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## STYLISTIC ANALYSIS OF SELECTED SUPREME COURT JUDGMENT

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**Abstract:** Applied linguistics deals with the practical issues of language use. Stylistics is a branch of applied linguistics. Linguistic aspects of meaning making is the concern of all the subfields of stylistics. Stylistics, an interdisciplinary field, systematically explores the linguistic frameworks and set of features embedded in spoken and written texts. Stylistic analysis is of paramount importance for understanding how the communication is effected by the stylistic devices. Language is a game changer in the field of law. It establishes social control. Language as a tool helps legal professionals to control the thoughts and make their interpretations strong. Language is a means for achieving objects for them by convincing. Legal language is unique and frames a battleground for achieving justice and persuasive effect through normative and performative functions. Supreme Court judgments, which are the final products of court proceedings, are one of the legal texts. As in any stylistic analysis the description precedes an interpretation i.e. meaning precedes an effect, in this paper the lexical and syntactic choices made by the judges in the selected Supreme Court judgment are described, investigated and analyzed by using the frameworks provided by Randolph Quirk and Greenbaum, De Beaugrande and Dressler and Eugene O Winter with respect to their semanticity and communicative style. It explores how the stylistic devices have attributes of argumentative devices and persuasive tone. It also unfolds the compact and complex nature of legal writing.

**Keywords:** Applied linguistics, stylistics, Supreme Court Judgment, investigate.

### Introduction

Efforts have been made to establish the relationship between law and language by means of linguistics and semiotics for many years. Semantic scientist Ludwig Wittgenstein from Austria, Glanville Williams from England and Walter Robert from USA emphasized the role of language in law (Tripathi : 2020:05). By offering tools for an analysis of legal data, forensic linguistics plays a pivotal role in supporting and challenging legal conclusions. Stylistics is actually applied linguistics. Linguistics is structural and stylistics as an approach is practical. Stylistic analysis can be used as supporting evidence in law courts. Stylistician makes a methodical study of the principles of style. A consistent occurrence of certain linguistic features in a text determines style.

### Register of Law

Register is a variety of language based on its use. Just like other disciplines, law has its own peculiar language. It is traditional and not comprehensible to layman. It differs from one genre of legal writing to another e.g. petitions, contracts, court orders and judgments, etc. Legal English is unique and marked by precision, brevity, fixed formalistic constructions, blending of adverbs and prepositions, such as hereunder, hereinafter, whereby, etc. An extensive use of Latin and French words, such as affidavit, verdict, counsel, etc. makes it extremely formal. It is characterized by archaic, abstract, vague words, mixed language doublets and triplets; unusual word order and unusually long sentences because of the use of involved sentence constructions. Verbal and structural ambiguity helps to conceal the truth, avoid commitment to self and boosts clever but false arguments (Bacon 1901 Online).The main issue of legal language is multiple meanings and doubtfulness in its content. Punctuations are used sparingly which results into its incomprehensiveness. All in all, its strangeness is because of its aim of achieving justice, persuasive effect through its normative and performative functions.

### Court Judgment as Genre

Genre analysis is an important area in English for Specific Purposes oriented studies. Swales (as quoted by Malmkjaer 2004: 206) states: 'A genre comprises a class of communicative events, the members of which serve some set of communicative purposes. These purposes are recognized by the expert members of the parent discourse community and thereby constitute the rationale for the genre. This rationale shapes the schematic structure of the discourse and influences and constrains choice of content and style.' Court judgments are an important sub-genre of legal writing. Bhatia (as quoted by Malmkjaer 2004 : 207 ) suggests a four move pattern for the structure of legal cases.

The code of writing judgments is incorporated in the Code of Civil Procedure 1908 and of Criminal Procedure, 1973. Supreme Court judgments are the final product of court proceedings. The judgments are available in oral as well as written form. They are long as well as short. The judgments with respect to original suit such as permanent or prohibitory injunction, dissolution of firm and accounting, etc. are long. In case of interlocutory orders, summary suits, review, etc. judgments are short.

The style of writing judgment differs from judge to judge with respect to the choice of words, phrases, grammatical clauses and structures. The style of writing judgments bears the stamp of judge's personality traits and disposition. The recording of reasons for arriving at the findings is of paramount importance in a judgment. 'There is no rigid rule, as to how a finding may be recorded.

The judge, however, should give his reasons. It is not sufficient to say that he believes the evidence or agrees with the argument. The judge must give his reasons for such belief and agreement' (Ambwani). He emphasizes brevity, simplicity, clarity and impartiality of a judgment for invoking the respect of the court.

### Method of Data Collection and Analysis

A Supreme Court Judgment drafted by Supreme Court justices Abhay Manohar Sapre and Dinesh Maheshwari, J J, published in November 2019 issue of The Maharashtra Law Journal is randomly selected. The selected Supreme Court judgment is a vacated judgment. In this judgment appellate court set aside the judgment under review and ordered a new trial as the judgment under review failed to make an order in accordance with the law. The description of the case as published in the journal is as follows.

#### SECOND APPEAL AND SUBSTANTIAL QUESTION OF LAW

[Supreme Court]

(Abhay Manohar Sapre and Dinesh Maheshwari, JJ)

RAJENDRA LALITKUMAR AGRAWAL

Appellant

Vs

RATNA ASHOK MURANJAN and another

Respondent

### Research Designs

The research designs used for the analysis of stylistic markers are descriptive qualitative and quantitative. The framework provided by Randolph Quirk and Sidney Greenbaum with respect to syntactic function of adjectives and different classes of adverbials is used. In addition to that De Beaugrande and Dressler's framework of cohesive devices and Eugene O Winter's framework of clause relations with respect to coherence are utilized.

### Analysis of the Selected Supreme Court Judgment

#### Lexical Stylistic Devices

#### Premodifiers and Determiners Used in the Selected Judgment

Many linguistic expressions of premodification are dominantly used in this selected Supreme Court judgment of eighteen paragraphs. A lot of subjectivity is involved in the use of premodifiers and determiners. These premodifying adjectives are attributive. They are intensifiers as well as limiters. Intensifying adjectives, which are sub-classified into two semantic sub-classes i.e. emphasize and amplifiers, have heightening or lowering effect on the noun they modify. Limiter adjectives particularize the reference of the noun (Quirk and Greenbaum : 121-122). The following examples from the selected judgment are illustrative. They function as an argumentative devices with persuasive tone and bear the stamp of intentional vagueness in legal writing.

Sr No	Stylistic Markers from the Selected Supreme Court Judgment	No of Occurrences	Semantic Class	Analysis
01.	'Appropriate substantial question'	Three	Emphasizer	An attributive adjective 'appropriate' premodifies another adjective 'substantial'. Subjective use of these adjectives lead to pragmatic vagueness as what is appropriate and substantial to one may not be the same to another.
02.	'Substantial question of law' and 'any substantial question of law'	Five times each	Emphasizer	An attributive adjective 'substantial' intensifies 'question of law'. It emphasizes and has heightening effect. An indefinite pronoun 'any' creates imprecision.
03.	'Short controversy' and 'Short question'	One	Emphasizer	An attributive adjective 'short' premodifies 'controversy' and 'question'. It has heightening effect and persuasive tone.
04.	'Specific performance'	Two	Limiter and Particularizer	An attributive adjective 'specific' premodifies 'performance. It leads to vagueness as what is specific is not defined.
05.	'Any terms and conditions of a document' and 'Any interference'	One	Non-assertive	An indefinite pronoun 'any' creates vagueness.

### Use of Adverbials and their Semanticity in the Selected Judgment

Adverbials may be integrated to some extent into the structure of the clause or they may be peripheral to it. If integrated, they are termed adjuncts. If peripheral, they are termed disjuncts and conjuncts, the distinction between the two being that conjuncts have primarily a connective function (Quirk and Greenbaum : 126). These classes of adverbials i.e. adjuncts, disjuncts and conjuncts are extensively used in the judgment. Their semantic implications range from emphasizing, intensifying, commenting to adding and reinforcing the righteousness of the court's decision.

#### Adjuncts

Adjuncts provide extra information in the sentence and their presence is not indispensable in the sentence. There are semantic classes of adjuncts such as viewpoint, focusing, intensifier, process, subject, place, time and others(Quirk and Greenbaum:210). In the selected judgment, considering the context, they are used for emphatic purpose and function as argumentative devices. The following table illustrates this.

Sr No	Style Marker Adjuncts from the Selected Supreme Court Judgment	Position (initial / medial )	Analysis
01.	' <u>Indeed</u> section 100(5) of the code provides that.....'	Initial and placed before the subject.	It is an emphaser.
02.	'.....the High Court should have first framed appropriate substantial question(s) arising in the case <u>especially</u> on the questions.....'	Medial and preceded and followed by prepositional phrase	It is a focusing adjunct as it restricts what is said particularly to the part focused.
03.	'It <u>virtually</u> , therefore decided that.....'	Medial and precedes the result conjunct.	It is an intensifier and has heightening effect.
04.	'Learned counsel for the respondents (defendants) , however, <u>vehemently</u> argued that the findings of the High Court, which are of affirmance, do not call for any interference which <u>rightly</u> resulted in.....'	Medial and placed immediately before the lexical verb.	'Vehemently' as a volitional subject adjunct expresses subject's intention. 'Rightly' as an intensifier has heightening effect.

### Disjuncts

The most disjuncts are prepositional phrases or clauses. There are two main classes of disjuncts. They are style disjuncts and attitudinal disjuncts. Style disjuncts convey the comment on 'how' i.e. the form of the content whereas attitudinal disjuncts convey the comment on 'what' i.e. the content of the communication (Quirk and Greenbaum : 242-243) The following table entails the disjuncts from the selected judgment.

Sr No	Style Marker Disjuncts from the Selected Supreme Court Judgment	Position (initial / Medial)	Analysis
01.	' <u>In our view</u> , the appeal did involve the substantial question of law.....'	Initial	An attitudinal disjunct 'in our view' is a comment on the perception and interpretation of the law and court proceedings.
02.	' <u>In our view</u> , the approach of the High Court while deciding the second appeal.....'	Initial	As above
03.	'.....but, <u>in our view</u> , it is now for the High Court to examine the issue.....'	Medial	As above

### Conjuncts

Conjuncts are different from conjunctions. Conjuncts exist outside the clauses and provide anaphoric references. Though the normal position of conjuncts is initial in which they are separated from what follows by a tone unit in speech and by a comma in writing, they can occur medially and finally as well (Quirk and Greenbaum : 246-247). They function as cohesive devices establishing the link between clauses. The following table entails the conjuncts from the selected judgment.

Sr No	Style Marker Conjuncts from the Selected Supreme Court Judgment	Position (initial / medial)	Analysis
01.	'In our view, the appeal did involve the substantial question of law and the same <u>therefore</u> , should.....'	Medial	Conjunct 'therefore' has anaphoric reference
02.	'It virtually, <u>therefore</u> , decided the second appeal.....'	Medial	Conjunct 'therefore' has anaphoric reference
03.	'We, <u>therefore</u> , express no opinion on the merits of the issue urged.'	Medial	Conjunct 'therefore' has anaphoric reference
04.	' <u>In addition</u> , the High Court also could have framed.....'	Initial	Conjunct 'in addition' is reinforcing conjunct.
05.	'....on the other hand, <u>in conclusion</u> , held that .....	Medial	Conjunct 'in conclusion' is summative conjunct.
06.	'Learned counsel for the respondents (defendants), <u>however</u> , vehemently argued that .....	Medial	Conjunct 'however' is concessive conjunct.

All in all the above analysis of lexical stylistic devices used in the selected judgment show that apart from the matter of style and judge's disposition, these devices establish authority, conviction and righteousness with utmost persuasive tone. The use of legalese in the selected judgment is reflected in the use of adverbs and prepositions such as whereby, herein, hereinbelow, hereinafter, etc. and nouns such as appellant, plaintiff, respondents, defendants, etc.

### Syntactic Stylistic Devices

#### De Beaugrande and Dressler's Framework for Cohesion

As legal writing is very compact, compressed and characterized by long, complex sentences with many involved structures, the study of the use of cohesive devices in a court judgment is of paramount importance. Cohesion is a relevance based upon lexicogrammatical relationship. It refers to the sequencing of linguistic items in a text on the basis of the grammar of the language.

De Beaugrande and Dressler (as quoted by Malmkjaer 2004: 543) call the cohesive devices as junctive expressions. They divide these junctive expressions into conjunction, disjunction, contrajunction and subordination. Conjunction has additive relation linking the same status things. Disjunction links the things with alternative status. Contrajunction links incompatible things i.e. cause and unanticipated effect. In subordination the status of one thing depends upon the other. In the selected judgment, compared to simple declarative statements and compound sentences, complex and compound-complex sentences embedded with subordinators and conjunctions are used extensively.

#### **Stylistic attributes of Declarative and Compound Sentences in the Selected Judgment**

Declarative sentences which convey facts and compound sentences which link independent conjoints are used for conveying the background information of the case at the beginning. They comply with Ambwani's views about plain language. In 'The Art of Writing Judgment' he suggests to achieve a reasonable average sentence length prefer the active voice, single very- object sentence. The examples from the selected judgment which bear the stamp of this are as below.

'The appellant filed a civil suit against the respondents for specific performance of the contract in relation to the suit property' (declarative). 'The appellant (plaintiff) felt aggrieved and filed second appeal before the High Court'(compound).

#### **Stylistic attributes of complex sentences in the selected judgment**

The maximum sentences in the selected judgment are complex and compound-complex sentences embedded with many junctive expressions and involved structures. The following specimen extract from the judgment illustrates this.

By impugned order, the High Court dismissed the second appeal holding that the appeal does not involve any substantial question of law as is required to be made out under section 100 of the Code of Civil Procedure, 1908 (hereinafter referred to as "the Code") which has given rise to filing of the present appeal by way of special leave by the plaintiff in this court.

The above is the seventh paragraph in the selected judgment which is one long complex sentence wherein various grammatical structures are blended leading to complexity. It begins with a prepositional phrase 'By impugned order' which specifies an 'instrument-achievement relation. The main clause ' the High Court dismissed the second appeal' is further modified by adverb clauses i) holding that the appeal does not involve.....ii) as is required.....iii) which has given rise to.....Here subordinate clauses are introduced by subordinators 'that', 'as' and 'which'. It is so compact and informative. It incorporates the process, cause of filing this appeal in Supreme Court by the plaintiff. It consists of the cause and effect of the High Court's dismissal of second appeal.

#### **Stylistic attributes of compound-complex sentences in the selected judgment**

Compound-complex sentence consists of at least two independent clauses and at least one dependent clause. Specimen compound-complex sentence from the selected judgment is as below.

Learned counsel for the respondents (defendants), however, vehemently argued that the findings of the High Court, which are of affirmance, do not call for any interference which rightly resulted in dismissal of the suit on material issues but, in our view, it is now for the High Court to examine the issue afresh on merits after framing the substantial question(s) of law.

In the above compound-complex sentence of five clauses, there are two main clauses-i) Learned counsel for the respondents vehemently argued...ii) It is now for the High Court to examine the issue. 'That the findings of the High Court do not call for any interference' is a noun clause introduced by subordinator 'that'. 'Which are of affirmance' is an adjective clause introduced by subordinator 'which'. And 'which rightly resulted in dismissal of the suit on material issue' is an adverb clause introduced by subordinator 'which'. 'However' and 'but' in this extract function as contrajunctions.

The adjective clause from the selected judgment '.....which are material for grant or refusal of specific performance' exemplifies the use of disjunction 'or' which links two things alternative in status.

#### **Long Range Cohesive Devices in the Selected Judgment**

De Beaugrande and Dressler (as quoted by Malmkjaer:2004: 544) suggest long range cohesive devices such as recurrence, partial recurrence and parallelism which are embedded in the selected judgment. Recurrence refers to the exact repetition of material. Partial recurrence refers to the different uses of the same basic language items e.g. words. Parallelism refers to the reuse of structures with different material in them. The following table illustrates the examples from the selected judgment.

Sr No	Name of the Cohesive Device	Examples from the Selected Supreme Court Judgment
01.	Recurrence	'Specific performance' - occurs in paragraph five and fourteen 'Any substantial question' - occurs in paragraph seven, eight, eleven and fifteen 'Appropriate substantial question' - occurs in paragraph ten, thirteen and seventeen 'In accordance with' - occurs in paragraph ten and seventeen 'The substantial question of law' - occurs in paragraph eleven(twice), thirteen and sixteen
02.	Partial Recurrence	'The trial Court by judgment / decree dated 5-7-2004 decreed the appellant's suit and passed a decree for.....' In this example the word 'decree' is noun in first and second clause and a lexical verb in first clause.
03.	Parallelism	'Having heard the learned counsel for the parties and on perusal of the record of the case.....' 'Having perused the record and the judgments of the trial court, first Appellate Court and the impugned order.....' In the above examples the participle clauses which are placed initially provide interpretation for the outcome incorporated in the succeeding clauses.

#### **Eugene O Winter's Framework for Coherence**

Any text consists of concepts i.e. cognitive content and relations i.e. the links between the concepts. Coherence is concerned with the relevance between the concepts and relations. Coherence is a relevance based upon semantic relationship. Eugene O Winter (as quoted by Malmkjaer:2004: 545) divides clause relations into logical sequence relations and matching relations. Logical sequence relations include i) condition-consequence ii) instrument -achievement iii) cause-consequence. Matching relations reflect the

identity of the description. They entail contrast and compatibility. Examples of logical sequence relations from the selected judgment are illustrated in the table below.

Sr No	Examples from the Selected Supreme Court Judgment	Analysis
01.	'By judgment / decree.....'-occurs in paragraph five and six.	The prepositional phrase consists of the use of 'instrument-achievement' relation
02.	'By impugned order' - occurs in paragraph seven.	Same as above
03.	'As mentioned above, since the interpretation of documents constitutes the substantial question of law, the High Court should have first framed appropriate substantial question(s).....'	It has 'cause-consequence' relation. Here an adverb clause of reason beginning with 'since' provides cause for the consequence mentioned in the main clause.

Examples of matching relations from the selected judgment are illustrated in the table below.

Sr No	Examples from the Selected Supreme Court Judgment	Analysis
01.	'The appellant is the plaintiff whereas the respondents are the defendants.....'	The contrast is introduced by conjunction 'whereas'.
02.	'.....on the one hand, the High Court went on interpreting.....and on the other hand, in conclusion.....'	The contrast is introduced by antithetic conjunct 'on the other hand' which is second in correlative pair.
03.	'In our view, the appeal did involve.....'	The contrast between positive and negative meaning is signaled by the focus on an operator 'did'.

### Conclusion

As English for Specific Purposes caters to the needs of the professional, the study of legalese is beneficial to the law professional and layman also. Court judgments are the final products of the court proceedings. Not only the parties involved in the case are interested in them but other judges and lawyers also. The stylistic choices made in the selected judgment are highly formal, technical, informative and persuasive in tone. Lexical devices used in the selected judgment bear the stamp of subjectivity and legalese and frame the battleground leading to righteousness, conviction, persuasion and authenticity of the decision of the judges. A very long complex and compound-complex sentences are embedded with many involved structures resulting into complexity. All in all, stylistic devices chosen by the judges are an argumentative devices. Stylistic analysis unfolds the features and form of court judgments as genre. It has pedagogical implications also.

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