

RAJYA SABHA

*Saturday, the 23rd December, 1967/ 2nd
Pausa 1889 (Saka)*

The House met at eleven of the clock, THE
DEPUTY CHAIRMAN in the Chair.

SHORT NOTICE QUESTION AND ANSWER

POST OF DIRECTOR OF CENTRAL INSTITUTE OF
ORTHOPAEDIC SURGERY

11. SHRI BHUPESH GUPTA : SHRI
M. P. BHARGAVA:

Will the Minister of HEALTH, FAMILY
PLANNING AND URBAN
DEVELOPMENT be pleased to state:

(a) whether the post of the Director of
Central Institute of Orthopaedic Surgery is
lying vacant;

(b) if so, what steps have been taken to fill
up the post; and

(c) what are the qualifications prescribed
for the post?

THE MINISTER FOR HEALTH, FAMILY
PLANNING AND URBAN
DEVELOPMENT (SHRI SATYA
NARAYAN SINHA) : (a) Yes, Madam.

(b) The post was advertised by the Union
Public Service Commission and their
recommendation has now been received and
is under examination.

(c) A statement giving the prescribed
qualifications for the post is laid on the Table
of the Sahha.

STATEMENT

*Prescribed qualifications for the post of
Director, Institute of Orthopaedics and
Orthopaedic Surgeon, Safdarjang Hospital,
New Delhi*

(i) A recognised medical qualification
included in the First or Second Schedule or
Part II of the Third Schedule (other than
licentiate qualifications) to the Indian Medical
Council Act, 1956. Holders of
educational

qualifications included in Part II of the Third
Schedule should also fulfil the conditions
stipulated in sub-section (3) of Section 13 of
the Indian Medical Council Act, 1956.

(ii) Postgraduate qualifications in the
speciality *e.g.* M.S. (Orth.), M.C.H (Orth.),
(Liverpool), F.R.C.S. or equivalent.

(iii) Sixteen years' standing in the
profession.

(iv) At least 10 years' experience as a
Professor in Orthopaedics in a medical
college/teaching institution.

(v) Extensive practical and administrative
experience in the field of medical
relief/medical research, medical education or
public health organisation.

SHRI BHUPESH GUPTA : Madam, is it
true that the Ministry is going to appoint Dr.
Sankaran as Director. Central Institute of
Orthopaedic Surgery even if he does not fulfil
the requirements laid down by the Ministry
itself? May I know whether it is a fact that the
Ministry raised the issue of ten years
experience as professor as the criterion for
selection—it was placed on record of the
UPSC in the interview—and that the advice of
the Ministry was completely ignored by the
commission and in this connection, whether it
is also a fact that Dr. Sankaran applied for a
no-objection certificate on December 2, it was
refused and then subsequently, suddenly, on
December 4 the same certificate was issued
and whether in this connection it is also not a
fact that in 1958 Dr. Sankaran was charge-
sheeted after investigation by Sir Harry Black
of England?

SHRI SATYA NARAYAN SINHA :
Madam, he has put *so* many questions one
after another. I do not know which to reply
first. There are certain things about the
qualifications already laid on the Table of the
House. It is a fact that Dr. Sankaran applied
for this post and the UPSC interviewed him
also. So far as the Ministry is concerned, we
have laid down that 10 years' experience as a
professor In

fThe question was actually asked on the
floor of the House by Shri Bhupesh Gupta.

orthopaedics is necessary. Dr. Sanka-ran was not given a no-objection certificate. It is true because he had not applied through the proper channel. But it was a technical objection. It was brought to the notice of our Ministry. The Secretary of the UPSC told them that on technical grounds, I think, it is not proper to withhold the officer from appearing before the UPSC. Besides, they claimed that the UPSC has the right to relax any essential qualifications and on that ground, at the last moment, he was allowed to appear before the UPSC.

SHRI M. P. BHARGAVA: May I know from the hon. Minister whether the gentleman does not fulfil any of the three conditions prescribed? That is, neither has he 16 years' standing in the profession nor has he at least 10 years' experience as professor in orthopaedics in a medical college/teaching institution nor has he extensive practical and administrative experience in the field of medical relief/ medical research, medical education or public health organisations. If this assumption is correct, may I know what extraneous circumstances were there to see that this particular gentleman is selected?

SHRI SATYA NARAYAN SINHA : Madam, out of these three which the hon. Member has mentioned, one is correct—he has a standing of 19 years in the service.

SHRI BHUPESH GUPTA : It seems that when the advertisement was made inviting applications for the post, the UPSC wrote to the Director General of Health Services asking for contact candidates—whatever it is—from the service. Three names were given and among them was the name of Dr. Sankaran. And then again the Health Ministry pointed out that the 10-year rule should be insisted upon and that it should not be relaxed at all. They stuck to that position. That position was also ignored; that suggestion of the Ministry was also ignored. May I know also whether it is not a fact that when this was going on, some very prominent personalities—I can name them but I will not—were try-

ing to get in touch with certain people in the UPSC and the Secretary of the UPSC insisted that they should go in the way they were going in order to make the selection of Dr. Sankaran possible? And how is it that Dr. Duraiswamy was not on the Board of Selection when earlier he had been there and his place was filled by somebody else? The reason for this will have to be explained.

SHRI SATYA NARAYAN SINHA: Now, Madam, the representative on the UPSC on our behalf was the Director-General and he is the head. He thought that it was not necessary to send Dr. Duraiswamy.

So far as the recommendations of the UPSC is concerned, it is absolutely confidential and we cannot say who has been selected by the UPSC because it has always been the convention that unless the appointing authority—in this case the appointing authority is the Cabinet—disposes of it, we should not disclose who has been selected and who has been recommended.

SHRI BHUPESH GUPTA: Madam, I seek your protection. We are not asking about the secret deliberations of the UPSC.

THE DEPUTY CHAIRMAN: He has explained the other aspect, why Dr. Duraiswamy was not on the Selection Board. He has explained it.

SHRI BHUPESH GUPTA: The statement itself says, 10 years' experience as a professor in Orthopaedics. This gentleman had no experience as a professor at all at the time of applying he had not even a month's experience. Now, this is there in the statement.

SHRI AKBAR ALI KHAN: Ar, we discussing personalities?

SHRI BHUPESH GUPTA : I do not know. Madam. If you think that it is a personal thing, I can tell you that none of these gentlemen I know. This post is very important. You must know that the sufferer will be the patient and it may affect the develop-

ment of this Institute. According to our information, some nepotism and favouritism had been practised. We are trying to find out whether it is true. It may or may not be true. But on the basis of the very statement which the hon. Minister has made, certain things appear to be there, firstly that the rule has been waived; secondly, that the Director General of Health Services was opposed to the relaxation being made; thirdly, that a particular Board did not include Dr. Duraiswamy and fourthly that in 1958 he had been charge-sheeted, that particular gentleman, and he was refused, on that score, when he asked for the certificate. Do not say that it is a personal thing. I am not interested in personal things. He was charge-sheeted. It was not given. You explained. It was refused on the 2nd December and suddenly the decision was revoked on the 4th of December and the certificate was issued. According to the papers in my possession I find that the decision had been taken to revoke it in a matter of hours, in a matter of days, in order to make the selection possible.

SHRI SATYA NARAYAN SINHA: Madam, so far as the charge-sheet matter is concerned, we have no information. But I may assure the hon. Member that on that ground he was not refused this no-objection certificate. As I have explained before, it was refused on the ground that he had not applied through the proper channel. That was the ground. But later, as I have explained, when the Secretary of the UPSC telephoned our Ministry that...

SHRI BHUPESH GUPTA: Now you have got it.

SHRI SATYA NARAYAN SINHA : ... it will be something unpleasant because on that ground he should not be refused this no-objection certificate.

SHRI B. K. P. SINHA: Before any further question is asked, I would like to say something on this. Now, we do not know whether the appointment has been made. And even after the appointment is made it is unusual for

this House to go into such questions—*(Interruptions)* Let me have my say— of an individual nature. Here we do not know what are the recommendations, and we operate, with great respect to the honourable Members, as a veto on the U.P.S.C. and the Government before any appointment is made. So many things are said against him. The poor man is not here to defend himself. The Minister does not know because the charges have not been given to him in advance.

THE DEPUTY CHAIRMAN: Now that the short Notice question has been admitted, so the question hour must go on.

श्री विमलकुमार मन्नालालजी चौरड़िया :

माननीय सिन्हा साहब से तो इसलिये मैं मतभेद रखता हूँ कि कोई पाप हो जाये उसके बाद हम उसको ठीक करने जायें, उसके पहले ही यदि होने वाला है उसको रोकने में सहायक बन सकें तो रोकने का प्रयत्न हम को करना चाहिये और करेंगे और यह करना हमारा अधिकार है।

अब सवाल यह है कि यह पाप है या नहीं, यह जांच करने का सवाल है। मैं यह नहीं कहता कि यह सारा पाप है। लेकिन जितने प्रश्न हुए और उत्तर आये उससे स्पष्ट हो चुका है कि मिस्टर शंकरन बहुत हिकमत अमली और तिकड़म वाले आदमी हैं और इसी वजह से इतनी शर्तें होने के बावजूद भी यू० पी० एस० सी० सरीखा जो विभाग है जिस के बारे में कभी उंगली उठाने की आवश्यकता नहीं होती है वहाँ भी रिलैक्सेशन कर दिया गया और इससे यह तथ्य निकलता है कि वे बहुत पहुँचवाले आदमी हैं। ऐसी स्थिति में मैं प्रार्थना करूँगा कि मंत्री जी यह बतायें कि उनसे अधिक योग्यता वालों ने वहाँ पर एप्लाइ किया या नहीं और जो शर्तें रिलैक्स की गईं उनको रिलैक्स करने का कोई कारण यू० पी० एस० सी० ने बताया या नहीं सिवाय इसके कि उनका 19 साल का अनुभव है। ऐसे कई डाक्टर होंगे जिन

का अनुभव 19 साल से ज्यादा का हो सकता है। ऐसी स्थिति में जैसे शासन कई-कैसेज में स्वयं निर्णय लेता है और नियुक्ति करने में यू० पी० एस० सी० की राय को नहीं मानता है, वैसे ही इस बारे में गंभीरतापूर्वक विचार करने का क्या शासन निर्णय करेगा ?

श्री सत्य नारायण सिंह : माननीय सदस्य ने जो कुछ कहा शंकरन साहव के बारे में, उनके बारे में जो सम्बद्ध बातें थीं, वे मैंने साफ सदन के सामने रख दीं। अब वे तिकड़म वाले हैं या कैसे हैं वह माननीय सदस्य अपने आप तर्क निकालें, मैं कुछ नहीं कह सकता हूँ कि क्या है। लेकिन मैं माननीय सदस्य से यह कहना चाहता हूँ कि यू० पी० एस० सी० की रिकमेंडेशन जनरली गवर्नमेंट सब कबूल कर लेती है, फिर भी यह याद रखिये कि यह जरूरी नहीं है कि हम उनकी सभी सिफारिशों को मान लें। पिछले वक्त में बहुत सी यू० पी० एस० सी० की सिफारिशों को हमने नहीं माना है। अब यू० पी० एस० सी० ने रिलेक्सेशन क्यों किया है इसका एक्सप्लेनेशन हम नहीं दे सकते हैं। यह उनका राइट है। लेकिन उनकी जो सिफारिश आयेगी उसको अप्वाइन्ट कमेटी देखेगी और सब बातों को मद्देनजर रखकर के फैसला मेरा विश्वास है उचित किया जायेगा।

SHRI CHANDRA SHEKHAR: Madam Deputy Chairman, is it not a fact that four days back I wrote a letter to the honourable Minister of Health giving all the details of this case, even the dates of the orders, when the orders were passed? I am not going to divulge all these confidential things which the Minister thinks to be so confidential. But may I know from him whether it is not a fact that the U.P.S.C. took an unusual step in telephoning to the Ministry of Health, the Secretary there, which is very seldom and a very unusual step on the part of the U.P.S.C. (*Intervention by Shri P. N. Sapru*) Now...

THE DEPUTY CHAIRMAN: Do not get distracted.

SHRI CHANDRA SHEKHAR: Now, Madam Deputy Chairman, what was the justification given by the Secretary, U.P.S.C. to telephone to the Health Ministry and why, as my friend, honourable Mr. Bhupesh Gupta, asked this question, the orders were revised within 48 hours on the pressure of the U.P.S.C? We have every regard for the U.P.S.C. But we cannot allow the U.P.S.C. to dominate the executive Ministries in changing their orders within 48 hours. What were the circumstances for such a change? Will the hon. Minister clarify the position why the U.P.S.C. took this unusual step?

SHRI SATYA NARAYAN SINHA: It is not for me to submit an explanation on behalf of the step which the U.P.S.C. has taken. It is rather rare. Always they do not do like this. But so far as this revocation order is concerned, Madam, I have already explained.

SHRI CHANDRA SHEKHAR: I want to know what is the justification.

SHRI BHUPESH GUPTA: I am charging the Minister for misleading the House.

SHRI SATYA NARAYAN SINHA: I say the U.P.S.C. did certain things for which I am not to explain...

SHRI BHUPESH GUPTA: Even though I asked a question...

THE DEPUTY CHAIRMAN: He has not finished.

SHRI BHUPESH GUPTA: All right, Madam.

SHRI SATYA NARAYAN SINHA: As I said, what the Secretary did is not always done; it is seldom. Generally they do not do like this. In this case they have done it. There is no doubt that the Secretary, U.P.S.C. had done it.

SHRI CHANDRA SHEKHAR: I rise on a point of order. Madam Deputy Chairman, here is a serious matter. I do not want to tell the details to the House and to the public. But the hon. Minister said...

SHRI B. D. KHOBRAGADE : You should inform the House.

SHRI CHANDRA SHEKHAR: Here the hon. Minister has raised a very important and serious matter. He says that the Secretary, U.P.S.C. has done it. Therefore, he cannot reply, I seek your protection and guidance. From whom should we enquire about the behaviour of the Secretary, U.P. S.C.?

AN HON. MEMBER: Home Minister.

SHRI CHANDRA SHEKHAR: It is the joint responsibility of the Cabinet as a whole. So, Madam Deputy Chairman, someone on behalf of the U.P.S.C. should reply to this question to the House. We would like to know why this unusual step was taken by the U.P.S.C. which reflects upon the character of this high office of the U.P.S.C. It will create a very bad impression in the country. So this position should be clarified. Either the hon. Minister or the Leader of the House should let us know who is going to clarify the decision taken by the Secretary, U.P.S.C.

SHRI B. D. KHOBRAGADE :
Madam . . .

THE DEPUTY CHAIRMAN : Ask a question if you want.

SHRI B. D. KHOBRAGADE : He has already put a number of questions.

SHRI CHANDRA SHEKHAR: I want your guidance, Madam.

THE DEPUTY CHAIRMAN : Have you any reply to Mr. Chandra Shekhar?

SHRI A. M. TARIQ : Madam, I rise on a point of order . . .

THE DEPUTY CHAIRMAN: No, let him reply.

SHRI A. M. TARIQ : I am putting my point of order. I am raising a point of order. On the point of order you must listen to me. The hon. Member has mentioned something about the confidential correspondence with the hon. Minister of which this House is not

aware. So before he discloses the correspondence in the House we should be told something about this correspondence; otherwise how can we participate? We do not know what has happened between the hon. Member and the hon. Minister. We should also be aware of the facts. I will request the hon. Minister to please tell us something about this.

THE DEPUTY CHAIRMAN: We have taken nearly twenty minutes. You may ask another question, Mr. Bhupesh Gupta.

SHRI SATYA NARAYAN SINHA: The hon. Member has asked about the Secretary, U.P.S.C. doing something which is unusual. I think the Home Ministry is the proper authority. He should put the question to them as to why he did like this.

THE DEPUTY CHAIRMAN: He has made it very clear that the Home Ministry is responsible.

SHRI BHUPESH GUPTA : I am not going into the confidential part of it at all. You will have heard, Madam, the hon. Minister admitting that the U.P. S.C. Secretary took the unusual step of telephoning the Ministry to get a certain thing done.

I should like to know first of all what extraordinary qualities in Dr. Sankaran made the U.P.S.C. Secretary act in this manner, and why the Minister is not disclosing the fact that the Chairman of the UPSC issued orders for postponement of the interview at 4 P.M. on the 30th of November and by 5-30 P.M. he had reversed his own order in order that something could take place. Then on the very morning of the interview, the certificate in question, the clearance certificate was asked for . . .

SHRI A. D. MANI: On a point of order. It has been the custom of this House not to discuss the working of the UPSC excepting on a specific motion . . .

(Interruption)

SHRI BHUPESH GUPTA: We are not discussing UPSC.

THE DEPUTY CHAIRMAN: There is no point of order. Mr. Gupta you may continue.

SHRI BHUPESH GUPTA: Now, therefore, in the matter of interview. We find from our information that the time had been fixed and changed in order to accommodate and with a view to getting the interview through, the UPSC moved in the matter and got by telephone the so-called clearance certificate. Also is it not a fact that at the same time, somebody saw to it that on the Board of Selection Dr. Doraiswamy was not present? And is it not a fact that his Ministry told the UPSC 'Rather keep the post vacant instead of waiving the rules and appointing people not qualified with 10 years' experience, etc., etc.?

SHRI SATYA NARAYAN SINHA : The last point mentioned by the hon. Member is correct.

THE DEPUTY CHAIRMAN: No more. Papers to be laid on the Table.

PAPERS LAID ON THE TABLE

THE PRESS COUNCIL (SECOND AMENDMENT) RULES, 1967

THE DEPUTY MINISTER IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRIMATI NANDINI SATPATHY) : Madam, I beg to lay on the Table, under sub-section (3) of section 22 of the Press Council Act, 1965, a copy of the Ministry of Information and Broadcasting Notification G.S.R. No. 1789, dated the 7th November, 1967, publishing the Press Council (Second Amendment) Rules 1967. [Placed in Library. See No. LT-2147/67]

STATEMENTS SHOWING ACTION TAKEN ON VARIOUS ASSURANCES, PROMISES AND UNDERTAKINGS GIVEN BY GOVERNMENT DURING VARIOUS SESSIONS

SHRIMATI NANDINI SATPATHY : Madam, on behalf of Mr. I. K. Gujral I beg to lay on the Table the following statements showing the action taken by Government on the various assur-

ances, promises and undertakings given during the sessions shown against each.

- (i) Statement No. VIII — Forty-seventh session, 1964.
- (ii) Statement No. IX — Fifty - seventh session, 1966.
- (iii) Statement No. VI — Fifty-ninth session, 1967.
- (iv) Statement No. V — Sixtieth Session, 1967.
- (v) Statement No. II — Sixty-first session 1967.

[See Appendix LXII, Annexure Nos. 95 to 99 for (i) to (v)]

NOTIFICATIONS UNDER THE CUSTOMS ACT, 1962 AND THE CENTRAL EXCISES AND SALT ACT, 1944

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : Madam, I beg to lay on the Table—

- (a) A copy each of the following Notifications of the Ministry of Finance (Department of Revenue and Insurance), under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944:—
 - (i) Notification G.S.R. No. 1865, dated the 9th December, 1967, publishing the Customs and Central Excise Duties Export Drawback (General) Sixty-sixth Amendment Rules, 1967.
 - (ii) Notification G.S.R. No. 1866, dated the 9th December, 1967 publishing the Customs and Central Excise Duties Export Drawback (General) Sixty-seventh Amendment Rules, 1967.
 - (iii) Notification G.S.R. No. 1867, dated the 9th December, 1967, publishing the Customs and Central Excise Duties Export Drawback (General) Sixty-eighth Amendment Rules, 1967.