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Enquiry Officer's Report into the Conduct
of Mr. J. A. Lal, Chairman, Municipal
School Board, Nasik.



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**Enquiry Officer's Report into the conduct of Mr. J. A. Lal, Chairman,
Municipal School Board, Nasik.**

**Accompaniment to Government Resolution, Educational Department,
No. 7016, dated the 22nd September 1939.**

Letter No. 15 dated the 13th July 1939 from R. M. Bhise, Esqr., B.A., LL.B., Enquiry Officer and District Judge, Nasik.

With reference to Government Resolution, Educational Department, No. S. 49 (2), dated the 5th April 1939, I have the honour to submit the following report.

2. Pursuant to paragraph 4 of the Government Resolution the District Magistrate, Nasik, published a notice in the local newspaper *Lokasatta* dated 12th April 1939 informing the public of my appointment as Enquiry Officer and calling upon all those who had information in the matter to communicate with me and assist the inquiry. I append to this report a list* of the persons who in response to the notice sent statements containing allegations against Mr. Lal. For the sake of brevity I shall hereafter call these persons "Complainants" to distinguish them from persons who did not come forward *suo motu*, but were cited as witnesses, or were examined as such, because their examination was considered necessary for the purpose of inquiry.

3. On receipt of relevant papers from Government as also a sufficient number of statements from the members of the public, I issued the notice dated 20th April 1939 (marked as Exhibit 1 among the accompanying papers) calling upon Mr. Lal under section 3-E of the Primary Education Act to show cause why he should not be removed. It was made returnable on 24th April 1939. It inadvertently mentioned that the removal was from the Chairmanship of the School Board. This was noticed before the inquiry began and was corrected into removal from membership.

4. The inquiry was commenced on 24th April 1939 in the Sessions Hall of the District Court here. It was open to the public except for the deposition of Mrs. Dwarkabai Adkar who was by common consent examined in *camera*. It was evident from the crowd that used to gather to witness the inquiry that the public of Nasik took keen interest in it. Five lawyers from Nasik headed by Mr. Panse appeared for Mrs. Dwarkabai and her brother Digambar who may be described as the principal complainants while Mr. M. M. Karbhari of the Thana bar and Rao Bahadur Pradhan and Mr. Udpikar of the local bar defended Mr. Lal. The inquiry was continued from day to day except for three breaks. The first was necessitated by having to resummon a few of the complainants who did not turn up for examination, the second, by the Sessions cases and Criminal Appeals which had been already fixed and which could not be kept waiting. The inquiry practically ended on 22nd May 1939, but none of the parties chose to examine the co-teachers of Mrs. Dwarkabai. I found that the inquiry could not be complete without their depositions but as the Schools were closed for the vacation, and it was necessary to examine them all at one sitting if possible I had to wait till the Schools re-opened. This was the reason for the third break. I eventually examined them on 8th June 1939.

5. I shall next refer to the procedure followed with common consent in conducting the inquiry. All the persons who forwarded their statements to me in response to the notice of the District Magistrate (and whom I have styled as complainants for facility of reference) were summoned to give their evidence. Such of them as could be served were examined-in-chief in order to ascertain their allegations fully. Only one of the complainants (No. 13 in Appendix A) was not found. In addition to the complainants Mr. G. H. Deshpande, M.L.A., for this District was examined at Exhibit 16 in connexion with one letter (Exhibit 5-B) which he had received from an anonymous source with an unsigned chit (Exhibit 16-A) enclosed in the envelope (Exhibit 16-C) Adkars alone next desired to examine witnesses. The names of the four examined for them are given in Appendix B. They were first examined-in-chief. Mr. Lal who was thus fully apprised of the allegations and the evidence against him was next called upon to make his statement. He did so in part by means of Exhibit 22 reserving his explanation in respect of certain letters produced by the other side till the cross-examination of Adkars was over. His advocates next exercised their right of cross-examination of the complainants and the witnesses already mentioned. He next filed Exhibit 26, giving his explanation of the letters. He did not, however, examine any witness on his behalf or choose to step into the witness box, to substantiate by means of his oath all that he had stated in Exhibits 22 and 26 and permit the other side to test the correctness thereof by means of cross-examination, though it was made clear to him from the beginning that he would do well to submit to cross-examination. He, however, refused to do so. Though it may be conceded that the inquiry being of a quasi-criminal nature he was entitled to an option in the matter, his refusal cannot but be regretted and has its own significance. After Exhibit 26 was filed both sides addressed their arguments at length—occupying more than a day each. As already stated I have then examined the co-teachers of Mrs. Dwarkabai on 8th June 1939 in order that there should be nothing incomplete in the inquiry. The record of it which accompanies will bear testimony that every possible opportunity was afforded to either side to place their cases in as full a manner as they desired.

6. It is necessary to mention here that one of the complainants (No. 8 in Appendix A), did not turn up for cross-examination though he had promised to do so.

* Appendix A (not printed).

He was not at Nasik and his present address not known. Neither did his examination-in-chief nor his statement (Exhibit 11-A) disclose anything material for the determination of the facts at issue in this inquiry. No special effort was, therefore, made to secure his attendance and by common consent his evidence and his statement were excluded from consideration for want of cross-examination.

7. The allegations against Mr. Lal may be summarised thus. He is an unmarried young man aged about 30. He wanted to attract to himself a group of young women teachers for illicit purposes and with this object in view, he committed the following acts or was responsible for them :—

(i) He had 4 woman teachers with sufficiently long acting service to their credit, discharged.

(ii) Under the pretext of introducing co-education of boys and girls and placing it in the hands of women teachers, he got young women appointed as teachers either as additional teachers or in the vacancies occurring among the male teachers.

(iii) He next reduced a full primary school (No. 3) of boys which was meeting thitherto in a building (known as *Jalkawada*) near the office of the School Board and his office (Chairman's) and transferred it to a wretched building (called Garge's wada), where there was room only for four classes to meet and had the other classes of it-to meet in another place.

(iv) He transferred the lowest classes in the above school to that portion of Girl School No. 1 which was till then located in Garge's wada.

(v) He next got that portion of the school brought to *Jalkawada*, so as to be near his office and put it in charge of young women teachers of his choice headed by one Miss Gangubai Sonavni who had thick relations with him.

(vi) He next set about putting *Jalkawada* building in order (a) by renewing its floor; (b) by constructing new steps; (c) by opening new windows; (d) by giving colour wash more than once to its walls; (e) by repairing its old urinals and adding new ones with a full time water connexion therefor; (f) by erecting a high compound wall for the open space by the side of it in order to screen it; (g) by rearing a good garden for it with the aid of the gardener in charge of the Jackson gardens at Nasik and putting a wire-net round it and (h) by taking electric installation for it.

(vii) He also supplied new small carpets for the pupils in that school, ordered out new furniture for it and transferred some to it after nominally purchasing for other schools.

(viii) After the girls' school (portion) was brought there on 8th August 1933, he began to visit it almost everyday (though he had no business to go there) and spent time in conversation with some of the women teachers at the cost of education of the classes in their charge. On some occasions when he was there, he used to set his pattewalla (named Hayat) to watch at the door and prevent outsiders from entering.

(ix) He used to call the women teachers of this portion of the girls' school to his office at odd hours and spend time with them there.

(x) These women teachers were also being called to the School Board Office on the pretext of payment of their salaries.

(xi) He used to go out for walk with some of them or take them in his motor and on some such occasions, he and the particular woman teacher, were found in an improper situation.

(xii) Some women teachers used also to go to his shop.

(xiii) He used to be present without any reason at demonstration lessons given by women teachers though he was not competent to appreciate the lessons or take part in them. He never attended those given by male teachers.

(xiv) He was in particular trying to win the attentions of Mrs. Dwarkabai— (a fair complexioned young woman teacher), tried to meet her as often as possible, took liberty with her and wrote letters to her.

(xv) He was also watching her private movements.

(xvi) Mrs. Tungabhadrabai Joshi, a newly appointed woman teacher resigned service fearing that she would be treated similarly to Dwarkabai.

(xvii) He had become so far thick with some of the women teachers that (a) he had told them on 35th January 1939 about the holiday to be given to the Schools on account of " Independence Day " on 26th January 1939 whereas teachers of other schools came to know of it only after going to their schools on 26th January 1939 and (b) he got Miss Sonavni to garland the Honourable the Premier (when he was here) on behalf of all the teachers, though not authorised by their Association.

8. It appears that Mr. Lal was elected as the Chairman of this School Board for the first time at a meeting held on 21st March 1937. It is undisputed he is at present about 30 years age, and is unmarried and that his education has not proceeded beyond Marathi Standard IV and English Standard IV. It is also undisputed that he had never been in the teaching line and looking to his education, it is impossible to help the feeling that he is scarcely fitted to preside over an educational body like the School Board of an important Municipality like that of Nasik and thus be in a position of influence over the education of about 5,800 boys and girls and the prospects of about 135 teachers besides other employes.

9. Going next to the allegations of fact mentioned in paragraph 7 above and taking them in order, the first relates to the discharge of the four women teachers. Their names are (1) Manubai Parchure, (2) Kashibai Joshi, (3) Dwarkabai Bokil and (4) Mathurabai Kulkarni. They had all passed the Vernacular Final Examination and were thus eligible for appointment as teachers under rule No. 54 of the Primary Education Rules, but they were not trained. I have ascertained from the present Audit Officer, that the four teachers were continuously in the service of this School Board from 28th February 1932, 7th October 1932, 19th July 1933 and 26th June 1933 respectively. He has also produced the file of confidential sheets relating to all the teachers working under the Board together with a statement of remarks about their work in previous years beginning from 1923-24. These show that the work of Manubai Parchure, who had served even earlier than 28th February 1932 had been described in 1930-31 as "fair", in the next year (1931-32) as "very fair" and thereafter up to the last as "good". Kashibai Joshi's work was described in 1933-34 as "very fair" and in all the following years as "good". Dwarkabai Bokil's work is described as "good" in all the years except 1936-37 when it is described as "very fair". I may observe here that this was the year immediately preceding her discharge from service when her attempts to be confirmed had failed and she had received notice of discharge. It is only Mathurabai Kulkarni's work which I find described as "very fair" except in one year when I find it described as "good". I have looked up the percentage of passes in the classes in their charge and also the percentages and the remarks on the work of other teachers and find that all the four—particularly the first—were efficient and their work compared favourably with that of trained teachers, and if regard be had to their work, they deserved to be confirmed without the least hesitation.

10. I find from Exhibit 6-H, that some time about the end of 1936, these four teachers, having put in more than 3 years, applied for being confirmed. In Exhibit 6-H, Mr. Pardeshi, the late Audit Officer, stated that the Educational Inspector, Bombay Division, and the Senior Assistant Deputy Educational Inspector, Nasik, were pressing for trained teachers being put in charge of infant classes and pointing out that if these four women teachers be confirmed there would be no scope for employment of trained teachers recommended that they should not be confirmed unless they got themselves trained. He did not, however, say that their services should be dispensed with immediately. The matter came before the School Board at a meeting held on 28th February 1937 (while Rao Bahadur Shindore was the Chairman) and it was resolved (Resolution No. 139) that "the question (sic. of their confirmation) cannot be considered at present". It seems that thereafter (after Mr. Lal became the Chairman) Mr. Pardeshi took action and served the teachers with notices to terminate their services. They, therefore, applied for the reconsideration of their cases. Their applications came before the meeting of the School Board on 30th April 1937 under the Chairmanship of Mr. Lal who seems to have addressed the Board advocating the rejection of their applications. The purport of his speech is set out in the proceedings. When votes were taken, it was found that the Board was equally divided. Mr. Lal then gave his casting vote against the four unfortunate teachers and the action of the Audit Officer in discharging them was upheld. I append a copy* of the proceedings pertaining to this Resolution. The deposition of Mr. Pardeshi (Exhibit 6, paragraph 15) shows that the notices became effective on 1st May 1937 and the teachers were thrown out of employment.

11. The sole ground on which the action of the School Board and the Audit Officer has been defended is the necessity of increasing the number of trained women teachers with a view (1) to meet the requirements of the Primary Education Rules and (2) to provide trained teachers for infant classes. I was referred to rule No. 58 of the Rules (1924) which lays down "that of the teachers employed by the local authority not less than 50 per cent. or such other proportion as may from time to time be fixed by Government shall be trained teachers". I was also referred to Exhibit 6-G which contains extracts from the reports of the Educational Inspector, Bombay Division, from 1933-34 to 1936-37 and those of the Senior Assistant Deputy Educational Inspector from 1931-32 to 1935-36 about certain Girls Schools. It is pointed out in the former that the percentage of trained teachers was below the required minimum. It is pointed out by the latter that in Girls School No. 1 in the years 1933-34 and 1935-36 and in the Panchvati Girls School in 1935-36, there was an inadequacy of trained teachers.

12. In determining the question whether the ground was real, we shall have to see the figures of trained and untrained teachers in April 1937 at the end of which

* Appendix C (not printed).

month these teachers were discharged. The Audit Officer informs me that there were then 136 teachers in all out of whom 65 were trained and 71 untrained. It seems that out of the 136 Government by Government Resolution, Educational Department, No. S. 86(46), dated 9th September 1932, had permitted the entertainment of six teachers for the Board's Girls Schools on the distinct understanding that the cost involved is met entirely from the Board's funds. If we exclude the six, the proportion accorded with rule No. 58 completely, after about a period of four years; but if any difficulty was felt owing to the presence of these four untrained teachers, the Board would certainly have done well to approach Government to fix a special proportion under rule No. 58 so as to permit their continuance in view of their good work or the Director of Public Instruction to excuse the deficit for some time more. The percentage of trained teachers had been too low since about 4 years previously but was being gradually improved and the deficiency being apparently condoned thitherto. The fact that when these four teachers made representations to the Educational Authorities, the Educational Inspector, Bombay Division, at the instance of the Director of Public Instruction asked the School Board to reconsider their cases and reinstate them goes to show that there was no unwillingness on the part of these officers to relax the rule for some time more; but their request was turned down. At the most their continuance meant a deficit in the percentage of only three; and in the new appointments which had to be made in June, it could have been easily improved to the required minimum. I gather from the Audit Officer that even after excluding the vacancies caused by the discharge of these four as also the casual ones (which he describes as numerous) there were actually 12 new appointments made during 1937-38 (out of which nine were made up to 15th June 1937) and 14 more up to 4th August 1938, i.e. within a space of 15 months. There was ample scope in these appointments to make room for the four with due regard to the prescribed minimum but the wonder is that none of them was thought of for any of the vacancies. As I have already said the advice of the Educational Inspector, Bombay Division, was turned down, the School Board at its meeting dated 21st December 1937 declined to revise its previous resolution and Mr. Lal in addressing the Director of Public Instruction in the matter as per Exhibit 6-I, after giving all sorts of reasons for this took "the opportunity to convey his deep regret not only at the Educational Inspector, Bombay Division, accepting the representation made against matter which is after all of a nature falling within the exclusive sphere of the internal administration of this Board". This is indicative of the spirit in which the Chairman and his partisans on the School Board approached the matter. It is evident that there was no will to treat these women teachers with the sympathy and the consideration they deserved.

13. As regards the remarks of the Senior Assistant Deputy Educational Inspector, Nasik, that there was inadequacy of trained teachers in certain Girls Schools in certain years, evidently the remedy lay with the Audit Officer who could have transferred to them a sufficient number from the other schools.

14. It was said that it was the business of the Audit Officer (Mr. Pardeshi) to make the appointments as also to put an end to them; that he had really done so and that what Mr. Lal and the others of his opinion on the School Board did was to approve of his action. This is no doubt so on paper; but we cannot forget that Mr. Pardeshi who merely recommended in the time of Mr. Lal's predecessor that the four teachers should not be confirmed unless they got themselves trained, proceeded as soon as Mr. Lal became Chairman to issue notices to them to terminate their services. I am led to think that Mr. Pardeshi must have derived his inspiration in the case of these teachers from Mr. Lal and his party who were actuated by motives other than the interests of the School administration.

15. As regards Mr. Pardeshi, I may mention that he has given his evidence in this inquiry and thus afforded me an opportunity of making an estimate of the man, his capacity and his ways. In an anonymous communication (Exhibit 6-J) addressed to Government and styled as "*The last 15 years of the Nasik Municipal School Board*", he has been described as a person who neglected his proper duties in an endeavour to keep pleased the successive Chairmen of the School Board. I think the description fits him in a pre-eminent degree. I am told that he is merely a third year trained teacher, but had the good fortune of becoming the Audit Officer. He owed his appointment to the local authority and had to secure the good will of the School Board for the sake of security and continuance of his appointment. He seems to have played second fiddle in everything concerning the administration. In this connection, I can do no better than quote from paragraph 77 (page 56) of the Report on Public Instruction in the Bombay Presidency for 1935-36, where the following remarks of the Educational Inspector, Bombay Division, about Audit Officers are quoted:—

"Many of the Administrative Officers are glorified Head Clerks carrying out the orders of the Chairman in particular and the School Boards in general. While some have willingly surrendered their powers of appointments and transfers both to the Chairmen as well as to the School Boards, others have acquiesced more or less in the same conditions.

There is undue interference with day to day administration of the Administrative Officers with the result that these Officers are probably not taking as much active interest in their work as they ought to do. Some of them, I fear, are neglecting their duty of visiting or inspecting schools".

I think all this is true in the case of Mr. Pardesi. He no doubt declares in his deposition (exhibit 6, paragraph 6), that he was acting as a responsible officer and not as a puppet as he was bound to say; but there can be little doubt as regards true facts. I think in the case of these unfortunate teachers as in several other matters he was taking his cue from Mr. Lal.

16. I do not, however, think we can treat the action in discharging these teachers as amounting to misconduct on the part of Mr. Lal in the discharge of his duties for the purposes of section 3-E of the Primary Education Act. In this connexion we cannot forget that the teachers were temporary and were legally liable to be removed from service at any time and though we cannot certainly approve of the action on merits, we cannot merely for that reason treat it as misconduct. It was a bad exercise of discretion. It will also have to be remembered that the action had the approval of 5 other members of the School Board out of 10. I think the correct view will be not to treat it as amounting to misconduct.

17. The next point is whether the dismissal of the four teachers was intended to facilitate the engagement of teachers suitable for the alleged purpose of Mr. Lal. I think it will be too much to hold so. I have ascertained from the present Administrative Officer that the four new teachers appointed in the places of these four were (1) Kamal Pardeshi, (2) Mathurabai Natke, (3) Leela Chavan and (4) Radhabai Paddune. None of these are alleged to have been concerned in any intrigue or to have had any improper relations with Mr. Lal. It cannot, in the circumstances, be said that he got the four teachers discharged in order to bring in others who would serve his improper purposes. It must further be mentioned that the idea of locating a girls' school in *Jalkawada* as a part of the plan to further the object as alleged, took shape nearly 15 months afterwards and that even then none of the four new teachers was transferred to that school. Considering everything, I am humbly of opinion that it will not be fair to treat the discontinuance of the four teachers as a link in the chain of arrangements for Mr. Lal's purposes.

18. I shall next take up allegations Nos. 2 to 5 which form one group. I was referred for Mr. Lal to the *Report on Public Instruction in the Bombay Presidency (1935-36)* at page 93 where with regard to the wastage in the primary schools, the observations of the Educational Inspector, Central Division, are quoted, containing the suggestion about co-education with a view to make teachers available for upper primary schools without increasing expenditure. The suggestion which appears to have been made as a measure of economy, seems to have appealed to Mr. Lal as a desirable reform. He foreshadowed it in his report on the administration of this School Board for 1937-38. (*Vide* the Administration Report of the Nasik Municipality for that year, page 126.) Another reform which he desired to introduce was to place the lowest two primary classes (of both boys and girls) under trained mistresses. I find from exhibit 6-G that this was suggested by the Officers of the Educational Department for the infant classes. I was also referred to the *Report on Vocational Education in India of Wood and Abbott (1937)*, where Wood has suggested that infant class of both boys and girls should as far as possible be entrusted to trained women teachers (page 37). Mr. Lal, it seems, wanted to include Standard I also in the scheme and to extend it to higher classes. At his instance the School Board by its resolution No. 57, dated 25th July 1938, accepted the innovations as experimental measures in some schools, authorised the appointment of trained women teachers to take charge of the classes and authorised Mr. Lal to make the requisite arrangements. It appears from exhibit 22-I the reply of Mr. Pardeshi the Administrative Officer bearing date 28th July 1938 that his opinion was sought regarding the scheme, after the School Board had passed the above resolution and consultation about it was too late.

19. I find from exhibit 22-II that the Administrative Officer made on 4th August 1938, certain proposal to give effect to the above resolution and exhibits 22-IV and V show that orders were issued on 5th August 1938 in accordance with them under his signature to take effect from 8th August 1938. It appears that for the purpose of co-education boys from the infant classes of Boys' School No. 1 and girls from the same classes of Girls' School No. 2 (first group) and boys from Boys' School No. 3 (except two classes) and girls from Girls' School No. 1 from infant and the first standard classes (second group) were selected. We are not concerned in this inquiry with the first group but only with the arrangement made for the second.

20. I ought to mention here that Girls' School No. 1 meets in a building known as *Khedgikar's wada*, but the number of girls in that school having increased beyond the capacity of that building, four classes out of it, came to be located in a hired building nearby—known as *Garge's wada*. Boys' School No. 3 was meeting in a building known as *Jalkawada*, which is in the lane behind the building of the Municipality.

I have visited both the buildings. *Garge's wada* is a storied building but is ill-lighted and ill-ventilated, with old dark staircases, with no open space round about and with very scanty water closet arrangements. It has room for only 4 classes. *Jalkawada* on the other hand is a bigger storied building though of the old type with open space in the centre which supplies light and air to the classes meeting there. There is sufficient space in it for 9 or 10 classes to meet simultaneously. It is called *Jalkawada* probably because it had been burnt once in the remote past and though it was rebuilt acquired that name. It has got a large open space on one of its sides, and good water closet arrangements.

21. In the new arrangements as per exhibits 22-II, IV and V, Boys' School No. 3 was shifted from *Jalkawada* to *Garge's wada* and the *Jalkawada* building was given over to Girls' School No. 1 for holding 4 of its classes (which were hitherto meeting in *Garge's wada*, viz., one class each from Standards V, IV, III and II), plus the classes for co-education which numbered 8 but as they were to be taught according to shift system counted really as four. It seems that Boys' School No. 3 was originally teaching upto Standard V, but that Standard V was abolished from it in June 1937. Vide Mr. Pardeshi's deposition (exhibit 6, paragraph 22). Classes from the infant and the first Standards from it were next selected for co-education in August 1938 as already stated and transferred to Girls' School No. 1 to be combined with similar classes there. Even then the space in *Garge's wada* was not sufficient for its remaining classes. It was, therefore, ordered (exhibit 22-VI) that four of them (one each from Standard III and IV and two of Standard II) including the class in the charge of the Head Master (Mr. Takle) should meet in *Garge's wada* and the rest in the building of Boys' School No. 2 in which there was some spare accommodation available. Boys' School No. 3 was thus reduced and broken into two portions though under one Head Master.

22. I have already mentioned the classes directed in exhibit 22-IV to meet in *Jalkawada*. It seems their number was slightly increased later on, as is clear if we take the depositions of the School mistresses, but I was not able to trace the orders relating thereto. There were 8 teachers posted to work there. The following table will give us a glance all the requisite information relating to them:—

| Serial No. | Name. | Qualification. | Age on 8th August 1938. | | | Length of service on 8th August 1938. | | | Class or classes asked to teach. |
|------------|-----------------------------|----------------------|-------------------------|----|----|---------------------------------------|----|----|--|
| | | | Y. | m. | d. | Y. | m. | d. | |
| 1 | Miss Sonavni ... | 2nd year trained ... | 22 | 7 | 6 | 13 | 0 | 7 | Standard V one class. |
| 2 | Miss Patankar ... | Do. ... | 27 | 4 | 7 | 8 | 7 | 28 | Standard IV do. |
| 3 | Mrs. Adkar (Dwarkabai)* ... | 1st year trained ... | 20 | 7 | 8 | 0 | 1 | 7 | Standard III do. |
| 4 | Mrs. Kirloskar † ... | V. F. ... | 25 | 5 | 1 | 0 | 1 | 3 | Standard II do. |
| 5 | Miss Kenjalkar ... | 1st year trained ... | 28 | 9 | 17 | 1 | 1 | 20 | Standard I (two classes shift system). |
| 6 | Mrs. Gangele, (widow) ... | 2nd year trained ... | 28 | 10 | 7 | About 8 years. | | | Two infant classes on shift system. |
| 7 | Mrs. Gharpure, (widow) ... | 1st year trained ... | 32 | 6 | 10 | About 1 year... | | | Do. |
| 8 | Mrs. Parnaik, (widow) ‡ ... | Do. ... | 26 | 6 | 7 | Nil | | | One infant class and one class of Standard I (shift system). |

* Appointed on 1st July 1938.

† Appointed on 5th July 1938.

‡ Appointed on 8th August 1938.

In giving the above information, I derived much assistance from the history sheets of each teacher prepared by the present Administrative Officer (Mr. Sane); but as they mentioned only continuous service without mentioning previous discontinuous service, I had to depend on the statements about the periods of total service, on the depositions of the teachers themselves. The figures given in the cases of Nos. 6 and 7 will not, therefore, tally with those in their history sheets.

23. From the facts already detailed, it is evident that the facts mentioned in paragraph 7 (III to V) are substantially correct. As I have already made clear, Boys' School No. 3, was reduced, divided into two parts and one portion of it (with the class in the charge of its Head Master asked to meet in a wretched building. No doubt the order says that *Garge's wada* was assigned to it till accommodation was found for it elsewhere; but admittedly that day has not yet dawned and may not probably dawn till the local authority (The Nasik Municipality) thinks seriously of housing its schools in decent buildings (and not old wadas) with good provision for light and air and open space for the children to move—which are the elementary needs of any school where the rising generation has to spend the best part of the day. From this point of view, I cannot but

characterise *Garge's wada* as the worst place which should never have been thought of for the purposes of a school. The *Jalkawada* is also of the old type, but is certainly better by reason of the better provision in it for light and air and the open space in the central part of it and the open space by its side which is useful for the boys and the girls for recreation. It is, therefore, easy to understand the strong objection of Mr. Takle to the removal of his school from that building to *Garge's wada*. It may, however, be plausibly said that children of the lowest classes owing to their tender age as also girls of the higher standards have better claim on the attention of the authorities concerned and that, therefore, there was nothing wrong in allotting *Jalka wada* to this branch of Girls' School No. 2. Moreover, Mr. Pardeshi's deposition shows that he did not object to it (*vide* exhibit 6, paragraph 6).

24. As regards the contention that the teachers posted there were young ladies of Mr. Lal's choice, it is first necessary to notice the argument advanced for Mr. Lal that it was the Administrative Officer who did everything. No doubt he has actually signed the orders; but we cannot forget that in the resolution dated 25th July 1938, about co-education, he had obtained a blank cheque from the School Board, when it left to him to make all consequential arrangements. I cannot help observing that this part of its resolution meant an encroachment on the sphere of the Administrative Officer whose business it was under rule No. 41 of the Primary Education Rules to appoint, transfer or post teachers, and conduct the administration of the schools without the intervention therein of the School Board or its Chairman. He was under Section 9 (1) of the Act the Chief Executive Officer and was responsible under rule No. 42 (a) (i) for the general administration of all the primary Schools; while the powers of the School Board were limited to those mentioned in rules Nos. 34 and 35. I think it was beyond the province of the School Board to authorise its Chairman to make the arrangements which merely meant combination of certain classes, determining the school to which they should be attached and appointment or posting of teachers for them. Had the much talked of co-education meant any change in the curriculum or methods of education, it would have been another matter if the sponsor thereof was associated with the Administrative Officer (without detriment to his powers) in making the arrangements but there was nothing of the type. Be that as it may, it is easy to see that in view of the resolution, Mr. Lal would not fail to influence, if not direct the choice of teachers, etc., for the new branch, though orders in the matter, might have been issued under the signature of Mr. Pardeshi who says (exhibit 6, paragraph 6) that he did everything in consultation with Mr. Lal. I see no reason to disbelieve him, looking to his nature and the manner of doing his duties, about which I have already said enough. Moreover it seems he knew he had to retire soon, had applied for leave preparatory to retirement and was therefore not taking sufficient interest in his work and used to bow to the wishes of Mr. Lal. Another reason which he gives for his lack of interest in his work is the illness of his daughter and the necessity for him to live at some distance (exhibit 6, paragraph 6). Side by side with this, I shall quote here what Mr. Lal says about this school in his statement. It is as follows (exhibit 22, pages 2 and 3):—"I personally took very keen interest to make this experiment successful as I was personally responsible for its start and I tried to convert this school into a model school". I think there can be no doubt that Mr. Lal had a predominant voice if not the sole voice in the choice of the teachers for this school.

25. I have given above the ages of all the teachers selected. It appears that except Miss Sonavni and Mrs. Gbarpure all others were below 30, and if we exclude Misses Sonavni and Patankar and Mrs. Gangele the others had not enough experience. In fact three of them were new recruits altogether. Of the four in charge of the co-education classes (about which so much was said) only one viz., Mrs. Gangele was an experienced teacher.

26. It is scarcely open to dispute that Miss Sonavni though not the Head Mistress was *de facto* in charge of this branch, as Mrs. Parghi who is the Head Mistress of Girls' School No. 1 had to be in a different building where the major portion of it used to meet. It was suggested that illicit relationship subsists between Miss Sonavni and Mr. Lal and it was said that if she was chosen, it was to facilitate the accomplishment of the improper purposes of Mr. Lal. There is very little and there can be very little evidence as regards the illicit relationship. It is not, therefore, possible to say anything on the point with certainty; but it is undisputed that they are very friendly, the reason assigned for this being in the words of Mr. Lal (exhibit 22, page 5) "My sister was educated with Sonavni sisters and this Sonavni family has been on visiting terms with my family for years together and our two families have been on very cordial and familiar terms". Miss Kenjalkar is the niece of Miss Sonavni about whom Mr. Lal says (*ibid*) "whom also I and my family knew for several years". It is possible to say about Mrs. Adkar, Kirloskar, Gbarpure and Parnaik that they being recent recruits and in temporary service desiring to be confirmed, were not expected to go the length of opposing Mr. Lal or exposing him and were hence selected. There remained only two viz., Miss Patankar and Mrs. Gangele. Both appeared to be rather quiet. While on this subject it is necessary to mention that, according to Mr. Pardeshi

(exhibit 6, paragraph 6) he wanted to put Mrs. Gayabai Pardeshi in the place of Miss Sonavni; but that Mr. Lal wanted the latter. Mrs. Pardeshi is also second year trained. She was senior in age to Sanavni by one year but was her junior in service by about 10 months.

27. Going next to allegation No. vi, in paragraph 7 above, many of the repairs and improvements mentioned therein are admitted. I find that the School Board sanctioned for this School (1) Rs. 92 under its resolution No. 55 dated 25th July 1938 for repairs to the urinals already existing; (2) Rs. 98 under its resolution No. 77 dated 24th August 1938 to enlarge the windows, etc. (the resolution wrongly mentions that the building pertained to School No. 3); (3) Rs. 246 under its resolution No. 97 dated 31st October 1938 for constructing an additional urinal and (4) Rs. 986 under its resolution No. 124 dated 30th December 1938 for putting compound wall to the playground of it—open space on the eastern side. As regards the garden Mr. Lal admits that he has "got a nice garden prepared at my own personal expense" (exhibit 22, page 3). It was alleged that the gardener of the Jackson Gardens here was employed for it. Assuming that this was so, I agree with Mr. Lal's Advocate that there was nothing wrong in this as he was the servant of the municipality under whom this School Board was functioning. As regards the other items there is no record placed before me except the proceeding book of the School Board; but going through it, I find Rs. 54 sanctioned for renewal of the floor of this building (Resolution No. 18 dated 16th June 1938). There was no resolution sanctioning the white-washing or the construction of steps. The expenses of these must have come to only a small sum and must have been found in amounts sanctioned for "miscellaneous heads". As regards the electric installation there is the mention of it in Mr. Takle's statement (exhibit 5-A, paragraph 7) and his deposition (exhibit 5, paragraph 12) and the fact was uncontradicted. The present Administrative Officer informs me that there are four electric lights in the *Jalkavada* since September 1938; but that the record do not show anything spent out of the funds of the School Board therefor. Going through the proceeding book also, I do not find any resolution relating to this.

28. As regards allegation No. vii, regarding furniture, carpet-pieces (for children to sit), etc., I find expenditure sanctioned by the School Board but not for any particular school. The complaint relates really to the distribution thereof. I have not, however, tried to investigate it, as it would have necessitated an elaborate inquiry as to what furniture, etc., each school possessed and its condition in order to see whether the distribution was fair, and as this was not so necessary for the purposes of this inquiry. I must, however, mention that I was pointed the dead-stock register of Boys' School No. 1 which shows that 242 articles of furniture worth Rs. 616-2-6 were sent to that school with an order dated 22nd June 1938 (outward No. 97) to send them to Girls' School No. 1. It was rightly said that the obvious object underlying this was to conceal the fact that excessive furniture was supplied to the latter. Mr. Lal has, however, not made a secret about this school being his pet school.

29. There can certainly be no objection to improving the building of a school and furnishing it in the best manner possible; but Mr. Takle's complaint is that whereas his requests for repairs of a necessary character to the same building used to receive a cold treatment, the angle of vision changed as soon as it was contemplated to locate this Girls' School there. There is undoubtedly some justification for this complaint.

30. Mr. Lal admittedly bestowed more attention on this school than any other and as I have already said his contention is that he wanted to turn this school, into a model school. I really fail to see what he means by a model school. It was not said that there was any new curriculum or any new methods of teaching employed. The teachers there had qualifications in no way different from those of teachers employed in other schools. The only difference made seems to be that some amenities denied to the children of the other schools were provided here. This only discloses a lack of even-handedness which ought to characterise any good administration.

31. Going next to allegation No. viii, I shall first reproduce what Mr. Lal says in his statement (exhibit 22, page 3). It is as follows:—

".....I found that for the better accommodation of girls certain alterations in the building and repairs thereof were necessary and for this purpose, I had to visit this school on many occasions either with the Municipal Engineer or the Administrative Officer with a view to take suggestions from teachers as to what alterations and repairs were required from time to time."

"My visits to the school were purely for the advancement of the school, because of the keen interest I took in the school."

"No doubt on some occasions, I had to talk with school mistresses freely on various subjects with a view to embolden them to put before me their real educational needs as I found that they were always turned down for want of funds."

32. It is evident from the above that the visits of Mr. Lal to this school were many. Mrs. Dwarkabai Adkar says (exhibit 4, paragraph 2) he used to come there almost every day. She is certainly the principal complainant but Mrs. Gangele who has no reason to speak against him but on the other hand seemed anxious to speak little against him says the same thing (exhibit 30, paragraph 2), though others have tried to minimise the number of his visits. I think we can safely take them to be sufficiently numerous.

33. Coming to the purpose of the visits, they were according to Mr. Lal threefold (1) "to take suggestions from teachers as to what alterations and repairs were most required from time to time for better accommodation of girls", (2) "the advancement of the school" and (3) "talk on various subjects with a view to embolden the teachers to put before him their educational needs".

34. Taking the first, I have already given a sufficient description of the *Jalkawada*. It had sufficient accommodation for nine classes (exhibit 28, paragraph 2); but room was required for only eight which had to meet there at one time, having regard to the shift system. There was thus no necessity for the improvement of the accommodation. As regards the other repairs or improvements, I have already mentioned them in paragraph 27 above. They are (1) repair to the urinal, (2) the opening of new windows, (3) additional urinal, (4) the compound wall for the playground, (5) renewing of the floor already sanctioned, (6) the steps, (7) the white-washing and (8) the garden in the small open space in the middle of the building. As regards these, it is pertinent to ask whether it was necessary for the Chairman to pay so many visits. The School Board has got its Administrative Officer who was its Chief Executive Officer responsible for the administration while the duty of the Chairman was merely "to watch over the financial and executive administration of the Board", (Rule No. 23 of the Primary Education Rules). It must be said it was the duty of the Administrative Officer to receive the suggestions and a visit or two, from an energetic Chairman (as Mr. Lal was described by his Advocate) to convince himself that they were necessary and proper. As regards the execution of the work the local authority has got its own Engineering establishment, and it was not necessary for the Chairman to go there to watch the work in progress and to pay many visits in connection with it. At least there was nothing special about it—not even the garden which is in the small *chok* of the building and does not really deserve the big name of garden.

35. The other purposes of the visits look equally flimsy. The educational needs, if of pictures etc., to illustrate the lessons taught, did not require Mr. Lal to go there so frequently. The Administrative Officer with his knowledge of teaching would have been perfectly competent to determine the needs and Mr. Pardeshi with his desire to please the Chairman in every possible way would not have failed to fulfil Mr. Lal's wishes in the matter. The implications of the third purpose mentioned by Mr. Lal do not look proper. He has not told us what were the "various subjects" on which he talked to the women teachers and when and where did the meetings for the purpose take place. The depositions of the women teachers do not throw any light on the point. We can gather from them that he was moving through all the classes, watching the teaching going on, and putting some questions to the teachers about the studies in the classes, but they avoided saying anything about the talk they had with him "on various subjects" which were calculated to embolden them. As regards his moving which must have been on so many occasions, we should have found in the visit-book of the school the remarks made on each occasion, mentioning what he saw and in what respects improvement was necessary in order that the Administrative Officer and if necessary the School Board should know. I, however, find only one occasion on which he has made any remarks. This was on 29th August 1933, the remark running as follows:—"Visited. All classes progress and working as per time-table". I do not find any other remark of his in the Visit-book. My attention was invited to the remarks of Miss Twells, Inspectress of Girls' Schools, B. D., who seems to have visited this school on 16th December 1933, at the request of Mr. Lal and has said in her remarks as follows:—

"I was most interested to see the experiment in co-education that has been started in the two lower classes with a view to carrying it higher year by year..... The Chairman takes a keen interest in this experiment and it is largely due to his enthusiasm and energy that it is proving successful in the early stages."

These remarks complimentary to him are very probably due to the way in which he must have talked about it to Miss Twells. Mr. Tarkhadkar the Senior Assistant Deputy Educational Inspector also said on 6th October 1933 that "the new experiment seemed to be quite successful". But I could not find any special direction or effort on the part of Mr. Lal contributing to the efficient teaching of the boys and the girls together—credit for which must go to the lady teachers concerned.

36. Reverting to the question of the visits of Mr. Lal, it was said for the complainants that they were really meant to establish personal relations with the young

teachers with improper intentions and that he used to draw them away from their work in their classes. This is not unlikely though the evidence in this particular respect was that of Gaydhani (exhibit 14) who says that his daughter aged 10/11 (not examined) told him so and that of Mr. Takle (exhibit 5, paragraph 22) who saw them chitchatting on 3/4 occasions. In a Court of law the evidence of exhibit 14 will be regarded as hearsay evidence and therefore useless. The evidence of Mr. Takle is certainly not so strong but there can be no doubt that the allegation has the merit of probability.

37. It was urged in support of the allegation about the impropriety of the visits that even Mr. Fardeshi felt them to be scandalous and considered it necessary to speak to Mr. Lal who, however, told him to mind his own business and not concern himself with his affairs. Mr. Pardeshi has submitted a statement to this effect and supported it by his evidence on oath. It is scarcely open to dispute that Mr. Pardeshi would not go so far to help Mr. Lal's enemies by making a deliberately false statement; but it was said for Mr. Lal that he was doing so at the instance of Mr. G. H. Deshpande, M.L.A., who rightly or wrongly believes that Mr. Lal was instrumental in getting Mathurabai Kulkarni his relative and one of the four women teachers referred to in paragraph 9 above discharged from service. As evidence of his animus against him, it was pointed out that Mr. Deshpande presided over the mammoth meeting convened at Nasik on 7th April 1939 in order to demand the removal of Mr. Lal from the School Board, and became Chairman of the Council of Action appointed at the meeting. I was further referred to the report of the meeting (appearing in exhibit 16-K the issue of *Lokamanya* of Bombay dated 9th April 1939) in which Mr. Deshpande is reported to have said that somebody had told him that Mr. Lal intended to catch him somewhere and give him sound beating and further said that he was willing to meet him to receive it. Mr. Deshpande has himself stated that Mathurabai Kulkarni was his sister's husband's sister or cousin (exhibit 16, paragraph 10). This is not contradicted. The relationship does not look so close. Moreover, it must be said that any gentleman of his public spirit, hearing the account of the four teachers would not fail to move to secure redress for them. It was with this object in view that he seems to have consulted Prof. Patankar a member of this School Board and asked him to help the teachers. I can also find nothing wrong in his presiding over the public meeting or becoming Chairman of the Council of Action if he felt that there was a public scandal; and if he was told that Mr. Lal wanted to give him a thrashing for taking lead against him, his answer could not have been different. I cannot also attribute his taking Adkar's application to the Honourable the Prime Minister to any motive other than the purity of the machinery for education. He has undoubtedly taken so much interest in this affair, but it is too much to say that he has gone out of his way to concoct anything; but even assuming that he would go so far, the next point is whether he was in a position to bring pressure on Mr. Pardeshi to tell lies. The only thing said was that his pension has not yet been sanctioned by the Accountant General. It is certainly too much to believe that that Officer is amenable to Mr. Deshpande. It has not been said that he had any other means of exercising undue influence on Mr. Pardeshi. I think his statement on the point is entitled to its proper weight.

38. It remains to refer to one allegation connected with these visits to *Jalkawada* viz. that Mr. Lal used to set his Pattewalla Hayat to watch at the outer door of *Jalkawada* to keep the outsiders off while he was in. The only person who speaks to this is Mr. Takle who in his statement (Ex. 5-A) refers to two occasions (i) in July 1938 while his school was still there, when Mr. Lal's Pattewalla Hayat coming in advance of him, told him to go away adding that Mr. Lal was to come there to see what repairs were needed (paragraph 3) and (ii) on 20th November 1938 (Saturday) when he had been to the building at 1/1-30 p.m. to look up his old record lying there, Hayat who was at the door asked him not to go in and when asked, why, he said *चौ है* (meaning Lal). Mr. Takle adds that when he still persisted, Hayat told him that he had asked him not to let in anybody.

39. As regards Mr. Takle, it was pointed out that he has many grievances against Mr. Lal and that, therefore, his statements ought to be received with great caution. It seems that he was the Head Master of a First Grade Primary School. The remarks of the Senior Assistant Deputy Educational Inspector, Nasik (Ex. 5-C/2) show that he was doing good work there. After Mr. Lal became Chairman, he was transferred to a Second Grade School (Boys' School No. 3) in order to make room for a senior (Ex. 5, paragraph 22)—no doubt on the recommendation and under the signature of the Administrative Officer. Just while this change was taking place, Standard V was taken away from Boys' School No. 3. Ex. 5-C/1 shows that he complained to Mr. Lal about his transfer. Ex. 5-C/3 shows that he not only turned down the complaint, but expressed disapproval of certain statements made by him in his representation with a threat to take severe steps against him in case he made again applications of that type. His new school was further reduced and divided in about a year's time more and he was asked to work in *Garge's wada*, a thoroughly bad place. Ex. 5-C shows that he bitterly complained about all this to the Educational Inspector, B. D., attributing motives to Mr. Lal. His deposition (Ex. 5) further shows that the School Board has put off taking on

rent his building for housing a school. I find from the proceeding book that a committee was appointed on 30th December 1938 to give its opinion in the matter which is still hanging fire. On the top of this all, it appears that a paltry mistake committed by him in destroying old record of his school without following proper procedure, was the subject of serious notice by the School Board which resolved at its meeting, dated 12th January 1939, to appoint a sub-committee to inquire and report to the Chairman. It is easy to see that Mr. Takle was not fairly treated in any of these matters. It is only human, if feeling for all this he turns hostile to Mr. Lal. It was said that the leaflet (exhibit 6-J), headed *The last fifteen years of the Nasik School Board* and sent over to Government was really from the pen of Mr. Takle. I was pointed out the peculiar words तौन लेन in it which also occur in his statement (exhibit 5-A paragraph 4), in the same connexion. It is evident that a teacher is the author of exhibit 6-J and the identical words mentioned above, point to Takle's authorship of it. I think it is undisputable that Mr. Takle is inimically disposed towards Mr. Lal (though for good reasons) and when he makes any statements we ought not to accept them without close scrutiny.

40. Taking next the two occasions mentioned by him, I do not attach any sinister significance to the first. It may be that Hayat asked Mr. Takle to go away without being so told by Mr. Lal or it may be that the plans to shift the Girls' School there were not then mature and Mr. Lal wanted to keep them secret from Mr. Takle who would have scented them had he seen Miss Sonavni with Mr. Lal. Whatever it be, Mr. Takle admits (exhibit 5, paragraph 19) that Mr. Joshi, Municipal Engineer, followed them there in a short time and his suspicions were removed.

41. As regards the second occasion there is certainly scope for sinister suggestion if Mr. Lal goes there to meet lady teachers about the time the school is to be discussed and sets his pattewalla to watch at the door. Remembering, however, the relations between Mr. Lal and Mr. Takle, I do not feel sure about everything that he says, though I am not prepared to say that it is all a concoction.

42. I shall next take up allegation No. 9 in paragraph 7. The complainants who made it in their statements are Messrs. Hudlikar (exhibit 7), Kulkarni—an artist (exhibit 8), Gosavi (exhibit 10), Garge (exhibit 12), Powar (exhibit 13), and Chitnis (exhibit 25). Mr. Takle (exhibit 5, paragraphs 4 and 23) has also spoken to the visits. The witnesses besides these who speak to the visits are Messrs. Savant (exhibit 17), Joshi (exhibit 18), Kulkarni, Assistant teacher (exhibit 19) and Khalge (exhibit 20). Out of these, Powar (exhibit 13) speaks to the visits of the School Mistresses to Mr. Lal's office by day, adding that he does not use by night the room from which he could have a view of the Municipal offices. Mr. Takle speaks to having seen them going there at 5/5-30 p.m. on one occasion and 2/3 times at 6/6-30 p.m. Mr. Savant speaks to having once noticed three School Mistresses in Mr. Lal's office (Misses Sonavni, Kenjalkar and one more) at about 10-30 a.m. when he had been there to get a copy of the Primary Education Act and that they seemed taken aback to see him there. He also speaks to having seen them going there at about 7/8 p.m. on 7/8 occasions during a period of 2/3 months while he was sitting near the window in the Head Master's room (which is opposite the School Board Office) for doing writing work. Khalge a peon in the same school speaks to having seen 5/7 times two ladies going to Mr. Lal's office at 7/7-30 p.m. and coming out at 9/9-30 p.m. and being followed by Mr. Lal on the latter occasion. He also speaks to lights being switched off for a time. Others speak to their having seen the visits in the evening between about 7/7-30 p.m. and 9/9-30 p.m. on a similar number of occasions or less. Such of them as knew the names of the women teachers refer to the teachers being Misses Sonavni and Kenjalkar and Mrs. Gangele. They further say that Mr. Lal used to come out with them or precede or follow them within a very short time. Takle's means of knowledge was his going to the Administrative Officer's office room which adjoins Mr. Lal's office room and his once having gone there (in December 1938) seeing the lights there. Hudlikar and Kulkarni the artist live near the Municipal offices. Gosavi is a resident of Trimbak, but has his building near the Municipality and according to him often comes there and lives in a room in his building which he has reserved for himself while letting out the rest. Garge says he goes to Garge's Medical Stores near the Municipality to sit there every evening. Powar as I have already indicated has his residence nearby. Mr. Savant and Khalge are in the service of St. George High School which is located in the building opposite the School Board office, while Kulkarni teacher says that he is a fast friend of Hudlikar, to whose house he often goes in the evening for chitchatting. The complainants and the witnesses say that they had thus opportunities of noticing the visits. I have been to the locality and found that the complainants and the witnesses could be in such places as would enable them to see persons going to Mr. Lal's office room or coming out.

43. Mr. Lal in his statement (exhibit 22) admits that he used to be in his office room from 4 p.m. onwards to do the work of the School Board as also his work as the correspondent of the *Times of India*, but says that "he had to sit up till 7 p.m. on rare occasions" and denies visits of any women teachers to his office room except those of Mrs. Adkar which were "voluntary and self-sought". He says that Messrs. Deshpande and Takle have started a campaign of vilification against him; that Mr. Yardi Pleader

has joined hands with them because he (Mr. Lal) was responsible for the prosecution of Mr. Yardi's father (who was a municipal servant) for misappropriation of the Municipal funds; and that these persons have got together the complainants and the witnesses mentioned above to falsely charge Mr. Lal or speak against him.

44. I have already discussed the question of motives actuating Messrs. Deshpande and Takle (paragraphs 37 and 39) above. As regards Mr. Yardi, it is undisputed that his father was prosecuted and sentenced to imprisonment, but there is nothing to show that Mr. Lal had taken any part in bringing about the prosecution, so as to make Mr. Yardi think of procuring false evidence against Mr. Lal. It is true that some of the statements mentioned in appendix A are either written by him or under his direction, but it must be remembered that he was appointed Secretary to the Council of Action at the mass meeting held on 7th April 1939. There is, therefore, nothing unusual in his writing or getting written the complaints of persons who approached him. I am willing to assume that he collected statements of some of the witnesses, but in the absence of, anything to show that he had so much influence over them as to induce them to tell lies, it will not be possible to discard the statements and the evidence altogether. All the same, I am willing to discard the statements of such witnesses as have ties of relationship or other kinds of intimate connexion with Deshpande, Takle or Yardi. Doing so, I shall leave out of consideration the evidence of Kulkarni the artist who is a cousin of Mr. Yardi, Garge who was once a pupil of Mr. Takle and Kulkarni teacher for whom Takle was surety as also of Takle himself. I shall also ignore the evidence of Khalge who is a peon. But I see little evidence to disbelieve the others.

45. In particular I fail to see any reason to disbelieve Mr. Savant who is a member of the School Board as one experienced in education. The only suggestion made against him was that Mr. Sabnis who is a pleader of this Court who took part in the meeting on 7th April 1939 and who appeared along with others for Mrs. Adkar in this inquiry was working as a teacher in the very High School in which Mr. Savant is a teacher; but it has not been said that Mr. Sabnis has any private grudge against Mr. Lal or that he has any special reason to go out of his way to influence Mr. Savant to tell lies. It was said that if Mr. Savant knew of such improper visits, he would not have failed to take action himself. Mr. Savant has explained that Mr. Lal was a big person and he was advised that it would be risky to move without strong evidence in his possession. The allegation was certainly such as would have landed Mr. Savant in a prosecution for defamation with an obligation to prove it in a Criminal Court. If Mr. Savant does not choose to undergo that kind of harassment, there is nothing unusual. I do not think his inaction furnishes any reason against his veracity.

46. What I have said about Mr. Savant applies in no small measure to Mr. Joshi who has his shop in front of the Municipal gate. For want of anything better to say against him it was alleged that there was illfeeling between him and Lal because he was keeping his motor so as to block the passage to the Municipality. He says that he does not keep his car that way and denies any talk with Mr. Lal about this. I see no reason to disbelieve Joshi here but apart from this I do not think for such a paltry reason this witness is coming to tell lies.

47. The evidence of the other witnesses was criticised on one ground or other, but I need not mention them all or discuss them. Making due allowance for everything, I do not think it is possible to say that there is any concoction in respect of the visits of the lady teachers to the room of Mr. Lal.

48. I cannot close this part of the report without reproducing what the three teachers concerned and others who were available for examination have said. Gangubai Sonavni says (exhibit 28 paragraph 5) "He used to call some of us, but he used to do so to the Administrative Officer's office. He used to call me 3/4 times in a month. Sometimes I was called alone, and sometimes there were other teachers of my school called along with me. All the teachers, working in *Jalkawada* used to be called by turns. We used to be called between 11 a.m. and 5 a.m. He had called me and all other teachers working in *Jalkawada* for the adult education and Hindi class. This was in December or January and on two occasions. He wanted on each of these occasions to ascertain which of us wanted to take part in the two." These admissions halting as they are go to throw ample light on the question of the visits, and taken by themselves go to establish that the women teachers were being called up on all kinds of pretexts, when everything could have been done through the Administrative Officer and that too by mere writing. If Miss Sonavni admitted something her niece Miss Kenjalkar would practically admit nothing. I shall quote the following pertinent passage from her deposition (exhibit 29 paragraph 2). "He (i.e. Mr. Lal) had called me 1/2 times during the last 8/9 months to his office. This was in connexion with adult education, to ascertain if I wanted to take part in it. I was then accompanied by Patankar, Gangele and 2/3 others whom I cannot name. I do not remember if any circular was issued. I was willing to take part in it I had gone then to the Administrative Officer's office and not to the Chairman's. Mr. Lal was then sitting in Administrative Officer's office..... I say the Administrative Officer had called and not Mr. Lal." Mrs. Gangele says (exhibit 30 paragraph 3) "I had been called by him to his office 1/2 times. He had

done so in order to ascertain the measurements of the carpets required for the children in our classes. He had called all the school-mistresses working in *Jalkawada*. There was no other topic discussed. On the second occasion too, the same was the purpose. He had called all the women teachers working there, in order to ascertain from us whether the measurements already given by us were final or not. I cannot state the months of these calls or the interval between the two". Miss Patankar says (exhibit 31 paragraph 3) "Mr. Lal had called me once to his office. This was in January last..... I had gone alone there. He merely asked me the above question. I expressed my willingness and returned. No writing was taken from me. A circular in writing had been addressed to our school. This was before I was called. I had said then that I was willing but I had done so orally". The remaining two, viz. Mrs. Gharpure and Mrs. Parnaik, deny ever having gone to Mr. Lal's office room.

49. Taking next allegation No. X which occurs in the statement (exhibit 5-A, paragraph 12) of Mr. Takle, I find that it is supported by the evidence of Miss Kenjalkar who says (exhibit 29, paragraph 3) "All school-mistresses working in *Jalkawada* used to be called to receive their pay in Administrative Officer's office. It may be said that this school was very near the School Board offices, and hence the Administrative Officer, as the officer responsible for disbursement, might have asked them to receive their pay in his office. The Administrative Officer would be concerned with the payment and not the Chairman. The visits of the teachers to his office though they might have afforded opportunities to Mr. Lal to meet them, would not owing to the presence of the Administrative Officer and his staff mean much and may be ignored.

50. Going next to allegation No. XI, Hudlikar (exhibit 7), Kalusing (exhibit 9) and Kulkarni teacher (exhibit 19) are the persons who speak to Mr. Lal having been seen taking walks accompanied by the school-mistresses. Hudlikar refers to one such occasion (at 7 p.m.) but says that he was unable to identify his companions. Kalusing speaks of one occasion when according to him he saw with him one teacher whom he cannot name. It is only Kulkarni who refers to 2/3 occasions when he says he saw Miss Sonavni and Mr. Lal and one occasion when he saw them as also Kenjalkar and Gangele walking very close. The evidence is certainly not sufficiently strong. That of the first two is vague. I have not treated Kulkarni's evidence as disinterested in another connexion and I shall do the same here. Moreover, Misses Sonavni and Kenjalkar are undisputedly old friends of Mr. Lal while Gangele might have been there casually on the one occasion mentioned by Kulkarni. As regards Sonavni's walking too close it is a matter of opinion.

51. As regards Mr. Lal moving with them in his motor, the only person who speaks about this is Mr. Takle, *vide* exhibit 5, paragraphs 7 and 24. His evidence is very vague as regards one occasion and I am doubtful if he identified Miss Sonavni on another.

52. Taking next allegation No. XII, Mr. Joshi (exhibit 18) speaks to having seen 2/3 teachers seated on a bench at Mr. Lal's shop at 7/7-30 p.m. on 1/2 occasions. He says that one of them was recognised by him to be a lady visiting his office. His evidence is not thus definite; but we may gather that one of them was a school-mistress. On this point, I find that Miss Sonavni admits that she used to go to Mr. Lal's shop though she gives the reason that she used to do so when called by his sister. Her visits to the shop are, however, of insignificant value and may be ignored.

53. Going next to allegation No. XIII, it is not denied that Mr. Lal used to attend the demonstration lessons given by women teachers; and though I find from the attendance-roll (exhibit 6-E) that he has not signed it on all such occasions, the evidence of the women teachers themselves (exhibits 28 to 31, 33 and 34) shows that he attended most of them if not all those that were given since August 1938 (when this school started on its career). They say that he was doing nothing there beyond merely looking on. The contention on the side of the complainants is two-fold, (1) that Mr. Lal had no knowledge or experience of teaching and had, therefore, really no business to attend, and (2) that if his idea was to give by his presence impetus to better teaching, it was equally his duty to be present at the demonstration lessons given by male teachers but that he never attended there. I think the contention has some force. It was not said he attended the lessons given by male teachers and his unnecessary presence at only those given by women teachers was calculated to give ground for suspicion that his aim was to be near them whenever possible.

54. This brings me to the allegations Nos. XIV and XV which relate to Mrs. Dwarkabai Adkar the principal complainant. She would appear to be the youngest of the women teachers posted for work in *Jalkawada* and also fair-looking. I may mention here, by way of her past history, that she had been married in 1929 to a person named Digambar Valunjar of Ahmednagar; but he was a vicious person and used to beat her. Her husband's brother, therefore, sent her to her brother Digambar Adkar in 1932. Since then she never went to her husband's and the ill-treatment she received from him has created so much bitterness in her that she does not use his surname. Her brother, after she came to him, arranged to educate her up to the first year examination

of the Training College, by keeping her at Poona and sending her to the Seva Sadan there. He has been himself in the service of a firm at Bombay which requires him to move between Bombay and Delhi, but he left his family (wife and mother) at Poona while Dwarkabai was being educated there. After finishing her course in teaching, she came to Nasik in June 1938 to serve in the Seva Sadan here, but as the class for which she was intended could not be made up she had to seek service under this School Board and was appointed by the Administrative Officer in Girls' School No. 1 from 1st July 1938 and started working in *Garge's wada* and was put in charge of a class of Standard III. That class was located in *Jalkawada* from 8th August 1938. She was teaching it there at the relevant times. She had hired rooms for her residence on the top floor of a building which is behind the School Board offices and has been living there. The residence can be seen by anybody standing in the room of the Chairman or the Administrative Officer.

55. Dwarkabai alleges that Mr. Lal used to come to *Jalkawada* almost every day, sometimes for school work and on others without it and used to spend time (1½ hours) there chit-chatting with Mrs. Gangele and Miss Sonavni; that he used to call her (Dwarkabai) and other teachers also and speak with them on their private affairs or topics of town gossip in order to establish closer relations with them; that he used also to call her to his office and chit-chat with her there and that by these means he had come to know her antecedents and her condition in life. She has next stated that he began to be more free with her since September or October 1938; that she did not suspect his intentions at first but began to do so gradually, looking to his behaviour towards her, and thenceforward avoided going to his office though called. She next says that she received the chit (exhibit 4-A) from him in the first week of December through Miss Sonavni; that it was followed by another chit (exhibit 4-B) through the same channel, giving her a rude shock and also a clear idea of the intentions of Mr. Lal towards her; that she next received exhibit 4-C on 23rd December 1938, along with a chit to be delivered to Miss Sonavni which contained a passage (reproduced in her statement—exhibit 4-D) which showed that Mr. Lal was watching her movements; that it strengthened her suspicions about his evil intentions towards her; and that in order to avoid him on 24th December 1938 when he was expected at the school, she took one hour's leave on that day and went by train to *Bodwad* where her another brother and mother were living and did not return to Nasik till Christmas was over. She says that she next received exhibit 4-E on 18th or 20th January 1939 and thereafter a chit (exhibit 4-F) from Mr. Nagarkar asking her to come, but that when she went there he told her to come at 4 p.m. to see the Chairman; but that she did not go. Lastly she has stated (so far as she is concerned) that Mr. Lal met her some time later and asked her to communicate with him, if anybody came to inquire with her and to say that the letters referred to above were written in joke.

56. It is evident from the purport of Mrs. Dwarkabai's deposition given above, that she refers to the letters as having given her a clear idea of the intentions of Mr. Lal towards her. I shall, therefore, first consider the letters. I may say here that Mr. Lal has not disputed the fact that they (exhibits 4-A to C and E) have proceeded from him. As regards exhibit 4-F which is stated to be in the hand of Mr. Nagarkar, Mr. Takie (exhibit 5, paragraph 10) has deposed to his handwriting of it, and the fact was scarcely disputed, though it was said that Nagarkar should have been examined—which drew the retort from Dwarkabai's Pleader that he was Mr. Lal's subordinate and therefore most likely to support his cause and that it was the duty of Mr. Lal to examine him.

57. The first letter (exhibit 4-A) runs thus "Half an hour ago 'the Bai of the third' (meaning the lady teacher in charge of the third Standard) was seen by me going out of (her) house wiping her mouth after drinking ¾ cups of most excellent tea to her heart's content (यथेच्छ). I feel sure that she must have done so with a view simply to give me affront (nay intentionally—नन्दे बुद्धिपुस्तक). Had ¾ of my colleagues (स्वयन्सायबन्धु) not been sitting and talking with me then, I would have made her a similar present (आहेर) in return. On the other hand I thought that at least for the sake of courtesy (औपचारिकपणामुळे तरी) a cup of tea would have come to my share. Be it according to her desire (त्याची जशी इच्छा)". This letter does not bear any date nor the name of the addressee; but it is common ground that it was sent to Miss Sonavni and refers to Dwarkabai. The explanation of Mr. Lal relating to this letter is as follows (exhibit 26, paragraph 3) "As some portion of the provisions provided by me (i.e. for light refreshments at the time of the visit of Miss Twells) and kept at Mrs. Adkar were left over, I wrote this letter to Miss Sonavni in lighter vein with a view to express my desire that such provision should be shared by all the mistresses and not by Mrs. Adkar alone and out of formality. I would be at least given a cup of tea. I never gave Miss Sonavni to understand that this letter was to be given to Mrs. Adkar".

58. I find from exhibit 22-IX that Miss Twells, Inspectress of Girls' Schools, Bombay Division and Central Division, visited this school on 16th December 1938 and according to Mr. Lal, this letter was written the same day after the visit was over.

It is an undisputed fact that Mr. Lal had provided light refreshments for the occasion and it has been elicited from Dwarkabai (exhibit 4, paragraph 23) that milk had been kept in the building in which she lives; and though she denies that it was kept in her residence, I shall take it that it was kept there; but there is no reference in exhibit 4-A to it or the remnants of any other kinds of provision kept there. If it be assumed that exhibit 4-A related to the use of these by Dwarkabai, the letter should have charged her with dishonestly using them to the exclusion of others; but there could be nothing in this, done with the object of giving affront (मला चिडविण्याच्या हेतूने) to him intentionally (बुद्धिपुरस्कार). The sentence which follows shows that Mr. Lal wanted to retaliate in same manner (not disclosed), but was prevented by the presence of his colleagues. This kind of language could certainly not be appropriate unless something more than mere use of the "provisions" by Mrs. Adkar to the exclusion of the other school teachers had taken place. After all is said it is difficult to believe that such a letter would be evoked by Mrs. Adkar drinking tea using a little quantity of milk kept there. I think the language of exhibit 4-A indicates that Dwarkabai had been assuming an attitude of indifference towards him—very probably feeling suspicious about his intentions towards her and Mr. Lal thinking that her behaviour that day was expressive of the same attitude, wrote exhibit 4-A to Miss Sonavni complaining about it.

59. It was said that the language of the letter ought not to be taken seriously, as it was written "in lighter vein" and was not intended to be delivered to Mrs. Adkar. I do not think the "lighter vein" can furnish any other satisfactory explanation of the language of the letter. As regards the argument that it was not intended to be delivered to Dwarkabai, it is evident that the object in writing it was that its contents should be made known to her. It is further noteworthy that this was done through Miss Sonavni. It indicates the degree of familiarity, subsisting between her and Mr. Lal. But leaving this aside, it is worth consideration why a Chairman of the School Board should think so much about the indifference of a school teacher.

60. Exhibit 4-B is rather a long letter addressed directly to Mrs. Adkar by Mr. Lal and bears date 15th December 1938, i.e. the day before the visit of Miss Twells. It is said in the first paragraph of it that he had asked the Administrative Officer to test the class, but that his opinion had caused him dissatisfaction; that he wanted to speak to her about this that morning but did not do so, because she would have taken this to heart as was usual with her; that she was, instead of looking to the coaching of the class, engaged in teaching dance and songs; that these were also required but that it was necessary to look more to the coaching of the class. The second paragraph of it runs as follows:—"I am going to ask the Inspectress (Miss Twells) when she comes to watch your demonstration lesson (पाठ) will you please (कृपा करून) prepare it carefully? I am going to take her opinion about your work. My request to you is to take a little more care for my sake as also because we have to make use of it (त्याचा आपल्याला उपयोग करून घ्यावयाचा आहे). In the evening (सायंकाळी) if possible (जमल्यास) I shall come at 5-15 or 5-30 p.m. and see your dance and singing (तुमचा नाच व गाणे घेऊन पाहीन—). I shall stop here as there is no time to write more". This letter will have to be seen in the original because there is a red pencil mark in it—which Mr. Lal denies having put there. I have, however, little doubt that he had put it in order to transpose the word माझ्याकारिता as is clear from the gap and the bracket occurring after the words जरा अधिक काळजी.

61. It was argued for Mrs. Adkar with reference to this letter (1) that the first paragraph of it and part of its second paragraph were meant to frighten her into submission to him and at the same time impress her with the idea that Mr. Lal was her real benefactor who cared so much for her feelings; (2) that the reference to her dance and singing was most reprehensible, as no Hindu lady laying claim to gentility would ever dance or sing before any male; (3) that the time mentioned in the letter for his going to see it was after school-hours which left no doubt that he referred to her dance and singing; and (4) that the last sentence was significant. Mr. Lal's explanation of this letter will be found in exhibit 26, paragraph 4. He says *inter alia* (1) that Mrs. Adkar had applied in October 1938 to be confirmed in her post; (2) that when he went 1/2 days prior to the visit of Miss Twells he found her devoting more attention to the performance (to be given at the time of her visit) at the cost of teaching; (3) that he had received a report from the Administrative Officer that her teaching required improvement; (4) that he wanted the opinion of Miss Twells about her capacity to teach, so that her opinion would help her in her future prospects; (5) that he wanted to convey to her the idea that even if she did not care in her own interest to do so, she should at least do so for his sake, as he was devoting his attention and taking keen interest in converting this into a model school; and (6) "that the reference to the dance and song was in connection with the rehearsal to Miss Twells as she was to come the very next day".

62. I have already said enough about Mr. Lal's claims to make this school a model school. As regards his contention that the Administrative Officer had said to him that her work would require improvement, Mr. Pardeshi's evidence does not support him.

He says on the other hand that her work was good and never said that it was unsatisfactory (Exhibit 6, paragraph 3). I have also looked up the remarks made by him at the time of his visit on 13th December 1938 to which Lal has referred in Exhibit 4-B. He has said there about her work, "The preparation of Standard III-B in arithmetic was satisfactory. Effort should be made to improve dictation". There is scarcely anything in this for Mr. Lal to be dissatisfied or to consider that special improvement was needed in her mode of working. There is also nothing to show that the opinion of Miss Twells was sought about her work. Had it really been taken it should have been in writing as it was meant to help her in her future prospects". But Mrs. Adkar says that Miss Twells neither asked her anything nor inspected her class and that she only moved through the classes (Exhibit 4, paragraph 23). This does not seem improbable remembering that she had no concern with these schools and that the whole fuss was about the co-education classes (Infant and Standard I classes). The contents of Exhibit 4-B look so far to be mere bluff—which affords some justification for the contention that Lal's aim in writing that way was to have a hold on her and pose as her benefactor.

63. Coming to the dance and the singing Mrs. Adkar admits (exhibit 4, paragraph 21) that there was such a performance but she says that Miss Sonavni taught the song. She admits that there were girls from her class in the party; and it is difficult to say that she would have nothing to do with the preparation for the performance. It seems that Mrs. Adkar was stung by the words 'तुमचा नाच व गणें', and the time mentioned by Lal for his coming to see it. Evidently the word 'तुमचा' was very inappropriate. Mr. Lal should have certainly taken better care about the choice of words while addressing a respectable lady, but looking to the context, it will be too much to say that he was referring to her personal dance or singing and not that of the party of girls, though she seems to have honestly thought that way. It seems that she had already become suspicious about his intentions and was, therefore, hurt by the word; but when we remember that nothing improper is alleged to have been done by Mr. Lal till then, it will not be reasonable to hold that he wrote that way in the expectation that Mrs. Adkar was going to dance or sing to him. No doubt the time mentioned was that of the closing of the school and a little later, but it is common experience that preparations for performances like this are mostly taken in hand about the closing time of the school and go on for some time thereafter. As regards the last sentence, I do not think it will be fair to imply anything improper in it. It might have been an empty formality which is not uncommon.

64. I shall next take up Exhibit 4-C. It is dated 23rd December 1938 (7 a.m.) and is addressed by Lal to Mrs. Adkar. It runs as follows:—"Will you please do me the favour of handing the accompanying chit to Miss Sonavni? I was going to finish to-day the programme of (mentioned in) the message sent to you through the chit sent to her; but I could not go to Bombay on Monday owing to some occurrence (प्रसंगानुसार) (which is known to you) on the last Saturday/Sunday. I am, therefore, going to-day. I shall return to-night; and I hope that when I come to your school to-morrow, I shall find that your "ghost" (भूत) had disappeared. Your present policy (धोरण) will not please anybody. Why then this artificial anger (कृत्रिम राग)?" There is a postscript in it as follows:—"Mistakes of all kinds should be pardoned" (सर्व प्रकारच्या चुकांची क्षमा असावी).

65. Mr. Lal's explanation of this letter will be found in Exhibit 26, paragraphs 5 to 7. He says there that there was a demonstration lesson given by Miss Patankar on Saturday (17th December 1938); that on the next day (Sunday) he had called school-mistresses including Mrs. Adkar for interview in connexion with adult education, but that only two turned up; that he was told that others including Mrs. Adkar had accompanied Mrs. Parghi and her picnic party to the *Darna Dam*; that this upset his plan of going to Bombay on Monday as he had to be here for the interviews that day; that he expressed his displeasure for this; that he also expressed it on learning that Mrs. Adkar and Joshi had monopolised the use of the boat at the *Darna Dam*; that when he accompanied Mr. Ghate, Educational Inspector, Bombay Division, he learnt from other school-mistresses that Mrs. Adkar was in a sulky mood; that Mrs. Kelkar from Poona had come to collect subscriptions from *Lokamanya* Society and put up with Mrs. Adkar who had brought Mrs. Kelkar to him and asked for his help in collecting subscriptions; that as his going to Bombay had been postponed, he had to write Exhibit 4-C to Mrs. Adkar for informing Mrs. Kelkar that he would not be able to go with her; that the reference to "भूत" merely meant that she should not sulk unnecessarily; and that as his visit was to be in the morning, no sinister or indecent motive could be read into the letter.

66. It is necessary to mention at this stage that Miss Sonavni's chit referred to above contained, according to Mrs. Adkar, the following passage, "Yesterday, the Bai of the third Standard was seen purchasing articles up to 8 p.m. at night? Why was she spending her invaluable time so late in the night? Is she going to be here in the Christmas holidays or going out? Let us see how she welcomes me to-morrow when I come to school to-morrow". It is not denied for Mr. Lal that the chit to Sonavni contained some such words. His explanation is, "A day previous to 23rd

December 1938, I casually noticed Mrs. Adkar making some purchases which created an impression in my mind that she was going outside Nasik in Christmas holidays. As at this time, I was contemplating holding a class for teaching Hindi to school teachers during Xmas holidays, I casually inquired with Miss Sonavni to ascertain from Mrs. Adkar whether she was leaving Nasik during Xmas holidays or remaining here". (Exhibit 26, paragraph 7).

67. Mrs. Adkar admits that on 18th December 1938 she had accompanied Mrs. Parge's picnic party to *Darna Dam*, but there is nothing to show that there were going to be interviews on that day or that they could not be held owing to almost all the teachers having gone out as is alleged. Mrs. Adkar's deposition shows that only she and Mrs. Joshi had accompanied Mrs. Parge and her party. Even as regards these Mr. Lal has himself admitted (Exhibit 26, paragraph 5) that Mrs. Parge had asked him to give a note to the keeper of the *Darna Dam* on the previous day (Saturday). If so, he could not have failed to know about the party and the teachers accompanying it. If the so-called interviews were of such an important nature, he could have detained the teachers or had them immediately after the demonstration lesson was over on Saturday. The interviews are said to be connected with adult education, but it is not disclosed in what respect they were going to be. The evidence of Mr. Pardeshi shows that adult education was the subject of discussion in November 1938 and the Audit Officer submitted his report (Exhibit 6-B) about every detail connected with it on 15th November 1938. That report further shows that the names of teachers (including Mrs. Adkar) whose services were to be rendered available for it were submitted on 15th November 1938, and Mr. Pardeshi's deposition (Exhibit 6, paragraph 7) shows that a teacher from Poona was to come on 2nd January 1939 to train the teachers in the methods of imparting the adult education. In the circumstances, it is difficult to see what was there for Mr. Lal to interview the women teachers about. He has not cared to enlighten us on the point. Even assuming that there was any necessity for interviewing the further question is whether they could not have been held over till after Mr. Lal returned from Bombay after going there on Monday. It is next pertinent to ask why should he not have specifically referred to the postponement of interviews and refer to it by a word like (प्रसंग) and make a secret about it. That word implies that some thing had happened. What that was, Mrs. Adkar says she does not know. Mr. Lal does not find it convenient to specify it. One more thing which required reference was the "programme" about which Mr. Lal says in this letter he had sent message to Mrs. Adkar through Miss Sonavni to whom he says he had addressed a chit. What was this "programme"? If meant merely the interviews, why did he not mention them distinctly? All these questions remain unanswered. Perhaps the letter or chits addressed by Mr. Lal to Miss Sonavni and referred to in this letter (Exhibit 4-C) would have thrown light on the point. I, therefore, summoned her to produce the letters and the chits received from Mr. Lal. Though I took care to send a summon to her to attend immediately the move proved useless and she came ready to depose that she had torn the chits received from Mr. Lal and further that they related to the repairs to the school building and the co-education being relished by the boys and the girls themselves. When she was specifically asked about the chits referred to in this letter (Exhibit 4-C) she had the ready answer that she had not got it and was unable to say what it contents were. I am bound to say that Miss Sonavni appeared to me to have suppressed the chits because they would have exposed the hollowness of Mr. Lal's explanation.

68. Going next to Mr. Lal's further contention that he had to write this letter for the information of Mrs. Kelkar who had come to Nasik to collect subscriptions for a society and had approached him for help in securing them, Mrs. Adkar no doubt admits that she had come and was putting up with her. Mr. Lal has also produced a letter (Exhibit 26-III) showing that he had paid Rs. 11 to Mrs. Kelkar on 2nd January 1939, but these facts cannot show that the letter in question was meant for her. In fact there is not a single word in it referring to Mrs. Kelkar or asking Mrs. Adkar to tell her that he was going out of Nasik. Mr. Lal was, after all, going out for a day only while on his own showing Mrs. Kelkar was to be at Nasik till after X'mas. There was, therefore, no necessity for him to inform her. The hollowness of this allegation is exposed by a perusal of the further portion of this very letter. It shows that his sole object in writing it was to make Mrs. Adkar abandon her attitude of "sulkiness" as he calls it.

69. This sulkiness was, according to Mr. Lal, due to two reasons (i) that he had expressed his displeasure at the absence of the teachers for interview on Sunday and (ii) that he had done the same on comming to know that Mrs. Adkar and Mrs. Joshi had monopolised the use of the boat at the *Darna Dam* and not allowed others fair opportunities to move in it. I have already dealt with the allegation about interviews. Mrs. Adkar repudiates the charge about monopolising the use of the boat. Nobody else speaks to it and I have little doubt that that allegation is being made for want of anything better to say. Assuming that all this was true and that Mr. Lal had expressed his displeasure, about her behaviour, he had legitimately and deservedly done so. Why should he try to pacify her, ask for her pardon for all the mistakes committed by him. Why should he call her sulkiness "ghost" (भूत) and artificial anger (कृत्रिम राग).

It was contended for Mrs. Adkar that these words usually occur in the language of lovers or husband and wife. There is some force in the contention. A careful perusal of this letter however leads me to think that it was written because Mr. Lal felt that Mrs. Adkar had been offended and was becoming more and more indifferent towards him and he wanted her to abandon this attitude and be cordial towards him. The programme referred to in this letter probably meant that he was going to apologise to her.

70. I have already set out the contents of the note accompanying this letter and addressed to Miss Sonavni and also Mr. Lal's explanation thereof, viz. that he inquired that way as he wanted to have classes for Hindi held in the X'mas holidays. In appreciating this explanation, I must again refer to the evidence of Mr. Pardeshi which remains uncontradicted. He has stated (Exhibit 6, paragraph 8) that Mr. Lal's proposal to introduce Hindi into the curriculum was sanctioned by the Municipality on 17th December 1938; and that it was only on 23rd December 1938, he (Mr. Pardeshi) issued a circular asking the teachers to say if they were willing to undergo training in Hindi and qualify themselves to teach that language. No doubt the answer to this circular was asked by the same evening, but it is evident that after knowing how many were willing, arrangement would be made to get a teacher to teach that language. As Mr. Pardeshi states no teacher was also available and no classes were held in X'mas. Nothing was also pointed out to me to show that any teacher had in fact been written to. Mr. Lal's explanation about the query, therefore, will fail to convince anybody.

71. The next letter is Exhibit 4-E. It was evidently sent about *Makarsankrant* day accompanied by *tilgul*. It is a matter of indifference whether it was sent before that day or after it. It is a sort of philosophical exhortation on the occasion of *Makarsankrant* to Mrs. Adkar to create an atmosphere of joy (आनंदवृत्ति निर्माण करून) to bring comfort to others (स्वस्था प्राप्त करून देऊन) and aim at making it lasting (ते टिकविण्याची अंतःवृत्ति देवावी). The letter concludes thus "and hence though it did not become possible for me to make the mouth sweet by sweet words suitable to the occasion still you should make your mouth sweet with these sweet" '*Tilgul*'. You should not be angry if anything out of the way (literally more or less) might have been written. Your affection is there. May it increase". (म्हणून प्रसंगाला अनुसरून गोड शब्दांनी जरी तोंड गोड करतां आले नाही तरी निदान ह्या गोड तिळगुळांनी तरी तोंड गोड करावे. कमी जास्ती लिहिळें गेलें असल्यास त्याचा राग मानू नये. लेख अहिच वृद्धी व्हावी. The letter begins with the words "Respectable sister" (सन्मान्य मगिनी) and ends with the words अपळा बंधु before the signature, and below the signature, there occur the words "mistakes should be pardoned as (it has been) written in haste". The learned pleader for Mrs. Adkar frankly conceded that this letter was an attempt to pour oil over troubled waters made—very probably because Adkars had already approached Mr. Despande, M.L.A., for his help to get redress and Mr. Lal had very probably come to know of this. It was said for Mr. Lal that he sent the letter and the *tilgul* to Mrs. Adkar in the same manner as he sent them to Messrs. Ghate and Pavte and has produced Exhibits 26-I and II which are letters in acknowledgment from them of the *tilgul*, but these were high officers of the Educational Department. There is nothing to show that Mr. Lal sent *tilgul* to the other teachers working under the School Board accompanied by such letters. I think the object of Mr. Lal is plain.

72. Going next to Exhibit 4-F which a small chit, dated 14th February 1939, and which I hold on the evidence to be in the hand of Mr. Nagarkar, it contains a direction to send Mrs. Adkar for taking instructions about adult education. Mrs. Adkar says when she went accordingly he expressed surprise and asked her to come at 4 p.m. and see Mr. Lal. If he had really written it, there was nothing for him to be surprised about. It has not been said that Mr. Lal had called her between 23rd December 1938 and 14th February 1939 and since Mrs. Adkar did not go and see him, it is not known what his object in sending for her was. It is likely that he wanted to tell her not to part with the letters. Any way there is no material to say that this chit was intended to advance any illicit purpose.

73. It will be convenient at this stage to refer to Exhibits 4-G and I. Exhibit 4-G is a letter written Mrs. Adkar to Mr. Lal on 17th November 1938 in connexion with a demonstration lesson which it had at first been arranged should be delivered by Mrs. Adkar. It seems she found it inconvenient to do so and therefore arranged with Mrs. Pargie to change the fixture and informed Mr. Lal. There was nothing strange in this seeing that Mr. Lal was usurping the functions of the Audit Officer and dabbling in everything including the demonstration lessons. This letter contains a postscript that mistake occurring in the letter owing to its hasty writing should be pardoned. In order to show that this was a formality in letters and therefore we need not attach any significance to that kind of writing in Exhibits 4-C, and 4-E, this letter was put in. I have, however, to observe that two things are forgotten in advancing this argument (1) that the letter appears to have been really written in haste and in confusion and (2) that a subordinate like her will ordinarily write in an apologetic tone.

74. Exhibit 4-I is a printed copy of the address presented by Mr. Lal as Chairman, School Board to Swami Kuvalayanand, President of the Board of Physical Education, Bombay, on 2nd February 1939. He has inserted a passage in it that the average Indian mind is narrow and prone to take in a bad light if men and women meet with pure motive or mix together with a free mind; and that this was a big stumbling block in the way of the progress of womanhood. Very probably Mr. Lal had his misgivings about the action the Adkars were about to take and this was some sort of public defence about his course of conduct towards the women teachers.

75. I have thus dealt with all the letters produced by Mrs. Dwarkabai and the documents produced by Mr. Lal in the same connection. Considering all these, I am led to the conclusion that Mr. Lal who had missed no opportunity of moving among the school-mistresses, had gone too far in the case of Mrs. Adkar and upset her by cracking jokes with her in an indiscreet manner. He had gone so far as to use the kind of language we find in Exhibit 4-A. There is no wonder if a Brahmin lady like Mrs. Adkar, not accustomed to allow any such things, honestly inferred that he had evil intentions towards her and therefore complained to her brother who in his turn took action. Neither of them struck me as persons who would go out of their way to bring Mr. Lal into trouble and gain notoriety. Both have to toil for their bread and would be the last persons to move against the Chairman under whom Mrs. Adkar has to serve expecting to be confirmed. Mr. Lal's Advocate realising this argued that the above letters were surreptitiously removed by somebody and their facsimiles published in the *Lokamanya* and thus an indirect pressure was brought on Mrs. Adkar to vindicate her honour and therefore she is making all these allegations. Exhibit 27-I which is a copy of the *Vividhavratta* of Bombay dated 29th January 1939 was produced to show that that journal had been approached with certain documents which must have been the letters. The deposition of Mr. Digambar Adkar (Exhibit 15) shows that Dwarkabai had shown two letter (Exhibits 4-B and C) to him in December 1938, and that he had seen Mr. Deshpande in January 1939. It was said for him that he was moving in the matter and was responsible for ventilating it, through the newspapers as one of the avenues for redress and that had he been questioned, in cross-examination he would have mentioned everything that he had done. Be that as it may, the *Vividhavratta* did not mention any names or the kind of evidence put in its possession. So far as the *Lokamanya* is concerned, I find from Exhibit 6-F (its issue dated 21st March 1939), that that paper concerned itself with this affair from this date onwards. Exhibit 16-H shows that it began to publish articles about Mr. Lal and his administration from 28th March 1939 and Exhibit 16-J so that the facsimiles of the letters (Exhibits 4-B and C) were published for the first time in its issue dated 5th April 1939. Long before this Mr. Digambar Adkar had submitted the application (Exhibit 15-B with the letters) dated 3rd February 1939 through Mr. Deshpande, M.L.A., to the Honourable the Prime Minister, and the District Magistrate had recorded the statement of Mrs. Adkar presumably on 19th February 1939. In the circumstances, it is useless to say that pressure was brought on her by the publication of the letters to make allegations against Mr. Lal. I think the action of Adkar in approaching Government was spontaneous and I see no reason to disbelieve her. I believe her when she says that she went to Bodwad in order to avoid Mr. Lal's visit on 24th December 1938 though it was said that Mrs. Kelkar having stopped with her she would not go out; but there is nothing unusual in her giving Mrs. Kelkar the use of her rooms and going to the place where her mother and brother were.

76. As regards Mr. Lal watching her movements we have only one instance referred to in the chit to Miss Sonavni accompanying Exhibit 4-C. We cannot draw any adverse conclusion from a single instance. It is possible to say that he might have done so casually. There is, however, no satisfactory explanation as to why he wanted to know whether she was going out in X'mas.

77. I must lastly mention in the same connection the evidence of Mr. Pardeshi which is to the effect that he had warned her to be on her guard, that he inquired of her bother (when he saw him) as to whether she was living here alone and asked him to get his mother here to live with her and be on guard (Exhibit 6, paragraph 3). I see no reason to disbelieve Mr. Pardeshi here. It is evident that Lal was taking unusual interest in her which could not but have attracted the notice of Mr. Pardeshi.

78. Coming next to Tungabbadrabai Joshi's resignation referred to in paragraph 7 (xv) above, the contention of Mrs. Adkar is that she resigned because she felt that she would be similarly treated. As regard this Mr. Lal has got in her two letters (Exhibit 26-VI and Exhibit 26-V) respectively dated 1st January 1939 and 14th January 1939 which show that she resigned on account of her child's ill-health. It was rightly contended that if there was anything more implied in her resignation, she should have been examined. She was, however, not examined. In the circumstances, I must ignore the allegation, whatever the grounds of suspicion there might be.

79. I shall next consider the allegation No. XVII (a) in paragraph 7 above. The Independence Day fell on 26th January 1939. Exhibit 16-M shows that Mr. Deshpande as the President of the District Congress Committee here wrote to the Chairman,

School Board, on 25th January 1939 and requested him to give a holiday to the children on account of it. The resolution of the School Board in this respect is written on the back of the letter and shows that it was passed on 26th January 1939 some time in the morning. The allegation is that the fact of the holiday was known to the children in this school the previous evening and they and the teachers did not turn up on the 26th, while the children and teachers of all other schools, have to go to their schools at the usual hour and then go home. Mr. Garge has stated in exhibit 12-A that his niece told him about the holiday the previous evening (25th) and did not go to school on the 26th. I was also pointed out from the attendance book of this school, that no teachers had really attended and that a few signatures of the teachers were later interpolated. The book is an exercise book and the signatures appear above the lined portion which raised strong suspicion that way; but the "Independence Day" was being talked of for so many days previously that anybody would form a shrewd guess that the holiday would be given—which would be strengthened by the news about the receipt of a letter from Mr. Deshpande. Moreover, if the resolution was passed at 9 a.m. it is possible that the orders about the holiday will be issued immediately and known first at this school as it is so very near the School Board office and would be the first to get the information. Having regard to all these factors, we cannot necessarily draw the adverse inference suggested, though it might not be unlikely that Mr. Lal in course of a visit to the school the previous evening had spoken about the proposal (to give holiday) to the school-mistress. Though the writer in the *Lokamanya* seems to have made much of the point, I do not attach so much importance to this fact for the reasons already given.

80. As regards allegation (b) in the same paragraph I do not attach any importance to it remembering that on the occasion of the visit of such a distinguished visitors many are to be found to vie with each other and seek to come to his notice by all possible means. There is nothing definite to show that Mr. Lal got Miss Sonavni to garland the Honourable Mr. Kher; but even if he encouraged her to do so, there is very little in the incident to detain us.

81. It remains to refer to exhibit 5-B a chit anonymously received by Mr. Deshpande and forwarded by him to me. It is addressed to one Mali who is a relative of Miss Sonavni, aged 16/17 and who was a student in the High School here. Mr. Pardeshi (exhibit 6, paragraph 5) proves Mr. Lal's handwriting of it. He has asked her to see him *alone*. His explanation of this letter would be found in exhibit 26, paragraph 10 but he has not explained in it why he wanted to see her *alone* and has taken shelter under the plea that she would be able to explain this but that she was not examined. He has also said that as Mali was not a teacher the letter is irrelevant. The absence of any explanation must give rise to suspicion against him.

82. I have thus discussed all the allegations and the evidence produced in connexion therewith and mentioned everything which will throw light on his conduct and his methods. My conclusion so far as his administration is concerned is that his methods were certainly not good and that he was usurping the functions of the Administrative Officer and himself doing many things which he should have left to the Administrative Officer as falling within his proper sphere, but I think it is too much to treat all this as "misconduct in the discharge of his duty". The School Board was partly responsible for his intervention as it left the arrangements about co-education to him when it should have left this to the Administrative Officer.

83. As regards the question whether he was guilty of "disgraceful conduct" it is clear from what I have already said (1) that he had gathered together women teachers (most of them under 30) in a school which he located near the School Board Offices and put them practically under a teacher (Miss Sonavni) who was undisputedly in cordial relations with him and who was suspected to have been in illicit relations with him; (2) that he was availing himself of almost every opportunity to be in their company visiting the school too many times or attending their demonstration lessons; (3) that he was meeting in his office room Misses Sonavni and Kenjalkar and Mrs. Gangale and possibly 1/2 more teachers and sitting with them chitchatting up to a late hour, but there is nothing to show that there was any misconduct going on there though peon Khalge (exhibit 20) a solitary witness suggested that way by saying that lights used to be switched off for a time, but on the other hand the undisputed presence of more than one woman teacher would render misconduct improbable, and (4) that he tried to be familiar with Mrs. Adkar who began to entertain suspicions about his intentions and tried to avoid him, that when he discovered this, he took her to be showing studied indifference towards him and wrote the letter (exhibit 4-A) the manner and the tone of which deserves censure, and when he found that it had displeased her, he wrote (exhibit 4-C) and made a final effort in exhibit 4-E to pacify her. These are in brief my findings and the question arises whether "disgraceful conduct" within section 3 (e) of the Act can be said to be made out. So far as Mrs. Adkar is concerned, she does not say that any improper overtures were made to her or that any positive act was done by him in furtherance of his suspected intentions. As regards others, particularly Misses Sonavni and Kenjalkar and Mrs. Gangele the public of Nasik viewed with suspicion

the visits of Mr. Lal to the School and the visits of the above three to his office but the question whether they had developed into anything dishonorable must be a matter of speculation as direct evidence on the point as also evidence suggesting a necessary inference in that direction is lacking. It is evident that the activities of Mr. Lal were of an undesirable type, but the question is whether they can amount to "disgraceful conduct". The Legislature has chosen the strong expression "disgraceful conduct" and if it be taken to require positive acts and not merely conduct which gives rise to suspicions, however strong, no action can be taken by Government under section 3 (e) of the Act. If Government are prepared to act on the view that the conduct referred to above, can be so treated the section would entitle Government to take action and remove him from membership, but I feel doubtful about this. It is necessary to mention here that it was argued for Mr. Lal that the "disgraceful conduct" must be connected with the discharge of his official duties and reliance was placed on Halsbury's Laws of England, Vol. XX, pp. 320 to 322. The passage relied on refers to medical practitioners and requires (according to the English Law) "infamous conduct in any professional respect" (*ibid* p. 320 paragraph 774). The law is the same as regards medical practitioners in Bombay. *Vide* section 7 (4) of Bombay Act VI of 1912. Section 3 (e) of the Primary Education Act is, however, differently worded and the words "disgraceful conduct" used therein are in my opinion wide enough to cover such conduct in any sphere.

84. I shall lastly mention that even if Government do not feel able to take action *suo motu* the School Board itself can take action under section 4 (a) (2) of the Act and remove Mr. Lal from Chairmanship without requiring proof of definite disgraceful conduct. Exhibit 24 shows that some members have already sent requisition for a meeting to discuss the question.

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