

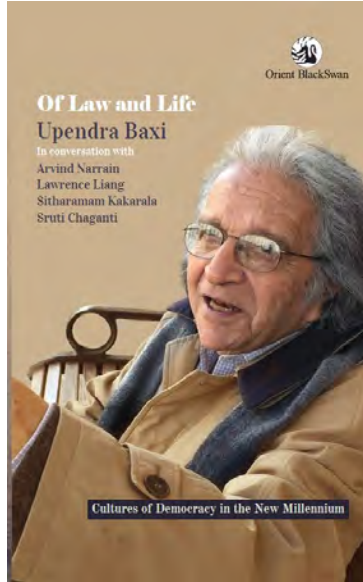
# THE LEAFLET

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## [Book Review](#)

### Book review: Prof. Upendra Baxi's life of law

*Saqib Rasool calls the book *Of Law and Life* a must-read for people associated with law and beyond.*



## [Saqib Rasool](#)

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*Of Law and Life: Upendra Baxi in Conversation with Arvind Narrain, Lawrence Liang, Sitharamam Kakarala, and Sruti Chaganti, Orient BlackSwan, 2024*

**RUDYARD** Kipling famously writes, “*If history were taught in the form of stories, it would never be forgotten.*” This quote perfectly captures the book under review.

The book titled [Of Law and Life: Upendra Baxi in Conversation with Arvind Narrain, Lawrence Liang, Sitharamam Kakarala, and Sruti Chaganti](#), as the title suggests, is a compilation of two-week conversations between one of the most acclaimed and admired legal scholars of India, Upendra Baxi and his former students, namely Arvind Narrain, Sitharamam Kakarala, Lawrence Liang and Shrutu Chaganti.

On Baxi's towering scholarship and contribution, another prominent contemporary Indian academic, Pratab Bhanu Mehta writes, “*[He] has said all that can be potentially said about the Indian judiciary.*” This book discusses the (lesser-known) method behind Baxi's scholarship.

As the authors have stated in the introduction, “*The book we present is the product of an affectionate conversation over shared concerns and themes, and thus falls somewhere between a biography— really a third person's view of the subject's life— and autobiography, based on the subject's own view of his or her life.*”

This book offers a unique flow to its readers, narrating law and history through stories from Baxi as a writer, teacher and activist.

This book narrates Baxi's relationship with the law as a lover's quarrel, exploring the 'possibility' and the 'impossibility' of law and what it can do for those who suffer.

The book is divided into fifteen chapters containing stories from Baxi's early life to his education and political activism in the anti-war movements in Berkeley to his years in Sydney.

From this, the stories move to his years in Delhi at the Indian Law Institute and later at the University of South Gujarat and Delhi as vice-chancellor. The conversation touches on themes such as the law as a tool for the oppressed, indigenous people's jurisprudence, legal education, constitutionalism and human rights. The book also illuminates an intriguing issue of activism— human suffering and the question of speaking for and with others.

The book underlines how Baxi, the writer; Baxi, the activist and Baxi, the teacher are all formed by Baxi, the reader. Baxi equates reading with *manthan*, a Sanskrit word that means churning. He also adds a very interesting yet personal struggle of reading a few authors, particularly Karl Marx.

The journey takes us from his early life in Bombay to Berkeley and Sydney. During his Berkeley years, Baxi shares his experience of participating in anti-war protests (Vietnam War) and meeting Hans Kelsen. He says that it was because of Kelsen that he decided to join Berkeley. From his Sydney years, Baxi shares his experience of 'mild racism' and his learning from the Indigenous jurisprudence. Later, this had a huge impact on his scholarly and theoretical contribution to human rights, legal cultures and law and development.

This book narrates Baxi's relationship with the law as a lover's quarrel, exploring the 'possibility' and the 'impossibility' of law and what it can do for those who suffer.

This love brings us to his view on the Indian Constitution. His relationship with the Constitution also stems from his love for justice. To Baxi, justice can be achieved by rebuilding and reinterpreting the Constitution.

The book discusses the activist side of Baxi in detail, including his role in the Bhopal Gas Tragedy case, initiating social action litigation (SAL) in India and the open letter to the Chief Justice of India on the Mathura rape case.

Baxi's call for justice through the rebuilding of the Constitution seems very powerful, especially during the time when we are witnessing the wave of what Kim L. Scheppelle terms as [autocratic legalism](#). Every story discussed in the book bridges itself with justice and modes of achieving it.

A good portion of the book includes an in-depth conversation about experiencing and responding to suffering. Besides his love for knowledge and law, it is human suffering that turns him into what Oishik Sircar calls 'Professor of Pathos'.

To Sircar, "*Baxi's single-most important contribution to jurisprudence in India has been to infuse legal scholarship with pathos— the pathos of suffering, resistance, responsibility and care.*"

The book discusses the activist side of Baxi in detail, including his role in the Bhopal Gas Tragedy case, initiating social action litigation (SAL) in India and the open letter to the Chief Justice of India on the Mathura rape case.

Talking of activism, Baxi asks us to distinguish between episodic activism and structural activism. Episodic activism means addressing immediate relief (for example, the Mathura case), and structural means addressing structural lapses (law reforms). He says both should flow into each other.

The latter half of the book unfurls a discussion around Baxi's scholarly contribution to constitutionalism. This section revolves around Baxi's seven constitutions and three forms of constitutionalism (C1, C2 and C3).

Through the seven constitutions, Baxi presents the watershed moments in the history of India and its Constitution. The conversation also reveals the utility of forms of constitutionalism and how these offer a better framework for understanding constitutional law.

One of the themes discussed in the book that resonates with the present most is Baxi's views on engagement with courts. To him, courts should be critically evaluated by scholars. Quoting from his book [\*Indian Supreme Court and Politics\*](#), Baxi asks us to "*study the court as an institution, not just a factory manufacturing legal and constitutional norms*" and "*develop a theory of evaluation of the judicial role*" and "*develop a body of standards*".

In the last part of the book, the discussion moves to human rights. The conversation touches upon various aspects of human rights, such as the curricularisation of human rights and its epistemology and jurisprudence. Baxi asks the reader to engage with human rights as a plural idea.

*Of Law and Life* deftly bridges the different aspects of the public figure that is Baxi. One thing that stands out throughout the book is that despite using Baxi as a vantage point, it keeps the conversation focused on law and not his life alone, thus saving itself from casting Baxi as a hegemonic figure.

Throughout the book, the conversation is fuelled by anecdotes, literary references and humour, held up by a solid theoretical framework. The book is a must-read for people associated with law and beyond.