

Prof. K. L Chopra
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December 14, 2006

Dear Prof. Chopra,

Let me thank you for allowing me to respond to Dr. Gopal Kundu's response to the enquiry floated by SSV. I have carefully read the questions raised by SSV and replies from Dr. Gopal Kundu. I have also obtained and confirmed the original information from a variety of sources directly involved in this case and I have the sincerest obligation to submit my comments on Dr. Gopal Kundu's replies. It is clear that there are an extraordinary efforts to cover up and stonewall the entire issue from different quarters including the Director, NCCS by withholding the report of the enquiry by the First committee as well as the Chairman, second Enquiry committee by conducting an unprofessional enquiry without forensic examination and wasting the public funds spent for the travel, DA and honorarium of the members of the said committee.

Whatever, I have given a detailed rebuttal of the points raised by Dr. Gopal Kundu and I hope that SSV will forge ahead in seeking the truth in this matter by going to the depth of the problem. Let us not forget the recent fraud in Stem Cell Research in Korea, Mark Spector's Kinase cascade in USA, Summerlin's painted mice at Sloan Kettering inst., USA, misrepresentation of nuclear transplantation data by Prof. Karl Ilmensee in Geneva Switzerland, false claim of the presence of huge positivity to hepatitis virus in sera of Indians by Kalyan Banerjee, NIV, Pune and innumerable instances of false claims to fame by scientists world-wide including our own colleagues. I trust that SSV will further look into this matter and in the era of widespread corruption help summon the needs for honesty in Science among young minds. At the end of this letter, I have made a series of clear suggestions on the need to examine the materials further to get at the depth of the problem.

Response to Dr. Gopal Kundu's reply to the queries raised by SSV

Q. 1: Does the Director, NCCS and the two enquiry committees that examined the case agree that there exists a clear basis for a prima-facie case, even if they do not agree on the evidence for it?

Kundu reply:

(a) No, as far as I am aware.

(b) The allegation was made by a pseudonymous e-mail dated 16th May, 2006. The Director constituted an internal committee to enquire into the allegation. The said committee did not provide any finding to my knowledge. As I mentioned to you earlier, no opportunity or time was given to me to properly respond to the allegations. I requested for more time to contact my student, Ms. Hema Rangaswami who was pursuing her post-doctoral work in UCSD, USA and to collect all the original, supportive and computer-analyzed data. I was pressurized and under duress, I was forced to make some submission to the committee. Soon there after, I promptly represented to the Director bring out the fact that my submission was made under duress and the same be held in abeyance. In the mean time, a member of the committee (Dr. Sanjeev Galande) also came under the allegation of the scientific misconduct.

(c) The Director, NCCS, thereafter decided to refer the entire issue to an external National level Fact Finding Committee of the eminent Scientists in the country headed by Prof. G. Padmanaban, Former Director, Indian Institute of Science, Bangalore and currently Distinguished Scientist, Department of Biotechnology, Government of India. The committee examined the data, documentary evidence and interrogated the person against whom the allegations were made including Ms. Hema Rangaswami who came all the way from USA to depose before the committee. The committee came to unanimous conclusion that there was no basis for the allegations against the concerned persons that is myself, Ms. Hema Rangaswami and Dr. Sanjeev Galande. A copy of office memorandum issued by the Controller of Administration, NCCS dated 17th August, 2006 conveying the findings of the committee is enclosed for your reference.

Reality

a) The first committee did find substance in the allegation that the figures in question were indeed similar. And Dr. Kundu in his deposition conceded the possibility as he could not show the raw data because he did not keep the records.

As a matter of fact the proceedings of the first committee were tape-recorded and are in possession of the Chairperson of that committee.

b) Contary to Kundu's assertion, The first committee actually submitted a written report, signed by all members, to the Director NCCS. Actually time was given for reply but the "time" is a subjective measure and can be made to be infinite and using that outlet Dr. Kundu, sought advise of lawyers and and not only denied the allegations which he had accepted in the first committee but went ahead to use a subterfuge of implicating another scientist in wrongdoing which was bound to generate the need for a second committee.

During the proceedings of the first committee, and contrary to Kundu's assertion, above, he was neither forced, nor was put under duress, to make some submission. Instead, he was requested to give his response to the committee's report in writing. To this Kundu's written submission admitted that there might have been duplication of data in the published papers in question. This submission was indeed read by all members of the first committee. It is only subsequently that Kundu changed his stance and retract his earlier written deposition. The earlier written submission of Dr Kundu must be available with the chairperson of that committee as well as the Director NCCS and possibly the controller of Administration and could be requisitioned unless it has since then been destroyed. Even in that case, the members of the first committee could be asked to confirm or deny whether Dr. Kundu did or did not accept the wrongdoings.

c) Kundu has not submitted the copy of the report of the first committee through the controller of administration. Furthermore, the second committee deliberated the entire matter for over 2-3 hours without access to the report of the first committee. The second committee also did not undertake any forensic examination of the purported data books produced by Hema Rangaswami. It is not clear whether these records are still available and in possession of the NCCS authorities or Dr. Kundu, in which case these can be subjected to forensic investigation as it is very likely that these records were fudged or concocted *post facto*. The matter is all the more suspicious as Dr. Kundu had admitted of not having kept his own records.

Q. 2. Whether one committee recommended retraction of the papers from the Journal of Biological Chemistry?

Kundu's reply:

No recommendation was made to retract the papers by the first or second committee, but a forced retraction was imposed on 23rd may, 2006 without going through all original and supportive data and conducting a thorough investigation. This retraction was withdrawn.

Reality:

The first committee indeed recommended retraction of papers because Kundu did agree to misrepresentation / repetitive used of same data for t different purposes. The first committee could not go through the original data because it is Kundu who said that he does not have the originals and that he does not keep the originals of any of his earlier work. Therefore, Kundu's claim that the committee did not conduct a thorough investigation is actually a situation for which he himself is responsible as he has vouched for his own disregard for conserving original data. Furthermore, the Director, NCCS, wrote to the Registrar, University of Pune requesting to withhold the review of Ms Rangaswamy's Ph.D. thesis. This correspondence must be available with the Office of the Director, NCCS as well as the Registrar, Ph.D. section, University of Pune.

Q. 3. What necessitated the second enquiry committee, on what terms of reference, and what were their findings ?

Kundu's reply:

The second committee became necessary because: (i) As I understand the first committee did not reach any conclusion; (ii) I have represented to the Director that my submission to the first committee was secured under duress, which may not be taken into consideration and be held in abeyance; and that the basis of the pseudonymous complaint and data were not verified by this committee. (iii) That a member of the committee itself came under the suspicion of scientific misconduct.

Reality:

Contrary to Kundu's assertion under (i) the first committee's conclusions were very serious confirming allegations of scientific misconduct and demanded retraction of the papers. This is the real principal reason why the Director appointed the second committee.

(ii) It is true that after consulting his lawyers Kundu accused the committee of securing his submission under duress. This is surprising since a person in his position first accepts misconduct and then denies it to save his own skin by accusing all members of committee. A standard practice in such cases ! In fact it is true that the Director, NCCS, did ask the University of Pune to withhold the review of Ph.D. thesis of Ms. Rangaswamy. (ii) It is also being said that it is Dr. Kundu who with a Collective in NCCS engineered an anonymous accusation of misconduct against a member of the first committee. This member has openly challenged any one to examine the original raw data books and original A secondary reason might have been a clever subterfuge in form of another letter of wrongdoing against another scientist at NCCF, a matter that was raised conveniently after the report of the first committee.

(iii) It is most surprising that the Director, NCCS did not hand over a copy of the first committee's report to the second committee and indeed scheduled the hearing of the second committee such that they either could not undertake a forensic examination of the 'so-called original raw data' or that they were refused the opportunity to do so. It is a fact that at least three of the members of the second committee, including Dr. Shekhar Mande, CDFD, Dr. Dinkar Salunkhe, NII, voiced serious objections to Kundu's assertion of innocence, but were overridden by the Chairman of the second enquiry committee. Why? Was it to save the name of Shantiswaroop Bhatnagar Award?

Q. 4. What more did the second committee do, that was not done by the first committee, for e.g., did it conduct forensic examination of the record books, published pictures, etc. ?

Kundu's reply:

The first committee did not examine any reports and made any recommendation. The second committee had verbal examinations of all the authors of the papers and the detailed examination of the raw and original data used in the papers. Hema Rangaswami who was the first author of both these papers came all the way from USA to appear before the committee and presented all the raw, original, and supportive and computer analyzed data that was not seen by the first committee.

Reality:

Contrary to Kundu's assertion, the first committee specifically recommended that both JBC papers in question should be retracted and that the Director, NCCS take suitable

action to reprimand Dr. Kundu. It is, however true that although the first committee demanded to examine the experimental records, none were made available for examination to the first committee because it is Dr. Kundu who claimed that he didn't have any. These were demanded by the second committee. The second committee looked at data books produced for the first time by Hema Rangaswami without subjecting these to any forensic examination. Indeed the digital analyses were also presented by Rangaswami herself and not an outside expert. It should be noted that Rangaswami's husband is a software expert who, she has agreed, helped her in the digital analysis. A careful examination of the figures as well as the image irregularities in the published papers actually do show repetitious representation of the same data. That Ms. Rangaswami presented two different negatives for different experiments is not sufficient proof that these data are based on two independent experiments as a negative can be duplicated.

Q. 5. Did the second committee acknowledge that there were some strikingly similar (if not identical) photographs in both the papers? On what basis did the Director, NCCS (or any other authority concerned) find the findings of the second enquiry more acceptable than the first ?

Kundu's reply:

The second committee looking at the original data and figures used in both these papers came to the conclusions that although some of the blots with different treatment appear superficially similar, they are indeed different. The recommendations of the second committee were based on proper investigation and therefore were accepted.

Reality:

Whatever the second committee acknowledged, is not available in form of a detailed record and Kundu is only presenting the version that is convenient to him. Factually, the second committee did not carry out any forensic examination to investigate whether the purported "striking similarity" was forensically acceptable or not.

The Director, NCCS has given no reason to accept the report of the second committee overriding that of the first committee. Actually, the director, NCCS presumably did not make the report of the first committee available to the second committee treating the entire matter *de novo*. This matter is of serious concern and raises the possibility that the Director himself is involved in trying to absolve Kundu.

Furthermore, it is true that at least three members of the second committee raised serious reservation about Kundu's innocence but their opinions were suppressed by the other majority membership of the committee including the Chairman.

Q. 6. Whether the editor (s) of the Journal of Biological Chemistry was contacted for comments regarding the papers in question and what was the response ?

Kundu's reply:

Somebody sent the same email to JBC and they have contacted me for response. I have submitted all the raw, original and supportive and computer analyzed data to JBC. The office of JBC did not retract the papers till date.

Reality:

No official representation was made to the Editor, JBC about retracting the paper/s, hence the question of the editor retracting these does not arise. Presumably the representation made to JBC was in form of an anonymous letter. The most important contradiction in Kundu's reply is that "he sent all the raw, original and supportive and computer analyzed data to JBC" which is surprising since Kundu did not keep any original data with himself so how could he send it to JBC and yet present the same to the committee? Furthermore, who was contacted by JBC, Kundu or Ms Rangaswamy? As the latter presumably held the original data, which data and when did Kundu submit to JBC?

Q. 7. Whether these and any other such publications submitted were considered for the Bhatnagar award conferred upon Dr. Kundu?

Kundu's reply:

Both papers were published after the submission of the Bhatnagar nomination.

Reality:

Kundu does not reveal whether or not both papers were included in the biodata submitted to the Bhatnagar committee indicating whether these papers were just **submitted for publication, accepted for publication or under revision**. These records should be available with the Bhatnagar Awards committee

My Suggestions:

Sir, I hereby submit that the above clarification offered by is verifiable in every detail and SSV **requisition** a series of documents and materials under RTI and other relevant rules, regulations and laws.

1. The report submitted by the Chairperson of the First committee appointed by the Director, NCCS, investigating this case.
2. All relevant data books including original raw data as well as the presumed digital analyses with the name of the analyst.
3. The tape recording of the proceedings of the first Committee investigating potential scientific misconduct by Dr. Kundu.
4. The names of the members of the Shantiswaroop Bhatnagar Committee that nominated Dr. Gopal Kundu, NCCS, for the Bhatnagar Award.
5. The actual application form including the entire biodata as submitted to the Bhatnagar Awards committee by Dr. Gopal Kundu or on behalf of Dr. Gopal Kundu.
6. The date of the submission of biodata for the Bhatnagar award, submission of two JBC papers, dates of receipt of the said JBC papers, dates of revision of the

- said JBC papers and the dates of acceptance for publication of these same JBC papers by the JBC editorial office or as inscribed on the publication itself.
7. Interview of the Chairperson of the first committee along with two other members of the same committee.
 8. Reports of the proceedings of the second committee investigating Dr. Kundu's scientific misconduct.
 9. Copy of the dated letter from the Director, NCCS, addressed to the Registrar, University of Pune asking to withhold the review of the Ph.D. thesis submitted by Ms Hema Rangaswamy.
 10. Reply, if any, from the Registrar of the University of Pune to The letter referred to under the above said item 9.
 11. Copy of the letter received by the Director, NCCS, accusing Dr. Sanjeev Galande of scientific misconduct.
 12. Requisitioning all original raw data/ data books and publications originating from these data by Dr. Sanjeev Galande.

Dear Prof. Chopra, I am convinced that the entire Kundu case smacks of not only gross scientific misconduct on the part of Dr. Gopal Kundu, but also amount to a huge concerted effort to stonewall and suppress the facts of the case by the Director NCCS and the Chairman, Second Enquiry Committee. I think that the matters have gone too far to hide the lies any more and I hope that SSV will undertake further enquiry in the matter because it is matters such as these that are bringing disrepute to Indian Science and hiding these will encourage other young scientists to tread the path of dishonesty . If there are any matters concerned with this case that require further clarifications or explanations from me, I will be happy to cooperate with the committee.

With best regards.

Yours sincerely,

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