

Adieu, Satyaranjan Sathe

Satyaranjan Sathe, who died recently, combined several roles in one. He was a beloved teacher, a widely respected legal educationist, constitutional expert, writer and social activist. But the Sathe legacy defies any simple summation. In all the many roles he took on, Sathe's sternest directives were always for himself; striving to uphold at all costs, the integrity of both public and private life. Above all else, it is this singular virtue that will remain his most enduring legacy.

UPENDRA BAXI

Long-standing readers of *EPW*, and other literary forums, may not be fully able to imagine the person, the being, and the lifeworlds of Satyaranjan Purshottam Sathe, a seasoned contributor whose texts all too often illuminated their understanding of the life of law and state in India. But surely all his readers would grieve his recent demise alongside those who had the privilege of knowing and working with him.

Satyaranjan Sathe's passing away constitutes a significant national loss. His public presence and voice will now forever be missed. The worlds of Indian legal education and research will also suffer a severe blow with his demise. Many a public cause will have now to "do" without his dedicated/spirited guidance. His demise leaves an aching void. A large number of his former students spread across the globe will now feel orphaned, although Sathe never fancied himself as a "father figure" and indeed interacted with them as a colleague and friend, a true compatriot and 'sathin'.

It is difficult for me to speak in a past tense of Satyaranjan Sathe, my teacher at the University of Bombay and a lifelong guide and friend. I shall miss him beyond words.

In the early 1960s, when Satyaranjan was a young law teacher at the University of Bombay, I, then a postgraduate student, rebelled against his ways of teaching. Although quite accurate, it was certainly impertinent on my part to state in the classroom that I was a little bit ahead of him in acts of reading Roman law and Bentham's corpus, including his *Principles of Legislation*. Of course, he was outraged at my interlocution of his pedagogic authority. However, what eventually mattered for both of us were the ways in

which Satyaranjan converted this contestation into a resource for vastly improved methods of law teaching and his reiterated public acknowledgement of this episode as providing further lessons and messages for innovating critical pedagogy. In thus continually recalling with warm affection my acts of rebellion, Satyaranjan thus sought to nourish *dialogical*, rather than *authoritarian*, mode of intergenerational transmission of knowledges. This, I believe, constitutes an enduring Sathe legacy, in a universe of the Indian law teaching then, that despite this and sadly so, remains barely familiar with the alphabet and the grammar of Paulo Freire's notions concerning the *Pedagogy of the Oppressed*.

I still vividly recall my first post-Bombay meeting with Satyaranjan at Chicago. He was researching at the Northwestern University and I was a participant at an inaugural workshop on law and social science research methods. In that initially uneasy encounter, Satyaranjan not merely introduced me to the Chicago-style pizza but also to the enduring virtues of non-hierarchical communicative friendship between the teacher and the taught.

Our renewed friendship lasted over many decades, withstanding as always many a basic disagreement. He remained a constant critic of some of my initiatives at legal educational and research reform. He was initially uncertain about the heavy emphasis and high priority I gave to empirical research in law; he thought that we should first more fully develop doctrinal/normative research in law. In this, he was not alone among the veterans of Indian legal education in the 1970s. But he was singular among them for later revising his position and actually engaging himself with and supporting sociological scholarship in legal studies.

Satyaranjan Sathe was opposed to the "notion" that lay behind the National Law

School of India, unfortunately then in development under my resolute academic "leadership". In an *EPW* article he expressed profound anxieties concerning "elitism" embedded in the conceptions of a super-law school. As I now recall, he remained concerned with the ways in this innovation would tend not merely to denude talent in the actually existing good law schools that had served the "nation" well enough; more crucially, he remained anxious that this all would result further in production of an alienating knowledge/competence placed almost entirely at the service of corporate/multinational "Bar". Fortunately, the "denuding" did not fully happen. I was naive enough to believe that the very first National Law School would lead the way towards egalitarian, if not emancipative, teaching and research. This did not happen; and the subsequent "mushrooming" of national law schools since then, have in some ways unfortunately demonstrated the vitality of Sathe's express foreboding. Many colleagues in these schools, in acts of private communication, agree with Sathe's analysis but are able to do little to change the order of things.

Commitment to Legal Education

Satyaranjan remained dedicated to socially relevant legal education to the very end of his life. He contributed a great deal, by public speaking and writing also in Marathi, to the civic culture in Pune. He was esteemed for his own fearlessly stated positions concerning Indian "governance" and politics. He made the ILS (Indian Law School) Law College at Pune a hub of educational reform and multidisciplinary research. Unlike many other veterans of Indian legal education, Satyaranjan made sure that the institution would not suffer from any leadership crises upon his retirement. This deserves a special mention because many a centre of legal educational excellence has not survived its leaders.

He worked wholeheartedly with the UGC Curricular Reform Committee in Law. Its unfortunately little read 1993 two-volume report develops the notion of law students as "soldiers of social justice" a notion that seeks to move beyond the staid controversy concerning whether legal education should be liberal arts type education or a mechanism for rigorous professional/technocratic "trade school" training. Towards this end, we devised a large number of curricula for graduate and postgraduate teaching. A most fitting

tribute to Satyaranjan Sathe in this context would be a series of collective national dialogues aimed towards a future reshaping of legal education in a hyper-globalising India, an era in which the very languages of social justice are now rapidly disappearing from the public life.

Satyaranjan Sathe truly lived the legacy of his first name, which roughly translates as “enjoyment in the experience of truth”. The communication of these truth-experiences remained vital to his enterprise of a lifetime. The “joy” lay in the discovery, and communication of the ways in which the truths of the state as incarnated in constitutional texts, legislations, and judicial decisions often contradicted and collided with the truths of people’s lived experience. It was this lively sense of contradiction between the promise of the “law” and the reality of its multifarious oppression that animated his restless ways of teaching, research, writing, and public intervention.

Scholar-Citizen

Satyaranjan Sathe dedicated himself unsparingly (as, for example, his classic successive editions of *Administrative Law* reveal) to the “demystification” of public law. I already sense that he would counsel against this expression, given his magnificent obsession against all jargon. Yet, this remains for me the only way available to summate his achievement. His prolific corpus carried a *simple* but a *stunning* message concerning the several manifold lives and careers of that impossible expression: the “*rule of law*” means simply that incrementally power becomes more *accountable*, governance more *just*, and the state conduct more *ethical*. Satyaranjan Sathe’s entire corpus can be read, and as his last book *Judicial Activism in India* especially demonstrates, as offering a sustained mediation on the ways of translating these public virtues into democratic social action.

In his scholarly and activist public engagements, fulsomely acknowledged in the third world legal literature, Satyaranjan remains an exemplar. He appeared to exemplify the preambulatory and universalising values and virtues of the Indian Constitution in teaching, writing, and public engagement. Always animated by the values of liberty and equality, Satyaranjan believed that their pursuit remained barren of future history, unless fraternity and dignity of all also constituted an integral part of this agenda.

Satyaranjan remained singularly unkind to arrogance of power, and developed a citizen-empowering and human rights-friendly understanding of the Indian law and Constitution. He luminously embodied in his life work the constitutionally mandated virtues as stated in Part IV-A of the Constitution, summoning the development of “scientific temper”, the “spirit of reform”, respect for the “composite culture of India”, and the “pursuit of excellence” in all walks of life. A spirited defence of constitutional secularism was for him a way of celebrating these virtues; Satyaranjan transformed this discourse as a regime of constitutional *discipline*, and some serious forms of foundational *disrespect*, for the corrupt Indian sovereign.

No one in public life escaped his painstaking and strict constitutional scrutiny, including and especially the Supreme Court justices who far too often manifestly act in utter disregard of their constitutional oath of office. In critiquing the apex court, Satyaranjan remained a truly reflexive scholar; he showed us how the tasks of judging the judges entail a grounded understanding of the constraints and opportunities of/for judicial action. If the enterprise of scholarly analysis holds a mirror for the judges, in which they must after all see their own images, Satyaranjan Sathe also insisted that scholars, in turn, must also develop capabilities to espy their own reflection in that mirror. There was for Satyaranjan Sathe no *terminus for restless critique*.

The figure of a legal scholar remained for him as much publically accountable as other constitutional actors. He relentlessly extended to himself the virtues that he sought to impart to other public actors. He constantly offered an auto-critique of his previously held positions. I know of *no* Indian public law scholar who has had such fulsome courage of conviction to acknowledge as erroneous, and to fully revise, his earlier publicly stated positions. Thus, Satyaranjan elaborately acknowledged why he was entirely mistaken in critiquing the Supreme Court’s Golak Nath holding which immunised fundamental rights from the virus of constitutional amendment; indeed, in a reasoned self-reversal, he welcomed the enunciation of the “basic structure” doctrine, with and since, the landmark textuality of the Kesavananda Bharati decision that delegitimised/de-legalised the assertions of the univocal plenary power of Parliament to amend the Constitution by some indifferent strokes of the parliamentary pen.

Satyaranjan Sathe shunned national limelight, believing always that enduring human rights and social activist work is best done below the radar screen. He thus quietly left the Indian Law Institute when he found its judicial governance un-conducive to serious scholarly research; he quit the department of law without ever making public his disagreement with the autocratic style of the former Indian chief justice Gajendragadkar acting as vice chancellor of the University of Bombay. Surprised by his own appointment as a pro-vice chancellor of the University of Pune, which he accepted as a call of public duty, he was quick to leave the post without a fanfare of public protest when his conscience did not permit allowing the use of public office as a way of unprincipled patronage entailing the “division of spoils”. All this contrasted deeply with my own style of holding leading university positions; for me, the act of incumbency as well as resignation furnished occasions for anguished articulations of my self-positioning in the public sphere.

Never presuming to guide my actions, Satyaranjan remained a true friend always guiding me to less strident forms of public articulation. He made me more fully aware of the vital distinction that lies between the ‘moffussil’ (the intensely localised) and the *metropolitan* spaces as sites of public articulation and the ways in which the communication of protest is received very differently at these sites. Yet, till today, his public rectitude remains for me an uneasy virtue.

Legacy

The Sathe legacy defies simple acts of summation. As a teacher, he always remained a profound learner. As an author, he remained the first reviewer of his own writing, thus enhancing the pursuit of the virtue of clear and cogent style. He believed that communicative clarity was a sovereign virtue and that it was better to be *clearly wrong* than *deviously right*. As a critic of supreme power, whether executive, legislative, or adjudicative, he insisted that intrepid evaluation ungrounded in painstaking grasp of constraints was barren of a historic future. As a social activist, he insisted that obligations of transparency and accountability should attach most severely to activist communities; only then could they succeed in the interlocution of the powerful. At first sight this latter message remains close to the Mahatma; however,

in some uncanny ways, Satyaranjan Sathé remained an heir to the radical humanist tradition seen in the gifted discourse of M N Roy.

It is unfortunate for India that when the entire constitutionalism stands now exposed to risks of a globalising erasure, we will now have to learn to cope without his eminent voice and vibrant vision. But perhaps what might offer sustenance and encouragement is the constant striving to

uphold the ideal Satyaranjan held dear all his life. The virtue of maintaining at all costs integrity in both public and private life. This was Satyaranjan's living legacy to all those who knew and worked with him and it remains an inspiring legacy for the many others struggling to preserve the constitutional estate against all the hyper-globalising odds. **EW**

Email: U.Baxi@warwick.ac.uk