



## Good Law or Bad Law? Need for General Principles on Plain Urdu Translation of Legislative Documents in Pakistan

<sup>1</sup>Amna Anwar, <sup>2</sup>Hazrat Umar

<sup>1</sup>PhD Scholar, Department of English, Graduate Studies, National University of Modern Languages, Islamabad, [amna.anwar344@gmail.com](mailto:amna.anwar344@gmail.com)

<sup>2</sup>Associate Professor, Department of English, Graduate Studies, National University of Modern Languages, Islamabad, [humar@numl.edu.pk](mailto:humar@numl.edu.pk)

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\*Corresponding author: (H. Umar)

[humar@numl.edu.pk](mailto:humar@numl.edu.pk)

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### Abstract

The article is written against the backdrop of the plain language movement that made its way to the legal Language almost in the 1970s. Almost all countries work differently to make legal documents readable and understandable for laypersons. The rationale behind the plain language movement in Pakistan is to connect and reach out to the community members the law must serve. Through detailed and careful observation, it is concluded that the Urdu language has no systematic model, principles, or handbook that can wisely analyse the plain patterns in a translated legal text in Urdu (the author deliberately uses translated Urdu as there is no system available for producing independent Urdu legislation in Pakistan). To serve this purpose, the study draws upon Punjab (Pakistan) laws translated from English into Urdu to make them accessible to common readers who can only read Urdu. To introduce plain language markers, the author derives principles from various handbooks, official websites, and articles written and devised by different countries. Based on these markers, the study concludes that 'how' plainness necessarily paves the way for communicating legal knowledge and legal rights preserved through legislative documents.

### Introduction

The Islamic Republic of Pakistan became an independent state in 1947. Since then, the government apparatus has been based upon the legislated law in English because no organization was established, nor were any provisions available to promulgate and officiate the national Language, i.e., Urdu. On the other hand, India, as part of the sub-continent, became an independent state in the same year. Still, due to political stability, India was able to draw policy for their Language. Francavilla (2018) writes on Language and law in the Indian context, as cited below:

The new Indian Republic also had the opportunity to overcome its colonial heritage by adopting an Indian language instead of English as an official language, particularly the Language of law. A remarkable pragmatism characterized the choice made by the Constituent Assembly, and the promotion of Indian languages, especially Hindi, did not lead to a complete rejection of the English language. (p. 435)

The new Indian Republic also had the opportunity to overcome its colonial heritage by adopting an Indian language instead of English as an official language and, in particular, as the Language of law. A remarkable pragmatism characterized the choice made by the Constituent Assembly, and the promotion of Indian languages, especially Hindi, did not lead to a complete rejection of the English language (p. 435).

India and Pakistan share the same cultural vein and social and structural systems. Both are multilingual communities, and this diversity can only be managed through a neutral language option that serves the purpose of lingua franca. After independence, all the English laws were adopted in the new Republic of Pakistan (Hussain, 2015). India could manage the colonial burden by leaping the adoption of their Language as the official Language, but due to troubled political history, not to speak of Language, the state of Pakistan could hardly adopt a constitution in 1973, which is currently under practice. The constitution protects the right to Language by introducing Article 251, which

states that within 15 years, certain arrangements will be made to give Urdu the official language status along with English. This discrepancy between the official and national status of the Urdu language had to be ideally dealt with in the last decade of the 20th century. Still, due to certain constraints, the Language was not given due status until 2015, when the Supreme Court decided for the first time to take the first step towards materializing the idea proposed in the constitution for the preservation of national Language in law.

The present article is written as an extension to the law translation project, which was initiated in 2016 and culminated in 2019. The author was part of the law translation project as a translator and an editor. Research in legal translation and Language of law provided insight into producing plain text in the legal sphere so that the audience can access the texts produced and meant for them. Extensive material is available on 'why' plain Language is important for specialized fields containing legal and scientific knowledge, but 'how' is addressed less as compared to 'why.' Moreover, the Plain English language is widely understood, and multiple studies are available as guidelines for producing plainer English in legal and scientific spheres. In countries like Pakistan, English still enjoys the official language status, whereas the national Language differs from the official Language. It creates an enigma of languages; the Language of legislation is English, whereas the masses read and understand Urdu. This enigma motivated the judiciary to get English legislative documents translated into Urdu.

One of the research articles written in 2014 by a Pakistani civil judge and a research fellow at the University of London concluded that there is neither any possibility nor any utility of producing Urdu translations of legislation in English. The exact words from the article mentioned above are as follows:

It is impossible to produce a plain version of the Urdu legislative text, and even if this goal of plain Urdu legislative text is achieved, the people of Pakistan are likely to derive only some immediate benefit as aspired by the plain language movement. (p. 598)

The present article refutes this claim and writes back by presenting the fact that the Punjab government initiated the project and translated the law into Urdu in 2016. The rationale behind this project was to make laws accessible in Urdu. This project also provides a platform to observe the translation of legislative documents; the author, being part of the project as a translator and editor, observed the translation practice closely. For this study, data on plain language principles has been obtained from secondary sources, i.e., handbooks, websites, articles, reports published by various governments, and audio-visual material available on the concerned matter. The study is divided into two parts: (i) principles obtained from various secondary sources and (ii) applicability or non-applicability of these principles on a parallel corpus of English (S.T.) and Urdu (T.T.) legislative documents. These two studies are then concluded in the final phase, where the plain language principles practiced in legislative document translation are listed. This is a mixed methods study where qualitative means (data obtained from secondary sources) and quantitative means (corpus methodology for analysis) are used to obtain the results.

The figure below shows the organization of the study.

Part I- Principles devised from secondary sources

Part II- Analysis of applicability to Urdu language

Final Study: Principles drawn for plainness in Urdu legislative documents

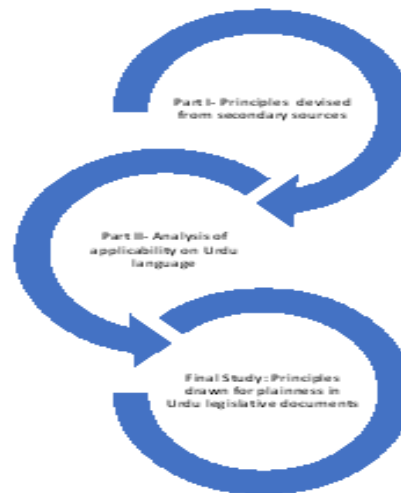


Figure 1. Design for study

The matter of plainness is not taken up seriously in the Pakistani context for three reasons: (i) the Language of legislation is English (the official Language), (ii) It is considered the least important matter to connect the audience for whom the legislation is drafted, and (iii) the masses are not well aware of their right to know about the legislative matters and according to Ministry of Federal Education and Professional Training, Government of Pakistan (2023) adult literacy rate in Pakistan is 62.3 percent which means that estimated 60 million population is unable to reach the legislative documents.

The main contribution of this article is to develop literature about plainness in the Urdu translation of legal Language. It discusses the possibilities and potentialities of switching to Pakistan's national Language and making Urdu translation easy for the public to access. The study is corpus-based, drawing upon the parallel corpus of English (S.T.) and Urdu (T.T.). The analysis section employs translated Urdu works independent of the source text. At some points, source and target texts are analyzed in pairs to clarify translated Urdu.

### **Why is there a need to translate English law into Urdu?**

Law is made for man and not man for the law wherever we can be sure that the most valuable interests of a nation require that we should decide one way; that way, we ought to decide. (William Godwin, n.d.)

When the law is made for man, it seems illogical to forget about the accessibility and readability of the majority in a society. Legal documents are meant to communicate rules and regulations to people on an equal basis; it doesn't have to serve few and leave the rest because they are unable to read the Language in which it is documented. Garner (2001: 91) writes in his practice book 'Legal Writing in Plain English' that the drafters must 'draft for the ordinary reader, not for a mythical judge who might someday review the document.' He laments that most of the drafters keep the judicial reader in mind while drafting any instrument or legislation; since judges have the legal training, they can reach the texts written in a legalistic style, but the ordinary reader must have plain text to understand the rights and duties.

In this context, communication cannot take place unless it is received by the receivers; the sender and receiver must both engage actively for successful communication. The same is the case with law; if it is not communicated to the people for whom it is documented, it has no function to serve at all. Littlejohn and Foss (2009) came up with the compendium of communication theories, which also elaborate theories of communication in a legal context. According to them, there is a symbiotic relationship between law and Language, and the Language of law is a source of expressing and enacting principles and conveying the conduct people should follow in a community.

In the post-partition era, the Urdu language has undergone many reforms and has undergone an evolutionary process. The Language of this day differs widely from the classical version used by the Urdu poets and literary figures in the sub-continent. Urdu-Hindi is widely spoken in the sub-continent and is usually placed on the fourth number after English, Mandarin, and Spanish (Garcia, 2014). Ethnologue treats Hindi and Urdu as coming from the same category and places them under the same family. Urdu is a word that originates from the Turkish Language and means 'a military camp' (Garcia, 2014).

Niranjina (1992, p. 2) remarks on translation as a practice, 'Translation as a practice, shapes and takes shape within the asymmetrical relations of power that operate under colonialism.' These asymmetrical relations are relatable when it comes to translation from English into Urdu language. Translation in the legal sphere is also representative of asymmetry. On the other hand, English literature has been widely translated into Urdu. Even one of the papers, 'The Necessity of Translating Urdu Literature into English: A Plea to Rend the Iron Curtain,' highlights the lopsidedness as there is so much flow from English into Urdu, but Urdu literature translated into English is almost ignored (Uzair, 2017). Legal subject matter should be addressed in translation from English into Urdu, especially the legislative documents. The specialized nature of the legal genre demands it to be reader-friendly because it has to address the commoner. The audience of Pakistani legislation is not English-speaking, so it has to be written in the Language of the commoner in Pakistan who understands Urdu. In this context, Garner's (2001) words can be quoted from his lawyer guidebook: Draft for an ordinary reader, not for a mythical judge who might someday review the document' (p. 91).

### **Part I- Plain Language Movement in Legal Context**

There are many definitions and explanations of the term 'plain language.' Here, we would like to mention some generally agreed-upon definitions to understand the term and what it demands (Garner, 2001). Plain Language is also defined by the Office of Investor Education and Assistance (1998) in their report on business language in the following words:

It does not mean deleting complex information to make the document easier to understand ... A plain English document uses words economically and at a level the audience can understand. Its sentence

structure is tight. Its tone is welcoming and direct. Its design is visually appealing. A plain English document is easy to read and looks like it's meant to be read. (p.5)

1845, when George Coode wrote 'On Legislative Expression,' he proposed that most legal documents could be written in a common and popular structure (Coode, 1845). Francis Bacon is one of the resounding names in the literary circle who influenced writing styles; he was an advocate of 'plain style'; he espoused not only 'plain scientific prose' but also plain style in jurisprudence (Aughterson, 2000). Hence, plainness in legal documents is not a new concept; there has been a long tradition of using plain Language, especially plain English, throughout history. This tradition is very well explained by Garner (2001) in his book; he starts from the year 1842 and mentions the literature till 1997 on the use and necessity of plain Language (pp. 129-30). Reading all these definitions summarizes a few characteristics of plain Language:

1. Common and popular structure,
2. Simplest, fittest, and fewest words,
3. Technical phraseology should be avoided to the best possible levels,
4. Short sentences and ordinary words,
5. Use of straightforward and unentangled means,
6. Precision (p.130).

Considering the above definition, legal Language also needs plainness as it always hints at a specific audience, and it has information for its readers that they need to utilize in their day-to-day matters. Keeping in mind the target audience and desired outcome,

Write with a specific person in mind. When writing the Berkshire Hathaway annual report, I picture my sisters as highly intelligent but not experts in accounting or finance. They will understand plain English, but jargon may puzzle them. I aim to give the information I would wish to receive if our positions were reversed (Office of Investor Education and Assistance, 1998).

The history of plain Language as a concept and ideology can be traced back to the 1300s when Chaucer wrote in a lively and accessible manner. His main aim was to reach out to the commoner instead of the gentry of the ruling class. His aim of plainness is demonstrated in his lines in the *Canterbury Tales*: *Speketh so pleyn at this time, I yow preyre, that we may understand what ye see* (McBeth, 2002, p. 2). Not only did Chaucer write in favor of a common reader, but Francis Bacon, in the late 16th and early 17th century, also introduced the concept of 'plain style' in prose. Not only did these two figures from literary canon mark their influence, but Shakespeare, in the 17th century, advocated reaching the commoner through Language. It is generally heard and read that he was the most difficult playwright whose Language was inaccessible for a person with average linguistic competence. But in *Richard III*, he writes, "An honest tale speeds best being plainly told" (McBeth, 2002, p. 3). The English parliament also passed a law in 1731 stating that the lawyers must write in English and not in French or Latin because the latter set of languages was not understandable to the masses. This tradition was then taken up by various countries in their own ways and reached the 'modern' stage of the plain language movement, which has its roots in Australia, Canada, the U.K., the U.S., and New Zealand (McBeth, 2002).

The features of the plain style are "lack of ornate style; simple syntactic patterns; a logical progression of sentence and meaning; and a preference for well-trying words rather than neologisms: a transparent, trope-free language" (Aughterson, 2000, p. 98). The case of plain style was then pleaded in different genres, particularly in the case of special Language, where the message had to reach its intended audience. This pleading of plain Language and style was then shaped into a movement that gained momentum in the 1970s (Bestey & Bowen, 1986).

Coode (1845) also writes in favor of plain Language and pleads the case by mentioning various examples. According to him, it is always possible to opt for a common popular structure compared to an ornate and knotty style. Garner (2001) mentions Lord Thring, who wrote 'Practical Legislation'; he advises the drafters to avoid Latin words and technical phraseology to be more accurate and clearer (p. 91). (Kimble, 1996-1997) explains that by 'plain,' it never means 'baby talk or dumbing down the language'; instead, it is 'clear and effective communication,' which is the opposite of legalese (p. 1). He further discusses the benefits of plain Language not only for the writer's organization but also for the readers. He says that informed and enlightened lawyers lead the way to plain language reform as they write for their readers. Writing public documents in plain Language needs to go through a process; this process includes testing the writing/document on common readers, improving the structure, which will ultimately improve the substance, and raising the chances of being heard attentively (p. 6).

Kimble's (1996-1997) question, 'Whether writing plain can save money?' is addressed by conducting various studies. Through the U.S. Federal Communications Commission, he came to know that after plain Language, litigation decreased significantly. Moreover, in the Department of Veterans Affairs, a project, 'Writing for Real People,' was

initiated to train the consultants in plain writing. Tests after training proved that the letters written in plain Language also improved content, which proves the adage that good writing improves the content (p. 9). In addition to this, Garner (2001) claims that complexity increases the risk of error in drafting; it also leads to different interpretations, hence proves to be a boon for litigation (p. 92). Plain Language and precision are complementary, as precision unhides whatever is hidden in excessively long stretches of discourse.

Joseph Kimble (1992) wrote another article explaining why the plain language movement is important and its impact on legal writing. The article says that the first Plain English Committee was formed at the State Bar Association in Michigan. The symbolic birthdate of this movement in the U.S. was 1974 when a company simplified insurance policies. President Carter issued an executive order to be 'as simple and clear as possible' in 1978 (p. 2). In the following years, other countries, including the Canadian Bar Association, also passed a resolution in favor of plain Language. Canada has established a center for plain Language in Toronto and an institute of plain Language in Vancouver. Australia has also established a Centre for Plain Language at the University of Sydney; Kimble then concludes the movement by quipping that plain Language is now a part of the culture of law, business, and government (Kimble, 1992, p. 3). Despite this, we still need to catch up on a few matters, especially in psycholinguistics, which addresses the means to communicate, think, and learn.

Dr. Flesch (1946) also writes about plain English and says that lawyers must write in a style other people can understand. He provides three rules for PLAIN English: (i) Plain English is English of eighth and ninth-grade level, (ii) You must know your reader, and (iii) Use the right tone. These rules are critically evaluated by Wydick (1980: 712-13); for the first rule, he says that some lawyers say that the legal ideas are too complicated to be expressed in eighth or ninth-grade English. He even presents his objection to the second rule, which is not aligned with the first one. If one has to write in eighth and ninth-grade English, then knowing about the reader makes no sense (p. 712). Flesch Readability Formula is the most popular among other proposals; this formula is based on two different premises: (i) short words are easier than long ones, and (ii) similarly short sentences are more easily understood than long ones. To apply his formula to some passages, one has to follow these steps:

- Count syllables, words, and sentences
- Find the average number of syllables per word
- Find the average number of words per sentence
- Apply the formula by using this equation: Readability Score = (average sentence length x 1.105) + (average length of words x 84.6) (Wydick, 1980, p. 714).

Moving further, Kimble (1996-97) provides the writers with some practical guidelines; the following lines show some of them:

- a) Document design should be well managed (length of line, white space, and typeface)
- b) Division of long sections into shorter ones brings more clarity
- c) Use lots of headings and try putting questions in headings
- d) Logical sequence
- e) Give an executive summary at the beginning
- f) Use examples, tables, and charts
- g) Omit unnecessary details
- h) Avoid passive Voice
- i) Use a list of consequences, conditions, and rules,
- j) Address the reader as 'you' in the text,
- k) Instead of using 'shall,' use 'must,'
- l) Use familiar, simple, direct words (p. 6-7).

The Legal Writing Institute in the United States and Canada adopts some resolutions regarding plain Language, which are as follows:

- i. The Language of lawyers should agree with the common speech
- ii. Legalese is unnecessary
- iii. Plain Language is part and parcel of good legal writing.

It is important to note that many critics of legalese mention doubling in sentences as worthless, and they are against the use of mindless repetition. John Lindsley said that lawyers suffer from chronic ailment to create mindless repetitions as they are exposed to poorly written literature. To treat them fairly, Kimble (1992) provides the elements of plain Language, which are summarized in the following lines:

- Design and document the document in such a manner that best serves the readers
- The main goal of writing should be to convey ideas with clarity



- A table of contents is important for long documents
- Examples are important to explain
- Test the documents on a group of typical users
- Prefer short and medium-length sentences (under 25 words)
- Put the subject in the beginning
- The most important information should be put at the end
- Prefer active Voice
- Avoid old formalisms
- Do not use doublets and triplets
- Replace wordy phrases
- Do not use multiple negatives (Kimble et al.: A Charter for Clear Writing, 1992, p. 11-14).

These are the general guidelines about plain writing in a legal context. Mouritsen (2019) has drawn attention to modern and useful means to make the documents plain. In this context, he draws on evidence of Language and its use from naturally occurring patterns of Language, i.e., corpus. Corpus, as an electronic store of Language in its natural settings, can help judges, lawyers, and other legal experts discover the linguistic conventions or registers based on common speech patterns (Mouritsen, 2019, p. 1337). It is also said that the standards of plain Language have to be associated with readability formulas (Dickerson, 1986). One of the readability formulas by Flesch is mentioned above, where he advises measuring readability by measuring the length of words and sentences (Flesch, 1946). Kimble (1992) mentions nine plain language tests provided by the Connecticut statute, which mostly concentrate on the length of sentences, personal pronouns, active Voice, simple verbs, everyday words, readable text type, bold headings, and clear and coherent manner. Besides mentioning the nine rules, he also talks about the eleven rules, which include counting the number of words in a paragraph, the number of syllables in a word, and the size of the typeface (p. 16).

'Gobbledygook has gotta go' by John O'Hayre (1966) also discusses the value and importance of readability measures, but then the author says that there are two important things that no readability formula can do: (i) it cannot measure the information in the message, and (ii) it cannot evaluate the style (p. 7). An excellent style may lack information or vice versa. He substantiates his shift from reader and 'readability' to write and 'writability' there. Moreover, plain Language is not meant for pleasure as expected of a literary piece toasted in metaphor, personification, and euphemisms, but it's hard to 'simplify without oversimplifying' (Kimble, What Plain Language is Not, 2015, p. 42)

It is also important to flip the coin and see what people have to offer in criticism of 'plain writing'; Joseph Kimble (1994-1995) records traditional and modern criticism in one of his articles. According to him, criticism makes the disciplines flourish to the extent that they not only improve but also disprove and decline some old practices introduced in the discipline. Old and traditional criticism is said to be stale enough to hold water, but Kimble divides it into two groups; one group says that plain Language should not be used, and the other criticizes by saying that plain Language cannot be produced. The former group says that it debases the Language, so it should not be used. Group two says it cannot be made plain due to 'overriding demands of precision' (Kimble, Answering the Critics of Plain Language, 1994-1995, p. 51).

Kimble also gives a view of the third group in the later section of the article; this group is a modern group, and they say that plain Language doesn't matter because there is no empirical evidence available to prove that plain Language improves comprehension. For the first group, he answers by correcting their misconception that plain Language means 'baby talk'; instead, it has to do with clear and effective communication. It also doesn't mean to be anti-literary or anti-intellectual, as claimed by a few critics (Kimble, Flimsy Claims for Legalese and False Criticisms of Plain Language: A 30-year Collection, 2020). At another point, Kimble (2015) writes that profusion of fancy-sounding words in no way equates with wisdom, importance, reliability, and validity, and legalese offers us nothing but verbosity. Plain Language, on the other hand, often needs to be clarified with a colorless, dull, and drab style that has nothing significant to offer. According to him, it is always possible to simplify Language without oversimplifying the matters. Still, it requires a set of skills and fair time to produce a plainer version of the legal Language. He quotes Jacques Barzun's line, 'Simple English is no one's mother tongue; it has to be worked for' (Kimble, What Plain Language is Not, 2015, p. 43).

It is important to note that plain language advocates, including academics and legislative drafters, revolve around only one Language, i.e., English. Although there are some general principles that one can identify while considering plainness principles in other languages, there is still a need to establish principles that can be applied to various languages. To expand more on this point, one of the examples from (O'Hayre, 1966) can be quoted. It is said

that monosyllabic words need to be used to make English plain, but it has to be kept in mind that English is among those monosyllabic languages, but other languages might not absorb and fulfill this condition. For the said matter, this study takes the initiative to draw principles for the Urdu language based on the legal parallel corpus. Part II takes up the Urdu translation of English laws in Pakistan as aligned with the Plain Language Movement.

## Part II- Analysis of plainness principles against Urdu translation of legislative documents

### The Write Formula as Translate Formula

This study analyzes plain Urdu in legislative documents as in the translated version. The Write Formula, as given by (O'Hayre, 1966), measures writability instead of readability. This formula measures the length of a sentence; instead of counting the syllables (which is not a generally applicable phenomenon for many languages), sentence length and word count are considered the standard format for writing. It is said that readers prefer to read short sentences, meaning an average of 18-20 words in a sentence. The writer is encouraged to create short sentences for better understanding. While presenting his 'Write Formula,' he gave some guidelines on how to use it. The steps are as follows:

1. Counting the 100-word sample
2. Counting all monosyllabic words except auxiliaries and articles
3. Counting the number of sentences in a 100-word sample
4. Add monosyllabic word counts and give three points to each sentence.

After this activity, if you get a tally between 70 and 80 points, you are friendly with the average adult reader. Prima facie, the formula looks very easy, but it is very tricky to get a numeric count each time you plan to write. But the guidebook 'Gobbledygook Has Gotta Go' suggests that using this formula multiple times can train the writer's mind to stick to strong verbs and colorful nouns instead of losing the argument in Gobbledygook. Once the writer is trained, he can surmise the readable limits and no longer have to apply the formula. To exemplify his point, (O'Hayre, 1966) gives an example of a memo that can be written in 125 words, but the writer used 200 words and eight paragraphs instead of 4 and nearly 200 pages for a 100-page report. Here, he points towards precision and suggests precision and brevity as the essence of plainness. This hypothesis he presented poses a question for analyzing Urdu translation. The research question is given below:

- 1) Does precision lead toward plainness, or does one have to expand to remove ambiguities?

Besides drawing a relationship between precision and plainness, there is a need to look at translation strategies used to achieve plainness in the target texts. Explication is a strategy used to make concepts and ideas explicit in the target text, whichever is implicit in the source text. In his research on exploitation and implication (Becher, 2011), he tries to redefine them and says that some elements in the source text might need a clear and detailed explanation. Instead of leaving it to the reader, the writer tries to interpret and explain the inferred meanings in the target text. This strategy is known as exploitation and the Act of expanding onto what has been left unclear in the source text. Concerning this strategy, one cannot limit the translator to only a few words or sentences. This phenomenon is also explored in this context by raising the question:

- 2) Which strategies of translation are employed to make Urdu texts plain and simple?

For analysis against Urdu legislation in translation, the parallel corpus of English and Urdu legislative documents is utilized. The corpus summary of 529 English and Urdu files of Punjab legislation retrieved from the Punjab Laws website has been attached below. It counts words, characters, and document length. Image 1.1 shows the summary of the English corpus of legislative documents, and image 1.2 shows the summary of the Urdu corpus.

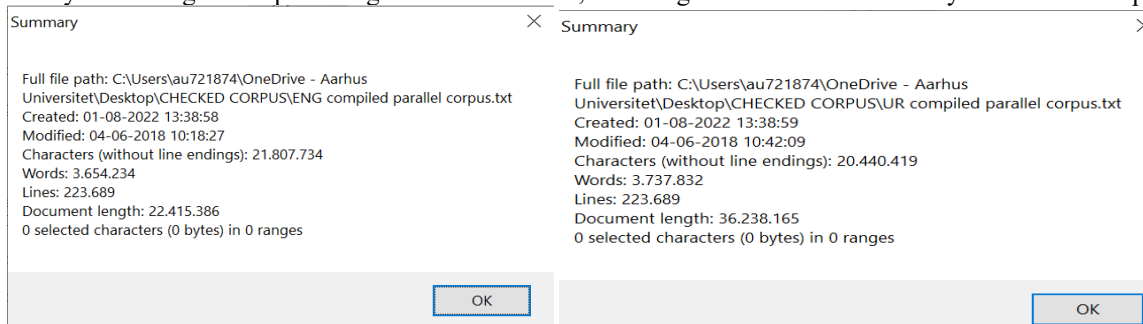


Image 1.1 Summary of English Corpus

Image 1.2 Summary of Urdu Corpus

The above-given images show the amount of data used to devise the plainness principles employed for translating English legislative documents into Urdu. The space below divides the study of plainness into various sections with some general headings. It starts with the overall purpose of writing (in the case of Pakistani legislation)

and then moves towards lexis, sentences, and paragraphs. In the end, it talks about the general rules for clarity. In order to finalize these pointers, Federal Plain Language Guidelines (2011), Gobbledygook Has a Go (1966), Legal Writing in Plain English (2001), The Clarity Journal (2008-2021), and a few articles have been consulted. PLAIN (Plain et al.) provides five general areas of consideration while drafting a plain language text. The areas are as follows:

- 1) Audience and Purpose
- 2) Structure
- 3) Design
- 4) Expression
- 5) Evaluation (Government, 2022).

#### **Audience and Purpose: Knowing about the audience/Readership**

The first and foremost idea that should strike the writer's mind before writing is a thought about the readers. It is important to know about the readers of any document or text. Christiane Nord (2018:30) writes about the reception of any text in the following words: A text is ultimately made 'meaningful by its receiver and for its receiver.' Campbell (2015) also endorses knowing about the audience before planning a draft. According to him, to reach the audience and convey the intended message, it is highly desirable to know what the audience can understand, their level of participation, degree of intelligibility, and most importantly, the Language of access (Campbell, 2015).

'When Laws Become Too Complex,' a review report published in 2013 by the Research and Analysis Wing of the Cabinet Office, U.K., lists some key concerns, expectations, and priorities of the audience groups of legislation. The groups are government, parliamentarians, the judiciary, and public users. The group of public users has its concerns, expectations, and priorities, which are given in the table below.

Table 1. Concerns, expectations, and priorities of the public users

Audience Group	Concerns	Expectations	Priorities
Public Users	Concerned and nervous about the new legislation so that they don't overlook changes and implications of amendments.	Clear and well-defined objectives in the legislation	Plain and easily accessible legislation so that it doesn't become burdensome.

The official website of the U.S. government (PLAIN) also advises writers to know about their audience's age, profession, education, and skills. It is also important to note the information level of the audience. Moreover, knowing what the audience wants to achieve by reading that document should also be a concern for the legal drafters. Answers to these questions will help the audience reach the message easily. In the case of Pakistani legislation, it is already mentioned above that Urdu is the national Language, whereas English still holds the official language status. The 1973 constitution, article 251, laid the foundation to replace English with Urdu, as it is the widely read Language in Pakistan. This language enigma was resolved in 2015 with the Supreme Court's order to translate the law into Urdu. The translation project was initiated to reach the readers through Language that is easy for them.

#### **Structure: Organize to meet the needs of the readers**

Writing/translating, organizing, or structuring a document in a presentable shape is a prerequisite. There are a few pointers that I have collected from different readings, including the Federal Plain Language Guidelines. It says that using headings in legal documents and short sections can help the readers reach the exact amount of information they require from legislative documents. To analyze the organization of documents, translated word files uploaded on the Punjab Laws website are analyzed randomly to verify the standards of plain writing as proposed in the Federal Guidelines. The common elements used for legislative documents are as follows:

- 1) table of contents, 2) definition clauses, 3) preamble, 4) Introduction, 5) Sections and subsections, 6) provisos, 7) clauses, 8) appendices, and 9) footnotes.

This structural division comprising the nine elements listed above is well-maintained in the Urdu documents as they are part and parcel of English (source text) files. Regarding structural division, the target files follow the structure and patterns of the source. There is no deviation of structure witnessed. They are designed logically and chronologically.

In addition to these elements, the PLAIN association also advises to consider the following points:

- Use the summary to present key information before providing details
- Divide each section into equal chunks
- Link one section to the next by using transitional devices.



While looking at these components of legislative structure, the Urdu translations in Pdf format do not provide summaries. There are preambles and introductory clauses in all the documents, but the summaries are relaxed. Summaries should be given somewhere in the drafts of legal documents, which the government suggests PLAIN (Plain et al., 2022).

Transitional devices are very common as they create links between the sections. As uploaded on the Punjab code website, Urdu translations also use several transitional devices to create links between sections. Some transitional devices are given below in the table, along with their translation.

Table 2. The most frequently occurring transitional devices in the parallel corpus

Transitional Devices	Frequency	Percentage	Target text occurrence
But	1912	0.06	لیکن
			مگر
			تاہم
Otherwise	1544	0.05%	بصورت دیگر
			دیگر صورت میں
			دیگر طریقے سے
			نہ ہونا
Unless	1705	0.05%	دیگر صورتوں میں
			جب تک کہ نہ
			سوائے اس کے کہ
			بغیر
			کیے جانے تک
			لیے جانے تک
Notwithstanding	1199	0.04%	کے باوجود
			باوجود اس کے کہ
Namely	435	0.01%	یعنی
In addition to	431	0.01%	کے ساتھ ساتھ
			اس کے علاوہ
			کے علاوہ
Therefore	229	0.01%	اضافی ہونا
			اس لیے
			ان کے لیے
However	190	0.01%	جس کے لیے
			تاہم (شروع میں)
			تاہم (درمیان میں)
			تاہم
			مخصوص

Here, it is also noteworthy that a single connective in the target text is translated with various target words depending on the context. It also highlights that Urdu has various transitional devices to draw connections between sentences and sections.

### Design

Visual appearance is also considered important regarding readability and plainness; three major areas under design are ranked equally important with structure and Language. These areas are:

- Layout
- Information graphics and
- Typography

While discussing layout, the color, font, tabular information, footnotes, parentheses, curly brackets, quick links to other sites, and other graphological information are important headers. In the case of the translation project under discussion, the format of the legal document is retained; the color used for the list of the sections of any act, ordinance, rule, or regulation is intact; position and place of nomenclature are preserved as given in the source document. All headings of sections and subsections are bold; the font size is also aligned with the source text files. The source and translated act images have been attached below, showing that the structure is aligned with the source files and that features like font size, headings, and sub-headings are kept the same as given in the source text.

دھماکہ خیز مواد ایکٹ، 1908

(VI بابت 1908)

مندرجات
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- 1- مختصر عنوان، دائرہ کار اور المطلق
- 2- "دھماکہ خیز مواد" کی تعریف
- 3- جان یا مال کو تکانہ طور پر خطرے میں ڈالنے اور دھماکہ کرنے کی سزا
- 4- دھماکہ کرنے کی کوشش کرنے یا جان یا مال کو خطرے میں ڈالنے کے ارادے سے دھماکہ خیز مواد بنانے یا رکھنے کی سزا
- 5- عمدہ فعلیات کے تحت دھماکہ خیز مواد بنانے یا رکھنے کی سزا
- 5A- جائیداد کی ضبطی

## THE EXPLOSIVE SUBSTANCES ACT, 1908

(VI of 1908)

CONTENTS
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1. Short title, extent and application
2. Definition of "explosive substance"
3. Punishment for causing explosion likely to endanger life or property
4. Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property
5. Punishment for making or possessing explosives under suspicious circumstances
- 5A. Forfeiture of property

Image. 2 Structure of the Act

The structure analysis also suggests that parentheses or large brackets are retained in the target text for their deictic or indexical purpose. Footnotes pin the references of past and present legal activities, amendments, or legal moves in case of the subject matter of a particular law. Graphological dimensions, including subtilities, are also followed in a similar vein as given in the source text. The image below explains how these structural patterns and elements are followed; they are aligned with the structural demands as laid out by the government, PLAIN (Plain et al., 2022), and (PLAIN, 2011).

(اے) کسی دھماکہ خیز مواد کے ذریعے<sup>1</sup> [پاکستان] میں کسی ایسی نوعیت کا دھماکہ کرنے کے ارادے سے کوئی اقدام کرتا ہے یا کرنے کی سازش کرتا ہے جس سے جان کو خطرے میں ڈالنے یا مال کو سنگین نقصان پہنچنے کا امکان ہو؛ یا

<sup>1</sup> اغراض و مقاصد اور وجوہات کے بیان کے لیے، دیکھیے گزٹ آف انڈیا، 1908، حصہ ۷ میں، صفحہ 170؛ اور کونسل میں کارروائیوں کے لیے، دیکھیے ایبٹ۔ حصہ VI، صفحہ 128۔

<sup>2</sup> بذریعہ مرکزی قوانین (قانونی اصلاحات) آرڈیننس، 1960 (XXI بابت 1960) "سویوں اور وقت کے دار الحکومت" سے بدل دیا گیا ہے "برطانوی ہند" سے بذریعہ اے۔ او۔ 1949 بدل دیا گیا تھا، 14 اکتوبر 1955 سے مؤثر ہوا، اور 3 اور دو سرایشیول؛ اور مؤرخہ 9 جون، 1960 کو گزٹ (تعمیر معمولی) میں شائع ہوا۔

<sup>3</sup> بذریعہ دھماکہ خیز مواد (ترمیم) ایکٹ، 1975 (XL بابت 1975) بدل دیا گیا، 23 اپریل، 1975 سے مؤثر ہوا، ایبٹ۔ ج

Image 2.1. Structure of translated laws

It is also given as a guideline to leave plenty of white space in margins that separate certain sections; this rule is followed in the source text (English). Keeping the rule intact, the translated documents also leave enough space in the margins, which makes it easy for the readers to separate the sections, subsections, clauses, provisos, and footnotes.

The guidelines also ask for meaningful headings so that the readers have to navigate quickly to create the background of the matter discussed. Other visual devices, including tables, charts, photographs, spacing, and paragraph indexing, also follow the rules and patterns set in the source text (English).

### Expression

After discussing the visuals, including charts, information tables, font size, and color, the next area to ensure plainness is the word or expression. Here, language-to-language differences are the most important to consider. But there are a few key areas common to all languages. These areas are endorsed by the PLAIN Association and federal guidelines for plain Language outlined by the U.S. government. These key areas are as follows.

### Tone

The tone is defined as the use of personal pronouns and conversational style. It is also noteworthy that legislative documents are considered less conversational because they tend to be regulated through orders. Commands

use more direct verbs than conversational style and involve the audience. One of the examples from the corpus is attached below. The use of 'shall' is dominant in English legislation, and it is commonly translated as the future determinative 'ہو گا/ کرے گا'. This conveys a commandment or order that something has to happen. According to Garner (2001), 'shall' in legislation is not plain English because it falls out of everyday vocabulary. It is usually used in lighthearted questions; only legal drafters use it incessantly. 'Shall' is the mandatory word instead of May, which is permissive (Garner, 2001, p. 105). In the case of the Urdu translation of shall, it is treated as future tense, where, again, it plays the role of mandatory expression. As given in the image below, 'The District Government shall consist of...' is translated as 'پر مشتمل ہو گی'; in everyday Language, it is treated as a stretch of the future, but in legal context, this future tense conveys mandatory condition. Generally, mandatory expressions like should and must are translated as 'چاہیے' in Urdu, but in the case of legal translation, it conveys a future sense within the sphere of compulsion.

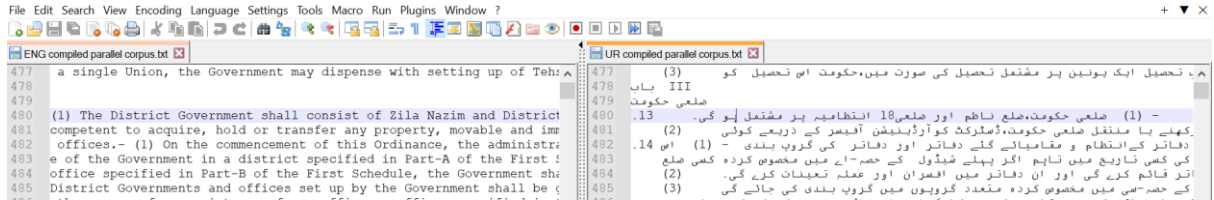


Image 2.2 Use of commands

Pronouns are also less frequent. An image of the parallel corpus has been attached to check the frequency of pronouns in a legislative context. Personal pronouns like 'she' are used relatively less in a big corpus for two reasons: (i) 'she' is only used in the context where the writer has to mention a female specifically; (ii) 'He' is used generically to convey the meaning of inclusiveness. PLAIN advises the drafters to use personal pronouns to make the drafts speakable, as Garner (2001) says that a draft is reader-friendly if it is speakable.

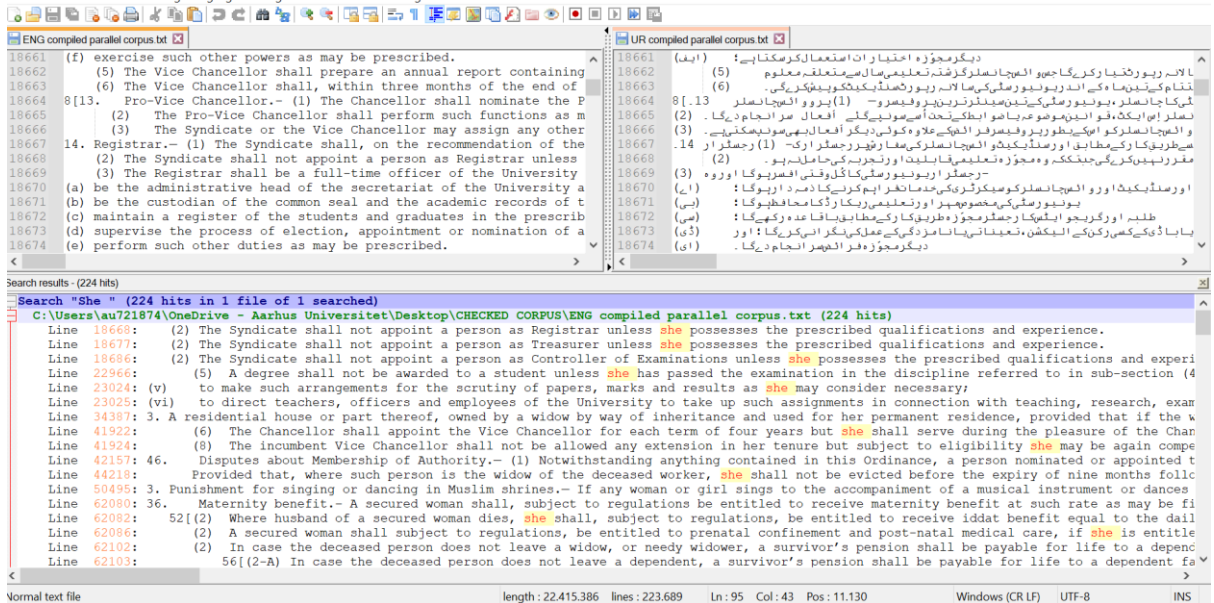


Image 2.2 Use of personal pronoun (she and it's parallel in Urdu)

Word Choice

- Simple Words

As Aldous Huxley says that words and their meaning are not mere matters, Shelley extends it further by saying that words create thoughts and thoughts measure the universe (O'Hayre, 1966). O'Hayre (1966) gives the following categories of words:

General Words	Name whole groups of things	Mass of meaning
Specific Words	Name things individually	Easy and natural meaning
Abstract Words	Intangible things: quality, condition, idea	No real existence outside of man's mind
Concrete Words	Real things and real people	Sense words

Table 3. Categories of words

'Gobbledygook has Gotta Go' (1966) confuses words and phrases; while categorizing and exemplifying words, O'Hayre mentions terms (consisting of two-word phrases) as examples of words. It is advised that the writer should stick to less use of abstract words, resulting in leaving the readers clear about the exact meaning of expressions. Expressions that have precise and concrete meaning are the most desired in the context of legislative drafting. Stoop (2011) writes his deliberations upon plain language assessment and suggests that to assess whether or not the document is readable for a person without knowledge of the law, the typist of the document initiates the first informal assessment. If the typist understands more than 50 percent of the law, it can reach other commoners (Stoop, 2011, s. 335). This can help test the choice of words and its impact on the readers.

**Jargon**

It is often advised in the context of legal writing to avoid jargon. If it is necessary to use technical terms, an explanation is necessary for legal writing or translation. In the case of the corpus under discussion, the jargon is extensively dealt with using a few strategies. These translation strategies are known as explication and transliteration. (Pym, 2005) & (Saldanha, 2008, s. 20) redefine and explain exploitation as a phenomenon with increased informativeness in the target text compared to the source text. The target text explains it explicitly in the case of jargon used in the source text. After reading the translations of the legislative documents drafted by the Punjab government, it is concluded that the strategy is exploitation is avoided; instead, whatever is implicit in the source remains implicit in the target text. There is no evidence of using explication as a strategy of translation.

Translation scholars write in favor of exploitation if the readers are unaware of certain technical matters, but the corpus under consideration does not support the exploitation hypothesis. On the other hand, transliteration is used as a favorable tool wherever it is felt that either the jargon or terms do not have equivalents in Urdu or the case of less familiar words in Urdu. Popular cognates and scientific terms like polythene are generally understood and transliterated in Urdu. This same strategy has been utilized to convey scientific terms. The following image taken from the parallel corpus in Notepad++ shows some choices like grenade bombs and revolver; these words are popular among the masses and need transliteration for two reasons: (i) there is no such equivalent found in Urdu, and (ii) the equivalents (if found) are very unpopular among the masses.

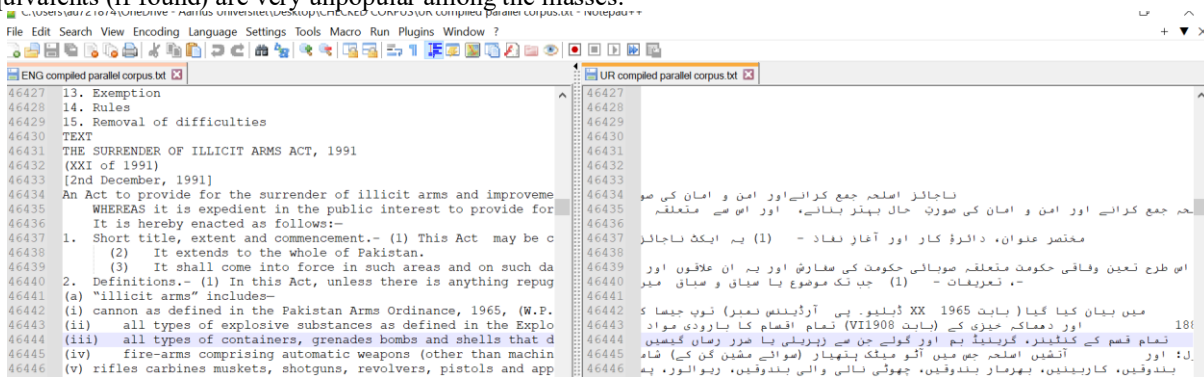


Image 2.3 Transliteration in the corpus

**Length of Sentences**

Discussions around plainness consider sentences to be the most important level. The length of the sentence should be between 30 and 35 words (Government, PLAIN (Plain et al.), 2022). More than 35 words make the sentences clumsy and laden with information that the common readers need help understanding. Garner (2001) prefers using 20 words in a sentence; 'the lesser the words, the better the act of communication.' An example in this regard is given below from the parallel corpus:

<p>Publicity for the surrender of illicit arms.– (1) The Federal Government and the Provincial Government shall give wide publicity to the provisions of this Act on the media, including television, radio, national and regional press, in Urdu, English, and regional languages or by any other mode as may be prescribed.</p>	<p>ناجائز اسلحہ جمع کرانے کی تشہیر - (1) وفاقی اور صوبائی حکومت اس ایکٹ کی دفعات کی وسیع پیمانے پر تشہیر ذرائع ابلاغ بشمول ٹیلی وژن، ریڈیو، قومی اور علاقائی اخباروں پر اردو، انگریزی اور علاقائی زبانوں میں یا کسی دیگر مجوزہ ذریعے سے کریں گی۔</p>
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Table 4. Length of sentence in the translation

Words in English are 49 in the above-given example, whereas these 49 words are translated using 47 words in Urdu. The suggested scale of readability supports neither of these, but the translated text has to convey the exact meaning in the source text; hence, it becomes almost equivalent to what has been given in the source text.

### Active Voice is preferred over Passive Voice.

Plainness principles in different guidelines prefer expressions in active Voice instead of delivering the message in passive Voice. Verbs are given more importance in legal discourse, and 'active voice attributes responsibility for action more clearly than passive voice' (Coulson, 2020, s. 81). According to Anne Enquist and Laural Oates (2013), active voice 'emphasizes who or what is responsible for committing an act' which gives it more importance than passive Voice where the responsible person is not given much prominence (p.71). Nonlegal texts also provide the same reasoning; William Strunk Jr. and E. B. White (2012) subscribe to the idea of using active Voice as they can produce clear and concise discourse. It is said that 'brevity is a by-product of vigor' (White, 2012).

The image below shows passive and active voices in source and target texts. The source text sentence is in passive Voice, 'if he has done the thing.' In contrast, the translation turns it into an active voice by using 'یہ کام اسی نے کیا ہے' instead of maintaining the passive tone by translating it 'یہ کام اسی کی جانب سے کیا گیا ہے' which not only makes the expression longer but also confusing. Other examples in the parallel corpus show that the translators have tried to focus on the transitivity of the verbs and, by realizing the importance of active Voice in the legal code, translate the passive stretches into active.

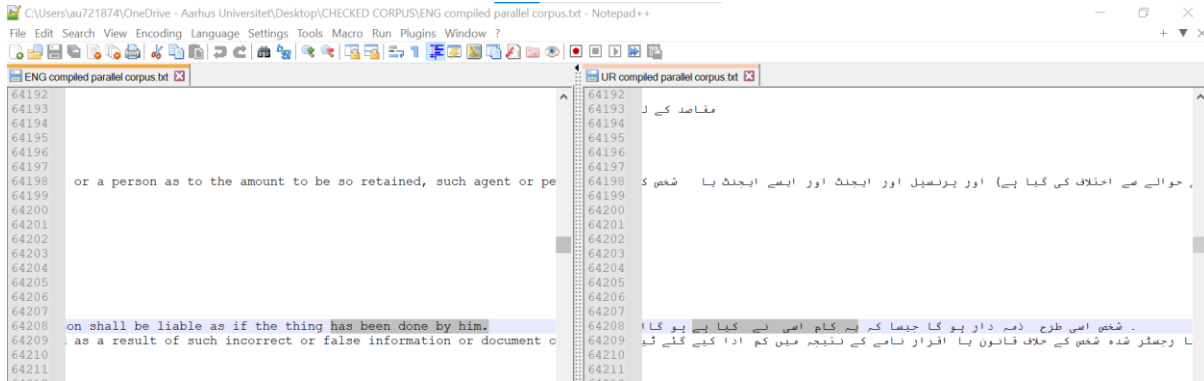


Image 2.4 Active and Passive Voice

### Evaluation

Once the translators are successful in translating the document by following principles of plainness, it is important to evaluate the document before sending it for publication. There are two possible ways to evaluate the translation,

- (i) edit the communication against a standard or checklist (asking another person or an independent person to review it), and
- (ii) testing with the audience, i.e., surveys, interviews, testing with people by making them read, understand, and summarize the document.

Two review boards were formed in the case of Urdu translations under consideration. Each board has its key responsibilities in reviewing the legal documents. One board must review the parallel (aligned with the source text) to verify whether the meaning transferred in the target text is exactly the one the source text drafter intends to share. The second review board has to give an independent reading to the target text to check the readability of documents. It proves beneficial for the audience so that no clumsy words and terms can impede the comprehensibility of the target texts.

### Conclusion

Roslyn Petelin (2010) shares the key principle of plain Language. According to her, if the intended reader can reach, read, and understand the document, then plain Language's intended purpose is achieved. Bearing the context of Pakistan in mind, the intended purpose of English-to-Urdu translation is to reach the Pakistani audience for whom the laws are drafted. Some general principles of plainness are meant for all languages, but due to stark differences among language families, there need to be some specific rules for other languages. The data analyzed in this paper comes from a parallel corpus of English and Urdu legislation in Punjab, Pakistan. The general areas of plainness, as drawn from various studies, are listed below:

- I. Knowing about the audience and purpose of translation
- II. Deciding upon the clear structure and division of the document



- III. Design of the translated document
- IV. Choice of words, phrases, terms, and sentences
- V. Evaluation

### References

- Administration, U. G. (1994, January 1). plainlanguage.gov. <https://www.plainlanguage.gov>
- Aughterson, K. (2000). Redefining the plain style: Francis Bacon, linguistic extension, and semantic change in the advancement of learning. *Studies in Philology*, (97), 96-143.
- Becher, V. (2011). *Explicitation and implication in translation: A corpus-based study of English German or German-English translations of business texts*. Hamburg: University of Hamburg.
- Bestey A. & Bowen, T. M. (1986). Analyzing the various approaches of plain language laws. *Visible Language*, XX2, 155-165.
- Campbell, C. (2015). *Translation and the reader: A survey of British Book Group Members' attitudes towards translation*. Edinburgh: University of Edinburgh.
- Castle, P. B. (2006). *Modern legal drafting: A guide to using clearer Language*. New York: Cambridge University Press.
- Clauss, H. B. (2020). *The history of the plain language movement and legal Language and an analysis of U.S. nuclear treaty language*. Knoxville: University of Tennessee, Chancellor's Honors Program Projects, Knoxville.
- Coode, G. (1845). *On legislative expression: Or the Language of the written law*. London: Blackburn and Pardon Printers, Hatton Gardens.
- Coulson, D. (2020). More than verbs: An introduction to transitivity in legal argument. *The Scribes Journal of Legal Writing*, pp. 81–125.
- Counsel, O. O. (2022, August 28). Research and analysis. <https://www.gov.uk/government/publications/when-laws-become-too-complex>
- Dickerson, R. (1986). *The fundamentals of legal drafting*. Boston: Little Brown & Co Law & Business.
- Flesch, R. (1946). *The art of plain talk*. New York: Harper and Row, Publishers.
- Garner, B. A. (2001). *Legal writing in plain English*. Chicago: The University of Chicago Press.
- Government, U. S. (2022, August 15). PLAIN. <https://www.plainlanguage.gov/>
- Government, U. S. (2022, August 26). PLAIN (Plain et al.). <https://www.plainlanguage.gov/>
- Kimble, J. (1992). Plain English: A charter for clear writing. *Thomas M. Cooley Law Review*, 9(1), 1–58.
- Kimble, J. (1994-1995). Answering the critics of plain Language. *The Scribes Journal of Legal Writing*, pp. 51–85.
- Kimble, J. (1996-1997). Writing for dollars, writing to please. *Scribes Journal of Legal Writing*, pp. 1–38.
- Kimble, J. (2015). What plain Language is not? *Michigan Bar Journal*, pp. 42–43.
- Kimble, J. (2020). Flimsy claims for legalese and false criticisms of plain Language: A 30-year collection. *The Scribes Journal for Legal Writing*, pp. 1–14.
- McBeth, S. J. (2002). A Brief History of Plain Language, Clear Language and Design. Fourth Biennial Conference of the PLAIN Language Association International, Opening Plenary (pp. 1–15). Toronto: PLAIN Language Association International.
- Mouritsen, S. C. (2019). Contract interpretation with corpus linguistics. *Washington Law Review*, 94 (3), 1337-1418.
- Niranjina, T. (1992). *Siting Translation: History, post-structuralism, and the colonial context*. California: University of California Press.
- Nord, C. (2018). *Translating as a purposeful activity: Functionalist approaches explained* (2nd Edition). London: Routledge Publications.
- Oates, A. E. (2013). *Just writing: grammar, punctuation, and style for the legal writer* (4th Edition). New York: Aspen Publishing.
- O'Hayre, J. (1966). *Gobbledygook has to go*. Washington: U.S. Government Printing Office.
- Petelin, R. (2010). Considering plain Language: Issues and initiatives. *Corporate Communications: An International Journal*, pp. 205–216.
- PLAIN. (2011). Federal plain language guidelines. Washington: The Plain Language Action and Information Network (PLAIN).
- Pym, A. (2005). Explaining Explication. In K. K. Foris, *New trends in translation studies* (pp. 1–13). Budapest : Akademiai Kiado.

- Re, E. D. (1985). Legal writing as good literature. *St. John's Law Review*, 59, 211-227.
- Register, O. O. (2022, August 16). National Archives. <https://www.archives.gov/files/federal-register/write/handbook/ddh.pdf>
- Saldanha, G. (2008). Explication revisited: Bringing the reader into the picture. *trans-kom I*(1) , 20-35. <https://d-nb.info/999838504/34>
- Smith, N. M. (1998). *A Plain English Handbook: How to Create Clear SEC Disclosure Documents*. Washington: Office of Investor Education and Assistance, U.S. Securities and Exchange Commission.
- Stephenson, M. (2017). 'Harry Potter language?' The plain language movement and the case against abandoning 'legalese.' *Northern Ireland Legal Quarterly*, pp. 85–90.
- Stoop, P. N. (2011). Plain Language and assessment of plain Language. *International Journal of Private Law*, pp. 329–341.
- Uzair, D. J. (2017). The necessity of translating Urdu literature into English: A plea to rend the iron curtain. *Me'yar*, pp. 57–74.
- Watson-Brown, A. (2011). In search of plain English - The holy grail or mythical Excalibur of legislative drafting. *Statute Law Review*, 33(1), 7–23. <https://doi.org/10.1093/slr/hmr023>
- White, W. S. (2012). *The Elements of Style* (4th ed.). New York: Start Publishing LLC.
- Wydick, R. C. (1980). Lawyer's writing. *Michigan Law Review*, 78(5), 711-721. <https://repository.law.umich.edu/mlr/vol78/iss5/4>



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