

**COMMITTEE ON PETITIONS  
(SIXTEENTH LOK SABHA)  
FOURTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI  
June, 2015/Jyaishta 1937 (Saka)**

**FOURTH REPORT OF THE COMMITTEE ON PETITIONS****(SIXTEENTH LOK SABHA)****INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorized by the Committee to present the Report on their behalf, present this Fourth Action Taken Report (Sixteenth Lok Sabha) of the Committee to the House on the representation received from Prof. S.P. Singh regarding : Alleged irregularities in selection of fellowships by the Nehru Memorial Museum and Library, Delhi.

2. The Committee considered and adopted the draft Fourth Report at their sitting held on 02 June, 2015.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

**NEW DELHI;  
KOSHYARI**

**02 June, 2015  
12 Jyaishta, 1937 (Saka)**

**BHAGAT SINGH**

**Chairperson,  
Committee on Petitions**

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**ANNEXURE**

Minutes of the 11<sup>th</sup> sitting of the Committee held on 02.06.2015

**COMPOSITION OF THE COMMITTEE ON PETITIONS  
(2014-2015)**

Shri Bhagat Singh Koshyari - *Chairperson*

**MEMBERS**

2. Shri Suresh C. Angadi
3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Shri Rajen Gohain
7. Dr. K. Gopal
8. Shri Chhedi Paswan
9. Shri Kamlesh Paswan
10. Smt. Krishna Raj
11. Shri Arjun Charan Sethi
12. Shri Kodikunnil Suresh
13. Shri Dinesh Trivedi
14. Shri Rajan Vichare
15. Shri Dharmendra Yadav

**SECRETARIAT**

- |                           |   |                             |
|---------------------------|---|-----------------------------|
| 1. Shri K. Vijayakrishnan | - | <i>Additional Secretary</i> |
| 2. Shri Shiv Kumar        | - | <i>Joint Secretary</i>      |
| 3. Shri Raju Srivastava   | - | <i>Additional Director</i>  |
| 4. Md. Aftab Alam         | - | <i>Deputy Secretary</i>     |
| 5. Shri Soumik Roy        | - | <i>Executive Assistant</i>  |

(iii)

**REPORT****ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE FORTY FOURTH REPORT (14TH LOK SABHA) OF COMMITTEE ON PETITIONS ON THE REPRESENTATION RECEIVED FROM PROF S.P. SINGH REGARDING ALLEGED IRREGULARITIES IN SELECTION OF FELLOWSHIPS BY THE NEHRU MEMORIAL MUSEUM & LIBRARY , DELHI.**

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The Committee on Petitions (Fourteenth Lok Sabha) in their Forty fourth Report presented to Lok Sabha on 08 November 2008 had dealt with a representation received from Prof. S.P Singh regarding alleged irregularities in selection of fellowships by the Nehru Memorial Museum & Library, Delhi.

2. The Committee had made certain observations/recommendations in their Forty -fourth Report (14th Lok Sabha) which were forwarded to the Ministry of Culture with the request to furnish the Action Taken Replies thereon for consideration of the Committee.

3. Action Taken Replies have since been received from the Ministry of Culture vide their O.M. dated 30 January 2009 ,29 November 2011 and 10 March 2014 in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies thereto furnished by the Ministry have been detailed in the succeeding paragraphs:

4. In paragraphs 1.19 to 1.23 of the Report, the Committee had noted/recommended as follows:-

"The Committee note from submission of the Petitioner that the Nehru Memorial Museum and Library (NMML) invited application for award of the Fellowships through an advertisement in national dailies in September 2003. On 4-5 June 2004, the Selection Committee shortlisted candidates for

interview for grant of fellowships. On 8 June 2004, the NMML sent call letters to the duly shortlisted candidates for interview which was fixed on 10 July 2004. But on 7 July 2004, the NMML sent letters through ordinary mail to the candidates regarding postponement of the interview. Meanwhile, a New Executive Council of the NMML was constituted on 4 November 2004. The New Executive Council at its meeting held on 25 January 2005 disbanded the Selection Committee constituted earlier and in its place a new Selection Committee was constituted. The New Selection Committee met on 4 March 2005 to consider afresh all applications received for the fellowships and constituted a Sub-Committee to short list the applications received for the purpose. The Petitioner alleged that the previous list of short listed candidates was set aside without any reason and issue of any show cause notice to the applicants. On 1 April 2005, the Sub Committee shortlisted the applications for the Fellowship position in the NMML. According to the Petitioner, the name of Prof. Niraja Gopal Jayal of JNU was also short listed for award of Senior Fellowship although she had not even applied for the same. The New Selection Committee held Interviews of the Short listed candidates on 12 May 2005 and made final selection of 3 categories of fellowships. The selection made by the Selection Committee was approved by the Executive Council on 15 July 2005. Prof. Jayal was recommended by the New Selection Committee for award of Senior Fellowships although her application was received in the NMML on 9 May 2005. The Petitioner, therefore, requested the Committee to intervene in the matter in view of the legal and procedural infirmities committed in the selection of candidates for award of Fellowships by the NMML and that the process of selection for grant of Fellowships is completed after revival of previous Selection Committee. The Petitioner also demanded that action be taken against the officers of NMML for suppression of facts, manipulations and misguidance of the Executive Council.

- (ii) The Committee were informed that the NMML has been running a Fellowship programme for promoting high quality research as per the mandate given by the Memorandum of Association of the NMML society. The NMML society offers three levels of fellowships namely, Senior Fellowships, Fellowships, Junior Fellowships. The qualifications for these categories of Fellowships were stated to be as follows:-

Fellow: Good Academic record, PHD and at least five years teaching/post doctoral research experience

Junior Fellows: these Fellows are open to candidates with good academic record and scholarly publication and preferably a Ph.D.

The pay scales of all the officers employed in the NMML are at par with the pay scales of the Government of India . But the pay scales of the three categories of Fellows of the NMML are similar to pay scales of Lecturers, Readers and Professors of Central Universities which are as follows:-

Junior Fellow (Lecturer)	Rs. 8000-275-13500
Fellow (Reader)	Rs. 12000-420-18300
Senior (Fellow)	Rs.16400-450-20900-500-22400

The fellowships are tenurial positions unlike the regular posts in the Institution. Hence, there are no stipulated recruitment rules for fellowships and there is no age restriction also. The duration of the fellowships is three years.

- (iii) It was also informed that the Fellowship Selection Committee is constituted by the Executive Council of the NMML Society. A duly constituted Committee examines the application and shortlists the candidates for all levels of fellowship. The short listed candidates for Fellowships and Junior Fellowships are called for interview. The Selection Committee selects the Senior Fellows on the basis of their academic and research credentials without calling the candidates for personal interview. As the fellowship positions are equated with Lecturers, Readers and Professors in Central Universities, the applications received after the last dates are also considered. The Selection Committee may also offer senior Fellowships even to those who have not applied, a practice generally followed in Universities. In any case, the Executive Council of the NMML society finally approves the selection of fellows made by the Selection Committee. In Fellowship selections, there is also a precedent to condone the late applications and also to award Senior Fellowships to those who have not applied. The purpose of selection is to award fellowships to the most deserving candidates and not to restrict the selection.

- (iv) The Committee note that the NMML advertised for Fellowships in September 2003 and in response thereto, 70 candidates including the Petitioner applied for Senior Fellowships. The Executive Council of the NMML Society nominated Prof. S.R Mehrotra as Chairman on the Fellowship Selection Committee and the Chairman of the Executive Council nominated Prof. D.N Dhanagare and Prof. Y. Vaikuntham as members. This Committee met on 4-5 June 2004 and screened the applications received for the three categories of fellowships. The Committee shortlisted 18 candidates for Junior Fellowships, 26 for Fellowships and 11 for Senior Fellowships including the Petitioner. As per the practice of the NMML the short listed candidates for Fellowships and Junior Fellowships were called for interview on 10 July 2004. In the meantime, a group of scholars gave a representation addressed to the then Minister of Culture endorsing a copy to the Prime Minister that the fellowship selection should be reviewed and selection should not be made as revamping of the General Council and Executive Council of the NMML were on the cards. Consequently, the NMML postponed the proposed interviews of the shortlisted candidates for Fellowships and Junior Fellowships. Subsequently, the NMML Society was reconstituted on 5 November 2004 and a new Executive Council was also put in place. The Executive Council in its first meeting held on 25 January 2005 constituted a new Fellowship Selection Committee with Prof. Arjun Sengupta as Chairman and Prof. Neera Chandhoke and Dr. Ramchandra Guha as its members. This new Selection Committee met on 4 March 2005 and considered all the applications received in response to the advertisement made in September 2003, besides two applications for Junior Fellowships, one for Fellowship and 7 more applications received later subsequent to the first short listing. It also constituted a Sub Committee consisting of Prof. Neera Chandhoke and D. Ramchnadra Guha to shortlist the applications received on the basis of the broad parameters namely:(i) Quality of published work;(ii) Quality of Proposal;(iii) Relevance of the theme and;(iv) Academic record. The Sub Committee met on 1 April 2005 and after going through all the applications, it shortlisted 15 candidates for Junior Fellowships, 16 for Fellowships and 7 Senior Fellowships. Some of the candidates shortlisted by the previous Committee also figured in the list prepared by the new Committee. The Sub Committee also considered the advance copy of the application of Prof. Neeraja Gopal Jayal and short listed her name for Senior



Fellowship. Prof. Jayal had sent an advance copy of her application on 24 March 2005 for Senior Fellowship and the NMML received the application sent through proper channel on 2 May 2005. Similarly the application of Dr. Dilip Simeon was received on 9 May 2005. He was not shortlisted by the Sub Committee but the Selection Committee decided to offer him Senior Fellowship on the basis of his high academic credentials. Further, one Dr. Brinda Bose was considered in her absentia by the Selection Committee on her request on the basis of her Academic record, the research proposal and the previous publication. The name of the Petitioner did not figure in the shortlist prepared by the Sub Committee although he was earlier shortlisted by the previous Selection Committee. The Fellowship Selection Committee interviewed the candidates for Junior Fellowship and Fellowships and considered the applications of candidates for Senior Fellowships on 12 May 2005 and recommended 4 candidates for Junior Fellowship, 8 for Fellowships including Dr. Brinda Bose and 8 for Senior Fellowships including Prof. Neeraja Jayal and Dr. Dilip Simeon. The recommendations of the Selection Committee were subsequently, approved by the Executive Council in its meeting held on 15 July 2005. Thus, according to the Ministry/NMML, no irregularity was committed in the appointment of Fellows in the NMML. The Selection Committee had functioned fully within its mandate and exercised its powers in the best interest of the organization.

- (v) As regards postponing of interviews scheduled on 10 July 2004, the Ministry/NMML explained that a representation was received from the scholarly community signed on their behalf by Dr. Archana Prasad. The Ministry/NMML claimed that the said representation was authentic and not a fake one and there was no conspiracy in postponing the interviews. They also pointed out that out of 20 candidates finally selected for fellowships, 9 candidates were shortlisted by both the Selection Committees.

The Committee had noted that before the First Fellowships Selection Committee under the Chairmanship of Prof. S. Mehrotra could have finalized the selection of candidates for award of fellowship under various categories, the selection procedure was abruptly withheld ostensibly on the ground that a group of scholars had given a representation for review of fellowship selection in view of the impending revamping of the general Council and Executive Council of

the NMML. Consequently, the proposed interviews which were supposed to be held on 10 July 2004 for the candidates shortlisted for Fellowships and Junior Fellowships were unduly postponed just three days before the scheduled interviews. This resulted in great inconvenience, harassment and became a cause of grievance for the Petitioner.

5. In paragraph 1.25 of the Report, the Committee had observed/recommended as follows:-

"The Committee is not convinced with contention of the Ministry/NMML that there was no irregularity or manipulation in the selection of NMML fellowships and that the selection of fellows was done as transparently as possible. The examination of the points/issues raised by the Petitioner and submission made before the Committee by the Ministry/NMML reveals otherwise. The Selection Committee of the previous dispensation duly constituted by the Executive Committee of the NMML and consisting of eminent personalities initiated action to select candidates for award of fellowships and in the process, the Selection Committee shortlisted 11 candidates for Senior Fellowship including the Petitioner, 26 candidates for fellowships and 18 candidates for Junior Fellowships. However, the action initiated by them was abruptly postponed and then cancelled subsequently. It was explained by the Ministry/NMML that they acted on the basis of a letter, which called for cancelling of the selection procedure as the Executive Council of NMML was likely to be revamped. The Petitioner contended that the Ministry/NMML acted on the basis of an unsigned and fake representation to postpone the proposed interviews of the short listed candidates scheduled on 10 July 2004. The Ministry/NMML failed to produce any record contrary to the contention of the Petitioner. What was placed before the Committee was a copy of the fax letter containing the names of some 20 odd scholars which do not contain any signature. The Committee feel that such an unsigned letter in the normal course should have been ignored. Even if a new Selection Committee was constituted after revamping the Executive Council, the legitimate exercise of the new Selection Committee should have been to complete the process of selection left by the previous Selection Committee. It is inexplicable that the NMML authorities chose to annul the list of candidates shortlisted by the previous Selection Committee without any valid reason, presumably to favour certain individuals of their choice, which were proved correct by the subsequent events. The very fact that unsolicited applications from Prof. Niraja Jayal from JNU and Dr. Dilip Simeon, Director of the 'Aman Trust' were

entertained and their candidature were considered by the reconstituted Selection Committee even after 19 months of expiry of last date for receipt of the applications endorses the point. Their applications for fellowship in NMML were accepted, although there was no mention in the advertisement published in September 2003 that the NMML could also consider names of such research scholars who had even not applied in response to the said advertisement. The Ministry/NMML had also failed to produce a copy of the relevant rules which empowers the Selection Committee to consider such candidates. It seems that the NMML simply went by the practice being followed in the past, which, the Committee feel does not have the sanctity of law. The Selection Committee did not follow their own established procedure to make selection of candidates for fellowships through personal interviews and selected one Dr. Brinda Bose for grant of fellowship in her absentia, without any personal interview. These events prove that the whole selection procedure for grant of fellowships in NMML was not transparent as claimed by the NMML and the Selection Committee acted in an arbitrary manner.

6. In paragraph 1.26 of the Report, the Committee had strongly recommended as follows:

"The Committee are of the considered view that the short listing of candidates by the Selection Committee for various categories of fellowships should have been restricted only to the applicants who had applied in response to the advertisement published in September 2003 and that too within the stipulated last date for receipt of such applications i.e. latest by 20 October 2003. In the absence of such restriction of guidelines it had given an opportunity to raise allegations of irregularities in the selection process and scope for malpractices and hence complaints from various quarters. There is no doubt that the selection process should be rigorous and meticulous in order to get only the meritorious candidates for the fellowships. But at the same time, the whole exercise should be transparent and objective so that there is no scope for manipulation and accusation from any quarter. However, as reported and explained in the preceding paragraphs the selection process of the shortlisted candidates by the previous Selection Committee was first postponed and then cancelled without any valid reasons/grounds. Further the candidature of some of the unsolicited candidates for grant of fellowships by the NMML was not transparent nor did it have the sanctity of law. In the opinion of the Committee, the empanelment of such candidates for grant of fellowship was irregular and in the normal circumstances the same should have been scrapped to initiate the selection process afresh for

grant of fellowship. However, the Committee understand that the tenure of the fellowships is 3 years which in the normal course might have ended by this time. Therefore, at this stage any action taken to scrap the empanelment of candidates for fellowships by the new Selection Committee would be in- fructuous. However, the Committee would like to recommend that the Ministry/NMML should take immediate remedial measures to streamline the system of selection of candidates for the grant of fellowship in order to obviate recurrence of such incidents as reported by the Petitioner. Any guidelines/ rules formulated in this regard should be transparent and objective devoid of any ambiguity leaving no space for any irregularity or complaints from any quarter. The Committee also recommend that events which led to postponement and eventual cancellation of the selection process under previous dispensation for grant of fellowships in NMML should also be enquired into and action initiated against the officers responsible for such acts."

7. In reply thereto, the Ministry of Culture have stated:-

"... Being aware of the allegations of irregularity in the selection process of fellows in the NMML and having twice appeared before the Parliamentary Committee of the Ministry of Culture the present NMML Director informed the executive council of the institution on 10 April 2008 that the Parliamentary Standing Committee had asked Director to ensure that no lapses take place in future regarding the selection procedure of fellows. Pursuant to that directive several remedial measures were immediately initiated that are in keeping with the Petition Committee's current observation that the selection procedure should be rigorous and meticulous and that the whole exercise should be transparent and objective devoid of any irregularities or complaints from any quarter.

Keeping in mind the issues raised by the Parliamentary Standing Committee, the Director, NMML ordered a thorough review of all the procedures involved in the selection of fellows. The Director has supervised the review and ensured that streamlining of procedures is done with the widest consultation, as also keeping in mind the best practices followed in other institutions. Director has consulted and kept informed at every step the Chairman and Executive Council of NMML in this regard.

It was only then possible for the Director to inform the EC at its 130th Meeting on July 17, 2008 that suitable steps have been taken

to amend the terms and conditions of award of fellowship as well as procedure for selection to ensure complete transparency.

It is, therefore, submitted that it is only after a thorough review of the procedures that it was possible to initiate the present round of selection of fellows which were held on December 19 & 20, 2008.

In pursuance of the Petitions Committee recommendation "that events which led to postponement and eventual cancellation of the selection process under previous dispensation for grant of fellowships in NMML should also be enquired into and action are initiated against the officers responsible for such acts" it is submitted that the NMML has already taken steps to initiate an inquiry."

8. The Committee subsequently received a rejoinder dated 15 April, 2011 from Prof. S.P. Singh wherein he alleged that there is complete violation of the 44th Report of the Committee on Petitions (14th Lok Sabha) presented on 8 November, 2008 regarding irregularity in the selection of fellowships by the Nehru Memorial Museum and Library (NMML). In his rejoinder the Petitioner sought to establish the fact that the recommendations made by the Committee on Petitions have been disregarded and have not been implemented in the full legal sense of the term till date and selection of candidates is being made by the NMML Authorities without giving effect to the Committees' recommendations. Further representations from time to time were received from the Petitioner. The Petitioner particularly emphasized that the act of cancellation of the interviews, short listing of candidates by the New Selection Committee as an act of manipulation by the then Director in charge Shri K. Jayakumar and others. The Petitioner in his subsequent representations raised the following issues:-

- (i) Illegal postponement of the interview at the initial stage by Shri K. Jayakumar without the consent of the EC's Chairman entirely on the basis of the forged, unsigned and unidentified Fax Representation dated June 25, 2004,
- (ii) Illegal cancellation of the interview by Shri Jayakumar,

- (iii) Illegal annulment of the shortlisting done by the First Selection Committee on June 4-5, 2004 without obtaining the Chairman's approval,
- (iv) Illegal concealment by Shri Jayakumar of all the aforesaid three facts from the EC of the NMML by not mentioning about them in the Agenda Items of the (a) 125<sup>th</sup> Meeting of the EC dated August 2, 2004, (b) the 126<sup>th</sup> Meeting of the EC dated January 25, 2005 and the (c) Annual Report of the year 2004-2005,
- (v) Illegal constitution of the Second Selection Committee by the EC on January 25, 2005 on the request of Shri Jayakumar mentioned in the Agenda Item without reference to all the aforesaid developments but with the malafide intention of wishfully awarding the prestigious NMML fellowships to his favourite candidates not included in the original list of applicants for the fellowships prepared 19 months before as per the deadline of the receipt of application i.e. October 20, 2003,
- (vi) Unlawful role of the illegally constituted Sub-Committee held on April 1 and the full Meeting of the Second Selection Committee held on May 12, 2005 in the illegal selection of Prof. Niraja Gopal Jayal and Dr. Dilip Simeon as Senior Fellows after consideration of their applications received by him and his Deputy Director, Dr. N. Balakrishnan, in May 2005 in total contravention of the Resolution adopted by the full Selection Committee in its Meeting held on March 4, 2005 (regarding consideration of applications according to original list only and as received by the deadline, i.e. October 20, 2003),
- (vii) Prof. VP Dutt Fact Finding Inquiry, its Non-implementation and Inaction of the Culture Ministry as well as the PMO,
- (viii) Shri Kuldeep Singh Inquiry, its Non-implementation and Inaction of the Culture Ministry as well as the PMO,
- (ix) Violations of all the findings of the Inquiry conducted by Prof. Dutt and Shri Kuldeep Singh,

In view of the above submissions, the Petitioner claimed that the sanctity of the NMML has been affected and that the recommendations of

the Committee have been deliberately diluted and carefully ignored by the Authorities of NMML.

9. In reply to the issues raised by the Petitioner, the Ministry of Culture vide OM dated 29 November 2011 reiterated its position and submitted:-

"...the NMML postponed the interviews scheduled for the 10 July 2004 in response to not to an unsigned representation but to a representation which was duly signed by a former fellow of the NMML on behalf of a number of leading scholars of the country.

The NMML in defence of the accusation of considering the late applications informed the Hon'ble Committee on Petitions that the Fellowship Selection Committee considered the late applications on the basis of the guide lines for the selection of fellows in the NMML which provided that all applications received for fellowships should be considered by the selection committee. The NMML also informed the Hon'ble Petition Committee that though Fellowship Scheme underwent changes over the period of time in terms of broad themes, tenure etc. the basic spirit outlined above continued to remain the same.

.. the Fellowship Selection Committee for the period of 2008-2009 was a legally constituted committee and was competent to take decisions in the matter of selection of Fellowship in the NMML and these decisions once approved by the Executive Committee of the NMML were final. The Fellowship Selection Committee after considering the applications for the three levels of fellowship in the NMML purely went by the merits of these candidates before making its recommendations. In other words, the Fellowship Selection Committee arrived at its decision on the basis of the academic achievements of the candidates and not on the basis of University affiliation of a candidate or which region he or she belongs to. It is also to be noted here that as per the advertisement issued by the NMML for Fellowship position a candidate was expected to send recommendations of two scholars in support of the candidature. The members of the Selection Committee are also eminent scholars who have nurtured a number of young and bright scholars and their action of giving recommendations to some of them cannot be faulted."

10. On the issue of implementation of the recommendations of the Committee on Petition the Ministry further informed as follows :-

".....It is stated that towards making the process of selection of fellows utmost transparent the NMML added the following in the advertisement issued for fellowships in 2008: "Applications for the current round of fellowship should reach the NMML on or before 1 September, 2008. The NMML, however, reserves the right to accept applications that may come in even after the last date. In general, applications can be sent at any time of the year and they shall be retained on file for consideration periodically. The NMML reserves the right to invite any scholar who may not have applied, to accept fellowships at any level to pursue research on any project in the areas broadly defined."

The NMML with its commitment to implement the recommendations of the Hon'ble Petition Committee with reference to postponement of the interviews in July 2004 and eventual cancellation of the interviews instituted a department inquiry to fix responsibility and this inquiry proceeding will be concluded very soon."

11. The Ministry of Culture while forwarding the latest status of the Action taken on the recommendations of the Committee on Petitions vide OM dated 10 March 2014 submitted:-

"...the NMML has already taken remedial measures so that the process of selection of fellows is transparent beyond doubt. Since the publication of the Report of the Hon'ble Committee on Petitions the NMML issued three advertisement inviting applications for fellowships. For instance, the latest advertisement for NMML fellowship issued on 24 September 2011, clearly stated that "Applications for the current round of fellowship should reach the NMML on or before October 30, 2011. The NMML however reserves the right to accept applications that may come in even after the last date. In general, applications can be sent at any time of the year and they shall be retained on file for consideration periodically. The NMML reserves the right to invite any scholar who may not have applied to, to accept fellowships at any level to pursue research on any project in the three area broadly defined. Those who applied in response to the latest advertisement for fellowship in October 2010 need not apply again as their applications will also be considered."



12. In regard to another recommendation of the Committee on initiating inquiry on the postponement and eventual cancellation of selection process under previous dispensation for grant of fellowship and action initiated against the responsible officers, the Ministry submitted as follows:-

".....the NMML suspended its Deputy Director Dr. N. Balakrishnan without a show cause notice on 30 April 2009. A departmental Inquiry under rule 14 of the CCS Rules was initiated against the Deputy Director for major penalty proceedings. Shri Kuldeep Singh, retired Vice Chairman of Central Administrative Tribunal was appointed as the Inquiry officer on 6 July 2009. The NMML issued a Charge Sheet to the Deputy Director under Rule 14 of the CCS Rules for major penalty on 22 June 2009. The Charge Sheet did not restrict itself to the recommendation of the Hon'ble Committee on Petitions to inquire into the events which led to postponement and eventual cancellation of the selection process. The Charge Sheet included five other charges which were extraneous to the recommendations of the Hon'ble Committee on Petitions such as : he brought undue favour to two candidates for Senior Fellowship namely Prof. Nirja Gopal Jayal and Dr. Dilip Simeon by considering their late applications; mislead the Executive Council of NMML in appointing a new Fellowship Selection Committee; misled the Executive Council in order to favour himself for appointing as Deputy Director; willful disobeyed the orders of the Director to return files and documents from his office room.

The first charge levelled against the Charged Officer Dr. N. Balakrishnan, Deputy Director, NMML was that he unauthorized got the interviews of shortlisted candidates for award of fellowships postponed. This is the only charge which arose out of the recommendations of the Honorable Committee on Petitions. In respect of this charge the Inquiry Officer stated in his Report that:

*"I have no hesitation to hold the Charge Officer (Deputy Director) is not responsible for the postponing the interviews"*

Hence, the other charges levelled against Dr. Balakrishnan are not relevant to the recommendations of the Committee on Petitions. The Inquiry Officer stated that the Deputy Director was responsible for the consideration of two late applications for Senior Fellowship and he disobeyed the orders of the Director by not returning files. The Inquiry Officer also stated in his Report that the Charged Officer had no direct link with the Executive Council of the NMML and hence could

not have misled the council to form a new Fellowship Selection Committee. He further stated that the Deputy Director was not holding such a position that he could manoeuvre the members of the EC which contained senior persons to make amendments in the Recruitment Rules to get himself promoted and it was a conscious decision of the EC to amend the rules.

13. The Ministry further submitted that the Disciplinary Authority passed his final order on 16 September 2011 on the proceedings against the Deputy Director, NMML. It was stated in the order:-

"on careful consideration of the Report of the Inquiry Officer and other records of the case and in the light of the submissions made by Shri N. Balakrishnan in his observations on the Report of the Inquiry, the undersigned holds that these charges stand disapproved and decided not to accept the findings of the Inquiry Officer in respect of the second, fourth and sixth charges"

It was further stated in the order:-

"it is true that the Selection Committee has considered the late applications knowingly and in fact in all seven late applications for Senior Fellowship, including those of Prof. Niraja Jayal and Dr. Dilip Simeon were considered. The two members of the Screening Committee constituted by the Selection Committee have admitted that all the fellowship applications which they considered for screening/selection bore dates. They have also stated that the Charged Officer did not bring undue favour to the candidature of Prof. Nirajaya Gopal Jayal and Dr. Dilip Simeon. Keeping in view all the relevant factors and circumstances explained above, there are no sufficient reasons to charge the Charged Officer of any manipulation of selection process or undue favour to two candidates"

### Observations/Recommendations

**14. A representation was submitted to the Committee by Prof S.P Singh wherein he stated that through an advertisement in national dailies in September 2003, the Nehru Memorial Museum & Library (NMML) had invited applications for Fellowships in the Organization. Subsequently on June 2004, the Selection Committee shortlisted candidates for interview - in connection with grant of fellowships and fixed the date of interview for 10 July 2004. But on 7 July 2004, the NMML sent letters through an ordinary mail to the candidates regarding postponement of the interview without according any reasons. Meanwhile, a New Executive Council of the NMML was constituted on 4 November 2004. The New Executive Council disbanded the Selection Committee constituted earlier and constituted a new Selection Committee. The New Selection Committee prepared a fresh list of shortlisted candidates setting aside the candidates selected by the previous Selection Committee without assigning any reason or show cause notice to the applicants. The Petitioner further submitted before the Committee that the name of Prof. Niraja Gopal Jayal of JNU was also short listed for award of Senior Fellowship although she had not even applied for the same. The New Selection Committee held interviews of the short listed candidates on 12 May 2005 and made final selection of 3 categories of Fellowships and the same was approved by the Executive Council on 15 July 2005. Prof. Jayal was recommended by the New Selection Committee for award of Senior Fellowships although her application was received in the NMML on 9 May 2005 i.e. after the expiry of the last date for receipt of applications.**

**The Petitioner, therefore, contended that the whole affair reeked of illegality and favoritism and sought the intervention of the Committee in view of the legal and procedural infirmities committed in the selection of candidates for award of Fellowships by the NMML. The Petitioner had also prayed that the process of selection for grant of Fellowships be completed after revival of previous selection committee. The Petitioner demanded that action be taken against the officers of NMML for suppression of facts, manipulations and misguidance of the Executive Council.**

**15. The Committee, therefore, observed that the Selection Committee did not follow their own established procedure to make selection of candidates for fellowships through personal interviews and selected one Dr. Brinda Bose for grant of fellowship in her absentia, without any personal interview. These events prove that the whole selection procedure for grant of fellowships in NMML was not as transparent as claimed by the NMML and the Selection Committee evidently acted in an arbitrary manner.**

**16. Considering the above aspects, the Committee had specifically recommended that the Ministry/NMML should take immediate remedial measures to streamline the system of selection of candidates for the grant of fellowships in order to obviate recurrence of such incidents as highlighted by the Petitioner. The Committee also recommended that any Guidelines formulated in this regard should be transparent and objective devoid of any ambiguity thereby leaving no space for any irregularity or complaints from any quarter. The Committee ,however, further recommended that events which led to postponement and eventual cancellation of the selection process under previous dispensation**

**for grant of fellowships in NMML should also be inquired into and action initiated against the officers responsible for such acts.**

**17. The Committee note from the Action Taken Replies furnished by the Ministry of Culture that with regard to the first recommendation, the NMML has already taken remedial measures so that the process of selection of Fellows is transparent beyond doubt - which is evident from the submission of the Ministry that the NMML have since issued three advertisements inviting applications for Fellowships and abiding by the Committees recommendation the last advertisement for NMML Fellowship issued on 24 September 2011, clearly stated that "Applications for the current round of fellowship should reach the NMML on or before October 30, 2011". However, the NMML reserved the right to accept applications that may come in even after the last date. The NMML reasoned that, in general, applications can be sent at any time of the year and they shall be retained on file for consideration periodically. The NMML, therefore, reserves the right to invite any scholar who may not have applied to, to accept fellowships at any level to pursue research on any project in the three areas broadly defined. Therefore, those who applied in response to the last advertisement for fellowship in October 2010 need not apply again as their applications would also be considered.**

**18. The Ministry further submitted that in regard to the recommendation of the Committee for initiating action against the errant officials, the Disciplinary Authority (DA) passed his final order on 16 September 2011 on the proceedings against the Deputy Director, NMML wherein it was stated that on careful consideration of the Report of the Inquiry Officer and other records of the case**

and in the light of the submissions made by Shri N. Balakrishnan on the Report of the Inquiry, the charges stand disapproved and decided not to accept the findings of the Inquiry Officer. The Disciplinary Authority further stated in the order that although it is true, that the Selection Committee had considered the late applications knowingly and in fact all seven late applications for Senior Fellowships, including those of Prof. Niraja Gopal Jayal and Dr. Dilip Simeon were considered, all the fellowship applications which they considered for screening/selection bore dates and the Charged Officer did not bring undue favor to the candidature of Prof. Niraja Gopal Jayal and Dr. Dilip Simeon. Thus, in this perspective, there are no sufficient reasons to charge the Charged Officer of any manipulation of selection process or undue favor to two candidates.

19. The Ministry also submitted before the Committee that Disciplinary Authority Dr. Karan Singh's observation in the course of the order that as rightly pointed out in the Report of the Petitions Committee - there could have been more transparency in the selection process of the fellowships conducted during the years 2003-2005. After the interviews were postponed, the candidates shortlisted by the earlier Selection Committee also should have been called for interview or the fellowships should have been re advertised. As this was not done the consideration of late applications by the Selection Committee was adversely viewed by the Petitions Committee. It was also observed by the Disciplinary Authority, that Shri N. Balakrishnan being one of the senior most officers in the NMML, should have ensured that these lapses did not occur and it is expected of him to be more careful in the future.

**Thus there is no evidence of any mala-fide or favoritism against or any candidate in this or any case.**

**20. While taking into consideration the above submission of the Ministry, the Committee are constrained to note that in response to the recommendations made by the Committee regarding formulation of more transparent guidelines/rules for selection of fellowships and leaving no scope for any irregularities, the Ministry in its ATR have submitted that in its advertisement issued for fellowship selection in 2008, it was mentioned:-**

**"..... the NMML accept applications that may come in even after last date ..... the NMML reserves the right to invite any scholar who may not have applied to accept fellowship and at any level to pursue research on any project in the areas broadly defined....."**

**Hence, it is clear that the NMML in its advertisement has again left the scope of manipulation by accepting applications even after the expiry of stipulated last date. Thus, the Committee feel that the issue has not been dealt with in its true meaning and spirit as yet and as such the recommendation of the Committee in the matter has not been given the due weightage and consideration that it deserved. While reiterating their earlier recommendation that NMML may formulate more transparent guidelines for the selection of fellowships, the Committee desire that an automated fellowship application system should be created for the purpose of streamlining the selection process for the fellowships and to dispel any doubts in the mind of the prospective applicants regarding the fairness of the selection process for the purpose.**

**21. While noting the fact that a Departmental Inquiry was initiated to hold to account the Officers responsible for the**

postponement and eventual cancellation of the interview, the Committee are inclined to conclude that the end result have not yielded the desired outcome. The Committee note that while the Disciplinary Authority absolved the charged officer of the charges, it was not clearly established in the Departmental Inquiry as to by which Authority exactly the interviews were postponed and cancelled and after establishing the facts in the case, the authority responsible therefor be held accountable and dealt with under the relevant CCS Rules. The Committee, therefore, feel that the NMML should have taken more forthcoming steps to uphold the sanctity of the Institution.

22. Accordingly, the Committee, strongly reiterate its earlier recommendation that NMML may take the necessary steps to prevent any future recurrence of similar incidents.

The Committee would like to be apprised of the concrete action taken by the Ministry in the matter within a period of one month of presentation of the Report to the House.

**NEW DELHI;**  
**02 June,2015**  
**12 Jyaistha,1937 (Saka)**

**BHAGAT SINGH KOSHYARI**  
**Chairperson,**  
**Committee on Petitions**