



LINGUISTIC MARKERS OF JUDICIAL REASONING IN INDIAN JUDGMENTS

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INTRODUCTION

Judicial reasoning is the essence of the legal process. In India, a country as diverse as it is vast, whether linguistically, culturally or socially, the judiciary is not only the interpreter of laws and the constitution but guardian of democracy and fundamental rights. Indian courts' decisions do far more than resolve disputes — they generate precedent, articulate principled reasoning, and often shape the course of policy and social change.

The opinion is the principal medium for legal thought. Indian judgments are a story of the path from facts to legal conclusions. This expedition is charted through language—words, phrases and rhetorical tactics carefully selected to weave what are referred to as linguistic markers. These markers are not merely stylistic flourishes. They are essential tools that structure the opinion, describe the analysis, and reveal the jurist's stance on issues of law and fact.

The relevance of linguistic cues for judicial rulings extends beyond the legal society. For lawyers, they're a guide to constructing arguments and precedents. For academics, they offer a window into the formation of legal doctrine and judicial reasoning. To the public, they become a portal into the wheels of justice, encouraging openness and responsibility. In a multi-lingual society such as India, where the language of the courts is a double-edged sword that could either bring the law closer to people or distance it further, this marker of linguistic choice and clarity assumes greater stature.

The Indian context is special. The multilingualism, the imprint of colonial legal systems, and the democratisation of justice all shape the composition of judgments. The Supreme Court and High Courts, especially, set the tone for legal discourse, and their linguistic choices reverberate

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throughout the judicial pyramid. This piece looks at the impenetrable language of the Indian courts.

It examines the unique linguistic signature of judicial reasoning, explores its purposes and effects, and analyses their appearance in seminal judgments. By so doing, the article purports to shed light on the contours and intent of judicial language, thus enriching our appreciation of how justice is reasoned and conveyed and eventually effectuated in Indian law.

THE CHARACTER OF JUDICIAL REASONING

Judicial reasoning in India encompasses issue-spotting, interpretation of statute and constitutional provisions, balancing precedent, and reasoning toward clear, persuasive conclusions. Judgments are normally divided into different sections, including the facts of the case, the issues to be decided, the arguments from both parties, the court's reasoning and the conclusions. Each is indicated by linguistic signifiers, for instance:

- 'The facts of the case,' which is the background and context of the dispute.
- "The problem to be decided is," which points out the important legal question before the court.
- 'As it is argued by the petitioner/respondent,' which shows what the parties are arguing.
- 'Having considered the submissions,' which marks the start of the court's takedown of the argument.
- "In light of the above," which precedes the court's concluding reasoning.
- These markers lead the reader through the logic of the judgment.

LANGUAGE ACTANTS IN INDIAN JUDGMENTS

Structural Markers: Structural markers are phrases and sentence patterns that frame and segment judgments, organising them into pieces intelligible to lawyers, litigants, and the public. They explain the flow of arguments and conclusions, giving a guide for the reader to trace the court's reasoning from the statement of facts through to the final decision.

Logical connectives: Logical connectives like therefore, thus, consequently, as a result, etc. Their adoption guarantees that the logical progression of the judgment is preserved, so that each conclusion is well-connected to the justifying reasons and evidence, rendering the court's reasoning lucid to all readers.

Supportive indicators

Evidential markers indicate the source of a statement, e.g. ‘the evidence on record suggests that the defendant was present’, or ‘it is evident from witness testimony that the contract was signed under duress’. These markers further lend credibility to the reasoning and show dependence on factual material, as mandated by the Indian Evidence Act.

For example, modal markers. Modal verbs and adverbs such as ‘must,’ ‘should,’ ‘may,’ and ‘could’ communicate the strength of judicial reasoning. For example, ‘the court shall address the constitutional requirement’ conveys an imperative, whereas ‘the court may discharge its discretion’ is indicative of a permissive or discretionary power. Their cautious usage differentiates between imperative and permissive judicial instructions, conveying the judge’s position on whether a given interpretation is necessary or permissible.

Discourse and Rhetorical Cues: Discourse markers like ‘however,’ ‘notwithstanding,’ ‘because of,’ and ‘it is settled law that’ indicate transitions, contrasts, and conclusions in a judgment. Passive formulations, ‘It is held that the petitioner is entitled to relief,’ are employed to convey neutrality and objectivity, while hedge words such as ‘it appears that the respondent acted in good faith,’ or ‘arguably, the provision may be interpreted otherwise,’ insert interpretive nuance and provide manoeuvring room for reasoning.

RHETORIC OF JUDGEMANSHIP

Influence and Power: Judges buttress the force of their rulings with appeals to precedent (“As held in *Kesavananda Bharati v. State of Kerala*, the basic structure of the Constitution cannot be altered”), use of authoritative diction (“It is settled law that fundamental rights cannot be suspended”) and rebuttal of opposing arguments (“The submission made by the counsel is not acceptable as it violates established precedent”). These strategies bring judgments into conformity with legal doctrine and make them more persuasive.

Precedent and Statutory Analysis: Indian judgments reference earlier decisions and statutes. They contain phrases such as “under Section 165 of the Indian Evidence Act,” “following the Supreme Court’s decision in *Maneka Gandhi v. Union of India*,” and “it was the legislative intent that the provision be construed narrowly.” If you read the literal rule is often stressed, particularly if the language of a legal text is clear and unambiguous, as the Supreme Court recently reaffirmed.

Juggling Conflicting Desires: Judges, balancing competing rights or interests, will often say, “on the one hand, freedom of speech is a paramount right, on the other, reasonable restriction are permissible in the interest of public order” and “while it is true that the petitioner has a right to privacy, the fact remains that the investigation serves a legitimate public interest.” This trick is especially pertinent in constitutional matters dealing with fundamental rights, where the court balances personal freedoms against communal interests.

CASE STUDIES: JUDICIAL LANGUAGE IN ACTION

Kesavananda Bharati v. State of Kerala (1973): The Supreme Court employed signifiers like ‘it is important to observe that the basic structure doctrine is a limitation on the amending power of Parliament,’ ‘the Constitution provides a federal structure,’ and ‘the basic structure doctrine is now well established in Indian constitutional law’ to construct its argument. The decision invoked precedent and statute at almost every turn to walk readers through thorny constitutional reasoning.

Maneka Gandhi v. Union of India (1978): The judgment stressed fairness and due process, with remarks like “it seems that the procedure was arbitrary and violative of Article 21,” symbolising a harmony between state authority and fundamental rights.

Navtej Singh Johar v. Union of India (2018): The Court’s language was strikingly empathetic — “The right to love and dignity cannot be denied to anyone, based on sexual orientation” — a shift to humanised judicial discourse.

Naz Foundation v. Government of NCT of Delhi: The Delhi High Court’s judgment demonstrated the use of evidential and modal markers, e.g., “The evidence before us suggests that Section 377 has been used to harass and discriminate against the LGBTQ community,” “It may be argued that the law serves a public purpose,” and “The Court must consider the constitutional guarantee of equality,” reflecting careful balancing of constitutional rights and societal interests.

Multilingualism and access to courts: India’s multilingual reality poses distinct difficulties for judicial reasoning. Although the Constitution permits regional languages to be used in High Courts with the President’s permission, English dominates in higher courts, making it inaccessible to most citizens who cannot speak English. Recent translation of judgments in regional languages to make justice accessible to all citizens is laudable, with its practical

challenges of ensuring linguistic inclusion and preserving neutrality and consistency of legal language.

CHALLENGES & CRITICISM

The Problem with Old-Fashioned Legal Language: If you've ever tried to read an Indian court judgment, you might have felt lost in a sea of old words and complicated phrases. Words like "hereinafter," "aforesaid," or "notwithstanding anything contained herein" aren't things we say in everyday life. This style comes from British times and has stuck around for generations. For most people, this kind of language makes the law feel like it's meant for someone else—someone with special training, not for ordinary citizens who just want to understand their rights or a court's decision.

Every Judge Has Their Style: Imagine reading two judgments about the same kind of case, but they're written so differently that you can barely tell they're about similar issues. That's a real problem in India, where there's no set way for judges to write their decisions. Some judges are clear and straightforward, making it easy to follow their logic. Others write in a way that's so dense and formal that even lawyers have to read it twice. This inconsistency can make the law seem unpredictable and, at times, unfair.

Language Barriers in a Country of Many Tongues: India is famous for its many languages, but most court judgments—especially in the Supreme Court and High Courts—are written in English. This is a big problem for people who don't speak or read English well. Even though there are efforts to translate important judgments into local languages, the process is slow, and there's a lot to catch up on. For some, this creates a sense that the law and courts are remote, and individuals cannot always completely grasp decisions that impact them. Creates a sense that the law and courts are remote, and individuals cannot always completely grasp decisions that impact them.

Learning to Write Like a Lawyer (But Not Like a Human): Law students in India are often taught to write in a very formal, traditional way. They learn to use long sentences and big words, thinking this is what makes them sound like real lawyers. But in reality, this kind of writing often makes things harder to understand. Young lawyers copy the style of older judgments, and the cycle continues. The result? Legal writing that's more about showing off than about being clear.

Judgments That Go on and on: Have you ever tried to find the main point in a judgment, only to get lost in page after page of arguments, quotes, and legal references? You're not alone. Many Indian judgments are extremely long and packed with so much information that it's hard to figure out what the

court is saying. For individuals who simply desire a straightforward response or the bottom line of a decision, this can be draining and demoralising.

Words Can Hurt or Heal: The words in rulings aren't solely about accuracy. They can affect people's emotions, too. Often, the manner of a judgment, in how it characterises a person or group, can inadvertently exacerbate stereotypes or injure feelings, regardless of the fairness of the legal result. That's why it's so critical that judges be careful in word selection and consider how their language will be received.

Hope for a Better Way: The good news is that it's beginning to change. A lot of judges, lawyers and teachers are now trying to make judgments easier to read and understand. There's a rising movement to plain language-ify, translate judgments into more languages, and even teach law students the merit of candid, straightforward writing. These transitions won't be immediate, but they are a move towards turning the law into something we can all comprehend and have faith in.

TOWARD A MORE ACCESSIBLE JUDICIAL LANGUAGE

The judiciary has already started to tackle these challenges by using simpler language in Supreme Court summaries, encouraging the use of regional languages in lower courts, and strengthening legal writing training for judges and lawyers. Legal education reforms seek to create cleaner legal communicators. These initiatives are crucial to making legal writing more democratic and justice more accessible to all.

IMPLICATIONS FOR LEGAL PRACTICE AND SCHOLARSHIP

By explaining linguistic markers, Walsh helps lawyers write clearer, more convincing judgments and interpret dense legal writing. Plain language promotes more judicial accountability and public confidence. Future research might explore how linguistic markers have changed over time or contrast Indian judgements against those from other jurisdictions to detect distinctiveness and universality in judicial language.

CONCLUSION

As we examine turning points in Indian judicial sifting through language, language is not simply a medium for legal logic but an active force that moulds the essence of justice itself. Every decision from an Indian court is a composed narrative, its language and logical flow and use of rhetoric spinning together to form legal meaning and force. Linguistic signposts — structural markers, inferential connectors, evidential markers or modality — are crucial to this. They're the scaffolding for judicial reasoning, ensuring that intricate legal arguments read clearly, coherently and persuasively.

In India's pluralistic, multilingual environment, the stakes of judicial language are therefore high. The dominance of English in the higher courts, the legacy of colonial law, and a variegated population of litigants render justice inaccessible and impenetrable. As this example illustrates, linguistic markers, when deployed strategically, can assist in connecting the judiciary to the public in ways that foster openness, responsibility, and belief in the legal system. Rather, obscure or pretentious jargon can function to alienate the average person and perpetuate barriers to fairness.

The evolution of Indian judicial discourse reads like a chronicle of social and constitutional transformation. Efforts like the Supreme Court and others to translate judgments to regional languages, to simplify legal writing, and to train judges and lawyers in effective communication are toward a more inclusive and democratic legal system. These reforms understand that judicial legitimacy relies not only on the quality of its reasoning, but on its ability to communicate that reasoning to all parties, lawyers, litigants, scholars, and the public.

The results of the natural language LIWC experiments do hold some useful lessons for legal education and scholarship. By learning how judges use language to build arguments, clarify ambiguity, and weigh competing interests, future lawyers can perfect the art of effective advocacy and judicial writing. Cross-jurisdictional studies of judicial language can tell us about comparative global trends and best practices in legal reasoning.

For it is the lucidity, the humanity, and the openness of judicial rhetoric that lies at the core of the Indian pledge of justice. As the law itself goes, we can hope that judges never lose their ear for the magic of language, not just to arbitrate conflicts, but to shape the lived experience of justice for millions. By embracing linguistic transparency and reform, Indian courts can ensure that justice is not only done but is seen to be done, understood, and admired.

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