

Punishing the messengers of Justice

■ Walter Fernandes

Standing for justice is bad news for the powers that be. That is why the arrest of the 83-year old Jesuit Stan Swamy had to come sometime because he has fought for justice all his life. But when it really came it shocked those who know him. It had to come because shooting the messenger of justice is basic to every government that only pays lip service to democracy and finds a threat in the poor who demand their right to be human. They cannot tolerate those who support people who demand their right to a life with dignity which is how the Supreme Court has interpreted Article 21 of the Constitution on right to life. That value is a threat to the rulers who work for the profit of a few. However, Stan's arrest shocked everyone because one did not expect even the present government to arrest an 83-year old ailing person at night and take him to Mumbai where COVID-19 is raging. He is only the last in a series of persons to be accused of anti-national activities for demanding justice for the marginalised. Others have gone before him like Gautam Navlakha the journalist who analysed situations from the point of view of the poor, Dr Anand Teltumbde the Ambedkarite intellectual, and others who have been speaking the language of the poor. They have not been in touch with each other but are accused of conspiracy to create violence and overthrow the government particularly in the Bhima Koregaon case.

I have known Stan Swamy for four decades and have worked closely with him for more than twenty years. What I have seen in him is total commitment to the cause of the tribes, Dalits and other marginalised communities. Equally strong in him is his conviction of the need for peaceful agitation for their rights. Agitate he did and he was present whenever these communities struggled for their rights. He encouraged them but he applied the brake

wherever he saw the possibility of violence. I have seen him with the bonded labourers who were demanding their freedom in Tamil Nadu in the 1980s even though many of them were bonded to the family of a powerful politician. He has taken a stand even against the church for example on the side of the Dalits in Villupuram in 1978 and in Thanjavur in 1990 who were demanding caste equality and human dignity. For the last quarter of a century he has been with the tribal communities of Jharkhand who are displaced, deprived of their livelihood and impoverished and made to pay the price in the name of national development. Stan felt that they were bearing the burden for the development of another class and for corporate profit. He was in their midst supporting their struggles at the same time cautioning them against violence. So one finds it difficult even to laugh when he is accused of encouraging violence at Bhima Koregaon.

But the attack on him had to come because he has spent his life fighting for the tribal cause. His latest 'crime' is that he had approached the Jharkhand High Court asking for the intervention of the judiciary to free hundreds of tribals who have been arrested and have been languishing in jail for months for demanding that the State implement the provisions of the Fifth Schedule, Forest Rights Act and other legal provisions in favour of the tribes. It was important to take Stan Swamy away from Jharkhand before the court took up the case and summoned him. So this sick man who has been suffering from Parkinson's disease for three decades and many other morbidities after it, who had cooperated fully with NIA during fifteen hours of questioning, was arrested at night and taken to Mumbai at the risk of being exposed to COVID-19.

The Dalits of Maharashtra celebrated on 1st January, 2018 the second centenary of the victory of the Mahar Reg-

iment-led army over the dominant caste-led Maratha army on 1st January 1818. That was an affront to the ruling powers who would like to see the tribals, Dalits and women remain subordinate. Some anti-social elements subverted the celebrations by organising violence at Bhima Koregaon, the site of the celebration. That became an excuse to repress people who were sympathetic to the cause of these and other oppressed groups. First it was the journalist Gautam Navlakha who is a strong nationalist but his nation is primarily the poor people. He was arrested and accused of being an ISI sympathiser. Dr Anand Teltumbde, was the next target on accusation of being an urban Naxalite for the crime of being an Ambedkarite intellectual. Others followed. Stan Swamy is only the last of them.

All of them are accused of being co-conspirators in a plot to overthrow the government. The fact that most of them have never been to Bhima Koregaon or that they have not been in touch with each other is irrelevant to the Government or its intelligence agencies. Of importance is to punish people who question injustice or demand justice for the marginalised. It is a crime in the country that declares all citizens equal before the law. That Constitution seems to be a threat to the ruling powers so those who want its provisions to be implemented have to be punished. That has implications for the Northeast too. Human rights have become a red flag in this region too as one can see from the arrest at different times of Jiten Yumnam in Manipur; Lachit Bordoloi and Akhil Gogoi in Assam and others elsewhere for demanding that human rights be protected. The continuing existence of the Armed Forces Special Powers Act is a glaring example of violation of human rights in the region.

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