



RESEARCH PAPER**Analyzing Legal Drafting: Legal Discourse Study on Crimes against Women in Pakistan**

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ABSTRACT

The primary objective of this research is to examine the legal discourse employed in drafting related to crimes against women, specifically focusing on reported cases. This qualitative study entails the analysis of legal drafting, incorporating interviews with judges. Applying Fairclough's three-dimensional model for analysis, the research reveals that while legal language has its unique format, it often carries stereotypical implications favouring men, possibly influenced by Pakistan's deeply ingrained patriarchal system. Despite notable changes in language and laws favouring women over the past two decades, patriarchal dominance remains a significant barrier to women seeking justice. Respecting the rights and dignity of all litigants is crucial for a fair legal system, fostering equality and justice in the courtroom discourse of Pakistan. Crimes against women in Pakistan persist as a concerning issue, encompassing various forms of violence and discrimination. Addressing this challenge requires concerted efforts in legal frameworks, societal awareness, and support systems for victims.

KEYWORDS Crimes against Women, Legal Discourse, Legal Drafting, Pakistan

Introduction

Language and power, as well as the political consequences of language use, have long captivated researchers. They regard language as a cultural, social, and psychological phenomenon that is by far the most potent yet subtle symbol system for the transmission of ideologies. Our use of language not only embodies attitudes it is full of referential meanings and reflects people's social, cultural, political, economic, religious, and ethnic backgrounds. We are actively being influenced or are influencing others by our language for instance while watching TV, attending a lecture or conference, listening to a parliamentary debate or discussion even a sermon we are not merely 'hearing' a string of words we are engaged in a social practice with a lot of socio-political associations of the speaker being conveyed. There are several historical examples of language being utilized for ideological or propagandistic means. People in power, such as Hitler, Stalin, and Saddam Hussein, utilized language to garner supporters, suppress opponents, and maintain control over the populace. Once we recognize that our linguistic categories reflect and are mirrored by our social categories and that our discursive practices are normative, it's only a matter of time until we understand language as a site of political conflict. Many renowned scholars and researchers, such as Fairclough (1989), Fowler (1985) have discussed language as a social practice and how power is built and performed through the use of language.

Language of the Law

The language of law, often referred to as legalese, is considered a traditional and conservative form of professional communication. Its idiosyncrasies and variations across legal systems worldwide make it challenging for the layperson to understand. Described as a 'creole,' it's a unique amalgamation of languages developed over time, contributing to the distinct nature of legal communication. The legal system emphasizes autonomy, requiring the adoption of specialized terminology, creating a world of interrelated legal meanings that may be difficult for those outside the legal field to grasp. 'Language is the medium through which law acts' (Bix, 2003).

The language of the law is mostly comprised of performative utterances, for the sake of regulations to be effective and legal consequences to be obtained. legal language encompasses law, law-related language, and language used in legal settings. Texts that originate from and are used in legal setting can be classified as 'Legal Texts' and can be further categorized as to

- I. Legislative texts
- II. Judicial texts
- III. Legal scholarly texts
- IV. Private legal texts

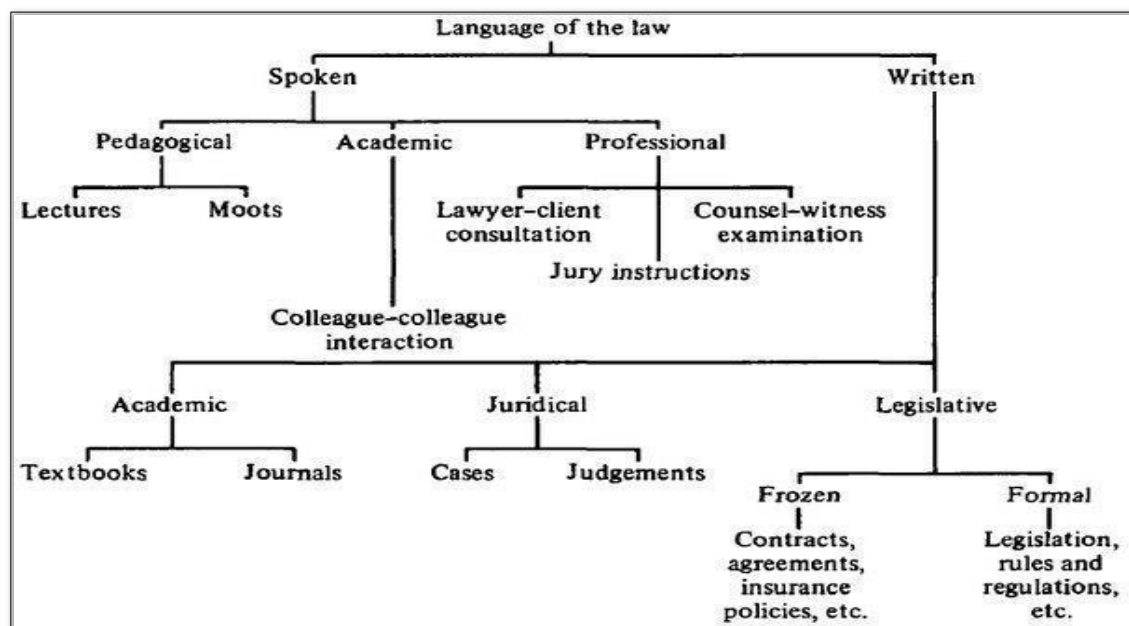


Figure 1 Categorization of Legal Discourse

Language is both a tool and a product of the legal system. Certain physical actions must be taken as a consequence of legal decisions such as detention, imprisonment, etc. but these actions are not only respected but also justified because of the language of judgments, not the physical power of judges.

Use of Legal Language in the Pakistani Law

Pakistan faces a significant gender parity challenge, ranking 151st out of 153 countries in the global gender gap. Over the past decade, the country has regressed in gender equality indicators, impacting access to justice. Women encounter obstacles such as limited decision-making power, cultural denial of inheritance rights, and insufficient

support for pursuing justice. Despite legislative amendments addressing gender-based violence, awareness of women's rights is low, and patriarchal mindsets persist throughout the legal process. The legal system, predominantly in English, lacks alignment with international gender laws. The study mentioned focuses on analyzing the language of law, particularly judgments, to unveil the nuanced nature of gender concepts in the Pakistani legal context. (Blommaert & Bulcaen, 2000)

Relationship of Discourse & Ideology

The notion of ideology is central to the study of CDA as is evident in several frameworks by many researchers in linguistics. It is an understood fact that texts have contexts and contexts are connected to ideologies of social systems as a result texts are not ideologically neutral therefore playing an important role in the promotion and practice of ideologies in social systems, for example, according to Hodge and Kress (1993),

“Ideology contains an organized representation of reality”.

Van Dijk reinstates the same notion of ideology as the central point in the analysis of text, highlighting how various ideologies are manifested in different kinds of text structures (1997). Van Dijk presented three dimensions for ideology analysis

a) **discourse**

b) **socio-cognition**

c) **social analysis**

Cameron (1992) points out stereotypes that lead to social hegemonies, Reichenbach (2001) is of the view that texts are full of ideologically driven content. Fairclough adds the word critical to discourse analysis to bring the focus to the main issue, i.e., ideology. Fairclough even calls it the “basic hidden agenda”, stating that people with different ideologies converse, and exchange ideas in an opaque and invisible way hence the phrase “basic hidden agenda”. CDA provides the most reliable framework to explore texts to find out how ideology is constructed in them. Hidden ideologies are the most powerful because they become part of everyday discourse and common sense developing a natural camouflage. Relationship between Language and Power

Fairclough (2003), Halliday (1973), and Van Dijk's (1998) work in linguistics, particularly Critical Discourse Analysis (CDA), highlights the power dynamics in social groups, such as wealth, fame, and knowledge. Language choice reflects these dynamics, influenced by social context, distance between speakers, status, topic, and formality. CDA investigates how language is used by powerful groups to maintain and investigate power relations and social inequality in discourse. Ideologies are closely related to power, as they are symbolic frameworks shaping power structures and social dynamics

Theorizing the Social World

Chouliaraki and Fairclough's (1999) social world theory, a blend of structuralism and poststructuralism viewpoints, is used in Critical Discourse Analysis (CDA) to analyze social practices like literacy. This theory posits that language serves diverse social purposes and examines the interplay between social practices and societal structures. It acknowledges the constraints of social structures but also emphasizes the potential for agency, creativity, and transformation. This perspective rejects structuralism and

rationalism, highlighting the complexity of integrating theories within a spectrum of theoretical sources.

Legal Discourse

Zhenhua (2018) contends that human language is a societal product, shaped by cultural influences, with its meaning rooted in the context of the society to which it belongs. The 'common core meaning' of language, both oral and written, is intricately influenced by factors such as the user, audience, purpose, and cultural setting. This interdependence of language and society, termed discourse, involves organized messages contributing to shared meanings and relationships. Renowned linguists like This study aims to address the lack of a systematic explanation for the relationship between law and language. It contends that legal language, being a social practice, reflects organizational backgrounds, and the research focuses on uncovering the social, psychological, and consequential effects embedded in legal language use.

Characteristics of Legal Discourse

(ZariskiI, 2014) presents the following characteristics of legal discourse:

- i. the discourse of law presents concepts and ideas such as authority and justice as if they exist independently of law, as real forces in the world similar to gravity and magnetism.
- ii. Peter Goodrich calls it "unity, coherence, and univocity."
- iii. its "poetic" quality; imaginatively appealing or playfully provocative, but dense and self-referential

Critical Discourse Analysis of Legal Discourse

The interdisciplinary nature of language extends beyond linguistics, resonating with fields like psychology and anthropology (Fairclough & Wodak, 1997). This inclusivity applies to legal discourse, where law shapes society, performs ideological functions, and acts as a form of social action. Despite this, critical discourse analysis (CDA) in legal discourse is underexplored due to the intricate language employed (Tiersma, 1999). Tiersma (1999) characterizes legal language as "formulaic," "routinized," and often presenting "neutralized" versions of opinions, reflecting a desire for objectivity and authority. The distinct personal language styles of judges and lawyers differ from academic or impersonal writing styles, further complicating CDA in this context. Limited research contributes to CDA in law, with notable exceptions like the work of Kjær & Palsbro (2008) on legal and media discourse in Danish courts. Despite a scarcity of critical research on legal language, related fields such as socio-legal studies and anthropology have explored language use in law. Notable studies, such as Conley, O'Barr, & Riner (2019) emphasizing powerful language in legal processes and Goodrich (1990) highlighting legal discourse as a tool of power in witness statements, underscore the importance of language in legal contexts. Mertz (2007) delves into the language of American law schools, focusing on oral texts like witness accounts, teacher-student interactions, and courtroom proceedings. Notably, critical inquiry in written texts, particularly those generated by legal institutions, remains lacking.

Use of Legal Language in Pakistani Law

In the past 15 years, legislative changes in Pakistan aimed to address gender-based violence (GBV), notably shifting rape provisions from the Hudood Ordinance to the Pakistan Penal Code. Despite legal adjustments, overcoming a mindset equating rape with adultery remains a challenge. Previously, under the Hudood Ordinance, rape victims faced hurdles proving their case, contributing to underreporting due to fear of accusations. This study delves into the legal language within judgments by the High Court of Pakistan, emphasizing the importance of precise formulations to avoid ambiguity and potential disputes in executing court decisions. A judgment reflects two aspects:

- i. It explains the decision to the parties concerned.
- ii. It makes available reasons for an appellate court to consider.

The importance of a thorough hearing for sound judgment is underscored, as well-presented reasoning influences the quality of judgments. Judgments, being crucial legal documents, convey reasons and critical thinking, benefiting parties and judges. Gender differences in linguistic styles contribute to perpetuating gender inequality, emphasizing the need for gender-neutral language in laws. Research in Pakistan reveals that a significant portion of litigants lacks education and understanding of legal language, with challenges arising from the interchangeability of Urdu and English in legal contexts. In a study of 440 litigants, 58% had education up to or equivalent to matriculation, and only 33.5% knew that the legal language was English, highlighting a substantial lack of awareness among litigants regarding the language of laws and court judgments.

Data Analysis

In Pakistan, English dominates legal services and functions as the official language, creating challenges for those with limited English proficiency. Due to low literacy rates, legal documents and proceedings often involve a mix of Urdu, English, or regional languages. The formal and technical nature of legal language, whether in Urdu or English, poses difficulties for individuals below the primary educational level. Court judgments, crucial for understanding verdicts and legal precedents, are often challenging for the general public due to complex language. In the context of assault cases against women, the research focuses on criminal appeals from the Lahore High Court, highlighting inconsistencies in judgments that can lead to conflicting authorities and challenges in higher courts. The following elements, not necessarily in this order, are commonly present in well-constructed judgments:

Introduction	Evidence and factual findings	Applicable law on each issue	Judgment
<ul style="list-style-type: none"> • Preliminary issues • Summary of the prosecution/ plaintiff's case • Summary of the defendant's case • Issues to be determined 	<ul style="list-style-type: none"> • The argument of the prosecution or plaintiff on the first issue or charge • Argument from the side of the defendant • Evidence from either side • Judges' evaluation of the evidence and the arguments. 	<ul style="list-style-type: none"> • Statement of law • Caselaw in support • Application of law to the facts 	<ul style="list-style-type: none"> • Finding the guilt • Decision made • Reasons for the decision • The sentence or the order passed

Features	Definitions	Usage in the corpus
Archaic Language	<i>Enactment comes from the verb enact, which has long been used to mean "establish as law."</i>	<ul style="list-style-type: none"> the Lahore High Court of Pakistan enumerated the following principles that the courts are required to apply when an enactment is questioned The two enactments do not overlap and the Petitioners have been rightly charged under section 20 of the PECA.
Binomials & Trinomials	<i>fixed lexical chunks which consist of two or three words of the same word class joined by a coordinating conjunction</i>	<ul style="list-style-type: none"> (appellant) was <u>convicted and sentenced</u> as mentioned hereunder: This was not information for every <u>Tom, Dick, and Harry</u> to have access to. Such behavior is not acceptable in <u>any way, shape, or form.</u>
French words and Latinisms	<i>Sui juris: a Latin phrase that means "of one's right". Lacuna: an unfilled space; a gap. Vide: see; consult</i>	<ul style="list-style-type: none"> were <i>sui juris</i> and had agreed to get married on certain terms, which could not unilaterally be imposed on does not resemble with the account holder then in order to fill the lacuna in the case, prosecution examine... Vide my separate judgment of even date in English; accused
Nominalization	<i>the process by which a grammatical expression (very often a verb phrase) is turned into a noun phrase</i>	Appellant for commission of a crime. To be precise, even after having scanned the ocular account of occurrence with due <u>circumspection</u> , this Court has not come across any lacuna in the prosecution evidence, the legitimate benefit of which can be given to the
Identification		As regards the non-holding of an <u>identification parade</u>, I am of the view that it was not a case where such exercise would have been necessary because the victim had
formulaic expressions		It was also my opinion. After receipt of the above said reports which is mentioned in my Medical examination Ex.PA which is in my hand and bears my signature, I referred the victim to DHQ Hospital, Sargodha vide reference Ex.PB which also contains the opinion of the Radiologist Ex.PB/1."

Impersonal style	highly formal, impersonal style, always in the third person	<ul style="list-style-type: none"> no one would put the modesty of his/her daughter at stake to level such a serious allegation and then would also allow “When a man is prosecuted for rape or an attempt to ravish, it may be shown that the victim was of a generally immoral character to impeach her credibility.” – Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press,
Pronouns	pronouns are only rarely used, generally to avoid ambiguity	<ul style="list-style-type: none"> It was one of the main contentions of <u>the learned counsel for the appellant</u> that there are important omissions in the evidence of it is observed that <u>Prosecution</u> has proved its case against the accused beyond any shadow of a doubt <u>The learned counsel for the accused/appellant</u> argued that totally a false case was set up...
Long complex sentences with intricate coordination and Subordination		In so far as the compounding of the offenses is concerned by the appellants reached through compromise with the legal heirs of the deceased, it would be seen that Section 7A of the Anti-Terrorism Act, 1997 is not compoundable and hence the learned High Court correctly dismissed such compromise applications. Even otherwise we are of the opinion that the cruel and gruesome murder of the deceased who had been begging for her life from the appellants certainly amounted to Fasad-Fil-Arz within the meaning of Section 311, P.P.C. and hence there could not be any question of acceptance of compromise between the parties.
Syntactic discontinuities	<i>They interrupt the 'natural' flow of the sentence by inserting added information</i>	Secondly, clauses (iii) and (iv) of the definition of 'rape' in Section 375 PPC clearly reflect that even consent of the victim is obtained by putting her in fear of death
Widespread use of the passive		<ul style="list-style-type: none"> ...a child given birth in result of the crime committed by the accused. “...in result of the crime committed” by the accused. Mistakes were made. The contract was signed.

Figure 2 Level I: Description

Inter-Textuality & Inter- Discursivity

Discursive language, according to Fairclough, is generated and created based on a collective 'common sense, whereas the building of discourse based on past text practice, or the blending of different previous discourses inside the same text, is known as intertextuality. Intertextuality is a way of looking at a text's interactions with prior texts, writers, readers, and conventions from the perspective of both reading and writing it. The language of the law is undoubtedly not the same as the everyday English that we speak, the Urdu language of the law is not the same either. What boggles the mind is that when the law is supposed to be working for the layman it should at least be comprehensible for them. when asked if the judges feel that the legal language especially English is very complex and hard for a layman to understand? The crux of the replies was that every

profession has its particular jargon, vernacular, and usage. "The language perhaps seems different or as you put it difficult because the words are used very selectively and carefully as to convey the correct meaning and not cause ambiguity as lives depend on them." one responder agreed that maybe it was difficult for a layman to understand "borrowed words" but since this is one of the oldest systems of the world the vocabulary originated is also old and less used. Lastly, "Yes, legal language is a little difficult to understand since it must be free of all possible interpretations". A lawmakers (judge/lawyer) written word is not just a means of expressing his or her opinions on law, but also a tool that aids in the development of those thoughts. Written words that describe a difficult legal notion or relationship appear to aid lawyers in distancing themselves from the subject and analyzing it objectively.

When asked the participants about any stereotypes or the prevalent patriarchal practices that might unconsciously find their way into the judgments? Mostly replied that "Judges are conscious that their choices will be scrutinized in the future or even in the present, the judgments can also be overturned in the future", "Their judgments are a declaration that will hold or can be used as an example for the future" that is why they must be meticulous and thorough in the reasoning process that led to their conclusions. As a result, the language they employ in their judgments is inevitably influenced by their reasoning process.

Furthermore, "common-law judges do not believe that their responsibility in determining cases is limited to declaring the correct legal theory that is being applied in the particular instance. They not only state the legislation, but also explain the reasoning processes that led to that particular decision, "the cases they evaluated, and the arguments they rejected and/or accepted". "As a result, a judicial decision includes the reasoning of a judge in support of that ruling. This component of judicial discourse has a big influence on how law reports are written". In other words, judges are required to disclose a great deal of information in their decisions, resulting in a high level of information density. They are obliged to employ a range of linguistic structures to handle the vast amount of data they supply in their judgments along the process."

Whatever the complexities of the language used one of the main functions of the law as an arbitrator is to ensure that a person's human rights are respected and that their fundamental right to a life of dignity and free of violence is guaranteed. Pakistan ranks 151/153 countries in gender equality, arguably these consensuses are not about the law per se but the society as a whole. Even though in the last decade the law of Pakistan has taken landmark decisions to support women, punish the offender, and lessen the trauma the women face at the hands of the justice system, as a deeply patriarchal society there are certain taboos that the law cannot erase. Many bills that are passed or laws that are written are objected to or are protested against by the religious ideology groups, for example, the domestic violence bill. The concepts of honor associated with women are so deeply interpolated in our society that passing a law to empower women will not be enough. It's through education and constant change that things will become better.

Women in Pakistan continue to have little or no say in the decision-making when it comes to their marriages, inheritances, and many other matters.(Badriah Et al 2023) Most women do not have any knowledge about their basic rights (religious or otherwise) and often women who are aware face disapproval from society and their families in perusing justice. The researcher agrees that the barriers to accessing justice for women start at home and are prevalent in all stages of the judicial system, starting from the filing of an offense i.e., police report, the courtroom proceedings, the humiliation at the hands of the associated

family and society members, etc., but this research is specifically focusing on the judgments written by the judges after careful deliberation.

Do judges attribute qualities to people depending on their gender, age, and socioeconomic class, rather than who they are, due to preconceived gender ideas?

“Judges are given rigorous training to write impartial judgments but they can make mistakes”, “ as a judge we are required to go through the case files beforehand, and the one thing we put our efforts into is to compare what is being presented in court with what has been written in the case file. A lot depends on the judge’s ability to check an applicant’s credibility”, “the main thing I focus on when entering the courtroom is to keep my mind clear of any preconceived notions about anything, wait for the facts to unfold, and then deliberate as impartially as possible.” Judges have a crucial role in the regulations of justice and the formulation of judgments, as judicial decisions have a wide and deep impact on social constructions, social order, and systemic inequality.

Judges' drafting and opinions reflect their thought process and provide insight into their perceptions when they interpret and apply the law. When asked if the judges feel that a female judge would be more sensitive towards the same case or if it will affect the judgment? “To protect the rule of law, all judges, male or female, resolve cases according to the law. They may get to the same conclusion based on the same set of facts, but for different reasons and with different weights placed on the relevant information.” “Judgment writing must be devoid of all emotional connection and should be based on facts. I agree that judges are human but we are regularly given workshops to change the way we address genders.”

The use of gender-neutral language, which is a vocabulary that is particularly aware of gendered words and roles, as well as the depiction of women, is another facet of expanding on the gender viewpoint for inclusivity and visibility. The choice of words, or lack thereof, is critical not only in ordinary language but also in judgments, as language can reinforce bias. The repeated use of the pronoun he, for example, can reinforce the idea of men's dominant role. Gender bias is typically buried in language and may be established in the system without anybody realizing it by relying on the same assumptions and presumptions, especially when it comes to women. While language can help to perpetuate prejudices, it can also help to bring about a beneficial, much-needed change in a methodical and timely manner. This is because the language has an impact on people's mental processes and can act as a catalyst for change.

Pakistan is a patriarchal society and even with a lot of new amendments in the law there are still numerous hurdles toward achieving justice for women. Women inevitably need the permission of the men in the family to even lodge a complaint let alone fight a whole case. There are men who are fighting their cases who cannot relate to their plight at all. As was evident when the researcher visited the courtrooms for observations. Being a woman, the researcher was at the receiving end of odd looks, was made uncomfortable with stares. The premises were predominantly men. The atmosphere was very uncomfortable and daunting. One of the observed court room proceedings was of a ‘khula’ case. A woman in a court room of men being asked questions regarding all aspects of her life. It was in no way a woman friendly environment. The law even though favors women when they want divorce it’s the proceedings and the society which makes it difficult for them to even try to access them. As it is divorce for a woman is stigmatizing going to the court to get it yourself is not easy for women. Same in the case of other gender-based violence cases rape victims sometimes resort to suicide, fearing the lifelong stigma of being a rape victim. Mukhtaran Mai, the motorway rape case is two such examples where victim

blaming and shaming were paramount. However, the written judgments allowed for reporting have rare instances of language demonstrating power dominance but it is still there. It can be assumed that the language of the courtroom, is dominating towards women. Research reveals that women generally describe experiencing indifferent, insensitive, or harsh treatment by the police, prosecutors, and judges, who often minimize or trivialize, and dismiss the violence or blame the victims (Women's Centre for Change. 2007)

Of the 11 judgments that were analyzed for this particular research most of them were devoid of any stereotypical representation but not all of them. When all is said and done Pakistan is a gender-obsessed society and however hard we try stereotype notions do show up. For example, one of the cases analyzed was of a young girl raped in school the wordings were:

"Briefly, a little doll in sixth year of her blossom was quite happy to find her in a school for education; after about a month of admission, her image in an evil eye roasted the lust one day, turned a human into a Satan who grabbed the opportunity to catch her prey on 12.05.2017 at about 10.30 a.m. when she was in the washroom of FG School No. 5, Cantt Gujranwala; the sex monger put him into action, unchasten the little girl....."

Chastity is a very sensitive topic in any society but more so in the Islamic republic of Pakistan. It has led to many a case of honor killing in Pakistan. And for a judgment to declare that a small girl's chastity was taken, will result in the stigma to be attached to the girl forever. Stereotypes normally associated with women describe them as:

- **Weak/frail (blossom)**
- **Passive (unchaste)**
- **Feeble (little doll)**

The judge's compassion towards a young girl was questioned, but the argument about unbiased legal language was not fully fulfilled. Judges need to reflect on gender sensitization and the perpetuation of gender stereotypes. While there has been improvement in the last decade, it will take time to completely eliminate these stereotypes. An acid attack case illustrates this issue.

"...to disfigure or disfigure the most beautiful part of a woman, i.e., face, permits punishability to a maleficent but may be regarded as sin the schadenfreude had visioned incessant plight and pity of the hapless victim till death. Oh! What a yelling and moaning, anyhow, Allah Almighty has absolute powers to dispense the real and ultimate justice."

The judgment's message of hopelessness for the victim is problematic, as the language of the law is normative and can lead to normalizing issues. The term 'victim' is often used to describe a woman who has been subjected to violence by the opposite sex, while 'survivor' refers to a person in recovery. Both terms serve different purposes, and the law should be emotion-free and clear to avoid ambiguity. Another contention among the masses is about the use of the word "character" to stereotype women with certain affiliations or habits before the crime was committed against them. On 4th January 2021, the Supreme Court of Pakistan (SC) delivered a landmark judgment that held that recording the sexual history of the survivor or character to discredit her credibility is unconstitutional and illegal. The data analyzed contained 16 occurrences of the word character 15 of which are reinstating the law passed by the supreme court. Only one instance is of the reference to the character of the offender stating

".... nothing as such is brought on record to prove that (appellant) was a philanderer
by

character and at the eventful time, his ultimate design was nothing but to rape the victim. Since the incident occurred at a thoroughfare and that too in a broad daylight; hence it appears that the appellant out of sexual frustration only intended to sexually molest the victim....”

In this particular example the character of the accuser as never have previously indulged in any so-called immoral activities or offenses is being used to predict his intention. Moreover, the use of the word “only” can be seen as problematic. the word tries to minimize the perpetrator’s actual crime. Saying that he did not intend to rape the victim takes away from the psychological trauma and humiliation of the actual harassment event that occurred. as is the case in the second example,

“The petitioner had allegedly picked up a *sota* from the spot and he and his son had then collectively given only three injuries to the complainant. The case was, thus, a run-of-the-mill case of domestic violence based upon estranged matrimonial relations.”

The word ‘only’ in both these excerpts highlights how experiences are minimized through language use by saying “she was given only three injuries” negates the psychological trauma, and the humiliation, and does not to mentions how hard the blows of the *sota* were for her. Adding the idiom “run of the mill” which according to the Webster dictionary means ordinary and not special or exciting in any way, does not stay true to the format prescribed for neutral judgments. It also normalizes gender-based violence (GBV). All the judgments refer to the perpetrators of the crimes as appellants/petitioners. An objection commonly raised on these titles is that these titles humanize the committer of the crime, same as calling a person a victim takes away their identity and creates a distance between them and us through language. according to one of the interviewed judges “When judged under the lens of the legalese it makes sense to call the person filing a case a petitioner or a person appealing against a judgment an appellant.” Another answer was that it is simply to add clarity to the judgment and avoid biases and emotional language. in a country like Pakistan where GBV is prevalent in most relationships not addressing the criminal with stronger titles can have dire consequences, moreover, these titles which are not easy to comprehend by laymen can make the criminal’s reinstatement back into the society easy. There is a prevalent trend of passivization of the subject to lessen the blame on the actual culprit in media, but when it comes to the legal language it is believed it serves no other purpose than to give the text the impression of a legal document. As seen in the analyzed judgment there is passivization for Example:

- “There are three misstatements of fact in appellant’s application.” (passive)
- Appellant’s application contains three misstatements of fact. (active)

The data argues for justifying word order in legal language by focusing on the communicative goal, particularly in pointing out factual errors. It underscores the potential of language in legal judgments to challenge stereotypes, address gender imbalance, and empower women by shedding light on unreported violence. The need for a clearer and more inclusive legal language is emphasized, alongside the importance of increasing female representation in the legal profession. Additionally, it highlights the influential role of judgments in shaping societal attitudes and calls for a balanced perspective in the legal system that may preserve honor of female litigants

Conclusion

The language in a decision can be a significant tool for denouncing GBV and empowering victims to feel safe in coming forward with complaints. This passage

discusses the role of language in addressing gender-based violence (GBV) within the legal system in Pakistan. It emphasizes the need for user-friendly judgments, training judges in gender-neutral language, and introducing gender-sensitive courts. While progress is noted, challenges persist, especially in courtroom language and the presentation of cases, affecting the overall effectiveness of the justice system in combating GBV.

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