community (Obber,2012). Plagiarism is such an issue that if the academic work is written honestly then it can be removed by multiple ways. However, this never means that this is the sole concern of plagiarism because there have been multiple instances where academic piece of writing apparently had an acceptable plagiarism report against its sanctity, yet it was a plagiarized document. The reason for such consideration is the no follow up of ethical portion during the research. For instances, it is simply unethical to purchase a paper from a writing lab and submit it to the university by placing one's own name as its author. This is academic dishonesty and even though the plagiarism checker could not find in it any sort of plagiarism but in fact it is a plagiarized document and can be challenged anytime later.

The follow up to the ethical principles is necessary as the document associated with one's name is the reflection of one's personality, academic acumen and command on the subject. In universities, there have been such issues where the content of one person is used by another without one's prior consent, permission and thus no credit is given to the real author. In such cases, the later claims over the originality of the document are valid and plagiarism claim can be made over the intellectual theft. A relatable situation is such that to borrow the academic content from the near peer. This means that a task which was assigned to the group was undertaken by the one student in true sense and the other student just mentioned his/her own name without any contribution to it. Again, such a research work falls outside the ambit of research ethics.

The mentionable facts to check the plagiarism of the document are to provoke the innovative cognition among the writers and secondly, to give the original author the due credit by in-text citations and referencing. Thus, if the document is based on mere copy pasting without referencing, then it is to be detected by the plagiarism checker for revisions to be made. This is worth mentioning to the researchers who have just stepped in the field of research for the reason being that copy pasting might not be considered as the academic theft for the high school projects. Another reason of plagiarism can be the no use of the quotation marks by the author. It is suggested to quote the speech acts of the real author in the quotation marks so that it can be considered as a technique for triangulation.

Referencing is both the cause and cure of plagiarism. The lack of acknowledgement of the notions being borrowed from others is one of the major causes of plagiarism. Wrong referencing and lack of utilization of the referencing software adds further problem. To avoid this, again proper referencing is the only solution where the ideas of others are reproduced and are later cited along with the names of the original authors. In fact, referencing is such a tool which not only removes one's plagiarism but also is considered as a good academic work where worthy authors are cited. A further dilemma

of our students and teachers is 'self-plagiarism'. Once an article has been published then no matter who is the author, it is meant to be cited properly. Remember the point that referencing is also done with the intent to ease down the reader in the exploration of the episteme of the content. If the content is properly cited, then the research can access the real content used by the author for literature review. This snowball technique is basically the real dimension towards which a good research should target. Worth noting technique of avoiding plagiarism is simply do not copy. At times direct speech and quotations are meant to be inculcated as such but it should be done to a minimal extent.

The good researcher should try to maximize his own ideas and then put those ideas in writing while using the already present content just to connect the various ideas. The use of literary terminology is not referred for the research write-up and it is suggested to keep the language as simple and easy as possible for the readers to comprehend it at the first glance. Likewise, the subject oriented jargon should be used only where it is relevant by citing the main author for that terminology. In quantitative research, the data should primarily be produced by the author and this is the domain which makes the research valid and reliable. However, in qualitative research, it is the innovative idea and its analysis which determines the originality of the research. Thus, to fill out the research gap with one's own ideas while citing the other authors properly guarantees a good research work without plagiarism.

Conclusion

To round off the brief discussion, it can be concluded that, plagiarism is a menace which gridlocked the way of research and development in country, because it enhances the immoral practices in the field of education and research. The threat of Plagiarism is growing day by day in the educational institution just because of lack of awareness, proper guidelines and trainings provided to the academia. In order to cope with the challenge of plagiarism the Higher Education Commission of Pakistan has formulated a policy named as HEC plagiarism policy, which provides the criteria of a valid complaint, instructions for the investigator authorities, procedure of investigation. However, the said policy is not being applied in its true letter and spirit, nevertheless, it is being used as a tool to exploit and politically victimize the opponents in the education sector. Because, it has been observed that, in the violation of the above said policy, many anonymous complaints are being entertained, and without following due process of law, and without fulfilling the criteria of investigation, the authors are being victimized and penalized upon those anonymous complaints in the higher education sector.

One thing is very important to discuss here is that the said policy provides some punishments for the accused, these punishments are a question mark on the status of the said policy, because a policy is something which is different from Law. Policy could not suggest punishments, it is the law which provides the punishments, and policy is just a set of guiding principles which are not binding in nature. So, this is a lacuna in the above said policy, which must be addressed. Moreover, the author has provided some defenses in this research work for those authors against whom a false and frivolous complaint of plagiarism has been filed. Those defenses have been categorized in three groups which are legal, factual, and technical defenses. Along with other defenses one major technical defense is the performance of Turnitin software, the original responsibility of this software is to determine the actual plagiarism, but it is not performing its duty accurately and mixing the concept of plagiarism with similarity index. This issue also demands attention of the responsible authorities.

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