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RESEARCH PAPER

Investigating the Impact of Simplified Statutory laws to Expedite Justice in Pakistan

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This study endeavors to simplify the statutory laws to make the speedy court trials in Pakistan. In this regard, the linguistic adequacy of lawyers and law teachers regarding intelligibility and time spent on reading laws is examined. So the issue of convoluted nature of legal language playing a role of impeding the comprehension and requiring much time can resolve the issue of delayed justice. For this, two questionnaires were formulated comprising of statues with both versions followed by different items were distributed among the law practitioners and law teachers to gather the date. And then, data was quantitatively analyzed. The findings revealed a clear picture of impact of simplified statutory laws on law stakeholders 'comprehension and time. Through this study, the relative impact of original and simplified statutory laws is systematically measured in Pakistani academic occupational legal context and subsequently Plain English Language Movement is suggested.

Introduction

Legal English is a distinct genre which is significantly different from General English (G.E). It has specific lexical, syntactical and discourse features. The genre is considered to be a highly complex one by the researchers in the field of linguistics and applied linguistics. The complexity of this genre slows down the pace of academic and professional tasks.

In the developed world, especially in the United States and United Kingdom, a movement known as Plain English Movement has been pretty successful in providing solution to the slow pace of professional accomplishments. The Plain English Movement has its basis in the UK, where in 1970s some works

were published suggesting techniques to write in plain English. It has also been suggested by many that the existing legal documents in public interests should be converted into simplified versions so that common people could understand legal English to have access to the knowledge related to rights and duties.

Recent empirical evidences are available revealing that simplified versions of legal text are easier to understand. Taking insights from the relevant literature, I am intended to explore the legal transcripts produced in simplified English can vigor the legal engagements in professional settings. In the United States, the US Congress has given its verdict that the congress should legislate laws pertaining to public utility in simple English. This gives a big support to the proponents of plain English as it reflects that it is possible to write legal document in simple English.

Literature Review

In this segment, I review the literature relevant to the intricate nature of language of law briefly. Additionally, text simplification techniques are taken into account.

Intricacy of legal language

Legal language is convoluted in nature. Melinkoff (1963), Crystal and Davy (1969), Bhatia (1983 a, b, 1993, and 1994), Throne (1997), Tiersma (1999) and other researchers have worked in this dimension. The language of law is illustrated by means of vague 'syntactic', 'lexical', 'pragmatic' and 'discoursal', 'rhetorical and stylistic' features which require interpretation to make intelligible (Kurzon, 1997, p.123). In order to make ease for the wide range of audiences, the complex attributes of the language needs to be identified. Some attributes which are not directly connected with the language of law can take part to weaken the grasp ability of the text. Tiersema (1999) pointed out following several linguistic features of the legalese that recede the clarity and comprehensibility: particular terminologies, formal unusual and archaic expressions, impersonal structures, excessive use of passive voices and nominalization, modal verbs, multiple negations, meager organization, lengthy and convoluted structures.

However, the legal language is caricature of variety of distinctive characteristics, linguistic features, conventions and terms etc. Moreover, it has been mentioned by Alcaraz& Hughes (2002), all these attributes are influenced by the historical facets of English language like Norman or French expressions, Latinisms, acknowledged register and antique expressions, obsolete adverbs and prepositional phrases, redundancy, euphemism, and excessive use of per

formative verbs which play a significant role to make the legalese incomprehensible.

Plain English Movement

Plain English Movement was originated in 1970s in US, UK, Canada and Austrailia, Japan and other countries in response to the intricate nature of legalese. The prime intention of the simple language was to make emphasis on clarity of the language expression. Benson & Kessler (1987), Turnbull (1995), Ying (1996), Ahmad & Katsos (2012), Temnikova (2012), Garwood (2014) and Lam (2015) have worked in this perspective. The proponents of plain language take into account the reader's requirements and ease of access concerning speedy and unambiguous comprehensibility of the texts. Plain language incorporates outline, drawing, arrangement, and the directness of the expressions to make the documents user friendly (Abrahams, 2003). Briefly, the stress was on 'shorter writing' and easy access of the reader. However, the legal language is regarded as an amalgam of literary expressions, and the messes remain unfamiliar to their basic rights, responsibilities and commitments. Therefore, to develop the comprehension and accessibility plain language must be incorporated.

Text Simplification Techniques

Lewis, Horabin & Grane (1967) employed an innovative technique to display the legal content through 'Logical trees and flow chart' to enhance the comprehensibility for the readers. Their perception was that always information is not available in flowing prose. This technique can also be effective for the information which deals with the content regarding instructions and logical development of ideas in a chronological way. In this context, non aligned substitutes like tree diagram and flow chart may expand the comprehensibility and efficiency of the public interest documents in prose form cannot be exposed through flow charts. However, it may not be effective for other types of the texts. On the other hand, Bhatia (1987) proposed a new technique 'textual mapping' to make the information accessible to the readers. The purpose of this technique was to split the information into the chunks for the wider audiences. This device was similar to the one of the device of literature of Plain English language. But it does not focus on the syntactic, lexical and discoursal features.

Similarly, one more technique was devised by Conard (1985) to make the legal text graspable without distorting the spirit of legal genre. Its aim was to draw attention to the intension and purpose of the statement. And these are given in the text as subheadings or additional information in the text. The drawback of this

technique is that sometimes the purpose of the statement is contentious. In addition to it, Conrad pointed out one more technique by keeping in view the challenges faced by the above mentioned technique. Its aim was to provide the 'illustrations'. He mentioned that text could be more accessible, if notes or illustrations from the other cases and decisions are added.

According to Kelly (1988), the legalese could be redrafted by incorporating another approach 'Questions& Answers' in order to make ease for the variety of readers. He suggested generating questions followed by the answers in the text as seem on websites like frequently asked questions. Always the legal drafters cannot rely on this technique. It is suitable for some particular legal texts and is considered as a "problem solving technique". On the other hand, Weber (2007) introduced new technique 'visualization'. Its aim was to highlight the parts of speech and other particular elements in the text by colour coding. He suggested that it could be implemented in other text genres. As well it can be employed as an analytical technique to 'assist the common man in order to get better comprehension of the text, to point out the complex expressions and to enhance the writing style' (p. 354).

One more device introduced by Bhatia (1993) to make the public documents accessible for the readers. To grab the attention of the audiences, array of the captions can be used at the different laces of the text to provide the direction to the layman. They serve as key expressions and used in pamphlets. In contrast to it, Bhatia (1993) brought in another device, 'diagrammatic representation' to reduce the information load that is different from 'logical trees or flow charts'. Focus is not on the change of lexical items and syntactical expressions. Text is divided into different chunks and then presented in a particular draft of a diagram. For understanding the text, arrows are used to give the direction in the text. By following the arrows, the reader may grasp the information provided in chunks. In this regard, the audiences may focus on the basic grammatical structure rather than complicated structures at first glance. Gradually, the reader may shift his attention to the complexities of the text after getting the roadmap. The text is splitted into two portions (left and right) of the figure or by putting into two columns. Bhatia pointed out that the reader must be familiar with the pictorial display of the information before taking as comprehension tasks as this representation is designed for the particular situations of academic legal settings in relation to improve the proficiency of reading skills regarding original legal text. This model may breed some problems to the lay persons because of its complicated nature.

Machine simplification approaches like automatic technique, syntactic simplification technique, Parsing technique and Hemmingway's technique have also been mounting to make the text approachable and to save the time of the audiences. Peterson et, al, (2007), Long & Long (2013), Chandrasekhar (1996) have worked along these lines. These approaches are in vogue nowadays. But, none of these approaches deal with legalese. Herein, different principles and techniques are fabricated to generate the simplified legal documents in order to make it comprehensible for the common readers and law discourse community.

Empirical Researches

Ahmad & Katsos (2012) attempted an empirical study by simplifying the legal text in relation to women's rights in Pakistan by using different formulas. This study aimed to investigate the comprehension level of lay persons of Pakistan by providing simplified legal texts. The findings revealed the significant increase in participants' comprehension, but some techniques proved more useful than others.

Stajner, Mitkov & Saggion (2014) conducted a research to explore the replacement of text simplification techniques with the automatic machine simplification. In this regard, they considered six assessments metric to measure the relationship between meanings and syntactical maintenance in the text. As a result, a considerable relationship was viewed in terms of sentence structures which are codified as: acceptable, needs modification, unacceptable. One more relevant case study revealed improvement in participants' comprehension from 51% to 80% that also reflected the comparative analysis of original complex text and simplified text (Elwork et al., 1982).

Lawson (2015) drew the attention towards the complexities of legalese which can be reduced by using simplified English. He supported plain English language by suggesting guidelines and gains. Lam (2015) carried out a research to investigate the strength of plain English to sustain the spirit of legal texts for making it accessible to the common man. So, the legal text drafted in plain language by incorporating the innovative techniques proved effective for increasing the comprehensibility.

Felici (2019) investigated the effect of plain language on Swiss insurance documents translated in three languages. The study aimed to evaluate the clarity of the language on grounds of plain language and the translation variables. The findings revealed improvement in readability of the participants and the linguistic gaps were also highlighted by taking into consideration the textual aspects.

Similar researches have been executed by Adler (2012), Mckinnon (2014), Garwood (2014), Lawson (2015), and Schriver (2017). These researchers observed the significant improvement in comprehension and saving the time of the audiences.

Material and Method

This research is aimed to recommend *Plain English Movement* in legal settings and to expedite the justice. To initiate this movement, I decided to collect the data from four provincial capitals of Pakistan and one big city from the South Punjab as mentioned in table 1. In this regard, sample was chosen from the related sample of study; faculty of law and law practitioners who provided the information concerning comprehension and time spent in reading statutes written in complex and plain versions. I used purposive sampling to gather data. Data was collected from 50 law teachers and 100 law practitioners; 10 law teachers from each university and 20 lawyers from each city respectively. As the participants' perceptions is involved due to active involvement in legal situations. This design was applied in researcher's PhD project titled 'Investigating the Impact of Text Simplification to Speed up Justice in Pakistan' (Rubab, 2018).

Table1
Illustration of participants

Sr. No	Province	No of lawyers	No of Law Teachers	City	University
1.	Punjab	20	10	Punjab	University of the Punjab
2.	NWFP	20	10	Peshawar	University of Peshawar
3.	Sindh	20	10	Karachi	University of Karachi
4.	Baluchistan	20	10	Quetta	University of Baluchistan
5.	Punjab	20	10	Multan	Bahauddin Zakariya University
Total Participants		100	50		

To collect the data from the research participants, separate questionnaires were designed for law teachers and lawyers after discussing with law expertise. Both questionnaires were comprised of five statutes from criminal laws regarding youth crime. Each law in actual and plain form was placed side by side in comparison. Each statute was accompanied by five different questions. These questions were in the form of closed ended items. The scales for the closed ended

items were designed in terms of nominal and Likert scales. The participants were supposed to encircle the suitable option after reading the statutes given in both versions. Faculty of law and public prosecutors were given 150 questionnaires. There were only 109 participants who gave back filed questionnaires.

Analysis

In this section, quantitative analysis of data has been reported. In this regard, relative opinions of lawyers and faculty of law teachers regarding vividness, time consumption, comprehension, burden posing on mind and content matter of the statutory laws in form of real and modified versions are presented below:

i. Lawyers and faculty of Law and lawyers' perceptions about comprehensibility of Original and Plain laws

The interpretation reflects that 109 questionnaires were returned. Out of the, 36 were teachers and 73 were lawyers. Analysis shows that 6.84% (n=5) law practitioners and 5.55% (n=2) law faculty preferred the original laws, while law faculty favored the original statutes in context of comprehensibility. Thus, 6.42% (n=7) of the population preferred the complex original statutory laws.

On the contrary, 87.67% (n=64) lawyers and 80.55% (n=29) law teachers preferred simplified laws with reference to comprehensibility. As a result, 85.32% (n=93) participants preferred simplified version.

In contrast, just 5.47% (n=4) law practitioners and 13.88% (n=5) law faculty marked the option 'both' in relation to comprehensibility of statutory laws that shows 8.25% (n=9) of the whole population.

Resultantly, the analysis reveals that the simplified versions of statutory laws are more intelligible than original as reflected in table 2.

Table 2
Comparative Analysis of Original & Plain Statutes Relating Comprehension

			Law			
			Practitioner	s/Teachers	Total	
			Advocates	Advocates Teachers		
Community	Cimplified	Frequency	64	29	93	
Comprehensive version of Statutes	Simplified —	Percentage %	87.67%	80.55	85.32%	
	Original —	Frequency	5	2	7	
Statutes		Percentage %	6.84%	5.55%	6.42%	

Both	Frequency Percentage %	4	5	9
		5.47%	13.88%	8.25%
	Frequency	73	36	109
Total	Percentage % Lawyers/Teachers	100.0%	100.0%	100.0%

ii. Lawyers& Law Teachers' Perceptions with reference to Content of Original & Plain laws

In context of content of plain statutory laws, out of a total, only 5.47% (n=4) lawyers and 2.77% (n=1) law faculty marked the option 'strongly agreed' with reference to content of simplified versions of statutes that make 4.58% (n=5) of the population.

Conversely, 83.33% (n=30) law faculty and 89.04% (n=65) law practitioners chosen the option 'agreed' with reference to the content of plain laws which reflect 87.15% (n=95) of the population.

On the other hand, 13.88~% (n=5) law faculty and 5.47% (n=4) law practitioners marked the option 'agreed to some extent' regarding content of plain statutory laws that present 8.25% (n=9) of the population.

The analysis revealed that mostly law practitioners and law faculty professionals are agreed to the content of plain statutory laws as shown in table 3.

Table 3
Plain Statutes Regarding Content

		_	Lawy practitioners	Total		
			Advocates	Teachers		
	C1 1	Frequency	4	1	5	
	Strongly Agree	Percentage %	5.47%	2.77%	4.58%	
Content Matter	Agree	Frequency	65	30	95	
of Simplified Statutes		Percentage %	89.04%	83.33%	87.15%	
_	Agree to	Frequency	4	5	9	
	Some Extent	Percentage %	5.47%	13.88%	8.25%	
Total		Frequency	73	36	109	
		Percentage% Lawyers/Tea chers	100.0%	100.0%	100.0%	

iii. Lawyers & Law Teachers' Perceptions Regarding vividness of complex original & plain laws

Concerning lawyers and law teachers' perceptions regarding vividness of complex/ original and plain statutory laws, only 1.36% (n=) law practitioners and 2.77% (n=1) law faculty favored the complex original laws. So, 1.83 % (n=2) of the whole sample preferred the complex original laws.

On the other hand, 87.67% (n=64) law practitioners and 80.55% (n=29) law teachers chosen the plain versions of laws with reference to vividness, which make 85.32% (n=93) of the population group.

The analysis exhibited that majority law practitioners and law faculty preferred the plain statutory laws than complex laws regarding clarity as indicated in table 4.

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Distinction b/w complex & plain versions of Statutes with reference to vividness

			La		
			practitioners/Teachers Advocates Teachers		Total
	Cimplified.	Frequency	64	29	93
	Simplified	Percentage%	87.67%	80.55%	85.32%
Comparative Vividness of	Original	Frequency	1	1	2
Statutory laws		percentage%	1.36%	2.77%	1.83%
	D (I	Frequency	8	6	14
	Both	Percentage %	10.95%	16.66%	12.84%
Total		Frequency	73	36	109
		Percentage % Lawyers/Teachers	100.0%	100.0%	100.0%

iv. Lawyers & Law Teachers' Perceptions in terms of required time in comprehending laws

With reference to required difference of time spent on comprehending complex original and plain statutory laws, the analysis shows that complex original laws take more time than plain laws. In this regard, out of a total participants, 61.11% (n=22) law faculty chosen the complex statutory laws, whereas 58.90% (n=43) law practitioners marked the original laws. Resultantly, 59.63% (n=65) of the population chosen the complex original statutory laws.

In contrast, 30.55% (n=11) law faculty and 34.24% (n=25) law practitioners were of the view that plain laws consume more time in reading that constitute 33.02% (n=36) of the whole population group.

Moreover, only 8.33% (n=3) law faculty and 6.84% (n=5) law practitioners had a view that both accounts of statutory laws consume time equally in reading that constitute 7.33% (n=8) of the whole population.

The analysis reveals that original statutory laws require more time to comprehend than plain laws as mentioned in table 5.

Table 5
Comparative Required Time to Comprehend Laws

			Law Practitioners/Teacher		Total
			Advocates		
	C: 1:C: 1	Frequency	25	11	36
Compositivo	Simplified	Percentage %	34.24%	30.55%	33.02%
Comparative Required Time		Frequency	43	22	65
to comprehend		Percentage %	58.90%	61.11%	59.63%
laws		Frequency	5	3	8
	Dom	Percentage %	6.84%	8.33%	7.33%
Total		Frequency	73	36	109
		Percentage % Lawyers/Teachers	100.0%	100.0%	100.0%

v. Lawyers & Law Teachers' Perception in terms of burden posing on mind while comprehending original & plain accounts of laws

In connection to participants' perceptions regarding creating trouble for reader while comprehending statutory laws in comparison, 55.06% (n=21) faculty of law and 53.04% (n= 40) advocates marked the complex original laws. Resultantly, 55.96% (n=61) of the whole population marked the complex original laws.

On the other hand, 36.13% (n=16) law faculty and 42.46% (n=31) law practitioners pointed out that plain laws make more weight on mind while comprehending than complex statutory laws, that constitute 44.36% (n=44) of the whole population.

Conversely, 2.73% (n=2) law practitioners and 5.55% (n=2) law faculty mentioned that 'both' accounts of laws weigh on mind while understanding that make 3.66% (n=4) of the population.

On the whole, the analysis revealed that majority of the law practitioners and law faculty pointed out the original statutory laws in relation to creating trouble for the reader as depicted in table 6.

Table 6
Difference in Burden Posing on Mind while comprehension of Plain & Original Statues

			Law Practition Facu	Total	
			Advocates	Teachers	
	Simplified - Original -	Frequency	31	13	44
Statutes		Percentage%	42.46%	36.11%	40.36%
creating		Frequency	40	21	61
trouble for		Percentage%	53.04%	55.06%	55.96%
reader		Frequency	2	2	4
	Dom	Percentage%	2.73%	5.55%	3.66%
Total		Count	73	36	109
		% Percentage Lawyers/Teachers	100.0%	100.0%	100.0%

Conclusion

On the whole, three major findings are materialized from this research. First, it is obvious that the simplified statutory laws are more useful as compared to simplified versions to achieve the academic and professional legal tasks. As, simplified statutory laws facilitate to inculcate the speedy justice concerning court trials. Second, reformulation of simplified statutory laws through Plain language principles and guidelines bring a vigorous impact on the comprehension of law discourse community. The revised versions of statutory laws do not defer to the content matter and posses more clarity than original statutory laws. Third, the complex nature of statutory laws takes relevantly more time and makes trouble for the reader.

The findings have reported an obvious account of the proved hypothesis:

Complicated legal texts demands due consideration and time for comprehensibility as compared to statutory laws written in simple English.

Considering it as a hypothesis, I investigated:

Either legal texts drafted in plain English save the time of stake holders (lawyers and law faculty) in executing occupational legal activities?

This research proved the hypothesis by incorporating a comparative study. As well, it demonstrates that the plain statutory laws should be augmented and supported in the legal context (academic & professional) to make the speedy trial courts. As, the associates of law discourse community considered that statutory laws produced in simplified versions can be more constructive to trigger the legal system as compared to the complex original laws.

Recommendations

The study aimed to explore the impact of simplified laws in professional and academic law situations of Pakistan. The results materialize some other facets of legal contexts. Viewing the findings and proved hypothesis, I suggest initiating *Plain English Movement* in legal justice system of Pakistan. Speedy disposal of cases will take place as shot time is consumed in accomplishing professional legal activities. In such a way, the low paced justice will be amicably geared towards progress. This campaign has reached at its heights in the developed countries. Furthermore, *Plain English Language modules* are made mandatory in law schools in United Kingdom, Austrailia United States, Japan and other advanced states. In Pakistani academic legal (academic & professional) settings, the commencement of such simplified courses will be valuable. As well, statutory laws crafted in plain English will bring a robust impact in pacing up the judicial system by accomplishing the academic and occupational legal tasks. The study will spawn different avenues for more researches in context of legalese concerning speedy court trials.

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