

## **Fact Finding Report on assault of Prof Waghmare following WhatsApp post**

**Date of Visit: 25<sup>th</sup> March 2017**

This is a report of an eight-member fact finding team constituted by the Joint Action Committee for Social Justice, Mumbai to inquire into the assault on Prof Sunil Waghmare, head of Commerce department of KMC college in Khopoli (district Raigad, Maharashtra). The series of events related to this incident took place between 15<sup>th</sup> and 17<sup>th</sup> March, 2017. Following media reports, the fact-finding team visited Khopoli on 25<sup>th</sup> March, 2017 and met local activists, eyewitnesses, the complainant Prof Nagargoje, the principal of KMC college, the Investigating Officer of the case, as well as the lawyer who filed the bail application on behalf of Prof Waghmare. On 27<sup>th</sup> March, Prof Sunil Waghmare was also met and interviewed for his version of events. Members of the fact finding team: Harshali and Suvarna (Samata Vidyarthi Aaghadi), Janani (independent), Sharad Gaikwad (Republican Panthers), Ushakiran ((Republican Panthers), Michael (Research Scholar at IIT Bombay, Paankhi Agrawal and Salim Saboowala (Committee for Protection of Democratic Rights).

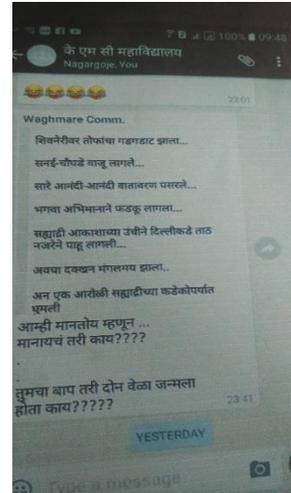
### **THE INCIDENT**

*The following is a description of the events as they unfolded, beginning from the time a WhatsApp message was posted, upto the time of arrest of Prof Waghmare. This has been prepared on basis of the information provided by various persons whom the fact-finding team met and interviewed, and a verification of all documents, screenshots and letters mentioned.*

The KMC College Whatsapp Group was created 4 years ago and had 34 members comprising the professors and principal of the college. Khopoli Municipal Council (KMC) college of Arts, Science and Commerce is managed by the Khalapur Taluka Shikshan Prasarak Mandal (KTSPM). Prof Amol Nagargoje of the Chemistry department is the administrator of the WhatsApp group. Members have been known to share forwards and jokes on the group, and this team came across several messages posted in the past on the group containing jokes, forwards, wishes, political messages, etc. from its members, as told to us by members of the WhatsApp group.

15<sup>th</sup> March 2017 - the message is posted:

On the night of 15<sup>th</sup> March 2017, when forwards relating to Shivaji Jayanti were being shared, Prof Waghmare forwarded a message that he had received on a different Whatsapp group, that he had seen from a friend’s facebook page. When the Professor was interviewed, he clarified that he had not composed the comment. This forwarded message contained the following comment: (reproduced and translated below)



Also attached is the screenshot which is the basis for the FIR.

|  |  |
|--|--|
| <p><i>“Aamhi maantoy mhanun ...<br/>maanaycha tari kaay???</i></p> <p>.</p> <p>.</p> <p>.</p> <p><i>Tumcha baap tari don vela janmala hota<br/>kaay??????”</i></p> | <p><i>‘Just because we are believing...<br/>should we continue to believe?’</i></p> <p>.</p> <p>.</p> <p>.</p> <p><i>Was your father born twice??????”</i></p> |
|--|--|

The post refers to the various dates on which Shivaji’s birthday is commemorated. This message was posted at 23:41 hours on 15<sup>th</sup> March 2017, and evoked no response at the time from the members.

16<sup>th</sup> March 2017

On the next day, at 11.30am, the college Principal has met Prof Waghmare and has asked him about the comment, and asked him to apologize for the same. Prof Waghmare has clarified that this was posted only as a forward, that no offense was meant, and that he would apologize if anyone was offended. Being someone who respects Shivaji, he clarified that he had not intended any offense to him. With this, the conversation has ended. At this point, the Principal, who was met at a corridor, has said “your comment has gone outside.”

The WhatsApp chat of the day is as follows:

10.52 am, Professor Nagargoje posts a message to all 34 members stating that the message sent by Prof Waghmare is not in line with the the objectives of the group, and that the group is meant only for official communication. It may be observed here that such a warning has not been given in the past ever on the group by the admin or anybody else, to any of forwards by any of the other members, however irrelevant, as told to us by members of the WhatsApp group spoken to. This was a first-time warning of the kind.

12.05 pm, Prof Gandal: “Nagargoje sir group delete kar”

2.29pm, Nagargoje: “Dear all prof I am resolving(sic) this group”

The above message shows that the principal is aware of the communication as well as has participated in the group upto this point. This contradicts with the principal's statement to this team. When asked, "Are you a member of the WhatsApp group?" He did not reply in yes or no, but said that he was not active. Other members of the group, though, confirmed that he was a member.

After this, when late afternoon, Prof Waghmare opened WhatsApp to check messages again, he found that all other members had been removed. At this point, only 3 members have remained: the principal, Prof Nagargoje and Prof Waghmare himself. Thus the group was still alive and had not been deleted. This contradicts with Prof Nagargoje's statements to media and in his FIR where he says he deleted the WhatsApp group after a comment was posted by Prof Waghmare, following a warning given by him as admin.

*17<sup>th</sup> March 2017 – public thrashing by a mob on Prof Waghmare, and his arrest*

On 17<sup>th</sup> March 2017, Prof Waghmare had completed his supervision duties from 8 am to 10.30am. After this, when he ran into Prof Nagargoje, he clarified with him about the post, explaining that the post should not be made into a big issue, and that he had not intended to offend anyone. Following this, he attended a meeting of the Employees Society at 11 am. This meeting has lasted for about 15-20 minutes. During the meeting, Prof Waghmare received a phone call from Mr. Dattatray Masurkar, current member and former President of the KTSPM Sanstha (or Management Committee) asking "Did you post a wrong message about Shivaji Maharaj?". Prof Waghmare responded and kept the phone. After this conversation when the meeting ended, he goes on to the library next.

By about noon, there is commotion in the college near the Principal's cabin. By this time the Principal had left the college. The non-teaching staff are angry, and are talking about closing down their work because they have heard that Shivaji Maharaj was insulted by Prof Waghmare.

At this point, Prof Waghmare receives a call asking him to come down to the management cabin, which is located next to the Principal's office within the campus. Mr. Surve, Vice President of the Society, is also there. A crowd of about 20 persons is gathered in the room. Many others, about 100-300 people are gathered outside. Mr. Surve asks Prof Waghmare, "What is this comment about? What have you posted?" Prof Waghmare starts offering an explanation. However, with the anger rising, the people are not listening to his defense.

People present in this room are:

- Mr Surve,
- Mr Kishore Patil, President of the Management Committee or the Sanstha funding the college, (seen sitting in the middle in video clips),
- Mr. Ramkrishna Tawde, a member of the Sanstha
- Vijay Tendulkar, a member of the Sanstha
- A few local journalists
- Members of the non-teaching staff, including 2 ladies

- A number of youths identifying themselves as ‘ShivPremis’

Someone in the crowd asks Prof Waghmare, “How can you make a comment like this? We celebrate Shivaji Maharaj through so many jayanthis. How can you insult him?” Prof Waghmare tries responding to them, tries answering again. At this point, more young men come into the room. One of them first starts slapping Prof Waghmare. More commotion breaks out. A video clip of what happens at this time is attached along with this report(link). Ramkrishna Tawde and others ask Prof Waghmare to get up from the chair and are seen (in the video clips) ordering him to sit on the floor in the corner. Injured, and with his head spinning because of the slaps, the Professor is seen sitting on the floor. He has injuries on his back, his left leg, both his ears, and an injury on his head, which remains swollen for several days after. Losing consciousness from the beatings, Prof Waghmare covers his head and finally falls flat.

Someone from the college rings up the police, which arrives in a van. Another video clip shows the half unconscious Professor being lifted off the floor by the police. Unable to walk, he falls, and is picked up again by the police and amidst loud chants of “*Jai Shivaji, Jai Bhavani*” by a crowd of hundreds of people he is taken into the police van. He is then pushed into the van where he falls flat again, unable to sit up.

Prof Waghmare is taken to a nearby hospital, Dr Ambedkar Government Hospital, Khopoli for his treatment and then to the police station, where again, a mob is gathered. According to local activists and local media reports, the police had received memoranda from Nagarsevaks of Shiv Sena and other political outfits, seeking a complaint against Prof Waghmare. The police then summoned Prof Nagargoje, the admin of the group, to the station to lodge an FIR, since this incident was triggered through a WhatsApp post, as told to us by Prof Nagargoje. The FIR is filed under section 295 A – “*Deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs.*”

#### Suspension for 6 months:

Prof Waghmare has been suspended on the same day of the incident, 17<sup>th</sup> March 2017, through an emergency meeting of the Management Committee (Khalapur Taluka Shikshan Prasarak Mandal) which was held in order to decide upon this. In the suspension order, the charges mentioned are: ‘a) misconduct, b) moral turpitude, etc. c) Miss use of social media (What’sApp)’, along with a disciplinary enquiry, for a period of six months starting 17/03/2017 to 16/09/2017.

Prof Waghmare spent the night in the police lock up at Khopoli station. The next day in his bail hearing, it was argued by defense that 295 A was not tenable. He was granted bail on the condition that his mobile phone has been given up to the police for inspection (‘recovery’).

### **Interview with the Principal of KMC college**

Dr. Narendra Pawar has been the principal of KMC college since August 2012. According to the principal he became aware of the matter on 16th March, a day after the WhatsApp post was made, when two professors came to him complaining about Prof Waghmare's post, that it had hurt their sentiments and that he should apologise. The principal said that he was also of the view that Prof Waghmare should not have posted the message on the WhatsApp group since it is meant only for academic purposes, such as sharing circulars, GRs, etc.

It may be noted here that when asked if he was a member of the Whatsapp group, the Principal said that he was not active and didn't know. However, interviews with other members of the group confirm that he was indeed a member, and his comments to Prof Waghmare show that he was aware of the issue.

According to the principal, on 17th, he was in college till 11.15 am, after which he left for Mumbai to attend an educational function and a meeting at Mantralaya. According to him, till the time he was in college, there was no sign of the impending disturbance or the mob.

The version of events that he shared is as follows:

- A mob of around 100 people came near his office. The mob consisted of only outsiders and no student or staff was involved in it. He said he thinks the mob consisted of members of Shiv Sena, MNS, Maratha Seva Sangh, Sambhaji Brigade.
- He was informed about the mob by clerical staff, to which he instructed them to lock up all confidential papers in his cabin for the safety of documents.
- According to the principal, Prof Waghmare was not hit but was manhandled.
- Importantly, according to the principal, the CCTVs could not capture the entire course of the incident. This he said was due to sudden loss of electricity supply, and failure of the generator.

The Principal said that the management had to suspend Prof Waghmare under pressure from the mob. He also said that the proper procedures for suspension are yet to be undertaken. A committee needs to be set up by the Management which will issue a report on basis of which the decision will be taken. For removal of an SC professor, there are protocols with regard to the constitution and functioning of this committee, e.g. at least one member as to be a SC faculty and one is usually a retired judge. The Principal said that he was advising the management on how to follow all protocol in order to undertake this inquiry and to legalize the suspension.

#### *Relationship between principal and Prof. Waghmare:*

##### A. Principal's version is as follows:

When asked about his past relationship with Prof Waghmare, principal said that they have 'differences that come naturally due to age difference'. "Prof Waghmare is younger... he is more immature." He said Prof Waghmare had several family problems, that he was poor. That his family lived in the village. He also alluded that Prof Waghmare was involved in problems with some women professors in the college, though he did not elaborate on this when asked further. He said that Prof Waghmare has some neurological problem due to which his face became distorted, but which was getting better with treatment. At one point, he said that Prof. Waghmare would take

leave and inform subsequently through WhatsApp message and not inform him in person or through a phone call. He said this was not correct, and referred to Whatsapp as ‘illegal media’ for leave-taking or such official communication.

He acknowledged that Prof Waghmare was a good teacher, well qualified (UGC NET pass) and academically sound. He said that he had recommended Prof Waghmare to several international conferences. When we interjected to ask for names/locations of a few of the conferences, he quickly clarified that these conferences were in Pune, etc. – places within Maharashtra, but of international repute.

When asked about the general atmosphere of the college, he said that ‘the college celebrates jayanti (birth anniversary) of many great people such as Chhatrapati Shivaji, Dr Ambedkar and Savitribai Phule’. He particularly emphasized his role in ensuring that eminent speakers were called to speak with the students on occasion of Ambedkar Jayanti and Savitribai Phule Jayanti.

When asked what he intends to do further, he replied that the incident had already taken up a lot of his time and regular college work was pending and accumulating. He said that he now aimed at maintaining peace in college as advised by college management and police. He said that he discouraged anyone in college to talk about it. Importantly, he clarified that he had no intention on pressing for charges on the incident of the beating up of his colleague outside his cabin.

**B. Prof Waghmare’s version is as follows:**

He joined KMC College on 6 November 2009, and is presently Head of Department Commerce as well as Professor. Born into the ‘Maang’ (SC) community, he has described his experience of casteism in complaint letters previously lodged with the management. In a written statement to the police on the incident, he has stated that the principal has often reminded him of ‘being a beneficiary of reservations’. In this letter, he has also stated that the principal had prepared documentation in order to remove Prof Waghmare from the post of Vice Principal, which he succeeded on 10 March 2014. He alleges that the principal has also made numerous attempts to have him removed from his current post as Head of Department, Commerce. That the principal had encouraged a female colleague to lodge a fake complaint against Prof Waghmare, with the intention of using said complaint for his removal. In the letter, Prof Waghmare further states that he has been served numerous showcause notices and memoranda over the past few years by the principal, and has faced continuous harassment perpetrated by the principal.

The contents of this letter, thus, set the context in which the attack of 17<sup>th</sup> March 2017 has taken place.

**Interview with Prof Nagargoje, the sole complainant in FIR**

He is with the department of Chemistry of this college since past five years and is a permanent faculty member. He is from the Nomadic Tribes category. The KMC Whatsapp group was formed by him. He said that he had nothing personal against Prof Waghmare. He insisted that as admin of the whatsapp group, the police had summoned him to the station and asked him to lodge an FIR

against Prof Waghmare. For all further questions, he kept insisting that the questions must be directed to the Principal.

When asked for his version of events, he said the following: that he didn't know about the attack on Prof Waghmare until 3 pm on 17<sup>th</sup>. That the police had asked him to lodge FIR in his name since he was the admin of the WhatsApp group on which the controversial message was posted. That he had tried calling the principal, but his call was not taken, and that he got through to him only after the FIR was lodged.”

### **Interview with police**

The fact-finding team visited the Khopoli police station on the evening of 25<sup>th</sup> March 2017. The Investigating Officer, Thakur, was unwilling to provide information on the case. The police insisted that no violence took place, despite the existence of various video clips showing the incident. It was also believed that the police station had received letters from various local political organizations or petitions seeking an FIR against Prof. Waghmare. However, this could not be verified by our team. When asked about whether they had received such letters, the police denied and declined to give such information. The police insisted that we access these through filing RTIs. When asked about whether a case would be filed for the beating up of Prof Waghmare, they replied that he had given a statement in writing saying that he would not be filing any such complaint. That because of the existence of such a written statement, they would not accept any FIR from him even if he were to come at a later point attempting to lodge a complaint against his assailants.

## **FINDINGS**

1. ***Whatsapp Message was not composed by Prof Waghmare:*** Prof Waghmare's post is a forward of a post made on facebook. While it is true that he forwarded such a message which he had received, the wordings in the comment were not composed by him. In the flurry of non-academic posts that have been shared regularly on the college whatsapp group, the question is why was Prof Waghmare isolated, targeted, publicly beaten, arrested and finally suspended over a WhatsApp message? Who is responsible for circulating this message to outsider groups, and what was the intent?
2. ***Role of Principal:*** There are many questions over the Principal's role in the entire episode – especially on studying his relationship with Prof Waghmare over the last 8 years, his membership of the WhatsApp group in question, as well as on his failure to initiate any action on a mob which has entered the college premises and beaten up a colleague, and finally on facilitating a suspension of a professor of an SC community.

3. ***Tampering with evidence:*** The absence of the CCTV footage exactly on the day of the attack is suspicious at the very least.
4. ***Role of police:*** Instead of a case on the assailants of Prof Waghmare, the police have encouraged the attackers and summoned Prof Nagargoje to file a case against Prof Waghmare. By refusing to take any action against the perpetrators of the attack on Prof Waghmare, the police has failed in acting as an independent law and order machinery.

### **Comments on the socio-political context of Khopoli:**

On the day of the visit, local and political activists who were met shared their views of the socio-political context of Khopoli-Karjat belt. According to them, the belt of Khopoli, Pen, Sudhagadh, Panvel was a stronghold of several political outfits. The groups said to be active here included the Rashtriya Swayamsevak Sangh, Vishwa Hindu Parishad, Bajrang Dal, Shiv Sena and the Sanatan Sanstha. A few also said that many RSS leaders who oversee the Sangh's work in Maharashtra and Goa belonged to this area. The belt has been witness to several of the recent Maratha Morchas as well.

### **DEMANDS**

1. **The FIR against Prof Waghmare (section 295A) is malicious, has no basis and must be quashed.**
2. **The suspension of Prof Waghmare is wrongful and must be immediately reversed, so that he may resume teaching. His safety must be ensured.**
3. **A case under the SC/ST (Prevention of Atrocities) Act must be registered against the Principal, based on the statement provided by Prof Waghmare as well as previous complaints given by the SC/ST professors in the past. He must be terminated and proceedings initiated against him immediately.**
4. **Independent investigation must be conducted into the violence that was unleashed on Prof Waghmare on the morning of 17/3/2017.**
5. **Action should be taken against the authorities who went to the place but were reduced to witnesses to the violence for failing to file a case under the SC/ST (Prevention of Atrocities) Act against the perpetrators of violence on Prof Waghmare. Compensation must be provided to Prof Waghmare as per the provisions of the Act.**