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## Move Analysis and Stylistic Analysis of Plaintiff Letters of Finance Discovery for Genre-based Teaching of Legal English in Pakistan

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### Abstract

This study aims to analyze the legal genre of Plaintiff Letters (a ‘statement of claim’) used in legal proceedings in Pakistan, and is divided into two sections. Bhatia’s analysis of Appeal Cases has been benchmarked for the first part of this study which submits some differences, based on comparison, between the moves structure of cases (Bhatia. 1983, 1993) and plaintiff letters (plaints). The comparison results into finding some new moves in the complaints for which the names have been suggested in the discussion and conclusion parts. The second part of the study is a stylistics analysis of the same plaintiff letters following the model of Crystal & Davy (1969). A brief literature review is given in introduction part to set the study in background. The

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findings of the study will be used in designing an ESP syllabus for the students of Law, and so, to promote and contribute to genre based teaching of Legal English to the students pursuing their Law degrees in Pakistan.

**Keywords:** ESP, Complaint letters, Legal English in Pakistan, Genre Analysis, Move Structure, and Genre-based teaching

## 1 Introduction

English is language of Law in Pakistan. Most of the important legal documents are drafted in English making it compulsory for the law practitioners to be competent both in the content, and use of English language. In Pakistan two modes of education are in practice to earn a degree of LLB: a three year LLB program which requires a Bachelor's degree or 14 years of education as a pre-requisite; a four year program for which Intermediate or 12 years of education is a prerequisite. Medium of education in the first type is bilingual, English and Urdu while for the latter type the medium is English but this degree program is comparatively very recent addition to the education system in Pakistan. The students coming to law colleges have a diverse background of schooling, medium of education, exposure to English language and its use. After having studied Law for three or four years when these graduates start professional practice they face difficulty in drafting legal documents. Even after having studied general English as a compulsory subject for 12 to 14 years, they find themselves incompetent to draft legal documents. Mellinkoff rightly pointed out that it is puzzling not merely to the untutored non-lawyer, puzzlement extends to bar and bench. (1963).

Discussions and interviews with the law specialists inform that it is a common practice for the new lawyers, in Pakistan, to spend many months sitting with the senior lawyers just to learn how to draft and understand legal documents, including complaints. In the judiciary system in Pakistan, a complaint letter performs the very first step of a judicial process by invoking the help of court, and presenting an issue requiring the legal solution. Complaint is a statement of

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facts presented to the civil court explaining the reasons of action to be taken by the plaintiff. A plaint is used as a tool to obtain help from the court. Stating some claims, it aims at initiating a civil suit. Plaint is always in writing and must be written in legal language. It is crucially important for a practicing lawyer to be able to draft a plaint letter aright. To address this problem the present study sets at analyzing the genre of plaints for the analysis to serve pedagogic ends and purposes.

## **2. Literature Review**

### **2.1 Genre Analysis and Moves Structure**

Move structure and genre analysis cannot be discussed without referring to each other. It is necessary to set a back ground for the study to briefly describe the both. In any profession, along with the content knowledge, skillful communication is mandatory to interact with the coworkers, to document and report, to get peculiar assignments carried out in a specific context. The required level and areas of such skills may vary significantly for different professions. The best linguistics techniques and style for one profession might prove the worst for the other.

Genre analysis, recommended by Swales (1990; 2004) and explained by Bhatia (1993), comes to help here to find out what kind of language skills are needed in a professions, what linguistic features are specific to the discourse of a profession, and to train learners to be efficient communicators at a particular profession in a particular workplace. The set of such unique linguistics features and patterns contribute to the genres incorporative to the unique professional settings (Swales, 1998) e.g. making language of Medicine different from the language of Law because of preferred vocabulary items and grammatical structures.

Genre analysis has been successfully employed to understand how a text efficiently functions for practical purposes. The essence of the notion of genre analysis is to consider a genre text as a recognizable communicative event characterized by a set of a communicative Language in India [www.languageinindia.com](http://www.languageinindia.com)

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purpose(s) reflected in the cognitive structuring of the genre (Swales 1990; Bhatia 1993). Swale's (1981) discussion on communicative moves had profound influence on the teaching of English for Specific Purposes. He analyzed the introduction part of the research articles and found four basic moves which he later revised in 1990 and put forward a refined three-move model, CARS (Create A Research Space).

Mellinkoff wrote a seminal work on the English legal register in his book *The Language of the Law* (1963). He identifies a number of patterns that characterize the style of legal texts. He throws light on the importance of knowledge of legal language for lawyers and law students. Works of Swales (1983, 1990), Dudley-Evans (1986), and Berkenkotter and Huckin (1995) highlight the usefulness of adopting a genre based approach to teach professional discourse.

To analyze the genre of complaints I have benchmarked Bhatia's moves analysis of Cases (1983, 1993) in this study. He has anatomized the genre of legal cases used not only in court rooms but also in classrooms and lawyer's offices. The students of law need to understand why legal documents are written the way they are to acquire increased self-confidence, and sensitivity to the use of legal genres by acquiring genre skills (Bhatia, 1983).

## **2.2 Stylistic Analyses**

The present study also offers a stylistic analysis of the complaint letters for an easy understanding and teaching of the genre. Though the word stylistic was first recorded in English in 1882, it actually appeared in 1860 and was modeled on the German terms *stilistisch*, *Stilistik*, and the *stylistics* as a theoretical study of style was established in the second half of 19<sup>th</sup> century (Dámová, 2007).

The term 'style' is highly interdisciplinary and has been defined and used differently by various different researchers and experts causing a great amount of confusion so it is necessary to

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mention here for clarity that this study follows the concept of stylistic analysis spelled by Crystal and Davy (1969) that stylistics or general stylistics can be used as a cover term for the analysis of non-literary varieties of language, or registers (M. M. Bakhtin in *The Dialogic Imagination*, 1981 and *The Problem of the Text*, 1986).

In Crystal's reference book *A Dictionary of Linguistics and Phonetics* stylistics is defined as "a branch of linguistics which studies the features of situationally distinctive uses (varieties) of language, and tries to establish principles capable of accounting for particular choices made by individual and social groups in their use of language" (1992). Due to the active research in legal language since 1970s, stylistic and linguistic properties of the variety have been much explored and presented under different theoretical paradigms. According to Wang (1980), English stylistic analysis describes and investigates the language characteristics of each English style, and emphasizes that each style has its own typical ways of expression demanding the choices of language to match its purposes.

Reinhard (1995) holds the view that stylistic analysis in linguistics refers to the identification of patterns of usage in speech and writing to analyze the use of language to identifying some linguistic features, ranging from the general mass of linguistic feature to those which are restricted to some social contexts. There is no fixed number of styles or varieties in any language and to know "what types exist, how many there are or whether they are all clearly distinguishable – these are things a stylistic theory should tell us" (Crystal, Davy 1997). I am following Crystal & Davy's (1969) definition of stylistics analysis in this study to find the similar patterns and arrangement of linguistics items used in the genre of complaints.

### **3. The Current Study**

The purpose of this study is to analyze moves structure and language of complaints and to present the analysis for pedagogical use by learners, teachers, and users of legal discourse. Through this study I intend to answer these questions:

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1. How far the move structure proposed by Bhatia can be applied to analyze the language of plaint letters of Finance Recovery used in judiciary system in Pakistan?
2. Are there any differences in the move structures of Cases (Bhatia) and Plaints? If yes, then what are those structural differences?
3. What lexical, syntactic, and stylistic feature define the genre of plaint letters?

### **3.1. The Context and Participants of the Study**

The context of this study are the lawyers of District court Multan and Lahore High court Multan bench, the LLB students and teachers of the law department of a university and two law colleges well recognized in the region. 16 sample plaint letters from previous records were obtained from two senior and three junior lawyers of the afore mentioned courts. These lawyers that how important it was to be good at writing plaints and other legal documents, and that how inevitable it is to work with a senior lawyer to learn this writing skill. Interviews and discussions were held with the LLB students to understand the problems they face in their legal English classes. Also the teachers' opinions were taken about how to well equip these students to enter the profession with good legal drafting abilities.

### **3.2. Data Collection and Analysis**

Sixteen random samples of Plaint Letters (plaints for short) for Finance Recovery Suits were selected from Lahore High Court, Multan Bench, and District court Multan. For authenticity, the samples were collected from three sources: two senior lawyers, and three undertraining lawyers. While analyzing the plaints, I removed personal information, i.e. names and addresses of the clients to keep their privacy. Repeated thorough readings and analysis were made for two reasons: 1, to apply Bhatia's Move structure to recognize Moves used in PLs and that what communication purposes these

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Moves serve; 2, and to carry out a stylistic analysis of the same complaints according to the model of stylistic analysis provided by Crystal & Davy (1969).

#### **4. Major Findings**

##### **4.1. The Move Analysis of Complaint Letters**

I have attempted to analyze the Complaint Letters of *Recovery of Finance* into four moves as proposed and found by Bhatia (1983) in examination of Appeal Cases. These four moves are: *Identifying the case; Establishing facts of the case; Arguing the case; and Pronouncing judgment.* The study presents a move by move examination of the complaints in the order presented by Bhatia to observe their presence or absence.

##### **4.1.1. Move 1- Identifying the Case**

Bhatia identifies it as the first move in cases and puts forward this example: “*Roles V. Nathan Court of appeal [1963] 2 all Er. 908*”. This move is present in complaints and is the first in sequence, but in a complaint of recovery suit it is not as brief. Name of court is centralized on the top of the first page, then details of the parties are stated followed by an account of the nature of the suit. The first move comprises a complete paragraph written in capital letters, and showcases the detailed information of both the parties is given including names, place of residence, caste and profession. The first move in a complaint letter is of introductory nature and is constituted by:

- 1- The name of the court
- 2- The detail of plaintiff
- 3- The detail of the defender
- 4- Suit number, type, introduction

IN THE BANKING COURT NO.1, MULTAN.

Suit No. \_\_\_\_\_2002

The Bank of Punjab, a Banking institution constituted under the Bank of Punjab act, 1989 having its Head Office At 7-Egerton Road Lahore with its Wes Branch (address)

PLAINTIFF

VERSUS

1. M/s ABC electric store (address) through its proprietor DEF son of XYZ
2. DEF son of XYZ caste (caste name) resident of (address)
3. GHI son of XYZ caste (caste name) resident of (address)

**SUIT U/S 9 OF THE FINANCIAL INSTITUTIONS (RECOVERY OF FINANCES) ORDINANCE, 2001 FOR THE RECOVERY OF RS.5,32,152.50 (AS ON 31-1-2002) ALONG WITH FURTHER MARKUP @ 52 PAISAS PER THOUSAND PER DAY PLUS 20% LIQUIDATED DAMAGES TILL REALIZATION FROM THE PERSONS AND PROPERTIES OF DEFENDANTS AND PLEDGED/HYPOTHECATED STOCKS PLUS COST OF FUNDS OF THE PLAINTIFF BANK FROM THE DATE OF DEFAULT TILL THE DATE OF REALIZATION AS PROVIDED IN SECTION 3 OF THE FINANCIAL INSTITUTIONS (RECOVERY OF FINANCES) ORDINANCE, 2001.**

**4.1.2. Move 2—Establishing Facts**

The second Move identified by Bhatia in Cases is also present in the plaints

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examined for this study. After *identifying the case* (first Move), the facts are described in a series of paragraphs. The facts are established strictly in their chronological order and provide information about *the amount and mode of the loaned money; information about the parties; cause/s of action; and important dates and places*. This part of PLs must be crafted very carefully, logically and convincingly yet clearly to achieve the desired objectives, usually demanding and getting the money back.

According to my data the minimum number of the paragraphs comprising second move were thirteen while some complaints had as many as twenty-three paragraphs all structured by long sentences. e.g., Para 3 of the example move is formed by one long sentence.

While establishing facts most of the complaints state the details of the paid and due balance in tabular form "Description of paid and due balance". I wonder if this tabulated information suggests a sub-move, not because of it is in different format but because of its unique function. Following is the example of second move from one of the complaints.

**Respectfully Sheweth:-**

1. That the plaintiff is a Banking Institution established under the Bank of Punjab Act, 1989 having its Head Office at 7-Egerton Road, Lahore with its' Layyah Branch, Layyah where its normal banking business is carried out. M is the Branch Manager, who is fully authorized to sign, verify pleadings, to engage counsel and to do all such things and acts which are necessary and incidental thereto. He is well conversant with the facts of" the instant suit and is able to depose about the same before this Honorable Court.
2. That defendant No.1 is a sole proprietorship business organization owned by defendant No.2. Defendants have been previously obtaining facilities of cash finances from the

plaintiff Bank. They had have their account with the plaintiff Bank at Layyah Branch. Said account is operated by defendant No.2 as sole proprietor of his business concern i.e. M/s. Sohail Electric Store. Defendant No.3 is a guarantor of his co-defendants. Therefore all the defendants are jointly and severally liable to the payment of amount claimed in the instant suit.

3. That defendant No.1 through defendant No.2 had requested the plaintiff Bank for renewal/enhancement of their previous running cash (Finance facility from Rs.0.250 million to Rs.0.400 million and the same was sanctioned vide advice No.HO/CR/99/13 072/03/29676 dated 02-1 W999 against securities (I) hypothecation of stocks of electrical appliances, (ii) collateral registered mortgage of Rs.10,000/- over a residential house already executed in favour of plaintiff Bank, fresh equitable mortgage of the same property and irrevocable general power of attorney by the owner of property and other charge documents.

4. That the defendant No.2 being sole proprietor of his business concern i.e. defendant No.1 upon the issuance of sanction advice executed following documents in favour of the plaintiff Bank:-

(i) D.P. note of Rs.5,19,800/- dated 10-11-1999 along with acknowledgement of the execution of pronote of the same date. Letter of hypothecation dated 10-11-1999. Guarantee dated 10-11-1999.

Agreement for financing for short/medium/long term on mark-up basis dated 10-1 I-1999. Letter of continuity dated 10-11-1999.

5. That while obtaining the last cash finance facility clelen cliants No.1 & 2 also relied on the following documents already executed:-

Mortgage deed for Rs.10,000/- elated 19-1 1-1996 in respect of property plot No.9/722/B-III measuring eight and a half marlas bearing Khewat No. 115 situated at Mohallah Ward No. 13,-MHPKI with all present and future constructions thereon. This document was registered on the same day in he office of Sub-Registrar,

(ii) Irrevocable general power of attorney dated 25-2-1997 which was registered on the same day in the office of Sub-Registrar, Layyah, in respect of property as mentioned in the mortgage

deed.

(iii) Personal guarantee executed by defendant No.2 on 19-11-1996.

(iv) Iqar Nama dated 14-11-1996 executed by defendant No.2.

(v) Memorandum of deposit of title deeds dated 14-11-1996.

Along with this memorandum the defendant No.2 deposited ' original sale deed dated 30-11-1964 registered with the Sub-Registrar, Layyah( S.No.384, Volume No. I at pages 260, 261).

(vi) Two bonds of personal guarantee dated 19-11-1996 executed by repayment of loan obtained by defendants No. 1 & 2.

(vii) Stock Report of M/s. 3HHT1. Electric Store dated 21-09-1999 signed by defendant No.2.

6. That apart from above documents, the defendants No. 1 & 2 also submitted Encumbrance Certificate dated 02-07-1996 issued by Sub-Registrar, Layyah and copy of P.T. 1 of the mortgaged property for the year 1997-98 issued by Excise & Taxation Officer, Layyah on 13-11-1997. Furthermore an evaluation report of the property mortgaged by defendant No.2 in favour of the Bank i.e. shop No. 105/B was also obtained by the plaintiff Bank from *WUMK Associates*. Said report bears reference No.863 1(C)/08/MA dated 4-8-2001.

7. That details of finance availed by defendants No. 1 & 2 and the amounts paid by them and the balance due against them (principal amount and mark-up) are given below as required by sub-section 3 of Section 9 of the Finance Institutions (Recovery of Finances) Ordinance 2001 are given below:-

#### STATEMENT OF THE PRINCIPAL AMOUNT

Date	Particulars	Withdrawals	Deposits	Balance
10-11-1999		Rs. 24438.00		
10-11-1999			Rs. 110000.00	
10-11-1999	Cheq. 757945	Rs. 42515.00		

10-11-1999	Cheq. 757946	Rs. 50234.50		
10-11-1999	Cheq. 48476	Rs. 5000.00		
13-11-1999	Cheq. 48447	Rs. 35000.00		
18-11-1999	By cash		Rs. 10000.00	
19-11-1999	Cheq. 4878	Rs. 10800.00		
22-11-1999	By cash		Rs. 24000.00	
29-11-1999	By cash		Rs. 22500.00	

8. That defendants No.1 & 2 acknowledged their liability regarding the amounts payable by them on 31-12-1999, 30-6-2000/31-12-2000 and ' 30-06-2001.

9. That since the defendants had failed to comply with the terms and conditions of the sanction advice and they had not repaid the original outstanding amount as well as markup, therefore, a letter No.BOP/LYY/2000/453 dated 13-10-2000 was sent to defendant No.2 as proprietor of M/s. SABRI Electric Store asking him to pay the outstanding amount within .7 days of the receipt of said letter but the outstanding amount was not adjusted. Ultimately legal notice dated 15-12-2000 was sent to defendant No.2 by Legal Department of plaintiff Bank. In spite of all efforts on the part of plaintiff, the defendants have failed to pay the amounts claimed in this suit. Therefore, the instant suit is being filed.

10. That the cause of action firstly arose to the plaintiff against the defendants on sanctioning of loan and disbursement thereof. Thereafter the cause of action has been continuously going long ago when the defendants flatly refused to liquidate their liabilities.

11. That defendants obtained the loan from plaintiff Bank at Layyah. The loan was disbursed at Layyah. The hypothecated stocks are lying at Layyah, the mortgage property is situated in Layyah. The cause of action has also arisen at Layyah, therefore, this Honorable Court has jurisdiction to adjudicate the said suit.

12. That the value of the suit for purposes of court fee and jurisdiction is fixed as Rs.5,32,152.50 on which amount the plaintiff has affixed a court fee of Rs.15000/- as per law.

#### **4.1.3. Move 3- Arguing the Case (Not Found in Plaints)**

The third move “Arguing the case” is essential part of ‘Appeal Cases’ analyzed by Bhatia, but it is absolutely missing in the plaint letters. My discussions with the lawyers about this section of plaints made it clear that a plaint is just the first process in a lower / session court in nature of an original writ so reference of previous proceedings or judgments is out of the question. so, the absence of this move is justified because the purpose of a plaint is to state facts and not to argue.

#### **4.1.4. Move 4- Pronouncing Judgment (Not Found in Plaints)**

Fourth move identified by Bhatia in *Cases* i.e. Pronouncing Judgment too is missing in plaint letters, and reason is the same nature of the document to focus on stating the facts only.

##### **Proposed Moves:**

The comparison of move structures of cases (Bhatia) and plaint letters clearly show the overlap of first two moves in the same order. Bhatia Moves 3 and 4 could not be found in plaint letters but some other moves do exist in a certain order to perform certain discursive functions. Because no on record examination of plaint letters in Pakistani context was found, I must present and name these move uniquely associated with the plaints.

#### **4.1.5. Proposed Move 1 – Claiming the Relief**

After establishing the facts the aid of court is invoked by claiming Relief. This forms the *third move* in a Plaint Letter and I call this move ‘Claiming the Relief’. This move is signaled by a heading “Prayer”. This move comprises different paragraphs of varying lengths and in almost all plaints used for this study these paragraphs are usually formed by one long sentence. The paragraphs are numbered / alphabetized and each starts with “That”.

##### **Prayer:-**

In view of the above, it is respectfully prayed:

A.

That a decree of Rs.5,32,152.50 ( as on 31-1-2002) along with markup @ 52 paisas per thousand per day plus 20% liquidated damages till realization be passed in favour of plaintiff bank and against the defendants jointly and severally with costs of the suit.

B. That cost of funds of the plaintiff bank may also be awarded from the date of default till the date of realization as provided in Section 3 of the Financial Institutions(Recovery of Finances) Ordinance.2001. :

C. That an interim' decree for Rs.5,32,152.50 ( as on 31-1-2002) along with markup @ 52 paisas per thousand per day plus 20% liquidated damages till realization be passed in favour of the plaintiff bank and against the defendants jointly and severally with costs of the suit.

D. That the decree as prayed for be ordered to be executed by sale of the mortgaged properties and the hypothecated stocks.

E. That if the decretal amount remained unsatisfied by sale of mortgaged properties and hypothecated stocks, that may be ordered to be recovered by attachment and sale of other personal assets of defendants and by way of arrest and detention of Judgment Debtors in civil prison till full and final payment.

F. That any other relief(s) which this Honorable Court may deem fit and proper under the circumstances of the 'case may also be paid.

#### **4.1.6. Proposed Move 2- Referring to the Lawyer**

After claiming the relief the plaintiff puts forward the name of the lawyer who *will* pursue his/her case. I identify this part as fourth move and I name it 'Referring to a Lawyer'. (Name of the lawyer has been changed for privacy reasons). This move is signaled lexically using the word "THROUGH".

THROUGH:  
Muhammad Hasnain Abbas,  
Advocate High Court,  
803-A District Court; Multan

#### 4.1.7. Proposed Move 3- Verifying the Plaintiff

Each plaintiff ends with VERIFICATION. The function of verification is to state that the contents of the plaintiffs have been verified on oath. Verification is necessary to avoid trivial cases and to save the time of the court. This, though very brief but, should be dealt as a separate independent move because it performs a function different from the previous one and cannot be a continuation of the Proposed Move 2. I name this move “ Verifying the Plaintiff”.

VARIFICATION:  
Verified on oath at Multan this\_day of  
June\_2002 that the contents of paras 1 to  
9 and the prayer are correct to the best of  
my knowledge whereas the rest of paras 10  
to 12 are correct to the best of my belief.



A comparison of the sequence of moves in cases (Bhatia, 1983) and plaintiffs will also be helpful in recognizing a hierarchical discursive structure of the two legal genres. (In the right column PM stands for Proposed Move.)

**Table 1.** Sequence of Moves in Cases (Bhatia) and Plaints

<b>Sequence of Moves in Appeal Cases (Bhatia)</b>	<b>Sequence of Moves in Plaintiff Letters</b>
1- Identifying the case 2- Establishing the facts 3- Arguing the case 4- Pronouncing judgment	1- Identifying the case 2- Establishing the facts > <i>Description of paid and due balance</i> PM 1- Claiming the Relief PM 2- Reference to the lawyer PM 3-Verifying the plaint

Here is quick review of the findings of this study.

**Table 2.** A review of the findings

<b>Moves</b>	<b>Moves identified by Bhatia in Legal Appeal Cases</b>	<b>Bhatia’s Moves identified in Plaintiff Letters</b>	<b>Bhatia’s Moves not identified in PLs</b>	<b>The Proposed Moves for Plaints</b>
1	Identifying the case	 (same move in detailed style)		
2	Establishing			Sub-move:



	facts of the case			<i>Describing the paid and due balance</i>
3	Arguing the case		✓	
4	Pronouncing judgment		✓	
PM-1				Claiming the Relief
PM-2				Referring to the Lawyer
PM-3				Verifying the Complaint

## 4.2. Stylistic Analysis of Complaint Letters

According to Davy and Crystal (1969) through linguistic analysis of language we can describe the patterns which differentiate varieties of a language from each other. The following linguistic analysis of complaint letters is done mainly in accordance with Davy & Crystal's approach with some references to Bhatia as well.

### 4.2.1 Vocabulary

The vocabulary used in legal English has always been a matter of concern for the learners to master and for teachers to deliver. Interviews and discussions with the law experts reveal that the lawyers have to choose the "notorious" vocabulary items conventionally even when they themselves would like to prefer using simpler or contemporary expressions. These "dead and deadly words" (Mellinkoff, 1992) can be traced to Latin, French, and German prevail legal discourse. The PLs under

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study are strewn with such vocabulary items, for example, *For and on behalf of, with effect to, et al, prior to, in personam, forthwith, schedule, signed, henceforth, jurisdiction to adjudicate terms, subject to, sanctioned vide advice contract, hypothecation of stocks, sheweth, elated, thereon etc.*

Such vocabulary items augment the language learning problems of the students of Law in Pakistan who are already struggling even with general English. Another characteristic of the choice of words in plaints is a free use of local lexical items are used freely. Most such words are nouns and are used to eschew any misinterpretation of the content and so minimizing ambiguity and maximizing clarity of the message with the help of well-established local terms and concepts. It also emphasizes the fact that even very formal documents are shaped by the socio-cultural contexts in which they are written (Bhatia, 2004). Here are some examples from the plaints. “Mohallah, 18-Marlas, Iqrar Nama, Khata, Paisa.”

#### **4.2.2 Bare Use of Punctuation**

Period (.), comma (,) and parenthesis are the only punctuation marks used in plaint letters. Here is a typical example from a plaint letter, of a long sentence that has just one punctuation mark, full stop.

Example:

That the cash Finance facility was chargeable 55 paisas per thousand per day and it was to be adjusted on or before 31-05-99 but the defendants have not paid the principle amount as well as markup within the stipulated period.

Parenthetical expressions are much common and frequent for these reasons:

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- a) Give detail of the preceding fact/ information, aiming at totality of the information;
- b) Eliminate the chances of wrong and unwanted interpretations.

Example:

“Even the margin for the guarantee No 91/49 issued on 10.07.1991 (subject matter of this case was defrayed towards the payment of guaranteed and a sum of RS. 57,000/-) is in balance and the plaintiff has already filed a suit No. 61/1992 in this honorable court for the recovery of guarantee amounts paid to above companies which is fixed for 13.04.1991(copy of plaint is attached )”

#### 4.2.3 Length of the Sentence

Sentences used in Plaintiff letters are longer than those used in common speech. Most of the short paragraphs are formed by single sentences each.

Example:

“Therefore the plaintiff bank as it was bound under the terms of guarantee had to pay the amounts shown in above table aggregating to Rs.5.000 Million to the respective companies under intimation top defendant company after defraying the margin held by the plaintiff bank in the shape of cash and fixed deposit receipts.”

#### 4.2.4. Passive Voice

The plaintiff letters under analysis use passive voice profusely. The frequent use of

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passive voice aims at giving an impartial impression about the stated facts. One such sentence from plaint letters is given below.

Example:

“The details of finance availed by defendants no. 182 and the amounts paid by them and the balance due against them (principal amount and mark-up) are given below as required by subsection 3 of Section 9 of the Finance Institutions (Recovery of Finance) Ordinance 2001 are given below...”

#### 4.2.5 Less Use of Pronouns

I found bare use of pronouns in the PLs. Repetition of nouns are preferred where undesired interpretation can be the epiphenomenon of using pronouns.

Example:

Defendants No.5 to 9 also mortgaged their properties as security for their liabilities of defendants No. 1 to 5. Defendant No.1 had still has his account in his name at Alipur branch of the plaintiff Bank.

#### 4.2.6 Capitalization

Two different uses of capitalization were observed in the language of plaint letters. One, lexical items of factual importance are always started with capital letter to make such words stand out because of their importance. For example:

*Rs.5,000 Million, Cash Finance facility, Residential house, Manager, plaintiff*

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*Bank.*

Two, major part of Move 1 awhole paragraph about the *type and nature of the case* is capitalized e.g. this feature was common in all the PLs under study.

Example:

SUIT U/S 9 OF THE FINANCIAL INSTITUTION (RECOVERY OF FINANCE) ORDINANCE, 2001 FOR THE RECOVERY OF 5,32,152.50 (AS ON 31-1-2002). ALONGWITH FURTHER MARKUP @ 52 PAISAS PER THOUSAND PER DAY PLUS 20 % LIQUIDATED DAMAGES TILL REALIZATION FROM THE PERSONS AND PROPERTIES OF DEFENDANTS AND PLEDGED / HYPOTHECATED STOCKS. PLUS COST OF DEFAULT TILL THE DATE OF REALIZATION AS PROVIDED IN SECTION 3 OF THE FINANCIAL INSTITUTIONS (RECOVERY OF FINANCE) ORDINANCE, 2001.

#### **4.2.7 Paragraphing**

I found excessive use of paragraphs in plaint letters. The paragraphs in plaints under study are numbered or marked by alphabets for easy reference and to show the logic progression of the case. For reference 2nd Move in the preceding section dealing with ‘Moves Structure’ can be seen. While analyzing sixteen copies of the plaints, I found an average number of thirteen paragraphs in each document, the minimum number of paragraphs being twelve and the maximum twenty three. The purpose is to deal each distinguished point separately and exclusively.

#### **4.2.8 Nominal Expressions**

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Legal language is highly nominal and results from avoiding the use of pronouns. The impersonal construction creates an impression of objectivity and authority (Tiersma, 1999). Such expressions are common in the recovery suit complaints.

Example:

“Those defendants obtained the loan from plaintiff bank in Layyah. The hypothecated stocks 'are lying at Layyah. The mortgaged property is situated in Layyah. The cause of action has also arisen in Layyah....”

Use of "binominals" and "multi-nominals" ,synonymous and near-synonymous, are also found common in the plaint letters focused by this study.

Example:

“Full and final”, “terms and conditions”, “jointly and severely”, “things and acts”

#### **4.2.9 Use of Qualifications**

Use of qualifications is very important in legal genre. Qualifications are added within the main clausal structure and represent the cognitive structuring of the text and facts. In legislative provisions cognitive structuring displays a characteristic interplay of

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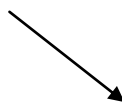
main provisionally clause and the qualifications inserted at various syntactic openings within the structure of the sentence (Bhatia, 1982). Here are two examples of Qualifications, from the plaint letters of recovery suits, in the fashion of Bhatia:

**Figure 1: Example 1 of use of Qualification**

**Provisionary clause**

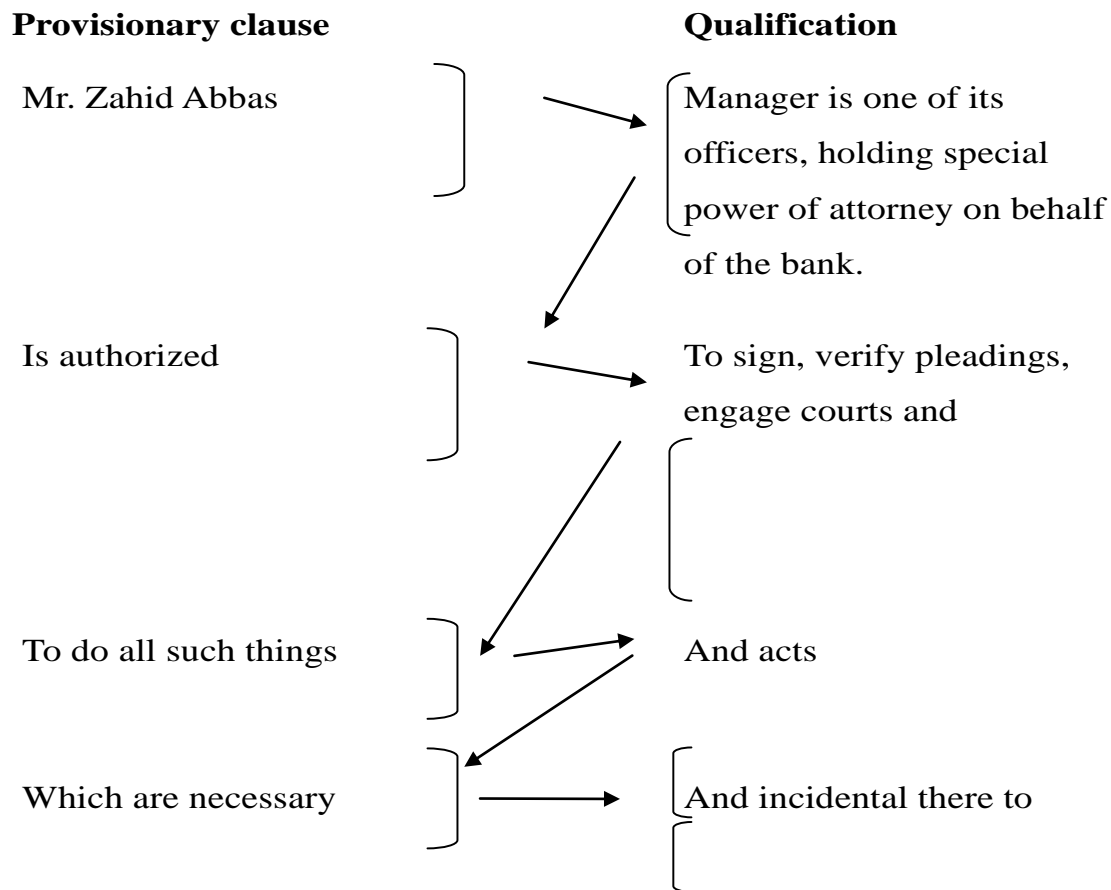
**Qualification**

That the plaintiff is a banking institution established under the bank of Punjab Act 1989



Having its head office on 7-Egeter Road, Lahore, with regional office at Nusrat Road, Multan.  
With its Alipur branch at Ali pur, district Muzaffararh

**Figure 2: Example 2 of use of Qualification**



## 5. Discussion and Conclusion

This study is an attempt to analyze the moves structure and linguistic features of Plaintiff Letters of Finance Recovery Suits to serve the purpose of genre based teaching of legal English in Pakistan. Language in India [www.languageinindia.com](http://www.languageinindia.com)

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After analyzing sixteen complaints, I come to conclusion that the language of complaints has a unique move structure and pattern of linguistic features which persists in all the understudy complaints.

Out of four moves found by Bhatia in *Cases*, two moves exist in the complaints too i.e. ‘Identifying the case’, and ‘Establishing facts of the case’. The first move ‘Identifying the Case’ differs in its structure but performs the same discursive function in complaints as in *Cases*. The third and fourth moves identified by Bhatia in *Cases* i.e. ‘Arguing the Case’, and ‘Pronouncing Judgment’, respectively, are not present in the complaints. This study identifies three more moves in the discourse of complaints. As no study has been conducted on genre of complaints in Pakistan, I find it compulsory to suggest names for these identified moves. The proposed names for these three moves are: ‘Claiming the Relief’, ‘Referring to a Lawyer’, and ‘Verifying the Complaint’, details of which are given in section 4.1 of this study.

Moves in the PLs are not cyclic in nature, unlike Bhatia’s moves in *Cases*; rather they must adhere to the given slots for clarity and cohesion. This would be the order of moves in complaints: Move 1, Move 2, Proposed Move 1, Proposed Move 2, and Proposed Move 3.

The stylistic analysis of the complaints mainly draws upon the description of stylistic analysis by Crystal & Davy (1969), and puts forward the examples of the specific use of linguistic features in the genre of complaints. Keeping lines with Crystal and Davy’s (1969) view that stylistics analysis can be done in the lexical, grammatical, syntactic and semantic criteria, this study has presented its observations on vocabulary, use of punctuation, length of the sentence, passive voice use of pronouns, capitalization, paragraphing, nominal expressions, and use of qualifications in the complaints.

The above findings convince that if writing of complaints is taught through the concept of moves, their construction and order, and through identifying the unique use of

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linguistics features, students will grasp and master the skill of writing complaints more efficiently. Though ESP is not a new concept in Pakistan, a genre based teaching of professional English is not a common concept in colleges and universities here. English being the language of courts, the law students must be efficient in drafting legal documents which they cannot be if they are taught with conventional way of lecturing and parallel translations. Hopefully the teachers dealing with the courses on legal English will find this analysis useful to design tasks and activities deemed to be productive of the desired results.

It must be stated here that the focus of the study is limited to professional context and does not touch upon the inter-discursivity (Bhatia: 2004) of the written documents. Also some rough drafted (by new lawyers) complaints were examined to categorize the kinds of language errors to better understand the causes of the writing difficulties, but this will be dealt in a different study. The study optimistically believes that a pedagogical implication of this study will ameliorate the outcomes of the teaching process to help law students stepping into the practical profession with more confidence, and that future studies will find this article helpful to explore and examine other genres of legal English in Pakistan, for pedagogy or some other area of utilization.

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## References

- Bhatia, V. (1983). *Applied Discourse Analysis of English Legislative Writing*. Research Report. Birmingham.
- Bhatia, V. (2004). *Worlds of Written Discourse: A Genre-Based View*. London: Continuum.
- Bhatia, V. (1993). *Analyzing genre: Language use in professional settings*. London: Longman.
- Crystal, D., & Davy (1997) *Investigating English Style*. Harlow: Longman.
- Dámová, P. (2007), The Language of Law-A Stylistic Analysis with a Focus on Lexical (Binomial) Expressions (unpublished thesis). MASARYK UNIVERSITY, BRNO.
- Mellinkoff, D. (1963). *The Language of the Law*. Boston, Little: Brown & Co.
- Mellinkoff, D.(1992). *A Dictionary of English Legal Usage*, xx, West Publishing Company.
- Swales, J. (1983). *Developing materials for writing scholarly introductions*. In R Jordan (Ed.) *Case Studies in ELT*. London: Collins ELT.
- Swales, J. (1990). *Genre analysis: English in academic and research setting*. Cambridge: Cambridge University Press.
- Swales, J. (2004) *Research Genres: expectations and applications*. Cambridge: Cambridge University Press.
- Language in India [www.languageinindia.com](http://www.languageinindia.com)  
12 : 10 October 2012  
Shagufta Jabeen, M.Phil., LL.B.  
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Tiersma, P. (1999). *Legal Language*. Chicago: University of Chicago Press.

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