

UNDERSTANDING MOVE STRUCTURE AND LANGUAGE IN URDU PLAINT LETTERS OF FAMILY LAW SUITS: IMPLICATIONS FOR LEGAL PROFESSIONALS

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Abstract -The research aims to analyze the structure of Urdu Complaint Letters, specifically focusing on family law suits. A complaint letter is a legal document submitted to a court, which serves as a statement of facts. It explains the grounds and justifications for the action sought by the plaintiff or claimant. The purpose of a complaint is to seek assistance from the court and initiate a civil suit. Following the methodology introduced by Bhatia (1983), the complaints are categorized into four moves: identifying the case, establishing facts of the case, arguing the case, and pronouncing judgment. The study examines the presence and order of these moves in Urdu complaints and proposes three additional moves based on observations. To validate the findings, complaint letters collected from legal professionals are compared with those provided in a book of legal drafting published by Honey Publishers, Multan, known for its Urdu translations. Notable differences are observed in the placement of the subject of the suit, with the book's complaint letters typically positioned at the top of the page, while the lawyers' complaint letters place after court details and parties' names. Additionally, the book's complaint letters include headings, whereas the lawyers' complaint letters do not. These findings shed light on the structural variations between complaint letters intended for student comprehension and those designed for professional submission in court. The research contributes to a better understanding of the structure and communication purposes of Urdu complaints, offering pedagogical insights for learners, teachers, and users of legal discourse.

Key words: legal discourse, Urdu complaint letters, move structure, genre analysis

1. INTRODUCTION

English is the language of law in Pakistan, and all laws are written in English. To become a lawyer in Pakistan, one must complete five years of professional legal education in which the courses are taught in English. One of the courses included in the law degree program is legal drafting, which teaches students how to write legal documents. However, students who enroll in law colleges come from various backgrounds and may have differing levels of exposure to the English language. Despite having studied law in English for five years, new lawyers may find it challenging to draft legal documents when they start practicing professionally. One of the reasons for this difficulty is that new lawyers may witness legal documents being drafted in Urdu, which is the language used in lower courts where they initially practice, even though they were taught legal drafting in English during their law degree program.

In Pakistan, it is common for new lawyers to spend several months with senior lawyers to learn how to draft and understand legal documents, including complaints. A complaint letter is the first step in the judicial process in Pakistan, invoking the help of the court and presenting an issue requiring legal resolution. It is a statement of facts presented to the civil court, explaining the reasons for the action to be taken by the plaintiff, and is used as a tool to obtain help from the court, aiming to



initiate a civil suit. A complaint must always be in writing and written in legal language, making it crucial for practicing lawyers to be able to draft one correctly. This study aims to analyze the genre of Urdu complaints for pedagogic purposes.

2. LITERATURE REVIEW

Effective communication is essential in any profession, and genre analysis can help identify the unique linguistic features and patterns specific to a particular discourse community. Swales (1990; 2004) and Bhatia (1993) advocate for genre analysis as a means to identify the language skills required in a profession and to train learners to be efficient communicators in their workplace. In this way, genre analysis can help bridge the gap between language and profession, and help learners develop the necessary language skills for effective communication in their respective fields.

Each profession requires a different level and area of communication skills, and the best linguistic techniques and style for one profession may not be suitable for another. Therefore, a genre-based approach can help identify the specific linguistic features and patterns that contribute to the genres unique to each professional setting (El-Dakhs, 2018). For example, medical professionals use specific medical terminology, while legal professionals use legal jargon. By analyzing the language used in different professional settings, genre analysis can provide insights into the linguistic patterns and features unique to each profession.

Swales' (1981) research on communicative moves in research articles has a significant impact on the teaching of English for Specific Purposes. He identified four basic moves in research article introductions and later refined them into a three-move model, CARS (Create a Research Space). By focusing on the communicative moves within a genre, Swales' research provides a framework for understanding the purpose and structure of different genres. This can help learners develop the necessary skills to communicate effectively within a specific genre, such as research articles.


Mellinkoff (1963) identified the patterns that characterize the style of legal texts, highlighting the importance of legal language knowledge for lawyers and law students. Genre analysis is a useful means of identifying the unique linguistic features and patterns that contribute to professional genres and training learners to be effective communicators in their workplace. Adopting a genre-based approach to teaching professional discourse can provide students with the necessary genre skills and knowledge to succeed in their profession. By analyzing the communicative moves, linguistic patterns, and features unique to different professional genres, genre analysis can help learners develop the necessary skills to communicate effectively within their respective fields.

There has been limited research on complaint letters in legal discourse. Shagufta Jabeen (2012) analyzed complaint letters of recovery finance suits of English complaint letters in the Pakistani context. She proposes moves for the complaint letters of the suits of civil nature or suits related to civil law. However, there has been no analysis of complaint letters in the Urdu language. As such, the proposed study will contribute to the new literature on the analysis of legal genre in Urdu language, and provide insights into the moves structure and language used in complaint letters written in Urdu. Bhatia's moves analysis of appeal cases (1983, 1993) provides a benchmark for analyzing the genre of Urdu complaints in this study. Therefore, understanding why legal documents are written the way they are, can increase self-confidence and sensitivity to the use of legal genres, making genre skills essential for young law. By using Bhatia's moves analysis, this study can provide insights into the linguistic features and patterns unique to Urdu complaints of family law suits.

Hassan et al. (2023) investigated the contract structure of production sharing agreement by international oil company in exploration of petroleum resources in developing countries to explore the genre specific features.

3. THE CURRENT STUDY

This research aims to conduct an analysis of the moves structure and language used in Urdu complaints, and to provide the results of the analysis for pedagogical purposes to assist learners, teachers, and users of legal discourse. The study aims to address the following questions:

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1. To what extent is Bhatia's proposed Move structure applicable for the analysis of the language used in Urdu plaint letters?
 2. What discursive functions do each move in move structure serve in family suit plaint letters in Urdu language?
 3. What is the overall move structure of family suit plaint letters in Urdu language?

4. METHODOLOGY

This study is based on plaint letters collected from four lawyers from District & Session Courts Multan, comprising two senior and two junior lawyers. Ten trainee lawyers were interviewed to gather insights into the challenges they encounter while drafting plaints in Urdu. The interview questions revolved around their law degree duration, exposure to plaint drafting course during their law degree, language of instruction for legal document drafting, and the specific difficulties they face when drafting plaints in Urdu. The responses provided by the majority of the students shared a common theme. They mentioned that the duration of a law degree in Pakistan is typically five years. During their legal education, they were taught legal drafting, but it was primarily focused on the English language. The trainee lawyers found drafting plaints in Urdu challenging because they did not receive sufficient training in Urdu plaint drafting during their time at law colleges. Additionally, opinions were sought from senior lawyers on how to equip junior or trainee lawyers with good legal drafting skills to help them grow in the profession.

Twelve random samples of plaints for family suits are selected from lawyers' offices, and collected from three sources to ensure authenticity and variation: two senior lawyers, one trainee lawyer, and one junior lawyer. Senior lawyers are those with a minimum of ten years of standing in the legal profession, while trainee lawyer refers to fresh law graduates who have not yet received the Bar Council's license, and junior lawyers have one year of practice experience. To protect client privacy, personal information such as the names of the parties are removed before analyzing the plaints. The plaints are thoroughly analyzed and Bhatia's Move structure is applied to identify the moves used in the plaints and their communication purposes. In our research, the first two moves, namely identifying the case and establishing the facts, are present in family suit plaint letters, whereas the other two moves, arguing the case and pronouncing judgment, are absent. The reasons for the absence of these moves are discussed in detail below.

5. MAJOR FINDINGS

Our study aims to analyze the structure of Urdu Plaint Letters, specifically those related to family law suits. We have adopted the methodology introduced by Bhatia (1983) which involves categorizing plaints into four separate moves. These moves have been previously identified by Bhatia during the examination of Appeal Cases and include: Identifying the case, establishing facts of the case, Arguing the case, and Pronouncing judgment. Our analysis focuses on observing the presence or absence of these moves in Urdu plaints, following the order presented by Bhatia. By examining the structure of these legal documents, we hope to gain insight into how they are written and how they can be effectively used in legal discourse.

5.1 The Move Analysis of Urdu Plaint Letters

This study seeks to analyze four moves proposed by Bhatia in the analysis of Appeal Cases. We have applied Bhatia's four moves i.e., Identifying the case, establishing facts of the case, Arguing the case, and Pronouncing judgment, on family suit plaint letters written in the Urdu language.

5.1.1 Move 1-Identifying the Case

Bhatia uses the example of "Roles V. Nathan Court of Appeal [1963] 2 all Er. 908" to illustrate the first move in cases. This move is the first in the sequence. However, in Urdu plaints of family suits, the first move is not as brief. The name of the court is present on the top of the first page in bold form, followed by detailed information about the parties involved in the case, and an account of the nature of the suit.

In an Urdu plaint letter, the first move serves an introductory purpose and consists of several key elements. The Urdu phrase "نوع الت جہاب نومہای نورث جج، ملہان" represents the name of the court in which

the plaint is being presented. The Urdu phrase "2023 -----" represents the suit number and its type. Detailed information about both the parties including their names, place of residence, caste, and profession is also present in this move. To summarize, Bhatia has identified the first move in legal cases, which is also present in plaints. In Urdu plaints for family suits, the first move is more detailed and serves an introductory purpose, and includes the following components:

1. the name of the court,
2. the type of suit and its number,
3. the details of the plaintiff,
4. the details of the defendant,
5. subject of the suit

This move is given in the plaints in following manner (For the convenience of the readers we have translated Urdu version into English language).

تعداد الت جناب نوری کورٹ جج، ملتان

سزولی ہجرتہ و جش 2023

راجہ ذرخش دتتر ، رات ہزل، عکہ شہد سکی عجلن کلباوی ہلبی

ہذعہ نیم

تتہ۔ نڈگل۔م، رات ہزل عکہ ہعصم شہد سزولی ہلبی ہذعہ

دعی اعیناس حق غبت نڈغوخ کدح ہذعہ موثرہ ہذعہ عرہ نڈ نڈبے حق خیس الہلغ

Translation

IN THE COURT OF FAMILY JUDGE MULTAN

Suit Case No. _____ 2023

ABC daughter of XYZ, cast Mughal, resident of Shah Rukn e Alam colony, Multan. **(Plaintiff)**

Versus

DEF son of MNO, cast Mughal, resident of Masoom Shah Road, Multan. **(Defendant)**

Suit for the dissolution of marriage in the exercise of the right of option of puberty

5.1.2 Move 2-Establishing the Facts

The second move, as identified by Bhatia, is present in the plaints examined in this study. After the identification of the case (first move), the facts are presented in sequential order through a series of paragraphs starting with the Urdu word "تہ کہہ" which means "that". These facts provide crucial information about the events that led the plaintiff to seek legal compensation or redressal for their grievances. They also describe details about the parties involved, causes of action, and important dates and places. This section of the plaint letter requires careful crafting to effectively achieve the desired objectives of obtaining compensation or redressal for the wrong committed. Each paragraph in this section can be considered a step of this move, with some steps being optional while others are obligatory steps. The steps that are present in every family suit plaint letter are referred to as obligatory steps. The following steps can be considered obligatory steps of this move by analyzing the plaints:

1. important dates and events
2. defining Jurisdiction or territory
3. cause of action for the suit
4. court fees

missing in the plaint letters. Our discussions with a senior lawyer i.e., Waseem Khan Babar (Advocate High Court) former president of District Bar Association Multan about third move's



نصذوق
 مہرانت شہال 1 تا 5 ہیشے علن عے اَس 6 اَس 7 ہیشے نوزی عے صحیح ّ دس عت ہں۔
 نصذوق نوربم ملندی

Translation

Verification:
 Verified that paragraphs 1 to 5 are correct to the best of my knowledge and the paragraphs 6 to 7 are correct to the best of my belief.
Verified in Multan.

5.1.6 Proposed Move 3 - Appointing the counsel

After requesting for relief, the plaintiff specifies the name of the lawyer responsible for pursuing their case. In other words, Plaintiff appoints a lawyer in their behalf to represent the plaintiff in the court as his counsel. We refer to this move as "Appointing the counsel". This move is given in the plaints in following manner (For the convenience of the readers we have translated Urdu version into English language).

ا۔ جذخنش دڈر
 ٹیسز عہ : عین خہی نیش ایڈوکیٹ ہیئ کسٹ ملندی
 عہٹ وچس 152 ، اڈ ٹالک ، ضلع کچھشی ، ملندی
 دعخط مدعزہ: ا۔ جذخنش دڈر

tion

daughter of X.Y.Z
h:
 n Khan Babar
 Advocate High Court
 Seat #152, Old Block, District Court, Multan.

Table 2 given below shows the overall move structure of Urdu Plaint Letters of family law suits.

Table 2. Overall Move Structure of Urdu Plaint Letters of Family Law Suits

Sr.	Moves in Urdu Plaint Letters of Family Law Suits	Obligatory Steps:
1	Identifying the case	the name of the court, and the type of suit and its number, and the details of the plaintiff, and the details of the defendant, and subject of the suit
2	Establishing facts of the case	important dates and events and defining Jurisdiction or territory and cause of action for the suit and court fees

مورخہ 01-12-2014

نصذوقی نوؤیم عاری ہس ہس خہ 01-12-2014 حابندئ ٹریبی کشنی ہس کہ جولہ مضوقی عٹضی دعوئی ہس عٹن، یوزوی اس عٹبت عے دس عت اس صرح ہس۔

العٹد

ہ غوبج بیعوزی نی نی

Translation**Suit For Jactitation of Marriage**

In The Honorable Court of Judge, Family Court, Tehsil Ali Pur, District Muzaffar Garh
Mst. Yasmeen Bibi D/O Babur by caste Baloch R/O Sadat Colony Ali Pur, District Muzaffar Garh

Plaintiff

Vs

Mr. Shahid Ameer S/O Rana Ameer by caste Rana R/O Multan Road Ali Pur, District Muzaffar Garh

Defendant

Respectfully Sheweth:

That plaintiff is though major Muslim, yet she has not married to anyone.

That defendant is plaintiff's relative. It has been revealed to plaintiff that defendant is claiming that plaintiff is his wife. In fact, he is saying everywhere that marriage has been solemnized between him and plaintiff on 12-01-2014.

That defendant's above said claim is not only against facts, but also against wishes of plaintiff. Defendant is a man of bad character. In fact, defendant used to various immoral activities like drinking, gambling and whoredom. Therefore, plaintiff has never liked him and has never intended to marry him.

That plaintiff has directly and indirectly made repeated requests to defendant not to claim her as his wife, but defendant has initially remained reluctant and has now refused to do so two days ago. Hence, this suit.

That cause of action arouse in favor of plaintiff and against defendant two days ago. when defendant's final refusal came.

That both the parties reside and cause of action has also arisen within local limits of honorable court. Therefore, honorable court has jurisdiction to try this suit is being filed.

That court fees have been accomplished in accordance to law.

Prayer

Under above-mentioned circumstances, it is humbly prayed that this suit for jactitation of marriage along with cost may kindly be decreed in favor of plaintiff and against defendant by declaring that plaintiff is not wife of defendant and by restraining defendant from claiming plaintiff as his wife.

Humble Plaintiff

Mst. Yasmeen Bibi

Through Counsel

Imran Khan Baloch

Advocate High Court

Date: 01-12-2014**Verification**

It is verified on oath at Ali Pur, this 1st day of December, 2014 that contents of sentences of plaint are true and correct to best of my knowledge, information and belief.

Deponent

Mst. Yasmeen Bibi

There is a difference in the placement of the subject of the suit between the plaint letters provided in the book and the ones collected from legal professionals. In the book's plaint letters, the subject of suit is typically written at the top of the page. However, in the plaint letters obtained from professionals in the legal fraternity, the subject of suit is usually written after the name of the court, suit number, and the names of the parties. This variation in the placement of the subject of suit is observed when comparing the plaint letters sourced from the book and those gathered from legal practitioners.

The plaint letters provided in the book do not feature the heading "سولوی ہفدہ ُ وچس" (Family Suit Number), whereas the plaint letters collected from lawyers consistently include a specific suit number associated with the family case. This distinction is observed between the two sources of plaint letters.

The second move, "establishing the facts," demonstrates a similar structure in both the plaints from the book and the collected samples. Additionally, the majority of the proposed moves can be found in the book's plaints as well. However, there is a difference in the arrangement of these moves, as they are placed differently in the book's plaints compared to the plaint letters gathered from lawyers. It is important to note that the plaint letters in the book are accompanied by proper headings, whereas the plaint letters obtained from lawyers lack such headings. In response to this observation, the former president of the District Bar Association, Multan, explained that the plaint letters in the book are primarily intended to facilitate students' understanding and are not specifically crafted for professional submission in a court of law. As a result, the plaint letters drafted by lawyers do not typically include headings.

7. DISCUSSION & CONCLUSION

In conclusion, our study focused on analyzing the structure of Urdu Plaint Letters, specifically those related to family law suits. Adopting Bhatia's (1983) methodology, we categorized the plaints into four moves: identifying the case, establishing facts of the case, arguing the case, and pronouncing judgment. Our analysis revealed that in family suit plaint letters, the first two moves of identifying the case and establishing the facts were present, while the other two moves of arguing the case and pronouncing judgment were absent. Additionally, we proposed three additional moves, labeled as "Requesting for compensation or redressal, taking liability of content of the plaint through attestation by the plaintiff and Appointing the counsel" based on our observations of Urdu plaint letters. These moves aimed to further enhance the understanding of the structure and communication purposes of Urdu plaints.

To validate our findings, we compared the plaint letters collected from lawyers with the plaint letters provided in a local book of legal drafting published by Honey Publishers, Multan. We

observed that there were differences in the placement of the subject of the suit between the book's plaint letters and those obtained from legal professionals. The book's plaint letters typically placed the subject of the suit at the top of the page, while the lawyers' plaint letters positioned it after the court name, suit number, and parties' names. The plaint letters provided in the book do not feature the heading "سولی مقدمہ ٴوپش" (Family Suit Number), whereas the plaint letters collected from lawyers consistently include a specific suit number associated with the family case. This distinction is observed between the two sources of plaint letters. Furthermore, we noted that the book's plaint letters included proper headings, while the lawyers' plaint letters did not. These observations highlight the variations in structure and formatting between the book's plaint letters, which were designed for student comprehension, and the lawyers' plaint letters, which were crafted for professional submission in a court of law.

Overall, our research provides valuable insights into the structure of Urdu Plaint Letters in family law suits. By applying Bhatia's move structure and proposing additional moves, we contribute to the understanding of the language and communication purposes within Urdu legal discourse. These findings can serve as a pedagogical resource for learners, teachers, and users of legal discourse, facilitating a better grasp of drafting effective and appropriate Plaint letters in the Urdu language as project based learning is also supported by Belwal (2020).

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