

(i) Action against Sardar Partap Singh Kairon himself;

(ii) Inquiry into the role of other Ministers;

(iii) Inquiry into the conduct and role of officials and non-officials against whom the Commission has made specific adverse remarks;

(iv) An extended inquiry into the conduct of officials and non-officials though these persons have not been specifically mentioned in the Das Commission report, but who played a part in the cases considered by the Commission;

(v) Taking consequential action on the findings of the Commission"

The statement further reads:—

"With regard to the role of the former Ministers of Punjab Shri R. S. Krishnaswamy will make a collection of relevant facts and submit them to Government."

What the Special Officer is doing is only collecting the facts, more materials, and then pass it on to the Government. Mr. Krishnaswamy is not going to take any action himself.

SHRI BHUPESH GUPTA: We are concerned with item 2 of the statement, "Inquiry into the role of other Ministers", a very abstract formulation. Which are the other Ministers? We should like to know their names.

In the next paragraph, it is said:—

"With regard to the role of the former Ministers of Punjab Shri R. S. Krishnaswamy will make a collection of relevant facts and submit them to Government."

We would like to know whether from the Das Commission report the Government does not get an indication of certain names and whether the Government is in possession already of certain names of the former Ministers whose conduct and role are

under investigation. If so, will he kindly disgorge the names on the floor of the House?

SHRI JAISUKHLAL HATHI: So far as the Special Officer is concerned, he will take into consideration the observations and the facts as disclosed by the Das Commission. It may be necessary for him to look into various files, various cases and find out whether any of the Ministers

SHRI BHUPESH GUPTA: Which are those sacred names?

SHRI JAISUKHLAL HATHI: All the Ministers whose names are mentioned in the Das Commission report. If there are any who were mentioned by the Das Commission, he will collect the data and pass them on to the Government.

नेशनल फिजिकल लेबोरेटरी से डा० पी० के०
किचलू का त्यागपत्र

{ श्री गिरिराज किशोर कपूर :
*६७. } श्री फरीदुल हक अन्तारी† :
 } श्री एन० श्री राम रेड्डी :
 } श्री ओम मेहता :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या नेशनल फिजिकल लेबोरेटरी के डाइरेक्टर डा० पी० के० किचलू ने अपने पद से त्यागपत्र दे दिया है अथवा उन्हें सेवामुक्त कर दिया गया है ;

(ख) उनके त्यागपत्र अथवा उन्हें सेवामुक्त करने के क्या कारण हैं ;

(ग) क्या उनकी नियुक्ति तीन वर्ष के लिये की गई थी और क्या उन्होंने अपना

†The question was actually asked on the floor of the House by Shri Faridul Haq Ansari.

त्यागपत्र इस अवधि के समाप्त होने के पूर्व ही दे दिया ; और

(घ) क्या उन्हें उस अवधि के समाप्त होने के पहले ही सेवामुक्त कर दिया गया ; और यदि हां तो इसके क्या कारण हैं ?

†[RESIGNATION OF DR. P. K. KICHLU, FROM NATIONAL PHYSICAL LABORATORY

*97. { SHRI G. K. KAPOOR:
SHRI FARIDUL HAQ
ANSARI:
SHRI N. SRI RAMA REDDY:
SHRI OM MEHTA:

Will the Minister of EDUCATION be pleased to state:

(a) whether Dr. P. K. Kichlu, Director of the National Physical Laboratory has resigned from his post or his services have been terminated;

(b) what are the reasons for his resignation or termination of his services;

(c) whether his appointment was made for a period of three years and whether he submitted his resignation before the expiry of that period; and

(d) whether his services have been terminated before the expiry of that period; and if so, the reasons therefor?]

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) प्रो० किचलू ने अपना त्यागपत्र दिया था और वह ३ अक्टूबर, १९६४ तक कार्यमुक्त होना चाहते थे, जिसे स्वीकार कर लिया गया था। इससे पहले, ६ दिसम्बर

१९६४ से (जिस तारीख को वे ६५ वर्ष पार करते) राष्ट्रीय फिजिकल अनुसंधानशाला की निदेशता छोड़ने के लिए उनकी नियुक्ति के संविदा-नियमों के अनुसार उन्हें नोटिस दिया गया था।

(ख) और (घ) : प्रो० किचलू ने अपना त्यागपत्र इसलिए दिया था क्योंकि नेशनल फिजिकल लेबोरेटरी में एक वैज्ञानिक की योग्यता-पदोन्नति की मंजूरी के सवाल पर उनका मतभेद था और ब्लैकेट-रिपोर्ट के लागू करने के सम्बन्ध में उनमें तथा डी० जी० एस० आई० आर० में मतभेद थे।

(ग) जी हां।

†[THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION (SHRI BHAKT DARSHAN): (a) Prof. Kichlu tendered his resignation and wanted to be relieved by 3rd October, 1964 which was accepted. Earlier, he was given notice in terms of the contract of his appointment for relinquishing the Directorship of the National Physical Laboratory with effect from 9th December, 1964 on which date he would have crossed the age of 65 years.

(b) and (d). Prof. Kichlu tendered his resignation as a result of difference of opinion on the question of grant of merit promotion to a scientist in the National Physical Laboratory and there were differences between him and the D.G.S.I.R. in regard to the implementation of the Blackett Report.

(c) Yes, Sir.]

SOME HON. MEMBERS: English please.

MR. CHAIRMAN: I am afraid there is arrangement for simultaneous translation in order to save time.

†[] English translation.

SHRI FARIDUL HAQ ANSARI: May I know, Sir, whether the news item published in "The Statesman" of the 23rd October, 1964 is correct? It says:—

"Dr. Kichlu resigned because of differences with Dr. Hussain Zaheer, Director-General of the Council of Scientific and Industrial Research.

Dr. Zaheer is believed to have asked Dr. Kichlu to sponsor an Assistant Director of NPL for promotion as Deputy Director."

SHRI M. C. CHAGLA: Sir, the position is this. Dr. Zaheer, the Director-General, was acting as Director in this Laboratory's Centre for Advanced Physics for some time. He came across a very young and brilliant scientist by the name of Dr. Jain and he wanted him to be considered for merit promotion. On that issue there was difference of opinion between Dr. Kichlu and the Director-General. May I say this that Dr. Jain has received finest certificates from scientists abroad? They were consulted and they all thought that he was doing excellent work, and the Director General thought that a young scientist should be encouraged. The difference of opinion was about the Blackett Report. The Blackett Report suggested that there should be division between the fundamental work, that the Laboratory was doing, and applied work and there should be collaboration between the Laboratory and the Delhi University as far as the fundamental work was concerned. Unfortunately, the relation between Dr. Kichlu and the Head of the Physics Department, Delhi University, was very strained and it was very difficult to bring about this collaboration. These were differences on policy.

SHRI FARIDUL HAQ ANSARI: May I know, Sir, with reference to the answer to part (d) of the question, at the time of the appointment what was the contract period for which Dr. Kichlu was appointed and whether his

resignation has been accepted before that period?

SHRI M. C. CHAGLA: He was appointed for three years. That was before me. When I assumed office, after some time my attention was drawn to the fact that through some oversight this three years contract would take him beyond the age of 65. There is an invariable rule we have laid down that normally scientists should retire at 60, but if they are physically fit, they can be extended up to 63 and if they have done brilliant work, up to 65 but in no case should scientists go beyond 65. I feel, with all my regard for Dr. Kichlu, that if you made one exception it would be a precedent and other scientists would say: 'Well, if Dr. Kichlu could go on beyond 65, why not we?' and under the contract we had the right to give six months' notice. Partly due to this reason and partly due to the differences in policy, I thought in the interests of the Laboratory itself that notice should be given to Dr. Kichlu. May I also say that he himself first gave his resignation before the notice was served. I had talked with him and then he withdrew the resignation but before the notice expired, he again tendered his resignation which was accepted?

SHRI N. SRI RAMA REDDY: I would like to know whether it is not a fact that 46 out of the 55 top scientists in the National Physical Laboratories have submitted a representation to the Government saying that the services of Dr. Kichlu were very valuable to the Institute, that all the schemes were completely accepted by the Government without changing even a comma, that all his research programmes and the work he had sponsored were very valuable and that his services were very much unavoidable and therefore they made a representation that the Government should reconsider the question of accepting his resignation and that he must be continued in office? I would

like to know what action has been taken on this?

SHRI M. C. CHAGLA: We did receive a representation but as far as I know, the representation was received after the resignation of Dr. Kichlu had been accepted. In fact, he himself pressed that he should be relieved as soon as possible although the term of his notice had not expired.

SHRI N. SRI RAMA REDDY: The Minister himself was good enough to explain that at his instance Dr. Kichlu withdrew his resignation in the first instance. I would like to know if it is not a fact that it was mainly on account of this controversial figure, whose promotion out of turn was suggested by the Director General and which was objectionable in the good judgment of Dr. Kichlu, that this situation has been precipitated and he pressed for the acceptance of the resignation mainly as a result of the insult that was flung on Dr. Kichlu by the manoeuvrings of the top officials in introducing the question of the promotion of a particular officer? For the sake of a single officer's promotion, Dr. Kichlu's services are being sacrificed. That is the understanding given. I would like to know whether this is true.

SHRI M. C. CHAGLA: It is entirely incorrect. I am sorry that my friend has used the word 'manoeuvrings'. Here are the people who have given the finest compliments to Dr. Jain:

Prof. J. G. Wilson, Cavendish Professor and Chairman of Physics, Leeds University

Prof. Frederick Seitz, President, National Academy of Sciences, Washington.

Prof. Robert Maurer, Director, University of Illinois.

Prof. Sir Neville Mett, F.R.S., University of Cambridge.

What the Director General said—he had no personal interest—was that here was a young scientist who was spoken of so highly by these outside critics who took an objective view of the situation, that he should not be kept down and, with great respect to Dr. Kichlu, I cannot understand even today why he strenuously objected to the promotion of Dr. Jain. We want our young scientists to be recognised, we want to give them promotions.

SHRI N. SRI RAMA REDDY: I would like to know some facts. If what the Minister was saying is correct—he was mainly basing his judgment on the basis of certificates of particular individuals—what is the exact work he has done, either of a fundamental or industrial nature, which merited a promotion of this kind? We do not want credentials. Credentials may be obtained certainly for brilliant speeches or papers but what is the nature of the work or what is the particular work that he has done on which he based his claim for promotion?

SHRI M. C. CHAGLA: First my hon. friend does not know that when we make a reference to foreign scientists, we submit to them all the research papers done by the scientist here and the work done by him and I assure my friend that these foreign scientists are very conscientious people. They go through the whole record before they pass judgments and may I say this that this reference was made to the foreign scientists because we were seriously considering Dr. Jain for the Shanti Swarup Bhatnagar Memorial Award. He did not get that Award but we felt that, at least, if he did not get the highest award that India can give to a scientist, he should at least get a promotion.

SHRI G. M. MIR: We are not concerned with certificates. The question is of principle. I would like to know

whether it is not a fact that Dr. Kichlu was invited by the C.S.I.R. to work as a Director of the Physical Laboratory and whether it is not a fact that Dr. Kichlu's services were terminated after 10 months' service? May I also know whether it is not a fact that the contract was for 3 years? Actually this is a case of breach. *(Interruptions)* So I would request that there should be a half-an-hour debate on this.

MR. CHAIRMAN: There should be a debate?

SHRI G. M. MIR: Because this is very important.

MR. CHAIRMAN: Are you putting a question?

SHRI G. M. MIR: May I know whether it is not a fact that Dr. Kichlu never applied for the post and he was invited by the C.S.I.R. and then, as far as his services were concerned, it was a contract for three years and when he served for 10 months, his services were terminated? Here the Minister says that his services were not terminated, but it is not a fact. The fact is . . .

MR. CHAIRMAN: I think you should put an end to your questions.

SHRI G. M. MIR: Is it not a fact that his services were terminated before the expiry . . .

MR. CHAIRMAN: I will not allow you to ask ten questions in one question.

SHRI G. M. MIR: There should be a debate or we should be allowed to put questions.

MR. CHAIRMAN: Will you please sit down?

SHRI G. M. MIR: Yes, Sir.

SHRI M. C. CHAGLA: I have made it perfectly clear that if we are going

by the legal aspect of the contract—I did not like to be technical but if we are going into the legal aspect—it is true that the contract was for 3 years but either side had the right to terminate it on six months' notice. We gave six months' notice which was under the contract. We did something which was legal and which we were entitled to do. Though Dr. Kichlu's term was yet to expire, he himself tendered his resignation and said in his letter that he wanted to be relieved as soon as possible. *(Interruptions)* I have not finished. But apart from the technicalities, my friend who asked this question, feels that we have done something illegal or irregular. That is not correct. We have acted under the contract, and we would not have acted under the contract unless there were reasons which I have already given, namely, that he would have passed the age of 65. There were differences of opinion with regard to the promotion of Dr. Jain. There were differences of opinion about implementing the Blackett Report. This is the whole position.

SHRI M. P. BHARGAVA: May I know, Sir, from the hon. Minister whether it is a fact that the representation from the 46 scientists was received on the 13th of September, 1964, and that Dr. Kichlu was relieved of his post on the 3rd of October, 1964?

SHRI M. C. CHAGLA: But, Sir, before that, he had already—I will give the dates—he had already written asking to be relieved on a particular date. We have got the letters here. But, Sir, are we going to be guided by a memorial submitted by 40 or 45 scientists?

(Interruptions).

AN HON. MEMBER: Why not?

SHRI M. C. CHAGLA: A decision was taken. He had himself tendered his resignation. He wanted to be relieved and then this memorial was received.

SHRI CHANDRA SHEKHAR: Mr. Chairman, I want to raise a point of order. Mr. Bhargava just asked a question and that was a very specific question, and the hon. Education Minister while replying to the question, gave a reply which was just against a fact that Mr. Bhargava stated in the House. The hon. Member asked which was correct, whether Dr. Kichlu was relieved after the representation made by the scientists was received in the Education Ministry, or he was relieved before it because, in his earlier reply, the Education Minister said that he was relieved earlier than when the representation was received. So this is a very serious thing. It is misguiding the House.

MR. CHAIRMAN: There might be a slight difference, but I do not think this is a very serious thing.

SHRI CHANDRA SHEKHAR: No; of course, this is a very serious thing.

MR. CHAIRMAN: What is the position?

SHRI CHANDRA SHEKHAR: The dates should be known, when the representation was received and when he was relieved.

MR. CHAIRMAN: The position is not improved by repetition.

SHRI LOKANATH MISRA: The Education Minister misguided the House to this extent that he said that the particular officer was relieved much earlier than when the representation was received, but subsequently he again said that his letter of resignation was received . . .

MR. CHAIRMAN: That point has been made by Mr. Chandra Shekhar. The position never improves by repetition. Mr. Chandra Shekhar has made the point.

SHRI K. K. SHAH: The hon. Minister said that he resigned, that he was not relieved.

SHRI M. C. CHAGLA: I will give the dates. The memorial was received on the 25th of September. Dr. Kichlu's resignation was accepted on the 3rd of October. These are the dates.

AN HON. MEMBER: So it is after the representation.

SHRI M. C. CHAGLA: His letter was received before that date.

PROF. B. N. PRASAD: May I submit that in view of the great interest shown by the whole House in this matter and in view of certain doubts expressed by Members . . .

MR. CHAIRMAN: This is time for questions.

PROF. B. N. PRASAD: . . . Would it not be better that the hon. Minister may make a certain statement and the House may get a chance to discuss the statement for half an hour?

SHRI P. RAMAMURTI: Yes, Sir, it is a very reasonable request.

(No reply)

SHRI A. D. MANI: May I ask—apart from the question of Dr. Kichlu—whether the Minister has recorded a censure of the conduct of the Director-General for his writing to a subordinate officer suggesting that a merit promotion should be given to a scientist? Would he as Minister—I would like to ask him respectfully—ask any subordinate to promote some other person, to give him a merit promotion? If he would not do so, he should expect the officers serving in his Ministry to set a good example.

SHRI M. C. CHAGLA: Well, Sir, I pointed it out to the Director-General, and I also told Dr. Kichlu that under the rules it was his right to recommend somebody working under him for merit promotion, and the Director-General was procedurally wrong in asking him to promote

somebody. But that is not the question. Now, Sir, I am charged with misguiding the House. It is a very serious charge and may I just rebut it? I have got the letters here. Dr. Kichlu wrote two letters, one on the 23rd of August and another on the 25th of August. These were to the Prime Minister. And in the second letter this is what he said:

"The basic issue on which I submitted my resignation is thus revived in this context. I request that the offer of resignation which I made six months earlier, on the 26th February 1964, may please be made operative and accepted and I may be relieved from the post of the Director at your earliest convenience."

This was before this memorial was received, which was on the 25th of September. Therefore, Sir, the last thing I would want ever to do is to misguide the House.

*98. [The questioner (Shri A. B. Vajpayee) was absent. For answer, vide cols. 472-480 infra.]

*99. [The questioner (Shri V. M. Chordia) was absent. For answer, vide cols. 479-480 infra.]

*100. [The questioner (Shri B. N. Bhargava) was absent. For answer, vide cols. 480-482 infra.]

ABROGATION OF ARTICLE 370 OF THE CONSTITUTION

*101. { SHRI SITARAM JAIPURIA.
PANDIT S. S. N. TANKHA†:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Central Government has recently received any com-

†The question was actually asked on the floor of the House by Pandit S. S. N. Tankha.

munication from the Government of Jammu and Kashmir regarding the abrogation of Article 370 of the Indian Constitution; and

(b) if so, what action has been taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): (a) No.

(b) Does not arise.

PANDIT S. S. N. TANKHA: Sir, I am sorry that my question as it was worded by me has not been put down on the paper in those very words, but it has been put down in some other form. I will put that specific question now. My main question was whether the Sadar-i-Riyasat or the Prime Minister of Jammu and Kashmir had held any discussions with the Prime Minister or the Home Minister of India on this subject during the course of which the Sadar-i-Riyasat or the Prime Minister of Jammu and Kashmir expressed the wishes of the Kashmir administration that article 370 of the Indian Constitution should be abrogated.

SHRI JAISUKHLAL HATHI: This is not the question here. But so far as any discussions with the Prime Minister are concerned, I do not think I shall be able to say anything because he had been meeting the Prime Minister very often and so many things might have been discussed. I have no information as to what transpired between the two. So far as the Home Minister is concerned, I do not think they had discussed specifically any proposal for abrogation of article 370. They might have discussed the actual constitutional position but not actually the abrogation.

PANDIT S. S. N. TANKHA: May I bring to the notice of the Minister of State that there was a news item in the press some time back to the effect