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THE PROBLEM OF VERBOSITY IN SUPREME COURT JUDGEMENTS**INTRODUCTION**

“Verbosity may be fascinating, But it`s simplicity that captivates the soul”.

The Verdict, the judgement which is in written form is what draws the link between the courts and the public at large. It is through judicial opinions that the courts communicate with the advocates, public, other courts and community. Whatever the court`s status is be it family court, constitutional court and on the other hand whatever be its position, be it Session court, High Court or the Apex Court, the words written down by the court is the end.

The decision taken by the Hon`ble Court need not always be correct but, what is pertinent to note here is that the decision must be just and reasonable in nature. The burden here while rendering the decision is always upon the Hon`ble court to explain and to persuade and also to satisfy the world that the decision taken is principled and sound.

What the Hon`ble courts states, and as to how it states is as essential as what the court decides.

The researcher in this article has drawn the hypothesis and the same have been proved that Hon`ble Supreme Court verdicts are verbose in nature and this is a matter of concern today.

THE ISSUE OF VERBOSE JUDGEMENTS DELIVERED BY HON`BLE APEX COURT

The Hon`ble Supreme Court had delivered various landmark judgements, which include the five – hundred page order on Section 377 and also the Ayodha Judgement¹ which are one of the stupendous exhibits of the court analyzing a voluminous record. The court had to sift through various documents supporting claims and counterclaims. This tiresome exercise is said to be essential to decide the historical dispute of the case and goes on to justify the length of the verdict to a certain degree. Moreover, the judgment lays out its structure right at the beginning which facilitates navigation through the judgment.

The judgements that decide upon the issue concerning constitutionality of a legal provision, frequently fail to justify the reams of paper their contents occupy. There`s no doubt on the fact that deciding the constitutional validity of a law requires the court to expound on the enormous constitutional jurisprudence and its evolution. Deciding upon such issue require analytical knowledge of a catena of case laws that have shaped the course of the issue at hand. The major purpose is to settle down the law for the years to come. With this quest to deliver a thorough verdict, there have been instances of prolix accounts of law with no or lesser additions to the relevant jurisprudence.

The major reason behind the verbose judgements by the Hon`ble Supreme Court is the reproduction of passages which the judges tend to copy from precedents, books and other sources. Given the technological tools in hand, the court now prefers to put the verbatim form of the passages from various sources which the court thinks are relevant to be produced.

The practice of condensing the major holdings of important precedents and views of different scholars has declined significantly. An appropriate illustration is the case of *Shayara Bano v. Union of India*², where a reproduction of Constituent Assembly Debates, along with it other various verbatim quotation from the holy book Quran were used, this itself occupies a huge portion of the judgement.

The deployment of raw quotations on a large scale can also be seen in the case of *Navtej Singh Johar v. Union of India*³. The irresistible temptation to write a separate opinion even after concurring with the majority view of the judges has been observed in the Right to Privacy case

¹ *M. Siddiq (D) v. Mahant Suresh Das*, 2019 SCC 1440.

² *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

³ *Navtej Singh Johar v. Union of India*, (2018) 1 SCC 791.

of *K. S. Puttaswamy v. Union of India*⁴ where the bench have showcased their dexterity by giving multiple opinions without laying down anything fundamentally different from one another.

This problem of writing elongated judgment is also an issue of the lower courts, they rarely enjoy the freedom of alluding to literature in their verdicts, the length of their decisions increases because of needless detailing. Reference is given to the landmark case of *Smt. Shashi Shah v. Kiran Kumar Shah*⁵ the High Court of Allahabad while entertaining a thirty – eight page judgment of Family Court, had observed that the Family Court are behaving similar to that of the Civil Court while putting down the verdict on the paper, writing of lengthy judgements goes against their purpose of expeditious settlement of matrimonial disputes or child custody disputes.

In the case of *Gyanendra Kumar v. Pavan Kumar Seksaria*⁶ the High Court of Allahabad while examining a seventy – eight page judgment of the Trial Court was irked by the unnecessarily verbose judgements of the lower courts which was containing too many repeated lines.

The interlocutory matters or interim orders which are being decided by the Hon`ble Court have also been unnecessarily lengthy which in turn is time consuming for an individual to read and go – through.

THE IMPACT OF THE VERBOSITY

The proximity in the verdict creates impediments for multiple stakeholders. First of all, it leads to tie consumption and efforts of the bench writing the judgement itself. The valuable time which the bench takes to elongate the judgement unnecessarily could instead be used to decide upon other matters.

The verbosity also torments the judges sitting for review or revision; they again have to unnecessarily go through the entire judgement so that they could examine the ruling given. This sometimes led to delay in delivering justice. The delay in the process of law also becomes inevitable, wasting much time of the advocates. Their respective lawyers also have to spend valuable time in understanding the crux of the decision and assessing the next course of action.

⁴ *K. S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

⁵ *Smt. Shashi Shah v. Kiran Kumar Shah*, (1999) 35 ALR 232.

⁶ *Gyanendra Kumar v. Pavan Kumar Seksaria*, (2012) 19 ALR 696.

In such scenarios where even the lawyers explore the contents distastefully, the parties to the case are also affected by the decision as sometime they are illiterate and cannot read the very long document that decides their fate.

Verbose judgement also pressurises the media sector because it is they who have to convey the verdict to the world in short and crisp manner.

Another major drawback of verbose judgement is the reduction of audience before the Apex Court. This is extremely problematic, because critical engagement with judgements of the Apex Court is vital for meaningful discourses on the many implications for the stakeholders.

BACK TO BASICS - SETTING THE EXAMPLE

“The object of all legal writing is persuasion... Similarly, the purpose of a judicial opinion is to convince any reader that sound logic supports the court’s decision... Excessive citation, excessive footnoting and excessive pedantry...run against your sole purpose: to sell your argument to your readers”.

The three pillars of good judgement writing are accuracy, brevity and clarity. Accuracy is the foundation, without this the entire brief, memorandum or judicial opinion becomes suspect. Brevity helps accomplish clarity by avoiding unnecessary topics, eliminating adjectives and adverbs and minimizing verb clutter.

Writing matters but, in modern Supreme Court opinions the ABCs of good judgement writing is becoming harder to find. The judges are not only professional writers but also the legal voice of the country. It is they who set an example.

Hence, while rendering a judgement the Hon`ble Court must keep in note the following –

1. Reason should be intelligible and logical

2. Clarity and precision should be the goal while rendering the verdict. Prolivity and verbosity should always be avoided. At the same time, brevity to an extent where reasoning is the casualty should be avoided.
3. Use of strange vocabulary and complex sentences which could not be easily understood by a lay man must be avoided.
4. The object of the judgement is not to showcase the Judge`s knowledge of language but to decided cases in a competent manner, and state the law clearly with proper and short reasoning.
5. If a judge wants to rely on precedents or decisions unearthed by the Judge by his own research, he has to give an opportunity to the parties to comment upon or distinguish the same.
6. In civil matters, the judgment should not travel beyond the pleadings or the issues.

CONCLUSION AND THE WAY FORWARD

India`s Hon`ble Supreme Court is becoming a national embarrassment because of the reason of it rendering verbose judgements. In its early years it was unquestionably one of the leading courts. Its judges were erudite, whether they leaned left or right, their verdict were jurisprudentially disciplined and impeccably argued.

It is high time now that the Indian courts must realize the need and importance of accuracy, brevity and clarity in the judgements they deliver. They must uphold their commitments towards increasing inclusivity of the common masses in the system of justice.