

The Academician as Leader

The Life of Upendra Baxi

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When we think of an academician or a scholar, the picture that usually comes to mind is that of a professor confined to the classroom or a scholar engaged in writing for journals. This conventional image, however, diminishes the wider role that academicians can play in society as leaders. Beyond teaching and research, they can be shapers of narratives, critics of entrenched structures of power and oppression, voices that speak truth to authority, and reasoned commentators on law and judgment. The life and work of Upendra Baxi exemplify this expanded vision of the “academician.” Baxi traversed continents, built new intellectual vocabularies, and offered a face to the contemporary discourse on law and society. To celebrate such teachers is also to celebrate the transformative power of academic life itself.

Through his writings on human rights, constitutionalism, structural violence, and decolonisation, as well as his interventions in constitutional debates and public life, Baxi has continually expanded the horizons of what legal scholarship can achieve. His life’s work and his motivations, as documented in the book, *Of Law and Life* (2024), demonstrate that the academician is not simply a transmitter of knowledge but also a critic of power, an able administrator, a storyteller of injustices, a witness to suffering, a harbinger of hope, and a guide for collective struggles towards justice. As evident in the book, Baxi has continuously insisted that law must not only reflect or question the structures of power but also remain tethered to the cries of suffering and the possibilities of justice.

A Unique Book

This book had a long incubation period. It was initially conceived in 2008 as a series of conversations between Baxi and

BOOK REVIEWS

Of Law and Life: Upendra Baxi in Conversation with Arvind Narrain, Lawrence Liang, Sitharamam Kakarala, and Sruti Chaganti,
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four of his former students, then young lawyers and researchers, now leading public intellectuals. It set out to document Baxi’s intellectual journey, personal philosophy, and his place in India’s post-independence legal history. What began as an experiment in dialogue eventually took 16 years to come to fruition. Over this period, the conversation partners, Arvind Narrain, Lawrence Liang, Sitharamam Kakarala, and Sruti Chaganti, worked together with Baxi, edited the transcripts, updated the references, and shaped the exchanges into a coherent manuscript, with citations extending up to 2023.

The result is a book that defies conventional categories. It is neither a straightforward biography nor an autobiography. It is a sustained series of conversations in which the subject also participates as a co-creator. Freed from the rigidities of conventional academic writing, the exchanges move fluidly between personal anecdote, historical commentary, and jurisprudential reflection.

Initiated at the Centre for the Study of Culture and Society and the Alternative Law Forum, these dialogues capture Baxi in his most candid mode: reflective, provocative, and deeply engaged with law as both an instrument of oppression and a resource for justice.

Mapping a Life in Fourteen Themes

The book is divided into 14 chapters, each organised around a distinct theme in Baxi’s life and intellectual journey. Together, they trace his trajectory from

the formative years of studying law in India, through his academic engagements in the United States and Australia, and back to India, culminating in his tenure as vice chancellor of the University of Delhi (1990–94). To the advantage of readers, the book references Baxi’s later writings.

At nearly 600 pages, the book explores themes that have long animated Baxi’s scholarship and activism, including the relationship between law and human suffering, the promise and betrayal of constitutionalism, the indigenous perspectives on law, and the ethical responsibilities of scholars, among others. The book makes clear that his scholarship and pedagogy have left an indelible mark on generations of students and colleagues.

The book begins with an introduction by Narrain and Kakarala, who situate Baxi’s life and work within a broader theoretical framework. By engaging with multiple dimensions of his scholarship, they illuminate the intellectual architecture of his legacy. This framing is particularly effective, as it enables readers not only to follow Baxi’s personal and professional journey but also to grasp the theoretical currents that have both shaped and been shaped by his thought.

Rethinking Law and Legal Profession

Reading Baxi is an invitation to rethink the very imagination of law. He challenges the mainstream understanding of law as merely an instrument to regulate society, urging us instead to see it as a site of contestation, suffering, and hope (p 31). In doing so, he draws deeply on the intellectual legacy of thinkers like B R Ambedkar, whose reflections on structural injustice shaped his own jurisprudential outlook (p 8).

Drawing on his interactions across historical moments, Baxi offers insights that remain strikingly relevant today. In a series of lectures on the legal profession delivered in the 1980s, largely unpublished, he argued that “it is sociologically misleading” to describe the Indian bar as a single profession (p 106). Law

practice, he observed, is not only a “learned profession” but has also become “a trade and business” (p 106). These reflections continue to resonate with contemporary realities.

To this, one must add that the profession has long been dominated by individuals from oppressor castes, sustained by intergenerational social and financial capital (Bhaskar and Modi 2021). The often-romanticised narrative of the “first-generation lawyer” obscures these deeper structures of privilege. As lawyer and scholar Disha Wadekar (2022) has argued, it may be more accurate to speak of “first-generation learners” rather than “first-generation lawyers,” a framing that shifts attention away from heroic individual journeys and towards the systemic barriers that shape entry into the legal profession. After all, an individual from an oppressor caste may well be the first in their family to practice law, but still enjoy the advantages of intergenerational wealth, social capital, or entrenched family networks. Seen in this light, Baxi’s reflections urge us to demystify the legal profession, exposing its entrenched hierarchies even in the present era.

Urgency of Indigenous Jurisprudence in India

Baxi does not shy away from self-critique, particularly in acknowledging his limited early engagement with the question of Indigenous rights in India. In doing so, he demonstrates a rare willingness to let moments of discomfort reshape scholarship and to insist that law cannot be separated from the lived experiences of those who are most oppressed by it.

One of the most striking anecdotes that he recounts, which is still resonant for Indian academicians teaching abroad today, emerges from his years at the University of Sydney Law School. In his fourth year there, while teaching a course on law and social justice, he was leading a discussion on how criminal law treated Indigenous peoples in Australia and how modern legal structures perpetuated violence against First Nations communities. A student then posed a simple but disarming question

about Indigenous rights in India, which left him shaken. As Baxi recalls:

I was struck by a thunderbolt. I realized I knew very little about India in this regard ... We are talking about location and commitment, and this woman student, she did not mean badly, she didn’t intend to produce the effect it produced in me, but there are these moments of revelation. (p 127)

Baxi’s self-critique here is itself a pedagogical act, illustrating an academic approach that embraces discomfort, acknowledges limitations, and turns them into the basis for deeper inquiry. This stands in contrast to many academicians who, in acts of epistemic violence, guard their authority by refusing to confront their blind spots, preferring instead the performance of expertise over the humility of reflection.

This moment of discomfort prompted Baxi to reflect on the silences within Indian legal scholarship. In one of the conversations, he candidly acknowledges that the jurisprudence on Indigenous peoples’ rights in India has not developed with the same intensity as in other jurisdictions. He points out that our law schools rarely engage with the Fifth and Sixth Schedules of the Constitution or with the Criminal Tribes Act and its afterlives (pp 142–43). These glaring but conscious omissions reflect how mainstream legal education often bypasses the histories and ongoing struggles of Indigenous Adivasi communities. It is symptomatic of how law has frequently been taught in abstraction, without attending to the realities of the people that it most affects.

Equally transformative was Baxi’s encounter with an Indigenous rights movement in India. He recalls how one activist gave him an uncompromising yet constructive feedback on academicians:

We will try and overlook your American degree, provided you don’t behave like an expert. We don’t want you to define our problems for us, don’t define our solutions for us, don’t tell us what to do ... Since you know a bit of law ..., tell us within the next six months how the same law which oppresses us can be peacefully turned against the oppressors. (p 151)

For Baxi, this forced him to reconsider his understanding of “the life of law.” It made him attentive to the plurality of laws, to the different moral vocabularies of communities, and to the creative

ways in which law can be reappropriated for justice.

Baxi’s Social Action: Speaking ‘with’ Others

The book also documents Baxi’s legal activism. From co-authoring an open letter to the Chief Justice of India in the aftermath of the Mathura rape case to his sustained involvement with the victims of the Bhopal gas tragedy, Baxi consistently sought to hold the law accountable to those at the margins. He also offered incisive critiques of the judgments in both the Mathura rape case and the Bhopal case, underscoring his commitment to exposing the failures of the judiciary in delivering justice.

One of the most powerful points from the book is Baxi’s discussion on the ethics of social activism and academic scholarship, drawing an important distinction between “speaking for others” and “speaking with others” (p 187). The former risks sliding into a paternalistic stance where the agency of the oppressed is erased, and their struggles are redefined through the categories of external experts. By contrast, “speaking with others” is an epistemological, methodological, and philosophical stance (p 187). As Baxi puts it, it is the question of “actually lived labour, of the embodied labours of representing somebody, of speaking with others” (p 196). In other words, “speaking with others” refers to a set of real, engaged practices of labour through which solidarity and representation are enacted, “and not just a metaphysical set of thoughts or ambitions” (p 196).

This distinction challenges academics, activists, and lawyers alike to rethink how solidarity with social causes and marginalised groups is practised. It requires moving away from ventriloquising the voices of the oppressed and instead entering into collaborative processes in which the labour of representation is shared, acknowledged, and made accountable. Baxi’s framing reminds us that the ethics of knowledge production and activism must remain tied to the material realities of the communities or groups whose suffering gives rise to claims of justice.

Baxi therefore proposed the idea of social action litigation (SAL) as distinct

from public interest litigation (PIL). In his view, PILs that individualise issues rather than foreground collective agency fall short of constituting social action. For him, social action cannot be appropriated as a personal project:

Social action cannot be yours. Public interest, yes, you can embody a public interest. Social action is the very idea of an emergent collectivity—a social collective strength, a collective responsibility. (p 419)

As a strategy, he argued, “the thing to do is to anonymise or collectivise [social action litigation] or generally all social action” (p 414). This framing decisively shifts the focus from heroic lawyers to solidarities built and sustained through collective labour. As an example, Baxi expresses his discomfort when a letter (in 1981) that he sent on behalf of protective homes in Agra was registered as a PIL in his name (p 414).

Baxi’s thesis is reinforced by Narrain and Kakarala, who in their introduction warn of a “democratic deficit” in certain forms of legal activism, particularly when activists or lawyers are not community-based and “the link to the communities they claim to represent may be more distanced” (p 26). In other words, even well-intentioned interventions can falter if they are not grounded in the lived realities of those in whose name justice is pursued. This resonates with Anuj Bhunia’s (2017) critical study of PILs in the Supreme Court, which demonstrates how, in many instances, the very language of public interest has worked to the detriment of the poor and the oppressed.

In my view, Baxi’s emphasis on “speaking with others” also presents a critical challenge to how academicians write about equality and discrimination. This adds a nuance of positionality and ethics to Khaitan’s (2022) framing that “truth-seeking and knowledge dissemination are constitutive of the role of a scholar.” In Khaitan’s view, “a scholar’s engagement with morality must be, well, *scholarly*.” However, truth-seeking, knowledge production, and morality ought not be detached from context. There are countless instances where scholarship has been shaped less by objective inquiry than by the writer’s own ideological commitments. A striking example is the

persistent repetition of the myth that Ambedkar wished reservations to end after 10 years, a narrative propagated without serious engagement with Ambedkar’s writings (Bhaskar 2024).

Scholarship entails an ethical responsibility to listen, to act, and to remain accountable. Can writings on transformative constitutionalism or theories of discrimination law claim authority if they are written at a distance, without engagement with the society they seek to describe or transform? As Baxi states, “Theories are not pies in the sky!” (p 499). When scholarship is grounded in accountability to the people, most affected by structures of oppression, it acquires a transformative potential that goes beyond the production of knowledge. It becomes a practice of solidarity that unsettles hierarchies and amplifies silenced voices.

Furthermore, the constitutive role of a scholar is not exhausted in academic argumentation alone. It must also require changes in one’s personal practices and institutional commitments. For instance, scholars (such as Khosla and Mehta 2025) are free to criticise affirmative action policies. But when such critique is advanced without any concrete effort to support or mentor colleagues and students from marginalised communities or without creating opportunities for them, it slips into epistemic violence. What then remains of such scholarship other than theoretical posturing, bifurcated from the very realities it claims to interrogate?

Baxi’s Clarification

The book also provides space for Baxi to address criticisms that have shadowed his career. Responding to the allegation that he supported the Swaran Singh Committee report that preceded the Emergency

and the 42nd constitutional amendment, he clarifies that his endorsement was limited to those provisions concerned with agrarian reforms, while he strongly opposed the 42nd amendment as it was being drafted (pp 220–21). As he states, “it was not in any sense a support for the Emergency” (p 220). Likewise, reflecting on his tenure as vice chancellor of the University of Delhi, he explains that he sought to safeguard the right of students to protest the Mandal Commission in a civilised manner, even as he firmly opposed any attempts to intimidate or marginalise backward class students on campus. He narrates that in a gathering of protesters, he stated,

it has to be the right of everybody, including people who want these reservations, and you shall not intimidate them as long as I am Vice-Chancellor of this university. (p 466)

Manual for Scholars and Activists

This book serves as an open door for younger scholars and activists new to Baxi, offering entry into his vast universe of scholarship and social action centred on the ethic of “taking suffering seriously.” For Baxi, legal activism could never be confined only to courtroom strategies. It also demanded innovation in the very forms of law to generate public consciousness around human rights challenges. The book demonstrates how his interventions consistently sought to transform law into a vehicle for new forms of social awareness and collective action. His jurisprudence carries a moral urgency, underscoring the need for critical voices in academia who speak truth to power and confront structural oppression.

While the book spans the breadth of Baxi’s intellectual world, one limitation is that the conversation partners did not

EPW Index

An author-title index for *EPW* has been prepared for the years from 1968 to 2012. The PDFs of the Index have been uploaded, year-wise, on the *EPW* website. Visitors can download the Index for all the years from the site. (The Index for a few years is yet to be prepared and will be uploaded when ready.)

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probe in greater depth the paucity of legal scholarship on caste and systemic oppression. Nevertheless, readers can still turn to Baxi's other writings for insights on these crucial questions.

By placing Baxi in dialogue with both his interlocutors and his own past, the book reminds us of the responsibilities that come with intellectual life: to remain accountable, to listen, and to speak with, rather than for, those at the margins. In celebrating Baxi's legacy, the book also issues a challenge to the next generation of scholars and activists to

rethink law as a living resource, capable of both oppression and liberation, and always demanding of us the courage to choose the latter.

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