

IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020 (PIL)
(Under Article 32 of the Constitution of India)
PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DR. SUBHASH VIJAYRAN (ADVOCATE)

...PETITIONER

VERSUS

1. UNION OF INDIA,

Through its Secretary, Ministry of Law & Justice,
R.No. 405-A, A Wing, 4th Floor,
Shastri Bhawan, New Delhi- 110001
Ph: 011 – 23384617, 23387553; E-mail: gn.raju@nic.in

2. BAR COUNCIL OF INDIA,

Through its Chairman,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi- 110002
E-mail: info@barcouncilofindia.org, manankumarmishra@gmail.com
Ph: 011- 49225000, FAX: 011-49225011

3. SUPREME COURT OF INDIA,

Through its Secretary General, Tilak Marg, New Delhi-110002
Ph: 011-23388922-24, 23388942; FAX: 011-23381508, 23381584
E-mail: supremecourt@nic.in

... RESPONDENTS

FUNDAMENTAL RIGHTS VIOLATED:
ARTICLES 14 & 21 OF THE CONSTITUTION OF INDIA

To

Hon'ble The Chief Justice of India and his Associate Justices of The Supreme Court of India. The Writ Petition of the Petitioner above-named **MOST RESPECTFULLY SHOWETH:**

1. This is a Writ Petition [PIL] under Article 32 r/w Articles 14, 21 & 39A of the Constitution of India, praying for writs/ orders/ directions facilitating *Access to Justice* by the common man by use of Plain Language and by placing page limit on pleadings and time limit on oral arguments before this Hon'ble Court.
2. **Antecedents of the Petitioner & Statements/ Declarations:**

B. I am filing this petition under Article 32 of the Constitution of India as Public Interest Litigation in the interest of general public and have no personal interest in the same.

- C. I am filing this petition on my own and not at the instance of someone else. The litigation costs including travelling expenses are being borne by me.
- D. I have not filed a similar matter seeking the same relief before this court or any other court of law.
- E. I give my consent for the matter to be taken up through video-conferencing mode. I shall prefer to link to the Hon'ble Bench by video-conferencing through my own desktop/ laptop/ mobile phone. In case of any technical glitch in Video-Conferencing, I consent for teleconferencing by WhatsApp Audio or Video call on any of my numbers i.e.

3. **FACTS CONSTITUTING THE CAUSE OF ACTION:**

- A. The writing of most Lawyers is: (1) wordy, (2) unclear, (3) pompous and (4) dull. We use eight words to say what can be said in two. We use arcane phrases to express commonplace ideas. Seeking to be precise, we become redundant. Seeking to be cautious, we become verbose. Our writing is teemed with legal jargon & legalese. And the story goes on.
- B. For whom are the Constitution, Law and Legal System for? For the lawyers? Or the judges? Or – most important, but often neglected – *The Common Man*.
- C. Yet, it is the common man who is most ignorant of the system – in fact quite wary of it. Why? Because he neither understands the system nor the laws. Everything is so much complicated and confusing. The way laws are enacted, practiced and administered in our country violates the fundamental rights of the masses by denying

them – *Access to Justice*. ‘Speedy Justice’ and ‘Legal Awareness’ are the two, out of the many, facets of *Access to Justice*.

SIMPLIFY THINGS – USE PLAIN LANGUAGE

- D. **The Legislature & Executive:** The legislature should enact precise and unambiguous laws, and as far as possible, in plain language. A guide in Plain English and in vernacular of the laws of general public interest should be issued by the Government – explaining the law and its application – in easy to understand language. Further, all rules, regulations, notifications, communications etc., drafted and issued by all branches of the Government – that are of general public interest – should be in Plain Language. Here, I will like to appreciate the good work that the Department of Justice is already doing in spreading legal literacy among the masses.
- E. **The Bar Council of India:** The Bar Council of India should introduce a mandatory subject of “*Legal Writing in Plain English*” in the 3 year and 5 year LL.B. courses – where law students are taught to draft precise and concise legal documents in Plain English – so as to enable our legal manpower in providing *Access to Justice* to the masses.
- F. **The Supreme Court of India:** It is time the standard of pleadings filed in the Supreme Court is mandated to be of the highest quality. Lawyers need to put in extra efforts to make their pleadings clear, crisp, concise & accurate. A

page limit for pleadings and time limit for oral arguments should be imposed. Too much of precious time, energy and resources of both the Court as well as lawyers/litigants are wasted due to badly written & verbose drafts and *ad-nauseam* oral arguments.

G. Speech of Hon'ble Minister of Law and Justice on "*Making India: Role of Empowering Citizens with Legal Awareness*" delivered at Kochi, on 15.01.2016 is annexed as **Annexure: P-1 (pages 15 to 19)**.

H. On 04.06.2020, I sent a representation to the Respondents. Its copy is annexed as **Annexure: P-2 (pages 20 to 23)**.

I. An article from Plain English Campaign, titled, "*Drafting in Plain English*" is annexed as **Annexure: P-3 (pages 24 to 28)**.

J. Article titled, "*The Plain English Movement*" is annexed as **Annexure: P-4 (pages 29 to 33)**.

4. **Source of information:**

A. (1) My personal experience as an Indian Lawyer (2) Going through online resources on various legal systems (3) You Tube videos, on-line news items (4) Website of this Hon'ble Court.

B. I have personally verified the information by cross-checking the information on the websites of respective

courts and also cross-verified by the information from multiple independent sources.

5. **Details of remedies exhausted:** I have sent a representation dated 04.06.2020, via e-mail to the Respondents. The nature of issues in this PIL is such that they would require directions by this court. As such there are no statutory and/or other remedies left to be availed.
6. **Nature and extent of injury caused or likely to be caused to the public:** The common man is ignorant and wary of our legal system. His fundamental rights are infringed by its complications and delayed delivery of justice.
7. **Nature and extent of personal interest, if any, of the petitioners:** I have no personal interest except than to uphold the rule of law.
8. **Details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation:** No such litigation, past or present.
9. **Whether issue was raised earlier; if so, what result:**
 - A. I declare that the issues raised in this petition were neither dealt with nor decided by a Court of law either at my instance or, to the best of my knowledge, at the instance of any other person.

B. I declare that in no P.I.L., any cost has been ever been awarded to or imposed upon me, and no appreciation or stricture has ever been passed for/against me.

10. Whether concerned Government Authority was moved for relief(s) sought in the petition and if so, with what result: I

have sent a representation dated 04.06.2020, via e-mail to the Respondents over the issues raised in this petition. The nature of issues in this petition is such that they would require directions by this court. I declare that I have availed all statutory and other remedies. No reply has been received as of date from the respondents.

11. GROUND(S):

A. As held in catena of judgments of this Hon'ble Court, *Access to Justice* is a fundamental right being a facet of Article 14 read with Article 21 & 39A of the Constitution of India. 'Speedy Justice' and 'Legal Literacy/Awareness' are facets of *Access to Justice*.

[Refer Judgment dated 19.07.2016 in Transfer Petition (C) No. 1343 of 2008 (5 Judges Constitution Bench) in *Anita Khushwa v. Pushpa Sadan for detailed discussion on Access to Justice as fundamental right and compilation of Case Laws on the subject*].

B. For the population to access justice, they must understand their rights and the means for claiming them. For most people, the laws and the formal justice system are alien institutions they fear or do not understand. Legal awareness helps counter this misunderstanding and promote *Access to Justice*. Messages should be in plain language for easy understanding of the citizens.

C. **Access to Justice: United Nations & the Rule of Law:**

*“In strengthening access to justice, the UN system works with national partners to develop national strategic plans and programmes for justice reform and service delivery. UN entities support Member States in strengthening justice in areas including: monitoring and evaluation; empowering the poor and marginalized to seek response and remedies for injustice; **improving legal protection, legal awareness, and legal aid**; civil society and parliamentary oversight; addressing challenges in the justice sector such as police brutality, inhumane prison conditions, lengthy pre-trial detention, and impunity for perpetrators of sexual and gender-based violence and other serious conflict-related crimes; and strengthening linkages between formal and informal structures.”*

<https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>

D. **Practice Note dated 09.03.2004: United Nations Development Programme (UNDP):**

“Legal awareness is the foundation for fighting injustice. The poor and other disadvantaged people cannot seek remedies for injustice when they do not know what their rights and entitlements are under the law. Information on remedies for injustice must be intelligible to the public and knowledge provided to them must serve their practical purposes.”

https://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/access-to-justice-practice-note/Justice_PN_En.pdf

- E. Because of the complicated nature of our legal system, there is a vast disparity between the *haves* and *haves not* vis-à-vis *Access to Justice*. The fortunate few are able to wrestle their way through the matrix of our legal system and get an early hearing – (where they even argue for hours and days on end) – while the majority has to wait for decades for their matter to be finally heard and decided by courts of law.
- F. Plain language is designed to ensure that the reader understands it as quickly, easily, and completely as possible. It avoids verbose, convoluted language and jargon. Using plain language in communications ultimately improves efficiency, because there is less ambiguity for the readers, and less time is taken for clarifications and explanations. This is a step toward *Access to Justice*.
- G. Using plain Language does not mean writing everything in the style of a tabloid newspaper. It means writing documents in a way that is appropriate for the audience. If a law affects people, those people should have a chance of understanding it. The language used in a law should depend on who the law affects; taking account of how familiar they are with the subject.
- H. In many countries, laws mandate that public agencies use plain language to increase access to programs and services. The ‘*United Nations Convention on the Rights of Persons with Disabilities*’ includes plain language as

one of the "modes, means and formats of communication".

- I. Though not all laws are of interest to the general public, yet there are statutory areas that are of intense interest to the people. Examples include criminal law, and laws relating to family, divorce, property, inheritance, employment, civil rights, landlord-tenant relations, consumer protection etc. Surely, ordinary citizens ought to be able to understand the rights conferred and obligations imposed by such statutes for meaningful *Access to Justice*.
- J. It is a trite law – “*ignorance of law is no excuse*”. But if we don’t express these laws of general public interest in plain and easy to understand language, how can we expect ordinary citizens to obey them?
- K. It is, thus, imperative that guidebooks/handbooks on the laws of general public interest and mechanisms of vindication of rights and redressal of grievances under the law be issued by the Department of Justice both in Plain English and in vernacular. On the same lines, all rules, regulations, notifications, communications etc., drafted and issued by all branches of Government – that are of general interest to public – should be in Plain Language.
- L. For adequate training of legal manpower, it is imperative that the subject of “*Legal Writing in Plain English*” be taught as a mandatory subject in 3 year and 5 year LL.B. courses in Indian Law Schools. The trained law graduates

graduating from our law schools would, thus, help in providing *Access to Justice* to the masses.

M. In this Hon'ble Court, where litigants wait for 5-10 years for final hearing of their cases, we really don't have the luxury of hearing fancy, and many a times, irrelevant arguments for hours and days on end. Too much of precious time, energy and resources of both the Court as well as lawyers/ litigants are wasted due to badly written & *verbose* drafts and *ad-nauseam* oral arguments. We have to prioritize and efficiently use our resources. If this court is to be truly a court of the masses – and not court of a fortunate few – the era of *never-ending* oral arguments and *verbose* pleadings has to go.

N. It is time the standard of pleadings filed in this court is mandated to be of the highest quality. Lawyers need to put in extra efforts & multiple revisions to make their pleadings clear, crisp, concise & accurate. This would remove considerable burden off the judges, who otherwise have to struggle their way through a jungle of verbosity. A page limit for pleadings and time limit for oral arguments should be imposed. Another step towards *Access to Justice*.

O. As a humble suggestion vis-à-vis pleadings, a 50-60 page limit for pleadings of the parties (excluding annexures/ exhibits etc.) and 20-30 page limit for replies to the pleadings of opposite parties may be imposed. These limits should only be relaxed in exceptional cases of

constitutional or public importance, involving lengthy arguments. Also permission should be granted to the parties to highlight the relevant portions of their annexures/ exhibits by coloured pens, for the convenience of the court.

P. As a humble suggestion vis-à-vis oral arguments – for each side – time limits of 5-10 minutes for applications, 20 minutes for short cases, 30 minutes for cases of moderate length, and 40-60 minutes for long cases may be imposed. Only in exceptional cases of constitutional and public importance, should the time limit of oral arguments be relaxed beyond one hour. These steps would not only ensure speedy justice and reduce case pendency in this Hon'ble Court, but also help the Court to dispense quality justice.

12. **Grounds for interim relief:** No interim relief is prayed.

13. **MAIN PRAYER:** On the basis of the above premises, it is most humbly and respectfully prayed that this Hon'ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ or order or direction as follows:

A. Direct Department of Justice to issue guides/handbooks in Plain English and in vernacular – easily understandable by layman – of Laws of general public interest – explaining the law and procedure for vindication of rights and redressal of grievances under the law.

B. Direct use of Plain Language – easily understandable by the layman – in drafting and issuing of all government

rules, regulations, notifications, communications etc., which are of interest to the general public.

- C. Direct Bar Council of India to introduce a mandatory subject of “*Legal Writing in Plain English*” in 3 year and 5 year LL.B. courses in all Law Schools in India and,
- D. Direct imposition of page limit for pleadings and time limit for oral arguments in this Hon'ble Court in a manner this Hon'ble Court may deem appropriate.
- E. Pass any other or further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and to meet the ends of justice.

14. **Interim relief, if any:** No interim relief is prayed.

AND FOR THIS ACT OF KINDNESS, I, YOUR HUMBLE PETITIONER, AS IN DUTY BOUND SHALL EVER PRAY

Place: New Delhi

Drafted on: 18.08.2020

E-filed on: 19.08.2020

DR. SUBHASH VIJAYRAN
(PETITIONER-IN-PERSON)