

FR. STAN SWAMY SJ



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**O**n 8 October 2020, around 7.20 pm, four officials from the National Investigation Agency (NIA), the counter terrorism taskforce of the country, entered Bagaicha campus, a Jesuit-run social centre, in Ranchi and arrested Fr. Stan Swamy. He was kept in Ranchi NIA campus for the entire night and on the following day was taken to Mumbai. He was produced in the court on 9 October. Fr. Stan respectfully stated in the court, “I neither had any connection with Bhima Koregaon incident nor any links with Maoists. All along I dedicated my life for the development of my poor adivasi sisters and brothers. I wanted justice to be done to them as per the Constitutional provisions and Supreme Court judgements”. However, the judge sent him to judicial custody.

Fr. Stan is an 83-year old Jesuit, hails from a village called Vira-

# A NARRATIVE OF A HUMAN RIGHT DEFENDER

Fr. Stan has laid a legacy for the people of India to follow his footsteps. He was ready to pay the price as a true follower of Jesus

halur, near Trichy, Tamil Nadu. He is a member of Jamshedpur Jesuit Province. He suffers from multiple illnesses, including tremor (Parkinson). After his Jesuit training, he had spent his active life mainly in three places – Indian Social Institute, Bengaluru, JOHAR, a Jesuit Social Centre in Chaibasa, and Bagaicha, Ranchi in Jharkhand.

### Indian Social Institute, Bengaluru

In 1963, Indian Social Institute Bengaluru was established by the Jesuits. Fr. Henry Volken SJ, Founder Director of the Institute, was a man inspired by the legendary book by Paulo Freire, *Pedagogy of the Oppressed*. The kind of critical methodology adopted to train the people was well accepted and acclaimed across various quarters and became a huge success, even among the Government and visitors from South East Asian countries. Following the bequest set forth by Fr. Volken, the baton was then handed over to Fr. Stan Swamy SJ in 1975, the *Dark-est hour in the Indian Democracy*. Fr. Stan, along with his colleagues, not only started to climb up the echelons in offering services to the needy, but also began a series of training programmes using various analytical tools. The biggest strength of Fr. Stan lay in the spirit of the youth, irrespective of their social category, who yearned to gain knowledge about the state of the country. He went ahead to teach socio-cultural analysis and a critical yet innovative way of approaching the situation in those days. Fr. Stan motivated many individuals, religious priests and nuns, university students, Non-governmental organisations and civil society leaders from various social cate-

gories to become aware of the hard realities in which dalits and adivasis live and to question and respond to the unjust socio-economic and systemic oppression with a Jesuit hallmark – Faith that does Justice. Many social activists in South India fondly remember him as a beacon of hope for the marginalized.

Stan served as the Director of ISI Bengaluru for 11 years and as a training staff for 6 years. Once he returned to his Jamshedpur Jesuit province, he used to visit his friends once in three or four years. In 2019, he stayed in Bengaluru

for a few months, due to medical reasons. Even during these months, despite his illnesses, he participated in various protests, to express his solidarity. He continued to share the struggles and aspirations of adivasis and his work for and with them, to whom ever came to see him.

### JOHAR, Chaibasa, Jharkhand

In the late 80's, he was missioned as the Director, Jharkhandi Organization for Human Rightscentre, popularly known as JOHAR (a word used in Jharkhand to wish

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one another), where he served for 12 years. He was much disturbed by the hard realities of the 'Ho' tribe. Adivasis became his brothers and sisters. Soon, he learnt 'Ho' language and spent his time in educating and strengthening the hopes of the poor adivasis.

In the 90's, as India was opening its economy to neo-liberal paradigm, a number of multi-national companies intruded into mineral rich adivasi lands. Many villagers were displaced from their habitats in the name of development. Fr. Stan rightfully said, "Every mine that is dug, not only destroys the green forests, fertile lands and water bodies but also often displaces entire village habitations".

By mid-90's, discourse on separation of Jharkhand from Bihar was picking up momentum. Considering the new space emerging for the empowerment of the adivasis, Stan was asked to move to Ranchi in 2000. He was staying in a rented house, establishing contacts, talking to different leaders and political parties on how

Jesuits could be at the service of the adivasis in the newly formed Jharkhand state.

### Bagaicha, Ranchi

In 2006, Bagaicha was established as a common venture of the central zone Jesuit provinces of Ranchi, Jamshedpur, Dumka, Hazaribagh and Madhya Pradesh, primarily for training, research, campaign and advocacy works focusing on identity, dignity, justice and empowerment of the adivasis.

### PESA Act and Gram Sabha

Panchayats (Extension in Scheduled Areas) Act, popularly known as PESA Act, 1996 empowers Gram Sabha to take responsibility for the development of villages. It also makes provision for establishment of Tribal Advisory Council, headed by the Governor of the state, which will monitor the implementation of PESA Act and Tribal Sub-plan and report back to the central government every year. Realising that the provisions of PESA Act were not implemented,

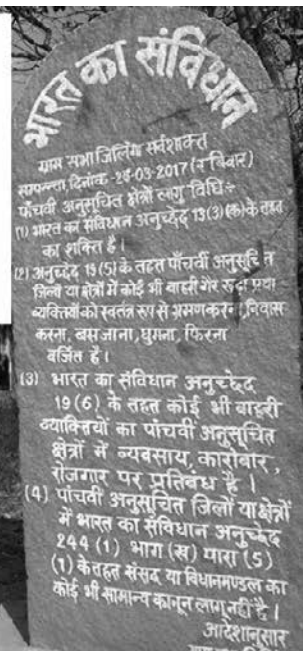
Fr. Stan criticized various governments of Jharkhand and attempted to put pressure on them. He articulated that Jal (water), Jungle (forest) and Jameen (land) belongs to adivasis.

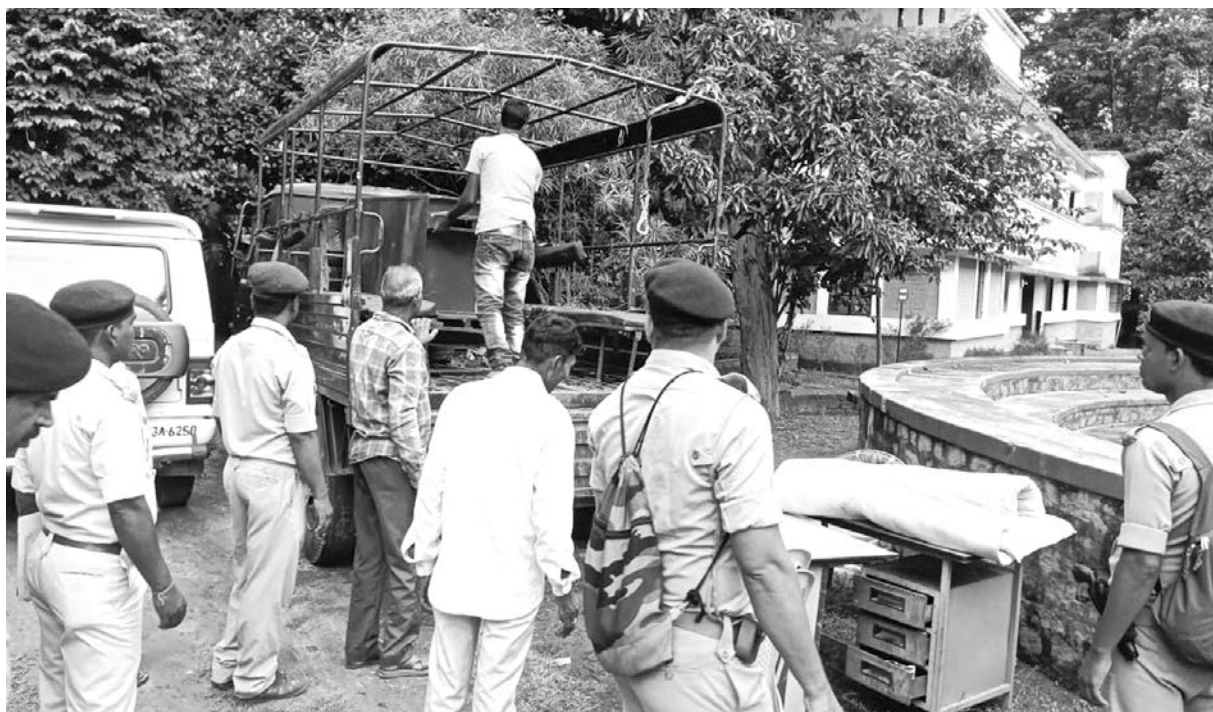
During these years, various multinational corporations were bent upon extracting the minerals from the very rich sources in Jharkhand, Chhattisgarh and Madhya Pradesh and Orissa. This process is generally preceded with a Memorandum of Understanding (MoU) between the government and the industries. The Gram Sabhas were never taken into confidence, as mandated by PESA Act. Fr. Stan actively participated in the movement led by Adivasis, that opposed Netrahat Field Firing project, which was to displace thousands of villagers and a number of adivasi hamlets in Jharkhand. He also opposed large scale Koel Karo dam project, that was to displace many adivasi families. This can be counted as one of the *wrong doings* of the man with steel spine. He wrote on these subjects extensively in print media.



## Pathalgadi: A Tribal Movement in Jharkhand

# PATHALGADI MOVEMENT





Khunti police attach Father Stan Swami's property at Bagicha in Namkum, Ranchi

## Persecuted Prisoners Solidarity Committee (PPSC)

During 2014-15, indiscriminate arrests, of mostly Adivasi and Dalit youth, were taking place. Stan convened a meeting of people of goodwill, so that a group could reflect on the nature of the intervention and even tentative plan details. The response was good, especially from lawyers. Sudha Bharadwaj was also one of the participants. The group decided to form a common forum by the name, 'Persecuted Prisoners Solidarity Committee' (PPSC), so that they could collectively intervene in the court, on behalf of Under-Trial Prisoners (UTPs), seeking immediate bail and speedy trial. Soon thereafter, based on the findings of the study of UTPs in Jharkhand, a PIL was filed in Jharkhand High Court. Stan was the main petitioner. Looking at the veracity of the evidence, the Court ordered the State government

to furnish all the information about UTPs in Jharkhand. It is now more than two years and the State is yet to submit its report. On the other hand, Jharkhand state decided to put Stan out of its way, by implicating him in a case, merely based on his comments on Facebook related to *Pathalgadi* movement.

## Pathalgadi movement

*Pathals* are stones, erected on the village entrance, following the age-old Adivasi tradition. Some adivasi villagers in Khunti district of Jharkhand, inscribed in the *pathals* the Constitutional provisions given to the Gram Sabhas as per Fifth Schedule of the Constitution and PESA Act. Soon *pathals* became rallying points for the adivasis to assert their rights and demand from the state what is due to them as per the Constitution. *Pathalgadi* movement became popular, which was seen as threat

by the government and corporate houses. As the slab inscriptions speak of the events and constitutional provisions, it has lately come under the scanner of the Government and labeled all those supported the *pathalgadi* movement as anti-nationals. Along with 19 others, the then BJP-led Jharkhand government filed an FIR against Fr. Stan for supporting *pathalgadi* movement in 2018. In June 2019, Fr. Stan came down to Bengaluru for medical treatment.

One year after the filing of an FIR, in 2019, the Khunti court declared Stan as 'proclaimed absconder' under Sec. 82 of Criminal Procedural Code and issued orders for attachment of property. In October 2019, the Khunti Police took away two tables, a steel shelf, three plastic chairs, a mattress, and a pillow from Stan's room.

Stan contested the allegations in the High Court of Jharkhand. During the hearing,

the Advocate General referred Stan as a 'dreaded criminal'. The Jharkhand High Court, on 6 December 2019, declared that proper procedures were not followed as per Code of Criminal Procedure. When the non-BJP government in Jharkhand was formed by the end of December 2019, it announced that it was withdrawing all cases relating to Pathalgadi. The procedures for the same have not yet been completed. This was a clear message that *pathalgadi* movement was not an anti-national movement but a pro-advasi movement demanding their due rights from the state.

filed an FIR in the Pune Rural police, which had jurisdiction over Bhima-Koregaon; Another FIR was filed with the Pune city Police which was taken cognizance immediately leading to the raids and arrests of Human right Defenders. (For more on the incident and the case please visit: <https://www.thequint.com/explainers/what-was-bhima-koregaon-battle-explainer>). Only through the media, he came to know about this incident. His name did not appear in the original FIR. In 2019, a quash petition was filed in the court. The public prosecutor argued that Stan was only a suspect and not

been widespread arrests of intellectuals and raids at the homes of top human right activists, professors and lawyers. The NIA has been interrogating more and more committed citizens in various parts of the country.

Fr. Stan was interrogated for 15 hours in a span of 5 days in July and August 2020, by NIA. Despite his age and illness, he fully cooperated with the interrogation. The investigation officer, looking at the condition of Stan, said, "You are severely suffering from tremor (Parkinson)".



**We, as citizens of this country, need to realize the importance of the Constitution, continue to uphold its values at all odds and disseminate as responsible citizens**

### **Bhima Koregaon case**

To everyone's surprise, in 2018, Stan was implicated by the Pune Police in Bhima Koregaon case. Stan had never been to Bhima Koregaon in his entire life. Bhima-Koregaon is a place in Maharashtra near Pune where the Dalits (former untouchables of India) gathered in big numbers on 1 January 2018 to celebrate the 200th anniversary of a battle in which Dalits fought against the rulers. During this celebration, sudden violence erupted. The instigation of this violence is attributed to the upper caste right-wing forces which wanted to scuttle the celebrations. The Dalits

an accused and the police had no intention to arrest him.

The new non-BJP coalition government in Maharashtra had ordered the Maharashtra police to review and speed up investigation and trial of Bhima-Koregaon riot case. On 1 January 2020, a top leader of the National Congress Party, a coalition partner, commented that the Bhima-Koregaon case was baseless and should be withdrawn. However, the BJP government at the centre intervened and forced the Maharashtra government to handover the case to the National Investigation Agency (NIA). Once the NIA has taken over the case, there has

On 30 September 2020, the Superintendent of Police (SP) of NIA Mumbai called Fr. Solomon, a Jesuit companion of Stan and asked him to bring Stan to Mumbai on 5 October. Solomon explained that Stan suffers from various illnesses and it will not be possible for an 83-year-old person to travel Mumbai, especially when the country is engulfed by pandemic. The SP asked him to handover the medical records. However, on 8 October, four NIA officers came to Bagaicha and arrested him, without summons or warrant. He is in Taloja jail now, amidst many other

prisoners in a covid-19 quarantine barrack, euphemistically called 'jail hospital'.

### What has stan said all along:

Fr. Stan has made statements that act as mirrors of the society:

*In the current system, justice is beyond the means of most of those who have been falsely accused.*

*When the youth stand up against the systemic wrong (forced land dispossession), they are putting themselves at a risk of being arrested and imprisonment for years without trial.*

*Compulsions from the corporate houses outweigh the government's obligation to the citizens of the country.*

*They say, "Truth will finally prevail"...but how long is it going to take... and how much damage is*



Hemant Soren, CM of Jharkhand

*being done in the process... Questions to ponder:*

### #StandforStan

Various prominent leaders from different fields have extended support through social media and have been standing in solidarity throughout.

Mary Lawlor, the United Nations Special Rapporteur on Human Rights Defenders has tweeted from her official Twitter account: "Hearing worrying reports of #humanrightsdefender Stan Swamy being taken into custody by the @NIA\_India in Ranchi, Jharkhand".

Hemant Soren, Hon'ble Chief Minister of Jharkhand has raised a question by asking what the intention of the Government is trying to convey by arresting 83-year-old Stan Swamy and whether their sole motive is to curb every voice of dissent.

Shri. Shashi Tharoor Member of Parliament tweeted, "Arresting an 83 year old social worker who has brought help to the helpless for decades is a national disgrace. It's also eroding our country's standing as a liberal democracy in the eyes of the world".

### Personal note

I was with Stan, for 3 days, before his arrest, spending time at his place of solace. It is always more than an experience to spend time with him. More than his ailing health, what was more prominent about him, like always, was the fact that he stays strong, and confident. He was ready to pay the price as a true follower of Jesus.

Fr. Stan has laid a legacy for the people of India to follow his footsteps. We, as citizens of this country, need to realize the importance of the Constitution, continue to uphold its values at all odds and disseminate as responsible citizens. By doing so, we pay homage to the founding fathers and stand in solidarity with all the human rights defenders. ☺

#### ABOUT THE AUTHORS

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## CBCI Demands Immediate Release of Fr Stan Swamy

Four days after he was arrested in the Bhima-Koregaon violence case by the National Investigation Agency (NIA) for allegedly having links with the Maoists, the top body of the Catholics has demanded the immediate release of Father Stan Swamy.

The Catholic Bishops' Conference of India (CBCI) expressed its deep sorrow and anguish on the arrest of Fr Stan Swamy from his residence. The press release issued by Archbp Felix Machado, the Secretary General of the CBCI says,

"Fr Stan Swamy, 83 years old, a Jesuit has spent a major portion of his life giving yeoman service to the tribals and the downtrodden in the state of Jharkhand. According to our reports Fr. Stan has for decades been working to protect the rights of the Adivasis, especially their land rights. This could have worked against the interests of certain people. When questioned during the months of July- August 2020 by authorities, Fr Stan Swamy has fully cooperated with Investigating Agencies and has provided detailed statements, claiming to be innocent in the case. It is difficult to comprehend the plight of an octogenarian with several morbidities, like Fr Stan Swamy to have to undergo such difficulties during this pandemic in which even a normal healthy person would hesitate to travel or would never travel risking one's life."

The CBCI made a strong appeal to the concerned authorities to immediately release Fr Stan Swamy and permit him to go to his residence. The Catholic Community has always been lauded by all as a body of loyal, law-abiding, and service-minded citizens of Mother India, the CBCI said.