

STAN SWAMY Martyr of the Adivasis in India

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Introduction

The life of Father Stanislaus Lourduswamy, popularly known as Stan Swamy, abounds in prophetic courage and inspiration. He was an Adivasi rights activist and the oldest person to be accused of terrorism in India.¹ He worked for the people in forced displacement due to the state's illegal land acquisitions.² After spending nine months in jail under the anti-terror law, he died in custody.³ During his ministry among the Adivasis, he led an unassuming life. Today he is acclaimed as well as criticized.⁴ An

¹ The Associated Press, "Jailed Indian Rights Activist Stan Swamy Dead at 84," *CBC News*, July 5, 2021; <https://www.cbc.ca/news/world/india-human-rights-1.6090818> (accessed on 02.04.2022).

² M. Lawlor, "India: Death in Custody of Father Stan Swamy Is Devastating – UN expert," *United Nations*, July 15, 2021; <https://www.ohchr.org/en/press-releases/2021/07/india-death-custody-priest-stan-swamy-devastating-un-expert> (accessed on 02.04.2022).

³ Amnesty International, "Statement on the Death of Human Rights Defender Father Stan Swamy," July 7, 2021; https://www.amnesty.eu/wp-content/uploads/2021/07/Statement-on-the-death-of-Fr.-Stan-Swamy-India_FINAL.pdf

⁴ J. Xavier, "Stan's Martyrdom: Supreme Act of Love," *Indian Currents*, July

awardee of Mukundan C. Menon Award 2020 for human rights, Fr. Stan Swamy was posthumously honored with the Martin Ennals Award 2022.

This article examines how effective Swamy⁵ was as a human rights and Adivasi rights activist in the state of Jharkhand. This article is divided into three parts. The first part describes Swamy's experiences among the Adivasis that shaped him into an indefatigable Adivasi rights activist. The second part analyses the circumstances surrounding his arrest and death. The third part dwells upon the significance of his death for the human and Adivasi rights activists across the globe, and for the Church in India in particular.

1. Swamy's Life among the Adivasis

Swamy, a member of the Jamshedpur Jesuit Province, was born on the 26 April 1937 at Virahalur near Trichy in Tamil Nadu, India.⁶ For two years, he lived amidst Ho Adivasi, Chaibasa – an interior village in Jharkhand State.⁷ He was deeply disturbed by their hard life and their exploitation by the traders. Many of them were displaced from their habitats in the name of development. He was inspired to educate them and to strengthen them.⁸ He completed his post-graduate studies in sociology at Ateneo De Manila University, and also did special studies on social analysis at Louvain University.⁹ Prakash Louis

12, 2021; <https://www.indiancurrents.org/article-stans-martyrdom-supreme-act-of-love-joseph-xavier-511.php> (accessed on 02.04.2022).

⁵ Henceforth, we will use "Swamy" to refer to Fr. Stan Swamy. Swamy is also an honorific title given to an ascetic.

⁶ J. Xavier and Harshita, "Fr. Stan Swamy Was a Defender of Human Rights Giving Hope to Thousands of Dalits and Adivasis." *The Leaflet*, July 5, 2021; <https://theleaflet.in/fr-stan-swamy-was-a-defender-of-human-rights-giving-hope-to-thousands-of-dalits-and-adivasis/> (accessed on 02.04.2022).

⁷ Cf. Prakash Louis, *Fr. Stan Swamy: A Maoist or A Martyr?* (Delhi: Media House, 2021), 2-3.

⁸ Xavier and Harshita, "Fr. Stan Swamy Was a Defender of Human Rights," *The Leaflet* (online).

⁹ Stan Swamy, *I Am not a Silent Spectator: Why Truth Has Become so Bitter, Dissent so Intolerable, Justice so out of Reach* (Bengaluru: Indian Social Institute, 2021), 83.

enlightens us how the study of sociology became a turning point in his life, “Some of the subjects dealing with Adivasis gave him a greater understanding of how people were being exploited in various regions of the world and what their struggles mean to a priest or an activist.”¹⁰

Swamy mainly worked in three places in India: Indian Social Institute at Bengaluru, Jharkhandi Organization for Human Rights (JOHAR), a Jesuit Social Centre in Chaibasa, and Bagaicha in Ranchi.¹¹ At these institutes, he systematically trained women and men for work among the Adivasis at the grassroots. He taught socio-cultural analysis and had a critical yet innovative way of approaching it.¹² Throughout his studies in Philippines and Belgium, and directorship in Bengaluru, his love for the Adivasis was never lost.¹³

Because of Swamy’s studies abroad coupled with his experiences at the grassroots, he gained compelling evidence of the disparity between the capitalist order and the Adivasi values. According to him, in the capitalist society, inequality was the hallmark of success in life and cut-throat competition was the order of the day. His thoughts on the capitalist society remained the same till his death. His revolutionary life was a total contrast to all that the capitalist society stood for.¹⁴

Swamy dedicated his life for the Adivasis who depended on the land and forests for livelihood. His loyalty to the place and people grew gradually, steadily and convincingly. He made a strong option for the Adivasis and made them his own – his first love. Or one would say, the Adivasis made him their own.¹⁵

¹⁰ Louis, *Fr. Stan Swamy: A Maoist or A Martyr?*, 4.

¹¹ Xavier and Harshita, “Fr. Stan Swamy Was a Defender of Human Rights,” *The Leaflet* (online).

¹² *Ibid.*

¹³ Swamy, *I Am not a Silent Spectator*, 7.

¹⁴ *Ibid.*, 14-15.

¹⁵ *Ibid.*, 7.

Bagaicha plays a very important role in the life of Swamy. From 2004 till his arrest in 2020, it became his *Karm Bhumi*.¹⁶ Louis explains how the idea of Bagaicha was conceived:

[I]n the late 1990s, the Jesuits involved in social action felt that there was a need to establish a centre in Ranchi to coordinate the efforts of organisations and movements fighting the massive processes displacing and pauperising tribal communities. Stan Swamy was given the responsibility of setting up this centre.¹⁷

In June 2001, Swamy moved to Ranchi from Chaibasa and started living in Gharana Apartment, Perulia Road. While residing there, Swamy galvanized and coordinated the people's movements for the displaced.¹⁸ Bagaicha was established in 2006 as a common venture of the central zone Jesuit provinces primarily for research, campaign and advocacy focusing on identity, dignity, justice, and empowerment of the Adivasis.¹⁹ It worked for the issues of human rights violations, illegal land acquisition, and confinement of tribals.²⁰ *Bagaicha* is the word that the Ho tribe used to describe a place where all species of plants are found. By naming the institution Bagaicha, Swamy wanted that the institution would be a meeting point and platform for all organisations working for human rights.²¹

Throughout his involvement in the concerns of the displaced and dispossessed, Swamy remembered the Adivasi martyrs like

¹⁶ Louis, *Fr. Stan Swamy: A Maoist or A Martyr?*, 25.

¹⁷ *Ibid.*, 24.

¹⁸ A. Bisoe, "Right Activists Vows to Ensure that Bagaicha Continues to Empower," *The Telegraph*, July 7, 2021, <https://www.telegraphindia.com/jharkhand/rights-defenders-in-jharkhand-and-jesuits-have-vowed-to-ensure-that-bagaicha-an-institution-founded-by-the-late-father-stan-swamy-in-2006-continues-to-empower-social-organisations-and-ngos/cid/1821489> (accessed on 02.04.2022).

¹⁹ Xavier and Harshita, "Fr. Stan Swamy Was a Defender of Human Rights," *The Leaflet* (online).

²⁰ Bisoe, "Right Activists Vows to Ensure that Bagaicha Continues to Empower," *The Telegraph* (online).

²¹ *Ibid.*

Tilka Majhi, Birsa Munda and Sido Kanhu.²² He inscribed fifty of their names on a *Pathal* (stone slab/plaque) at Bagaicha. After training and workshops, the trainees would gather around the Pathal paying homage to the martyrs at Bagaicha. They would draw inspiration from their heroic life. According to the Adivasi tradition, the dead might be physically dead, but they, in spirit, live on with the living. After his death, Swamy's name is now etched on the Pathal.²³

Swamy researched, analysed and understood several Adivasi issues, one among them is the plight of the Adivasi prisoners. In 2016, he published a report titled "Deprived of rights over natural resources, impoverished Adivasis get prison: A study of undertrials in Jharkhand." According to his research, the percentage of Adivasis in jail was far higher than their proportion of the population.²⁴ Several Adivasi youths were held in jails on remand as undertrials for years. Swamy filed a petition in Jharkhand Court seeking their release.²⁵ He vehemently opposed the governmental policies that violated their constitutional and legal rights. He courageously defended their rights to self-determination,²⁶ and left no stone unturned, questioning the Government of India for the non-implementation of the Fifth Schedule of the Constitution which stipulated the setting up of a Tribals Advisory Council.

Swamy's physical health was very fragile. He suffered from Parkinson's disease and presbycusis. On 11 September 2019 and on two previous occasions, he underwent hernia surgery. At the time of his arrest, he had difficulty with his daily activities such as eating, drinking and washing.²⁷

²² Ibid.

²³ Ibid.

²⁴ PTI, "Stan Swamy: A Life Dedicated to Adivasis." *Deccan Herald*, July 6, 2021; <https://www.deccanherald.com/national/stan-swamy-a-life-dedicated-to-adivasis-1005195.html> (accessed on 02.04.2022).

²⁵ Swamy, *I Am not a Silent Spectator*, 41.

²⁶ Lawlor, "India: Death in Custody of Father Stan Swamy Is Devastating," *United Nations* (online).

²⁷ I. Jothi, "Stans Swamy's Custodial Death – Blot to India's Democracy,"

2. Swamy's Arrest and Trial

Swamy supported a major protest in Khunti district of Jharkhand in mid-2018.²⁸ The political situation was hostile to peaceful negotiation between the state and the Adivasi protestors. The Jharkhand Police accused Swamy and his colleagues of instigating the violence during the protest known as Pathalgadi Movement.²⁹ At the advice of his superiors, he remained in South India for some time in 2019. He documented his life, and this was posthumously published as a book titled, *I Am Not a Silent Spectator: Why Truth Has Become so Bitter, Dissent so Intolerable, Justice so out of Reach* (2021). While he was still in South India, he was discouraged from returning to Ranchi. He was cautioned of his impending arrest. But he was determined to return to his people in Ranchi.³⁰ On 08 October 2020 at 7.20 p.m., he was arrested because he dared to expose the large-scale abuse and misuse of the Unlawful Atrocities Prevention Act (UAPA). He was confined in Ranchi National Investigative Agency (NIA) Campus throughout the night.

On 09 October 2020, when he was presented in the court, he respectfully stated:

I neither had any connection with Bhima Koregaon incident nor any link 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 the Supreme Court judgments.³¹

Matters India, March 18, 2022; <https://mattersindia.com/2022/03/stan-swamys-custodial-death-blot-to-india-democracy-un-body/> (accessed on 02.04.2022).

²⁸ Swamy, *I Am not a Silent Spectator*, viii.

²⁹ *Ibid.*, vii-viii.

³⁰ Z. U. Salam, "Interview: Prakash Louis: 'We Need Many More Stan Swamys,'" *Frontline*, October 22, 2021; <https://frontline.thehindu.com/books/prakash-louis-we-need-many-more-stan-swamys/article36789857.ece?homepage=true> (accessed on 02.04.2022).

³¹ Quoted in Xavier and Harshita, "Fr. Stan Swamy Was a Defender of Human Rights," *The Leaflet* (online).

2.1 Swamy's Alleged Link to Maoists

Swamy was 83 years old at the time of his arrest. In 2015, the undertrials in Ranchi prison were interviewed by Adivasi protestors under the guidance of Bagaicha.³² Only three people of the 102 on remand admitted that they had direct involvement with the cases in which they were implicated.³³ The rest of the ninety-nine people claimed innocence. While the research was ongoing, the Adivasi protestors formed an organization called Persecuted Prisoners Solidarity Committee. It was after the publication of the study, the then ruling Jharkhand government labeled it as a frontal organization of the Maoists.³⁴

The Pathalgadi Movement began when people started erecting a Pathal, inscribed with the provisions of the Constitution stating that the Adivasis could not be alienated from the land.³⁵ That was vindicated by the PESA (Panchayats Extension to Scheduled Acts, 1996). In mid 2010s, the Munda Adivasis of the Jharkhand's Kunti district began erecting Pathals in their villages with the inscription of the Fifth Schedule of the Constitution that granted autonomy to the Adivasi areas. This movement took its inspiration from an age-old tradition of erecting Pathals to fence the ancestral land by demarcating it in order to commemorate the contributions of the ancestors. This was later known as Pathalgadi Movement.³⁶ Swamy was drawn towards the movement. Although Swamy advised the government to have a meaningful dialogue with the Adivasis, the government labeled the participants of the Pathalgadi Movement as Maoists and anti-nationals, imprisoned them, and suppressed the movement.³⁷

³² Swamy, *I Am not a Silent Spectator*, 9.

³³ *Ibid.*

³⁴ *Ibid.*, 41.

³⁵ *Ibid.*, 115-116.

³⁶ Salam, "Interview: Prakash Louis: 'We Need Many More Stan Swamys,'" *Frontline* (online).

³⁷ Swamy, *I Am not a Silent Spectator*, 62.

Until 2019, there was no mention of Swamy's name in the Bhima-Koregaon (BK) case that took place on 01 January 2018. Later he was charged for his alleged involvement in the BK violence.³⁸ Till his death, he maintained that he never visited BK in his life, and he had no part in the case. He expressed his wholehearted readiness and willingness to cooperate with the investigation related to his alleged participation in the case.³⁹ The BK case was considered to be the best bet to charge all the Urban Naxals.⁴⁰ Swamy was also implicated in the case. Elgar Parishad (EP) case is one of the two ongoing investigations related to the BK violence of 01 January 2018. Since August 2018, the police were after Swamy. He was falsely accused of terrorist activities and charged under the draconian UAPA.⁴¹ They questioned and harassed him. The NIA, the primary counter-terrorist task force of India, interrogated him for fifteen hours over a span of five days at his residence in July 2020. After the initial inquiry, the investigating officers found no *prima facie* evidence against him. Later, some evidence was supposedly put into his computer.⁴² After his arrest, he was imprisoned in Taloja Jail. Swamy was one of the sixteen people who were charged under UAPA in the EP Case.

Swamy spoke of his arrest, saying:

What is happening to me is not something unique happening to me alone. It is a broader process that is taking place all over

³⁸ Salam, "Interview: Prakash Louis: 'We Need Many More Stan Swamys,'" *Frontline* (online).

³⁹ *Ibid.*

⁴⁰ The term 'Urban Naxals' was extensively used to describe anti-establishment protesters and other dissenters in the wake of the crackdown on leftist thinkers and other liberals embroiled in the Elgar Parishad case in Maharashtra.

⁴¹ Poullose Mangai, "Fr. Stan Swamy SJ: A Martyr of the Marginalised People," *The Voice of Delhi* 30/8 (August 2021): 9.

⁴² Jharkhand Janadhikar Mahasabha, "Testimony of Stan Swamy Two Days before His Arrest on 8 October 2020 (English)," *JJM*, October 08, 2020, YouTube Video, 6:56-7:40, <https://www.youtube.com/watch?v=KNVibqUVZDU&t=138s> (accessed on 02.04.2022).

the country. We are all aware how prominent intellectuals, lawyers, writers, poets, activists, students, leaders, they are all put into jail just because they have expressed their dissent or raised the questions about the ruling powers of India. So we are part of the process. In a way I am happy to be part of this process. Because I am not a silent spectator, but I am part of the game. I am ready to pay the price whatever be it.⁴³

2.2 Denial of Human Rights in Prison and of Bail Pleas

In the prison Swamy was mistreated. His co-prisoner Sheikh writes that the condition that Swamy was forced to live in the prison should “shake the very foundation of democracy.”⁴⁴ Senior advocate Mihir Desai, who represented him in court, accused the NIA and prison authorities of “apathy, negligence and lack of medical facilities.”⁴⁵ Ironically, NIA did not seek his custodial interrogation even once based on its FIR.⁴⁶ At prison, he made a request for sipper and straw on 05 November 2020. He had to make an appeal in the court for the use of a straw and a sipper.⁴⁷ The prosecution sought twenty days to file a reply to his plea. Through the social media, a pan India campaign was launched to provide straws, sippers and blankets to Swamy. Eventually, he was provided with a sipper and straw. Another campaign was launched to send gifts to the undertrials with an initiative called

⁴³ Ibid.

⁴⁴ S. Shanta, “Ill-Treatment of Stan Swamy in Jail Should ‘Shake Foundation of Democracy: Fellow Prisoner,” *The Wire*, 06 Jan 2022; <https://thewire.in/rights/ill-treatment-of-stan-swamy-in-jail-should-shake-foundation-of-democracy-fellow-prisoner> (accessed on 02.04.2022).

⁴⁵ Ibid.

⁴⁶ S. Modak, “Stan Swamy dead: NIA Didn’t Seek Custody but Kept Him behind Bars, Opposed His Plea,” *The Indian Express*, 06 July 2022; <https://indianexpress.com/article/india/father-stan-swamy-dead-elgar-parishad-case-nia-probe-7390722/> (accessed on 02.04.2022).

⁴⁷ N. Sharma, “Activist Stan Swamy, 83, Gets Straw, Sipper in Jail after Nearly a Month,” *NDTV*, December 5, 2020; <https://www.ndtv.com/india-news/activist-stan-swamy-who-has-parkinsons-gets-straw-sipper-after-nearly-a-month-2334430> (accessed on 02.04.2022).

Christmas with Undertrials by which people across the world could send gifts to the undertrials.

2.3 Demand for His Release

The unjust incarceration of the aged and infirm Swamy was highly deplorable. His repeated applications for bail were rejected⁴⁸ by the court of NIA claiming that there was *prima facie* evidence against him.⁴⁹ His requests for medical assistance were also denied. In jail, he almost lost his hearing in both ears. As his health was deteriorating day by day, his bail pleas were refused. Through signature campaigns and through the social media platforms, people across India and the world protested and called for the immediate release of Swamy. Letters for his release were sent to the Prime Minister of India.⁵⁰ Several prayer services were organized for his release.⁵¹ A postcard campaign was launched to seek his release as well as that of fifteen others who were arrested in relation to the BK Case. Under this campaign, 100,000 postcards were posted to the Prime Minister and Home Minister of India by the Friends of Father Stan Swamy demanding his release and the other co-accused.⁵²

Swamy's arrest led to a series of protests across the country condemning it. Many Civil Society Organizations (CSOs) and national leaders of India condemned it. They demanded his immediate release as well as that of the other human rights

⁴⁸ L. Throssell, "Press Briefing Notes on India," United Nations, July 6, 2021; <https://www.ohchr.org/en/2021/07/press-briefing-notes-india> (accessed on 02.04.2022).

⁴⁹ The Wire Staff, "Bombay HC Asks Jesuit Group to File New Plea if They Want Stan Swamy's Name Cleared," *The Wire*, November 25, 2021; <https://thewire.in/rights/bombay-hc-asks-jesuit-group-to-file-new-plea-if-they-want-stan-swamys-name-cleared> (accessed on 02.04.2022).

⁵⁰ For the detailed information, cf. <https://standwithstan.jcsaweb.org/>.

⁵¹ Matters India Reporter, "Nationwide Post Card Campaign Launched for Swamy's Release," *Matters India*, December 10, 2020; <https://mattersindia.com/2020/12/nationwide-post-card-campaign-launched-for-swamys-release/> (accessed on 02.04.2022).

⁵² *Ibid.*

defenders. Many intellectuals, social activists, religious groups, and journalists supported the initiatives for his release through peaceful protests and fasting campaigns. The campaigns were also aimed at the repeal of the draconian UAPA. Several rights bodies in India and abroad felt strongly that the EP case is a witch-hunt against the Human Rights defenders and lawyers who dissent against the government.⁵³ Despite appeals from the internationally renowned human rights defenders, NIA consistently opposed their bail plea.⁵⁴

2.4 His Deteriorating Health and Death

Swamy's nine months in pre-trial detention and lack of medical facilities caused his health to deteriorate. When Swamy was brought to jail, his health was relatively stable. Shaikh his fellow prisoner writes, "He eventually, however, developed heart and spinal complications soon after. He was in need of urgent medical care. But his plea was denied by the then superintendent Kaustubh Kurlekar and prison doctor Sunil Kale."⁵⁵ Finally, on 30 May, he was moved to Holy Family Hospital, Bandra, two days after the Bombay High Court ordered that Swamy be admitted to a private hospital. At Holy Family Hospital, he was diagnosed with COVID-19. On 04 July, Swamy was put on a ventilator after he suffered from a cardiac arrest. On 05 July 2021, Swamy passed away in the hospital.⁵⁶

Swamy's was a custodial death as he was still waiting for his case to be tried.⁵⁷ Having spent his life among the Adivasis and

⁵³ The Wire Staff, "Bombay HC Asks Jesuit Group to File New Plea," *The Wire* (online).

⁵⁴ P.L. Vincent, "Silence on Letter on Father Stan Swamy's Jail Torment," *The Telegraph*, October 12, 2021; https://www.telegraphindia.com/india/silence-on-letter-on-stan-swamysjailtorment/cid/1834332?utm_source=twitter&utm_medium=social&utm_campaign=tt_daily_twit (accessed on 02.04.2022).

⁵⁵ Shanta, "Ill-Treatment of Stan Swamy in Jail," *The Wire* (online).

⁵⁶ Louis, *Fr. Stan Swamy: A Maoist or a Martyr?*, 70-71.

⁵⁷ The Wire Staff, "Bombay HC Asks Jesuit Group to File New Plea," *The Wire* (online).

fighting for their rights to resources and land, he did not deserve to die in this manner, far from his beloved Jharkhand, falsely imprisoned by the vindictive state.⁵⁸ His death was a well-planned institutional murder.⁵⁹ Despite his multiple ailments and requests to the courts that he be allowed to be with his own people, he was not granted medical bail.⁶⁰

The United Nations Human Rights Commission (UNHRC) and other international human rights organizations deemed the circumstances surrounding Swamy's death as *disturbing, inexcusable and devastating*.⁶¹ United Nations Working Group on Arbitrary Detention concluded that his death in custody was completely avoidable. His death would forever remain a stain on India's human rights record.⁶² It criticized the Government of India on the stoic silence on the report of his non-procedural arrest and detention.⁶³

At his death, many world leaders expressed their shock, sadness and grief. **The President of the Federation of the Asian Bishops' Conferences** wrote:

Swamy was a martyr of the marginalized people. He died as a true disciple of Jesus Christ. He broke the bread of good news of human justice and dignity especially among the indigenous people. He redefined priesthood extending his altar to the streets and hills of those obnoxious corners of injustice.

⁵⁸ PUCL. "The Institutional Murder of Fr. Stan Swamy: A Statement by the Family Members and Friends of the BK-16." July 7, 2021. <https://www.pucl.org/writings/institutional-murder-fr-stan-swamy-statement-family-members-and-friends-bk-16> (accessed on 02.04.2022).

⁵⁹ Ibid.

⁶⁰ The Wire Staff, "Bombay HC Asks Jesuit Group to File New Plea," *The Wire* (online).

⁶¹ C. Ahuja. "Stan Swamy's Death: Who Is Guilty with Blood on Hands?" *Tehelka*, July 15, 2021. <http://tehelka.com/stan-swamys-death-who-is-guilty-with-blood-on-hands/> (accessed on 02.04.2022).

⁶² Lawlor, "India: Death in Custody of Father Stan Swamy Is Devastating," *United Nations* (online).

⁶³ Jothi, "Stans Swamy's Custodial Death," *Matters India* (online).

He followed Gandhiji's non-violent path. He is the latest saint of modern India's poor.⁶⁴

According to Aloka Kujur, an Adivasi women's rights activist, many social activists learnt social analysis through him. He taught them the constitutional provisions in their legitimate demand for justice.⁶⁵ At his memorial mass, Xavier Lakra, his former secretary, shared, "Swamy was not known before death as much as he is known today. He lives now in the hearts of thousands of people. His death is a wake-up call to all of us to live the values lived by Swamy and work for truth and justice."⁶⁶ Swamy's remains were cremated on 07 July 2021 at 5.30 p.m. after the funeral Eucharist at St. Peter's Church, Bandra. Swamy had shared his last wish to be with the Adivasis. His inmate in prison recalled him saying, "I belong there. I want to go back. I would like to die there. These are my people. I want to be there."⁶⁷ It remained only a wish as he died while in custody, only an urn carrying his ashes arrived in Ranchi.⁶⁸ The ashes were interred at the Jesuit cemetery at Jesu Bhavan, Jamshedpur.

3. Swamy's Rise through His Martyrdom

Swamy was never released after his arrest. He died as a prisoner on remand. Is his life a total failure of all that his personhood symbolized? The answer is a clear "No." His heroic life and martyrdom reveals that he was effective as the defender of the human rights and constitutional rights of the Adivasis. Isn't it true

⁶⁴ Quoted in Mangai, "Fr. Stan Swamy SJ," 9.

⁶⁵ Bisoe, "Right Activists Vows to Ensure that Bagaicha Continues to Empower," *The Telegraph* (online).

⁶⁶ G.R. D'Souza, "Memorial Mass and Release of Memoirs of Fr. Stan Swamy SJ," *Mangalorean*, August 4, 2021, <https://www.mangalorean.com/memorial-mass-and-release-of-memoirs-of-fr-stan-swamy-sj/> (accessed on 02.04.2022).

⁶⁷ Salam, "Interview: Prakash Louis: 'We Need Many More Stan Swamys,'" *Frontline* (online).

⁶⁸ D'Souza, "Memorial Mass and Release of Memoirs of Fr. Stan Swamy SJ," *Mangalorean* (online).

in Swamy's life: "God meets us at the limits of our experience to remind us that God is profoundly present in all of our lives"?⁶⁹

After Swamy's death, Bombay High Court Justice Shinde said in the court, "We have huge respect for Swamy and for his work, irrespective of the legal position. He was a wonderful human being."⁷⁰ On 24 November 2021, the Bombay High Court allowed the kin of Swamy (the Jesuits) to initiate separate proceedings to clear the stigma attached to his name and reputation, and NIA's observations against him because of the BK case.⁷¹

3.1 Defender of Human Rights of Adivasis

During his life, Swamy inspired many religious priests and sisters, university students, Non-Governmental Organizations (NGOs), and civil society leaders from various social categories to become aware of the hard realities in which the Adivasis lived, and to question and respond to the unjust socio-economic and systematic oppression. Social activists in India remember him as a beacon of hope for the marginalized.⁷² Even while in prison, Swamy continued advocating the rights of the Adivasis as well as the rights of the prisoners.

The United States Commission on International Religious Freedom (USCIRF) has listed Swamy as a Human Rights Martyr.⁷³

⁶⁹ Allen G. Jorgenson, *Indigenous and Christian Perspectives in Dialogue: Kairotic Place and Borders* (Lanham, Maryland: Lexington Books, 2021), 89.

⁷⁰ N. Benwal, "FPJ Legal: Bombay High Court Withdraws 'Words of Appreciation' for Father Stan Swamy After NIA objects," *Free Press Journal*, July 23, 2021; <https://www.freepressjournal.in/mumbai/fpj-legal-bombay-high-court-withdraws-words-of-appreciation-for-father-stan-swamy-after-nia-objects> (accessed on 02.04.2022).

⁷¹ The Wire Staff, "Bombay HC Asks Jesuit Group to File New Plea," *The Wire* (online).

⁷² Xavier and Harshita, "Fr. Stan Swamy was a Defender of Human Rights," *The Leaflet* (online).

⁷³ Asha, "Fr Stan Swamy, Khurram Parvez, Siddique Kappan on Freedom of Religion or Belief Victims List," *Free Them All*, January 24, 2022; <https://free-them-all.net/2022/01/24/fr-stan-swamy-khurram-parvez-siddique-kappan-on-freedom-of-religion-or-belief-victims-list> (accessed on 02.04.2022).

He relentlessly defended the traditional rights of the Adivasis over the natural resources in their territories.⁷⁴ He made effective use of the constitutional and judiciary provisions through both print and social media, writing petitions, and through protests, especially through the people's movements. He was a mentor for generations of human rights defenders in India and Sri Lanka.⁷⁵

His death was not in vain. It has triggered a national debate on the denial of bail to undertrials and misuse of certain provisions in UAPA in India. Eventually, the Supreme Court in India has stayed all proceedings in sedition cases.⁷⁶ Swamy always professed his commitment to the Constitution of India by the use of peaceful means in order to express dissent.⁷⁷ He has now become a representation of the widespread repression in India.⁷⁸ Fr. Stanislaus D'Souza, the President of the Jesuit Conference of South Asia, said,

There are two types of memories, one which happens and ones which are made. We all stand here because Swamy has touched us and moved us. His enemies want us to believe that he was against the law ... but the truth is he believed in the court of law and died fighting for the poor and the marginalized.⁷⁹

3.2 An Exemplary Priest after the Heart of Jesus Christ

His life as a member of the Society of Jesus and ordained priest who modeled his life after Jesus, sends out the clear message that

⁷⁴ Mangai, "Fr. Stan Swamy SJ," 9.

⁷⁵ Jothi, "Stans Swamy's Custodial Death," *Matters India* (online).

⁷⁶ PTI, "SC Stays Proceedings in Sedition Cases, Asks Centre, States to not File Fresh FIRs," *The Print*, 11 May 2022; <https://theprint.in/india/sc-stays-proceedings-in-sedition-cases-asks-centre-states-to-not-file-fresh-firs/951281/> (accessed on 25.05.2022).

⁷⁷ Mangai, "Fr. Stan Swamy SJ," 9.

⁷⁸ D. Joshi, "Father Stan Is a Representation of the Widespread Repression in India: Mallika Sarabhai, Voices Ep-3," *NRI Affairs*, July 7, 2021, YouTube Video, 1:53-3:28; <https://www.youtube.com/watch?v=uK6prBeZ-Fg&t=71s> (accessed on 02.04.2022).

⁷⁹ D'Souza, "Memorial Mass and Release of Memoirs of Fr. Stan Swamy SJ," *Mangalorean* (online).

his life is a living testimony to Jesus whose committed disciple and companion he was. According to Bonhoeffer, Christ is the man without selfishness and defenses, and the man for others.⁸⁰ In fact, Swamy translated the Christ of Bonhoeffer in his life. He knew resurrection becomes a reality through crucifixion just as it happened to his Master and Lord Jesus. To those who orchestrated his death in prison, he is dead. But for the Adivasis for whom he fought and to people of faith, Swamy lives on, infusing new energy and inspiring us to imitate Jesus who ministered to those on the margins through his life, teaching, healing, passion, agony, death, resurrection, and the descending of the Holy Spirit on the apostles. He indeed translated his faith into action. The eyes of faith can see through the physical death, toward his life of faith and justice.

3.3 Emergence of Tomorrow's Swamys

On his death, the United Nations Special Rapporteur (UNSP) Mary Lawlor said, "We must never give up hope. It is tempting to give up or give in, but we must never despair, even when we are hit by great loss like the death of Father Stan Swamy."⁸¹ Father Prakash Louis says, "We need many more [Swamys] to stand up."⁸²

Swamy's inspiring life places before us some soul-searching questions. He himself had an aversion to the sainthood of the Adivasi martyrs. He was not for their sainthood that watered down and domesticated the collective movement of the people. We need to imitate Swamy's daily acts at Bagaicha while he was alive. He only desired to be infused with the spirit of the martyrs who died fighting for the rights of the Adivasis. Today we can be infused

⁸⁰ Avery Dulles, *Models of the Church* (New York: Image, 2013), 87.

⁸¹ M. Raafi, "We Must never Give up Hope. It Is Tempting to Give up or Give in, but We Must never Despair," *Article 14*, January 28, 2022, <https://article-14.com/post/-we-must-never-give-up-hope-it-is-tempting-to-give-up-or-to-give-in-but-we-must-never-despair—61f35dd20a079> (accessed on 02.04.2022).

⁸² Salam, "Interview: Prakash Louis: 'We Need Many More Stan Swamys,'" *Frontline* (online).

with his spirit that is a sheer echo of the compassionate heart of Jesus for the marginalized. As the Adivasis believe, the dead are still alive when we invite them to live with us and walk with us.

Conclusion

Swamy's life is a personification of the solidarity of the Church with the Adivasis and a realistic response inspired by the Second Vatican Council. He took a decisive stand for justice and human rights. He empowered thousands of Adivasis raising their concerns about justice and development. He immersed himself in participation at the grassroots and people's movements. He learned from the Adivasis by listening to them and living with them. He joined them in their struggles and protests for their rights. To the Adivasis, he remained a warrior who used all the democratic and constitutional means to fight relentlessly for their rights.

The death of Swamy is indeed a watershed moment for the Church in India and an opportunity for her to reinvent herself, by advocating Land Ethics, by standing in solidarity with the Adivasis as Swamy did, by providing legal assistance to the human rights activists and Adivasi rights activists languishing in jails, by investing its resources for the repeal of the draconian UAPA, and by initiating the Adivasi movements in India to network with the indigenous movements beyond India.

May we invite Swamy to walk with us, inspire us, and fill us with insights from his life, so that every breath of ours may become an expression of his life of sacrifice! We make a choice to conquer the doubts and fears that dampen our courage.⁸³ Like him, let us go on singing knowing well we might be caged and die like him. But the song will be sung continually. Yes, a caged bird still sings!⁸⁴

⁸³ Richard R. Gaillardetz and Edward P. Hahnenberg, *A Church with Open Doors: Catholic Ecclesiology for the Third Millennium* (Minnesota: Liturgical Press, 2015), 83.

⁸⁴ Swamy, *I Am not a Silent Spectator*, 106.

