EXTRAVAGANT JUDICIAL POETICS: A FAILED RHETORIC IN 'RANGANATHA REDDY'

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ABSTRACT

This paper examines the contrasting judicial approaches in the Supreme Court's ruling in State of Karnataka v. Ranganatha Reddy, focusing particularly on Justice Krishna Iyer's opinion. While the judgment addressed constitutional tensions between state-led nationalisation and individual property rights, this paper critiques the rhetorical strategy employed by Justice Iyer. Through an analysis of his literary and philosophical references, the study questions whether such expansive language aids legal reasoning or hinders accessibility and clarity. In contrast, Justice Untwalia's restrained and direct style offers a conventional yet accessible interpretation. By comparing these linguistic and rhetorical choices, the paper highlights how judicial language influences public perception and legal legitimacy. Ultimately, it argues that Iyer's verbose poetics, though well-intentioned, dilute the force of legal argumentation, creating a disconnect between the judiciary and the lay public. The work thus calls for a more balanced approach to judicial writing that marries clarity with constitutional depth.

INTRODUCTION

The ***State of Karnataka v. Ranganatha Reddy***[1] is a landmark case adjudicated upon by a seven-judge bench of the Supreme Court of India. The apex court addresses the issue of nationalization of private transport companies and the extent to which the government can interfere with private enterprises. The judgement delves into elements of public interest, fair compensation, and the Right to Trade and Profession guaranteed under Article 19(1)(g) of the Constitution of India, 1950. The judgement compiles a batch of 374 appeals under Article 134A from the High Court of Karnataka, reasoning that the 'broad and the common facts of the various cases are in a narrow compass and not in dispute.'[2] The original Writ Petitions were filed by different persons raising contentions regarding the constitutionality of the Karnataka State Transport Undertakings (Acquisition) Act, 1976.[3]

The Karnataka State Road Transport Corporation was established by the State Government, in 1961, under Section 3 of the Road Transport Corporation Act, 1950.[4] The Corporation in May 1974 published a draft scheme for the nationalization of Contract Carriages under Chapter IV-A of Motor Vehicles Act, 1939 [5], inviting objections. While some of the writ petitioners raised objections, the state government aborted the hearing and disposal of the objections and promulgated the State of Karnataka Contract Carriages (Acquisition) Ordinance, 1976 [6]. The Ordinance being applicable to all Contract Carriages operating within the State of Karnataka, through multiple notifications, almost all Contract Carriages and the permits were brought under the purview of the state and transferred to the Corporation under clause 20(1). The Karnataka High Court quashed multiple notifications, holding that the state has no authority to acquire vehicles not covered by valid contracts. The Ordinance was replaced by the Act in 1976, after attaining Presidential Assent with some minor changes. The Act had a retrospective effect, bringing all actions done under the Ordinance, under the Act. The cumulative effect of the two legislations gave rise to the batch of writ petitions, in question at the High Court. The High Court declared the Act null and void, directing the return of assets and permits to the

[1] State of Karnataka v. Ranganatha Reddy, 1978 SCR (1) 641
[2] *Id*.
[3] Karnataka State Transport Undertakings (Acquisition) Act, No. 21 of 1976
[4] The Road Transport Corporation Act, No. 64 Of 1950
[5] Motor Vehicles Act, No. 4 of 1939
[6] The State of Karnataka Contract Carriages (Acquisition) Ordinance, Ordinance No. 7 of 1976.

various carriage operators. This judgement has been appealed by the State of Karnataka and the Corporation at the Supreme Court.

The operator and financers filing the original writ petitions had raised contentions regarding the acquisition of the Contract Carriages not being for public purpose. They further asserted that the scheme of compensation laid down in the act was illusory and arbitrary. The constitutionality of the act was challenged on grounds of competency of the State Legislature. The constitutionality was further questioned on the grounds of there being no reasonable and substantial nexus between the purpose of acquisition and securing the principles specified in Article 39 (b) and (c). Article 39(b) ensures the distribution of material resources within the community for the common good while (c) exemplifies the principle of prevention of concentration of wealth to common detriment, thus promoting the tenets of socialism and 'welfare jurisprudence.'

The petitioner contended that the provisions of the Act were bad in law, especially on Article 19(1)(f) of the Indian Constitution, which accords the right to property.

It had to decide whether the Act was a reasonable restriction of the right to property and if it served public purpose.

The Act would provide for expropriation of land from the landlords for distribution among tenants. The petitioner avers that this expropriation is against the principles of natural justice as it affects private property without due process and adequate compensation. The court of inquiry considered the interpretation of certain provisions under the Land Reforms Act.

Questions did arise regarding the modicum of discretion the authorities were exercising under the Act and whether it was being exercised in a just manner.

The core constitutional issues involved in the case were related to Articles 14 (equality), Article 19 (freedom of speech and expression, right to assemble, right to property), and Article 21 (right to life and personal liberty).

In short, it was a judicial decision-making process determining whether the provisions under the Act infringed upon such rights and whether the impinging effect could be justified.

This case solidified the playing field between the state's interest in land reforms and gaining social justice against the protection of individual rights to property. These interests clashed against each other in court, and the legitimacy of the state's moves toward land reform had to be measured. In the final judgment, the Supreme Court of India upheld the Karnataka Land Reforms Act. It was in favor of the agrarian reform interest of the state and acknowledged the landlessness issue of the tenants. The court recognized such legislation for the purpose of social justice and fair distribution of land was a proper state goal. It held that reasonable restrictions on property rights, in the interest of the general public and for the sake of social welfare, were permissible under the Constitution. The court insisted on procedural guarantees to prevent the rights of individuals from being unduly infringed without due process while insisting that there should be respect for the rule of law. The judgment held that it was lawful to expropriate land but must also provide mechanisms for adequate compensation in accordance with the principle of justice.

PART I – ANALYSING THE LITERARY REFERENCES

The literary references and mentions have specifically been made in the opinion rendered by J. Iyer, and that would be the central focus of this part and the paper in general.

It is vital for our understanding that the literary references in this judgement are not taken from the classic literature pieces but act as an anchor and substantive, corroborating leanings, and arguments for a well-reasoned position or at times, positions set out by the Supreme Court. These references are more legal than literary in nature, as these come from political thinkers, sociological thinkers, philosophical thinkers, and politicians, etc. These myriad references create a bedrock of understanding for the reader and how various sociological, political, and constitutionally philosophical discussions brought about in the judgement needed levity from such referencing and better comprehension, while trying to maintain a cohesive structure to the judgement which we will look into detail, later.

While going for the argument of looking beyond the legal intricacies of the constitution and rather looking into the social responsibility, J. Iyer quotes ***Pound***[7] as:

[7] ROSCOE POUND, AN INTRODUCTION TO THE PHILSOPHY OF LAW (New Haven Yale Univ. Press 1963)

"All the social sciences must be co-workers, and emphatically all must be co-workers with jurisprudence." This is a minor yet significant easement that the judge wanted to highlight as the legal field would be fraught with errors if without the presence of the social sciences and a detailed study of such sciences. Pound is talking about an interconnected understanding where the field of sociology, economics, and psychology serve to converge to an appreciation of common purposes for human societies' needs and concerns.

Pound further argued as a significant contributor to the sociological school of jurisprudence and advancement of the same that jurisprudence, or the philosophy or theory of law, must go beyond mere contemplation of legal principles but absorb knowledge from the other social sciences. In an interdisciplinary approach, more effective and realistic laws are established that fit the way people really live, think, and behave. And with this effective inclusion, we understand the point of this reference as multidisciplinary and interdisciplinary approach to the legal field.

While talking about the extreme differences in treatment within the classes through the property rights and law in the country, J. Krishna Iyer takes inspiration from ***Pollock*** who himself goes into diminishing the human's inequalities and 'frustrations'[8] and achievements of liberty and freedom through the means of law. The significance of this seems remote in the beginning, but this is more of an anthropogenic view of looking at things where the law can be and maybe ought to be driven by human perspective and human frustrations and sufferings. We can also understand through this the endeavor that Seton Pollock took as bringing about a new dimension to the field of legal education in UK. And J. Iyer taking a humanist approach in his outlook and argument makes for a compelling structure for the opinion in the judgment.

While talking about the idea that constitutional doctrines need to uphold the present circumstances in the country, while adapting to the situation at hand, ***Nietzsche***[9] and ***Lincoln***[10] are cited in quick succession talking about the necessity of the ground reality and avoiding the lacunae of previous dogmas being applicable to the present circumstances, respectively. While Nietzsche talking about morality and practicality in his book tells us that we can learn anything

[8] REDDY, *supra* note 1, at 29

[9] FRIEDRICH W. NIETZSCHE, DAYBREAK: THOUGHTS ON THE PREJUDICES OF MORALITY (Brantford, Ontario: W. Ross Macdonald School 1987)

[10] ABRAHAM LINCOLN, ABRAHAM LINCOLN'S ANNUAL MESSAGE TO CONGRESS: ABRAHAM LINCOLN'S ANNUAL MESSAGE TO CONGRESS -- CONCLUDING REMARKS, https://www.abrahamlincolnonline.org/lincoln/speeches/congress.htm.

and everything from life experiences as we go out, Abraham Lincoln as an astute speaker and the president of the US, talks about constitutional and political morality as things of the past cannot be continued forever.

The quote by Nietzsche fits within the principles of sociological jurisprudence, which underscores understanding law and justice in the social reality. It advocates for an approach in law that considers the actual conditions and challenges people face. It calls out influential and powerful people to engage with communities, understand their needs, and make policies to address such needs. Problems in the streets are indicated by the quotation, but the social injustice issues and the need to fight inequality and oppression are what really exist in this society. It has been hinted that solutions to these problems will come from grass-root movements and community participation rather than through a top-down approach, placing much emphasis on local knowledge and experience. On the other hand, the sense of urgency and some sort of even emergency can be highlighted through Lincoln's quote, and it is abundantly clear that J. Iyer wants to use this proactive and forced language to sought and illicit a strong response from the reader for hitting his point home.

The issue of 'public purpose' and Part IV of the Indian Constitution being immense part of the opinions of the judgement given, it is important to note how ***Dr. B.R. Ambedkar*** was quoted.[11] As both the opinions of this judgement focus on the directive principles, J. Iyer intends to point out our forefather's intentions for the introduction of Directive Principles and how these are not to be part of the constitution as mere lip-service but instead how these ought to be the enforcing factors behind executive and legislative decisions made in the future. While this seems like an obvious inference for the ensuing reader, it has far-reaching consequences of the presence of the Directive State Principles in our Constitution. Through this mentioning in the judgement, we understand the overarching intention of the principles which have not always been followed well till now and this brings us to our notice as readers of the judgment and the citizens of this nation that this was an important reminder of how the state ought to follow and factor in the constitution while governing the people of the country.

[11] BABASAHEB R. AMBEDKAR, 19 NOV 1948 ARCHIVES, CONSTITUTION OF INDIA, https://www.constitutionofindia.net/debates/19-nov-1948.

The 'Father of the Nation' ***Mahatma Gandhi***[12] has been cited and references a few times throughout the opinion judgement, as has been ***Alladi Krishnaswami Iyer***[13] through his speeches in the Constitutional Assembly. While Mr. Krishnaswami Iyer advocated for the importance of the Part IV of the Indian Constitution and how the state cannot afford to take it lightly, the same was iterated by Justice Mathew later at a Kerala Conference. In the later part of the opinion when talking of the property acquisition, Mr. Alladi is again cited in wherein he supported the idea of case-for-case basis acquisition and compensation and how the blanket rule cannot be applied related to property matters. On the other hand, Gandhi was cited when talking about integration of all the different resources for overall better development whether be it human development, economic development, or spiritual development of the nation. Furthermore, the Round Table Conference where property rights and the issue of compensation was raised by Gandhi to the Britisher, that has also been included by J. Iyer to give a historical perspective with both Alladi in the Constituent Assembly and Gandhi against the British.

Sir Leslie Scarman has also been quoted in as integrating a new form of law into the English Climate System, wherein he advocated for the necessary adaptability of the legal system as the only way forward when the changes can disrupt the entire system, or the system needs to adapt.

Cardozo, as a famous judge and legal jurist has been cited[14] as well when he talks about the subjective philosophy of the judge and its possibility to overpower the objective connotational philosophy prescribed, and how J. Iyer beautifully wants to illustrate it and avoid such an issue. Benjamin Cardozo has been touted as a famous legal scholar and eminent legal jurist whose ideas and notions persist long after his death, as his legal legacy seems cemented and continues to inspire judges around the world.

PART II - LANGUAGE OF THE JUDGEMENT

Before going into the minute details of the opinions in the judgement, it is important to comment on Iyer's approach to using literary references. On a microscopic reading of the judgement, we understand the vast differences in the linguistic usages of the two judges opining, being Untwalia and Iyer respectively. Clearly, the latter is fond of using the literary references a lot, while the former has been a more succinct and concise author of the judgement

[12] REDDY, *supra* note 1 at 29&38
[13] REDDY, *supra* note 1, at 35&39
[14] BENJAMIN N. CARDOZO, THE NATURE OF JUDICIAL PROCESS (Yale Univ. Press 1921)

as he delved immediately into the point made and understood the levity of the constitutional arguments in front of the bench.

Iyer and his usage of literary references although were abundant, felt banal after a certain reading limit. He seemed to be self-indulgent in his philosophical ideas and instead of coming straight to the point about what he was getting to, often his cited quotations and references served as hindrances rather than tools to better understand his reasoning and argumentation put forth. Although this has been explored widely, it is worth noting the language used by judges seem to be giving off the scent of elitism and not everybody, not every citizen can read them. A famous or rather infamous incident that can be remembered is the then CJI Dipak Misra explaining how judges use higher vocabulary and longer paragraphs and how they need to be concise, while explaining it in a long paragraph himself.

Although the opinion by Iyer is not fraught with this phenomenon, it is still a little unpleasant to read as it is abundant with unnecessary references which rather than helpfully explain the point he is trying to get to, they just delay the process further.

While we will investigate the differences of style in writing for both the judges giving their opinion in this judgement, there is a necessity to mention that from the start till the end, the judgements have been very impersonal. The initial opinion by J. Untwalia immediately starts with outlining the constitutional issues before the bench and how 'public purpose' and Part IV of the Indian Constitution need to thoroughly be delved into to answer these issues. Similarly, Iyer taking the baton from his fellow brother judge, continues with a certain urgency to mark out the social importance and responsibility of such a relevant topic in front of them. While Untwalia may be more direct and to the point, Iyer certainly has more flair in his writing and elicits and evokes emotional response from the reader at times. Iyer has laced his writing with more references for sure but also writes from a more socialistic and humanistic approach than Untwalia.

The views of the two Justices, J. Iyer and J. Untwalia although not strikingly contrast with each other and rather more diverse in nature, they provide an excellent tapestry to discuss the extent to which language informs judicial discourse and what impact this may have for societal understanding at large. While Untwalia expresses his judgment with caution and restraint, Iyer's very language is much more expansive, assertive, and conveys a sense of considerable engagement with the philosophical grounds of law and societal dimensions. This section

discusses and analyzes the linguistic features of those judgments and shows how, in doing so, all these choices have influenced interpretations of the law and impacted public opinion.

Iyer is a man of great engagement with the moral and ethical aspects of the law. His language is not technical alone but steeped in philosophical inquiry. For example, in speaking of the implications of state authority and individual rights, he invokes historical and cultural references that are meaningful to the Indian populace. Anecdotes and analogies run through judgments making legal discussion reach a different moral plane altogether. Such is the richness of his language that the reader himself becomes taken on a discourse of justice from a world free from legal terminology.

In contrast, Untwalia's opinions carry a more conservative tone. His language is comprehensive in a precise way and focuses mostly on legal precedents and statutory interpretations. Though his judgments reflect a rich sense of the law, his style lacks the richer cultural interaction that Iyer's work brings to the bench. His arguments tend to rely too much on the literal understanding of the letter and gets very close to existing jurisprudence and not quite stepping into the land of moral considerations. This restraint will prevent the judgments from being easily accessed by the layperson, which may view less relatable the more complex legal reasoning.

One of the outstanding features of judgments by Iyer is his great ability to relate legal principles to socio-political structures of India. For instance, when discussing historical battles for justice in analyzing the rights of the accused, he gives a very important role to individual freedom in a democratic society. His words are almost urgent and important because, challenging the status quo, he appeals for a more humane understanding of the law.

Therefore, Iyer is very perspicacious in the use of rhetorical questions that force a reader to do considerable reflecting on what legal decisions and outcomes really mean.

In the instant case, Untwalia, though appreciating the necessity of individual rights, remains more conservative in approach when it comes to the effects of judicial activism.

His vocabulary is full of commitment to stability and rule of law; much of the time he also cautions against overreaching. He certainly proclaims the need for change, but his rhetoric remains measured by a consideration to keep legal integrity intact as well as social order intact.

The crux of Untwalia's main point that judicial restraint is absolutely needed calls out a basic conflict within the judiciary: a need to balance freedom with the law's ability to enforce itself.

The divergence between Iyer and Untwalia in respect of language is also reflected in the way they addressed the role of the judiciary within society. Iyer depicts the judiciary as an evolving institution that can promote social change through progressive interpretation of law. His use of general language calls for a mass discussion on justice as it puts the judiciary side by side with the social cause of equity.

In contrast, Untwalia's language is more the traditional model of the judiciary as an arbiter in disputes and seems to feel a necessity for legal certainty and predictability. Beyond the courtroom, these linguistic implications are vast. Iyer's use of language, grandly and culturally resonant in scope, has the capability to inspire public engagement over issues of law, challenging citizenry to see law not only as a living breathing system but also as reflective of and aspirational for the broader values of society. It is a method that fosters the populace to be the owners of legal principles through empowerment to speak to rights and injustice. On the other hand, however, the relatively more conservative language of Untwalia may strengthen this myth about the law-the fortress impenetrable, and accessible only to lawyers. His commitment towards precision in legal language is a laudable goal in itself; however, his pursuit may alienate further those already disempowered by the legal system. The challenge, therefore, lies in balancing the precision in legal language with the accessibility in its discourse. Conclusion The case of State of Karnataka vs. Shri Ranganatha Reddy presents an interesting comparison of the two contrasting styles of linguistic presentation by J. Iyer and J. Untwalia. In conclusion, this reflects a more significant aspect of judicial discourse and its effects on society. Iyer's aggressive and culturally relevant language makes for a critical introspection about the role of law in creating social justice, while Untwalia's cautious precision is reflective of legal integrity and stability. Together, their decisions reflect the sophistication of interpretation within law and remind everyone just how strong a position language plays in the process toward justice. As the judiciary continues to work its way through law and society complexity, decisions of language with the judicial process will most significantly build public understanding and participation with the law. And while the language has been tempered throughout the judgement, and there have been positives throughout, it does not tamper down the effect of unnecessary usage of literary rhetoric by Iyer in his opinion and misplaced sense of linguistics here.