

## **Latest from Stan ...**

I was interrogated by NIA for 15 hours during a span of 5 days (July 27, 28, 29, 30 Aug. 6). Apart from my bio-data and some factual information, several extracts allegedly taken from computer implicating my connection to Maoist forces were placed before me. I told them all these are fabrications stealthily put into my computer and I disowned them.

The nature of the present NIA investigation of me has nothing to do about Bhima Koregaon case in which I have been booked as a 'Suspected-accused' and consequently raided twice (28 August 2018 and 12 June 2019). But it had everything to do to somehow establish (i) that I am personally linked to extremist leftist forces, (ii) that through me Bagaicha is also relating to some Maoists. I denied both these allegations in strongest terms.

After six weeks of silence, I am being summoned to appear in NIA- office in Mumbai. I have informed them (i) that I fail to understand the need for interrogating me further given the fact I have been subjected to that for 15 hours already, (ii) that I am not in a position to undertake the long journey given my age (83) and the nature of the epidemic ravaging the country. Besides Jharkhand State Govt. has given a directive that during the lockdown period elderly persons above the age of 60 may not appear in public, (iii) that if the investigating agency wants to interrogate me further it can be done through video-conference.

IF NIA will refuse to consider my request and insist that I go to Mumbai, I'll tell them that it will not possible for me to go for the above reasons. Hoping human sense will prevail. If not, I / we must be ready to face the consequences.

I would just add that what is happening to me is not unique. Many activists, lawyers, writers, journalists, student leaders, poets, intellectuals and others who stand for the rights of Adivasis, dalits and the marginalised and express their dissent to the ruling powers of the country are being targeted.

Grateful to all who have stood in solidarity with me all these years.

Attached is a note on the questions that I have been raising - What is the 'crime' I'm supposed to have committed?

Stan Swamy

**“Life and death are one,**

**Even as the river and the sea are one”** [poet Kahlil Gibran]

# What is the 'crime' I'm supposed to have committed?

Stan Swamy, Jharkhand

During the past three decades I have tried to identify myself with the Adivasi People and their struggle for a life of dignity and self-respect. As a writer I have tried to analyse the different issues they are faced with. In this process I have clearly expressed dissent with several policies, laws enacted by the govt in the light of the Indian Constitution. I have questioned the validity, legality, justness of several steps taken by the govt and the ruling class.

1. **I have questioned the non-implementation of the 5<sup>th</sup> Schedule of the Constitution** [Indian Constitution, Article 244(1)] which clearly stipulates that a '*Tribes Advisory Council*' (TAC) composed solely of members from the Adivasi community who will advice the Governor of the State about any and everything concerning the protection, well-being and development of the Adivasi people in the State.
2. **I have asked why the *Panchayats (Extension to Scheduled Areas) Act [PESA], 1996 [No:40 of 1996]* has been neatly ignored** which for the first time recognized the fact the Adivasi communities in India have had a rich social and cultural tradition of self-governance through the *Gram Sabha*.
3. **I have expressed disappointment at the silence of the govt on Samatha Judgment, 1997 of the Supreme Court** [Civil Appeal Nos:4601-2 of 1997]. The judgment was meant to provide some significant safeguards for the Adivasis to control the excavation of minerals in their lands and to help develop themselves economically.
4. **I have cried aloud at the half-hearted action of govt on Forest Rights Act, 2006:** [Act of Parliament No:2 of 2007] meant to correct the historic injustice done to the Adivasi and other traditional forest-dwellers.
5. **I have queried why the govt is unwilling to carry out the SC order 'Owner of the land is also the owner of sub-soil minerals'.** [SC: Civil Appeal No 4549 of 2000] and continues auctioning coal-blocks to industrialists without a due share to owners of the land.
6. **I have expressed my apprehension at the recently enacted Amendment to 'Land Acquisition Act 2013' by Jharkhand govt which sounds a death-knell for Adivasi Community.** This does away with the requirement for "Social Impact Assessment" and allows the govt to give away even agricultural and multi-crop land for non-agricultural purposes.
7. **I have strongly disagreed with the setting up of 'Land Bank' which I see as the most recent plot to annihilate the Adivasi people because it claims that all 'gair-majurwa' land ('Commons') belong to the govt and it is free to allot it to any body (read industrial houses) to set up their small and big industries.**
8. **I have challenged the indiscriminate arrest of thousands of young Adivasis and Moolvasis under the label of 'naxals' just because they question and resist unjust land-alienation and displacement.** I've taken legal action against the Jharkhand State by filing a PIL in the HC praying that (i) all Under-Trial Prisoners (UTP) be released on bail on personal bond, (ii) speed up the trial process which surely will acquit most of them, (iii) appoint a judicial commission to probe the reasons why the trial process is indefinitely being delayed, (iv) the police submit all needed information about all UTPs to the petitioner. **It is now more than two years since the case was admitted but the police is yet to provide all needed information about all UTPs. This, I believe, is the main reason why the State is keen to put me out of the way. The most feasible way is to implicate me in serious cases and stall the judicial process to give justice to the poor innocent Adivasis.**