

## **The Need For the Establishment of Forensic Linguistics**

### **As An Independent Discipline In Pakistan.**

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#### **ABSTRACT**

The Law is codified in the language. Legalese as legal register has become an important vehicle for the display of linguistic power in shaping people's lives in the courts. This research paper highlights the multifarious importance of forensic linguistics as a discipline exploring legalese. Linguists are welcomed as professional experts globally, especially during the investigation, trial, adjudication, and various civil situations. They help in identifying authorship in traditional way, as well as provide help in digital crimes. In America, Australia and the United Kingdom forensic linguistics has established a safe niche. It is ignored since its inception in the legal proceedings in Pakistan. It is due to the limited of expertise in the field. In Pakistan English, Urdu and many local languages are used simultaneously and courtrooms are no exception. Pakistani legalese is a mixture of all these languages. In this multilingual situation, linguistically developed forensic department may help law officials, both in the academic and professional settings. In law academics, linguists can teach law students the intricacies of linguistic aspects of language of law. The population is the whole body of lawgivers and law user. A purposive sample has been used to take an opinion. Data collected is a historical survey of the contributions of different linguists in establishing forensic linguistics as an independent field in the domain of critical discourse analysis, along with opinions of concerned participants in Pakistan. It is analyzed qualitatively. The conclusion is that the paper presents a review of the place and importance given to forensic linguistics in the world. It suggests a similar department in Pakistan, with special reference to its theoretical and practical aspects.

**Key Words: CDA, Forensic Linguistics, Forensic Science, Legalese.**

#### **I INTRODUCTION**

Natural languages are highly diverse and complex, but they have one thing in common that is its unity of form and meaning. Language is a specie specific ability endowed only to Homo sapiens. Language has multipurpose usage, such as declaring intentions, assuming realities, deducing facts and most importantly thinking creatively. Linguistics is the scientific study of language. Phonetics, phonology, morphology, syntax, semantics, and pragmatics are the aspects of language used to specify different fields of linguistics for specialized study. What makes a linguist expert in the field is the comprehension of these subfields that help him to solve language related issues in the real world. The Linguistic study marks the features of singularity and the idiosyncrasy of its users. Application of this knowledge to real world problems where language plays a central role is the field of applied linguistics. An applied linguist is not a polyglot but applies the knowledge of different aspects of language scientifically. It can be applied to a vast range of areas of knowledge; therefore, linguistics has linked many disciplines

with its power as a ubiquitous and universal tool of communication. Reality is shaped by language and language is shaped by reality. When we apply linguistic knowledge in a situation where exploitation is done through language and suggest some solution, it becomes the field of critical discourse analysis. Forensic linguistics is a sub field of CDA that deals with crimes committed through language and their solutions. This research work studies the importance of forensic linguistics and its vast range of applications, especially with reference to its utility in the field of law to help people understand its mystique. Law is an important field that exercises power through its hierarchical judicial system to influence the masses. All this is done through a special exploitation of language that calls forth the need of a linguist as an expert to demystify this special register as an expert witness in the court of law.

Forensic sciences have developed enormously in the past decades, especially forensic linguistics all around the world. Linguists are held across the globe as professional experts, especially in America, England and Australia, but unfortunately, this is not the case in Pakistan. This study will discuss those points that are overlooked by police, law and judicial officials during investigation, trial, examination, cross examination and decision making in the absence of a proper knowledge of linguistic aspects of language. The medium of all the court proceedings is legal language rather legal register. Linguistic evidence is given importance mainly along with other material evidences. Police and Lawyers often manipulate truth through legal language to achieve the required results. Only an expert forensic linguist can point out those features of discourse, which are ignored by nonprofessionals or court officials including jury.

The implication of the current study is to present a solution to the problems faced by nonprofessionals in legal proceedings. Keeping in mind this implication the current study will explore different abuses of legal process and will suggest some practical ways to change the status quo in Pakistan.

## **1.2 Forensic Linguistics and Law**

The relationship between linguistics and law is interlinked at many junctures. Law is one of those areas, which directly influence the lives of the masses since ages. This is done through a ritualistic performance of the ordeals of court in a specified code. This is a type of institutionalized exploitation of the poorer classes by the hands of lawgivers who play into the hands of elites and rulers. This all is done by playing with words, hair splitting, indulging into technicalities of legal jargon which is purposefully kept complex to keep laymen at arm's length especially with their gender biased attitude in family and civil courts dealing with domestic violence, divorce, separation, child custody, abduction, rape, sodomy, family disputes etc.

Forensic linguistics as an important area of CDA serves the purpose of demystification of these trickeries played with words in the name of the legislation, cross-examination, hearing evidence, testifying authenticity of the rightful owner and sometimes life risks. This is why no one can deny the importance of application of linguistic knowledge in the court proceedings as expert evidence. Forensic linguistics has its importance both in court proceedings as well as outside in everyday life In this study, the researcher will try to establish the importance of forensic linguistics as an indispensable department to work in alliance with Forensic evidence department to provide expert help to the law enforcing personnel. It is very beneficial for not just the courts and the defendants, but for the students of law and linguistics who want to use their expertise for

the benefit of the public at large. It is a matter of common observation that many times a slight misconception in interpreting real motive of either the council or witness in the legal proceedings can cause the imprisonment or even execution of an innocent. The legal and language experts will be able to work in cooperation after the construction of many linguistic tools such as a use of legal corpora, authorship profiling lists, ontological semantic lists, Natural languages Processing methods etc. to the help interlocutors in legal cases. It is believed that the research will elicit positive responses from the concerning sides.

### **1.3 The Place of Forensic Linguistics in the world**

The importance of forensic linguistics and linguist as a professional expert and expert witness has been acknowledged since long in Europe, England, America, Australia and many other countries of the world. The works of Labov(1984,1988,1989), Roger Shuy (1990, 1993,1997, 1998,2001),Solon (1993, 1998,2005), Malcolm Coulthard(1992,1994, 2005,2006,2007, 2008),), Olsson (2004) , Redlich(1997), Tiersma (1999, 2010), Eades(1994, 2003, 2004,2010), Mcmenamin(1993, 2002, 2003), Maley(1994), Walker(1990), Charrow(1979, 1982), Ainsworth (2010), Chaski(1997,2001, 2003, 2004, 2005) Gibbons(1994,1996), Leonard(2003, 2004,2005) and many others can be cited as examples in this regard. They have proved the importance of linguistic evidence and linguistic analysis to be an essential part of the legal proceedings. These have established the importance of the use of linguistic aspects of language such as, Phonology, Sociolinguistics, pragmatics, Syntax, discourse analysis and recently critical discourse analysis for the benefit of masses. It is equally important in the training of lawyers and judges to seek advice from linguistics experts when they feel it's crucial.

It is very unfortunate that in Pakistan we cannot cite any one name who has earned fame in the field. This situation is alarming and seeks prompt attention. Large scale crimes in the name of legal trials, accountability, honor killing, political coups, distortion of historical facts, jeopardizing national integrity, media trials, off court trails, exploitation of religion, using religious connotations for personal gains, sectarianism, nepotism, corruption, forgery, legal murders, political privileges, taking liberty with constitution, in short what not have been committed by playing with law and its' mystic language.' this has damaged the image of the nation internationally . Modern crimes such as cyber bullying, cyber harassment, email threats, suicide notes, fake documentation, terrorist threat calls, etc. call forth the establishment of such an advanced discipline to combat the situation.

Our courts are called' Kangaroo courts' because anybody can mold the law in the shape suits his designs. Common people lost their properties as well as lives in unending pursuit of their legit rights. This is all due to the unchecked powers in the hands of few professionals who twist terminology in their favor. As a critical discourse analyst, a linguist can be of a great help to these downtrodden people of Pakistan. Forensic Linguist cannot only function as an expert witness, but can also bridge the gap between laws and masses especially the trodden classes of the society. This situation calls forth the need of forensic linguists who are skilled in the analysis of anomalies of the linguistic aspects of the proceedings as well as the importance of their job as mediators between lawgivers and law seekers.

In everyday life, we have to do with legal documentation, as in real estate, license renewal, company agreement, and operation constant forms, medical certificates, and rental deeds, lease

document contracts contract with employers, statutes, wills, Pension plans, and insurance document. This unnecessary ambiguity in legal jargon creates a problem for common people.

## **II. LITERATURE REVIEW**

### **2.1 The spectrum of the Applied Linguistics is diverse.**

Linguistic knowledge has been used in diversified fields since ages. ‘It is hard to think of any area of life that linguistic does not touch’. (Shuy, 2001:683). The use of linguistics is many folded in many professional fields such as medicine (speech therapy, impaired speech areas, etc) Psychology (Psychiatric treatments, stammering speech therapy etc.), media (use of rhetoric and persuasion), education (Phonetics, Phonology, Psycholinguistics, Semantics, Syntax, Discourse Analysis, Literature). One of its very powerful applications is in the field of law where it is termed as Forensic Linguistics, an interface between linguistics and law (Olsson, 2004). Whenever we open our mouth, we perform some act with our speech (Austin, 1975) and when this is done in the court these actions become performatives. This is the power of the language of law.

### **2.2 Forensic Sciences and Forensic Linguistics**

Forensic Sciences deal with the scientific analysis of the evidence presented in the court of the law. Forensic sciences help in understanding and interpreting the physical evidences in criminal and civil cases with the help of scientific methods. To maintain the objective role and authority of law enforcing body’s authenticity of the presented evidences is checked in forensic sciences. It deals with physical evidences.

In the same way ‘Forensic Linguistics’ deals with the crimes in which language plays a vital part addressing different aspects of language (Labov 1989; Lentine and Shuy 1989; Leonard 2003, 2004, 2005, in press, Shuy 1998). It deals with cases like voice identification, authorship attribution, ambiguous jury instructions, coercion due to asymmetrical power distribution in court room interactions, discourse strategies to influence witnesses, lawyer-client communication breakdown, the nature of perjury, defamation, trademark infringements, courtroom interpretations, translation difficulties the adequacy of warning labels and the nature of tape recorded conversation as evidence. (Levi 1994). International Association of Forensic linguistics (IAFL) was established in early 1990s to deal with legal matters where language was used for criminal exploitation.

Language is used in the courtrooms to control, to constrain, to coerce the evidences of the witnesses. (Dante et al. 1980; Matosian 1993, Cotterril 2003) .Registers is special languages based on use (Halliday, 1978& 1985). One of the registers is legalese or the language of the law, which has its special features, which create ambiguity (Shuy 1993). Lawyers and other law officials exploit these features of legal language, which create problems for the participants involved. It has been acknowledged by many researches that no doubt the legal language has features of its own, which are difficult to grasp by nonprofessionals (Tiersma, 1999, 2010). Gibbons (2004:285) pointed out that linguistic aspects of law create many issues and difficulties

during court proceedings because the language of law is not the mother tongue of the people in the legal system (2004:291).

Linguistics is a broad field of study covering not just the area of language, but also its related aspects too, like language in context and language beyond text namely pragmatics and discourse respectively. Linguists working with law bodies have to look at the case through all aspects. The job of the linguist demands a sharp-minded person with ready to go attitude. If a linguist is not fully equipped with the most essential equipments of his field, he will not be an able witness.

### **2.3 Forensic Linguistics is a developing discipline**

The field is not new in nature as there were always disputes over language related issues in history. In ancient times, authorship identification was hard to ascertain due to plagiarism conducted by many people on holy books and works of great authors. However, it could not be prosecuted in court. The use of linguistic knowledge in the field of law is not new. In eighteenth century, efforts were made to identify s authorship of Shakespearean plays. In nineteenth century, British and American mathematicians and statisticians to identify authorship of the important written documents used different methods. In early 1950's and 1960's its use in other cases started. The phrase 'forensic linguistics' was first used by Starvik in 1968. Talks about Forensic Linguistics were initiated in 1980s to establish it as a separate discipline. Charrow (1979) provides initial efforts in the field by presenting a psycholinguistic study of the language of the court to make it understandable for the laymen. Nolan (1983) wrote an interesting and thought provoking book on phonetic forensic to open new vistas of research in this area. Baldwin and French (1990), two phoneticians have summed up their cases and the ways that they helped the court in sound identification in criminal cases with the help of phonetic aspects of language.

Shuy and Lentine, (1990) worked on John de Lorean case and McDonald's corporation vs Quality Inns International, a trade mark infringement case, proved in the court that it is a case of morphological cutting or addition and morphology of a language cannot be the property of any corporation. Shuy (1993) in his article about Miranda, a police-warning document shows that how ambiguity is created by the complexity of language that may cause harm to the readers who may interpret it according to their own perception. Shuy (1993) presented a case in which the product warranty ambiguity may harm its users. Solan (1993) a professor of Law, compiled his experiences in his book about the language of judges to highlight the combination of linguistic theory and the field of law. Walsh (1994) shows different interactional styles of lawyers and Aboriginal people posing great problem of understanding, which resulted in miscommunication between them. Mcmenamin (1993) worked in the field of author identification in written documents. Coulthard (1994) discussed Derek Bentley case use of a corpus to analyze a dictated statement with the help of a corpus. Eades (1994) worked for the promotion and application of forensic linguistics in Australia and compiled a detailed account of its origin, development and effects on the lives of Aboriginal English speaking people, who were the real natives of Australia but suffered due to linguistic exploitation. Gibbons (1994) in his book that is considered a classic in the field discussed how facts are distorted by misrepresentation of discourse statements and sentence structures. Levi (1994) wrote a very helpful guide for the researchers in social sciences at the interface of law and language. Jacobson (1995) focused on narrative especially of prosecution and defense lawyer and showed that the force and styles of their narratives has a great influence on the decision of the council.

Gibbons (1996) shows the reality of police interviews and the structures used for asking questions from the convicts, which create a distorted picture of reality. Starman and Dhal (1996) raise the question of court orders and their general comprehensibility by the public. They discussed the case of misinterpretations in understanding the language of a simple temporary restraining order in a case of domestic violence. Hale (1997) presented her observations as a practicing interpreter while dealing with the cases in which non native speakers of English were involved, Here the difference was of having different perspectives about the phenomena between witness and lawyers which created difficulty in understanding . Institute for Linguistic Evidence founded by Chaski (1992) is helping in identification of digital linguistic crimes and testimony. Chaski (1997, 2001, 2004, and 2005) has presented a detailed account of situations where author identification of cyber crimes was met successfully. Stamatatos (2001) in categorization of genera and author through computational linguistics has widened the scope of forensic linguistics. Rose (2002) provided the improved research methods applied in the field of phonetic recognition with the help of advancements in this branch of linguistics. Cotterill (2003); a practicing forensic linguist studied Simpson Case from multidisciplinary point of view. He analyzed the whole case with the help theoretical frame works in of sociology, anthropology, criminology and psychology to analyze the discourse of interaction in the case. Olsson (2004) calls Forensic Linguistics, an interface between linguistics (the science of language) and law. He has provided a practical guide especially in the area of authorship attribution with an application of linguistics in criminal cases. He has not discussed the language of law but the use of linguistic knowledge in law suits especially phonetic aspects. Coulthard and Cotterill (2006) in their book, *Introducing Forensic Linguistics* threw light on a number of topics in legal instances such as evidence collection, interactional mechanism, discourse strategies, complexity of legal language , problems of comprehension and especially phonetics where linguists came to rescue. With the spread of English and the start of many non-native varieties of English posed problems of understanding as was observed in the case of Aboriginal English used in Australian natives and the court officials. Differences in the English spoken by both communities were the cause of misunderstanding in legal processes (Olsson, 2008). ‘The way they speak and the distinct variety of words they use, has a great risk of causing misunderstandings and giving the wrong meaning to the interviews given to the police’. (Olsson 2008:8).

Police interviews were always open to suspicion of false concoction or coercion because they were written down in the specific language register of the police rather than the interviewee's own words. Gradually, rules of authorship were set. Later, forensic linguists in the United Kingdom, United States and Australia did much work. Simplification of the Miranda warning case as mentioned by Ainsworth (2010: 11-125) is another important case which was named after Ernesto Miranda (1963) who was convicted of armed robbery appealed on the grounds that he was not aware of his right to keep silent in response to police questioning unless provided an attorney. Fighting for Alridge (2010) addressed the rights of the mentally retarded and vulnerable people who are linguistically deprived, mentioned by Coulthard and Johnson. (2010) is a recent development in the field.

### **III. RESEARCH METHODOLOGY**

The research work is theoretical as well as practical.

**First**, it describes the role and importance of forensic linguistics in different court as well as everyday life situations through a survey of different cases in different countries.

**Second**; it describes the current situation through survey, content analysis and then will compare the legal situation in Pakistan with other countries.

**Third**, with a suggestive data collected from online and primary sources the importance of this discipline has been established for the law officials and nonprofessionals.

### **3.1 Sample and Demographics**

#### **3.1.1 Population and Sample**

The population of the study will be of two types, human and material;

The human population comprises lawyers, judges, students of linguistics and law, teachers of linguistics and law.

The material population will be forensic linguistics cases across the world.

Similarly, the sample will be of two types, human and material selected by convenient sampling.

### **3.2 Research Hypothesis**

Forensic linguistics is helpful in the academic, professional and real life settings to avoid linguistic exploitation, coercion and linguistic crimes by simplifying legalese with the help of different linguistic ways in Pakistan.

### **3.3 Research Questions**

The study has following research questions;

1. What is the role of forensic linguistics in avoiding linguistic exploitation?
2. How far forensic linguistics will be helpful to the lawyers and jury in the court, students and teachers in law academic institutions and public at large in everyday life in Pakistan?
3. How beneficial will be a forensic linguistic department to combat linguistic crimes in Pakistan?

## **IV DATA COLLECTION AND ANALYSIS**

### **4.1 Some Legal Cases about situations and Crimes committed with language across the world**

Cases related to life threats, threat calls and threat notes, unlawful use of others trademark; plagiarism, blackmailing, etc. call forth the expert opinion of the forensic linguistic investigation.

1. Labov (1984) in press mentions, The Prinzivalli Case, role of forensic linguistic in determining the identity of a threat caller who was giving threat calls on the telephone. Labov (1988); Rose (2002). Here sociolinguistic, pronunciation style studies and phonetic mapping, especially phonological feature analysis was used to mark of the typical features of the caller's accent. Labov (1983) mentions the U. S. Steel case where linguists to help the workers of the steel mill studied lexical density in the readability of a legal notice and its intentional syntactic complexity. The 'Thornfare' Case, where objectivity and comprehensibility of a legal letter were to analyze to show that it was a biased.

2. In American, Roger Shuy's most famous case with linguist Genuine Lentine is a case of trademark (1988) testimony. When a hotel chain Quality Inns International broadcasted their upcoming hotel chain 'McZee', 'McDonalds' argued/claimed that the prefix 'Mc' is a property of their food chain because they started adding it to nouns, hence hold authority over it. The linguists working on this case testified that no such claim is true, as the use of the prefix with nouns had already been advertised in the history prior to MacDonal'd's. The court did not permit 'McZee' to use the prefix despite the testimony of the linguists 'Roger Shuy has not just prescribed a list of tools needed for analysis, but also worked on cases with the help of all linguistic items'.(Olsson 2008:7).
3. Shuy analyzed a case of a ransom note written with pencil. The note was found at the doorstep of their house by the abducted child's parents. Shuy (1988) evaluated the script highly critically and concluded that the criminal of this act is from Akron, Ohio. Shuy (1988) also stated that the person is well educated. Police had a name from there in the suspect list that was caught and confessed (in Leonard 2005:4).
4. Leonard (2005:3) mentions its help in the author identification of ransomed letters matter, along with the suspicious nature of drafting of contracts, investigation of the truth value of confessional statements (Leonard 2005:3).
5. The Rostra Law School Housing Clinic was appointed by a woman to resolve the breaching charges of the house. The police said they informed the woman and got her permission before entering her premises that they are going to check on her infringement. The Rostra Law School stated that the property owner wished to inflict a penalty on the woman for arguing over the bad state of the property. After consulting with the Forensic Linguistics Project, The Law School cross-examined the police by probing not just that how can a monolingual Spanish speaker grant oral permission to police officers who do not understand it. In addition, if she knew they were going to monitor her contravention why would she allow them in. After The Law School conducted the case by analyzing language data, the court withdrew all charges (in Leonard 2005:3).
6. The Housing Clinic solved one other language case, which was about Spanish surnames. The court instructed a property owner to give additional gains to the residents with Spanish surnames. As the property owner's lawyers wanted less people to be profited, they made a very small list of people with typical names. However, The Housing Clinic put forward their semantic and functional exposition. Which explained that by semantic point of view, white people will take only common Spanish names as surnames, but by functional clarification, names can be taken from the directory of home country? By doing this, the lawyers eventually had to make a bigger list than before (in Leonard 2005:4).
7. Dr. Wald and Robert Leonard investigated a serial killer/stalker case. A woman was intimidated from a letter sent by a person pretending to be a stalker. In the letter the person stated that he was engaged in a sexual act with the woman for one night and the woman told his fiancé about the incident. Later the woman was found dead. After her death, a man claiming to be a serial killer and declaring that he murdered the woman sent a letter to the newspaper. Both of the linguists found that the letters were sharing a noticeable resemblance of place. A lofty clear-cut discourse feature and a grammatical idiosyncrasy of the letter helped the court in giving the verdict (Leonard 2005:5).
8. Jan Svartvik (1968) analyzed Timothy John Evans's statements. (Olsson 2008:4). Summary of the case is that the man named Timothy Evans was charged with murdering his daughter and wife. Evans told the officers that his neighbor John Christie is the culprit. However, Evans was



declared guilty by the court and hanged to death. Three years later, it was founded by the authorities that John Christie is a serial killer and murdered the wife and daughter of Evans' along with many other women living in the same house including his own wife. In his publication *The Evans Statements: A case for Forensic Linguistics* (1968). Svartvik denoted that Evans' four statements made to police officers showed a difference in their grammatical structure between conflicting parts, which led to his execution and non-conflicting parts. (Coulthard and Johnson 2007: 5).

9. In 1980s, linguists gathered in Australia to look at the language diversity of Aboriginals and white people. Differences in the English spoken by both communities were the cause of misunderstanding in legal processes. Aboriginals are the native people of Australia and their dialect of English was considered inferior to the white's version of English. The way they speak and the distinct variety of words they use has a great risk of causing misunderstandings and giving the wrong meaning to the interviews given to police. (Olsson 2008:8).
10. In 1980s when linguists gathered in Australia to look at the language diversity of Aboriginals and white people. Differences in the English spoken by both communities were the cause of misunderstanding in legal processes. Aboriginals are the native people of Australia and their dialect of English was considered inferior to the white's version of English. 'The way they speak and the distinct variety of words they use has a great risk of causing misunderstandings and giving the wrong meaning to the interviews given to police'. (Olsson 2008:8).
11. Peter Sutcliffe notoriously known as The Yorkshire Ripper was arrested and given the penalty of life imprisonment. He was a serial killer and murdered many prostitutes. At his trial, he declared that he wanted to clean the streets from rubbish. At the peak of his killings, police was trying hard to find the man behind the killings. Then some letters and a tape were sent to the police who proclaimed to be the killer. Linguists Stanley Ellis and Jack Windsor Lewis analyzed the data. Who informed the police that the man has an accent of Sunderland? The sender of the letters was not discovered and Peter Sutcliffe appeared. The problem for the linguists was that Peter was not from Sunderland. Later in 2005 a man from Sunderland, John Humble was caught and identified as the sender of the hoax letters through DNA testing (Gibbons 2008:226; Coulthard and Johnson 2007:5).
12. Simplification of the Miranda warning case as mentioned by Ainsworth (2010: 11-125) is another important case which was named after Ernesto Miranda (1963) who was convicted of armed robbery appealed on the grounds that he was not aware of his right to keep silent in response to police questioning unless provided an attorney. In USA, police officers as per rule are bound to tell the convict that they can speak at their own will or in the presence of their lawyer. The Court of Appeal overturned Miranda's conviction in 1996. Shuy (1997:180) proved that 'the very nature of questioning is coercive'.

## V DATA ANALYSIS and CONCLUSION

### 5.1 The Language of Law in general and in Pakistan

The language of the law is technically a register like many other registers of other fields, which poses problems for the nonprofessional. 'Registers differ primarily in form' (Halliday, et al 1964:84). The courtroom and police register is difficult to comprehend for the general public. Police takes records and interviews, which they write down in their own discourse. Spolsky (1998) asserted that lawyers use an elocutionary form of legal discourse, which is inducing,

proving, frightening, informing, stimulating and opting and it is used in a specific situation with particular role statuses involved. This distinguishes legal discourse sharply from other types of discourses. Although the prosecutors are licensed to interrogate in an inquisitive manner, there are restrictions on certain types of questions. Maley (1994) commented about Anglo Saxon Common law system that it has a discrete legal language which is apparent. In Pakistan, legalese of all different genres of law has their own format as in other parts of the world. 'There is no one discourse but a set of related discourses'. (Maley1994:13)

Written utterances in law are formed according to situation related tasks. The text of the law is linguistically complex and is distinct from customary speech. 'It is a battle, a story telling' (Maley1994:33-34). It is kept ambiguous intentionally. 'As with religion the law has trained intermediaries-lawyers-who will interpret, even intercede for us'. (Charrow1982:182). This is more patent in operative or authoritative laws. As far as Pakistan is concerned the situation becomes very complicated as Pakistan's Law follows the old law given to them by their colonial masters before Independence. In Pakistan, promulgation of law has been divided into two parts for the sake of convenience, civil and criminal. Civil cases are heard and dealt with under Attorney office with separate courts. These courts are further divided into Family courts and civil courts. Criminal courts deal with all sorts of crimes commit against the public welfare disturbing law and order in the country. Criminal law is the extreme apex of the professionalism, which demands complete command over the constitution of the country as well as later amendments and addition according to the needs of the times. Most of the Law prevalent in Pakistan is related to the Code of Criminal Procedure (V of 1898) which was implemented by the British Empire. The penal code (XLV of 1860) is used which has been reshaped to some extent according to the needs of the country.

## **5.2 Procedure of the Criminal trial and Litigation in Pakistan**

The proceedings of the criminal trials in Pakistan star with registration of a case in the police station as first information report (FIR). The Station Head police officer in charge (SHO) is responsible for the prompt registration any delay in this reporting is considered as an act of negligence, which calls for court orders against the concerned officer. Cases related to harassment, Intimidation, assault, threats, etc. are treated accordingly in this FIR by applying relevant PPC in the report. The accused is given the right of bail petitions. According to the nature of the crime this petition is dealt with as Pre arrest, post arrest and anticipatory Bails. . After registration of the case the accused is investigated within 14 days u/section173 of Cr PC- and is presented to the court. The court is duty bound to provide or allow a defense lawyer for the accused according to the Article10 of the constitution of Pakistan. The charge is pronounced by the court and both defense and prosecution are given the chances to present evidences for and against the accused. At the completion of prosecution, judge starts questioning u/section342 Cr. PC to the accused. These questions are highly technical and related to the details of the evidence discussed. After the cross examination by the Judge and defense lawyer, the presiding judge announces the punishment. An appeal can be made against this initial punishment in the higher court.

As far as punishment is concerned, it varies according to the severity of the crime, but double punishment is not allowed in the constitution of Pakistan under article 12 and 13 of the constitution of Pakistan. The constitution clearly states under Article 8 that the law will not be

against universally accepted human rights more over Article 9 states that no person shall be deprived of the life and liberty save in accordance with law.

### **5.3 Problems Faced by Pakistani People in Lawsuits**

As we have discussed an outline of the criminal procedure in the section above it is not difficult to sum up the major problems faced by Pakistani masses.

First FIR is registered in Urdu in a very typical register of police, which a nonprofessional cannot comprehend easily. This is done by describing only a short description of the situation.

Secondly Cross examination is done in Urdu but it is recorded in English, which results in the distortion of meaning.

Thirdly, Legal personnel's misuse of power of legal language and twist it for their own benefits as the nonprofessional is not aware of the intricacies of their jargon.

Fourthly, in the evidence stage witnesses are confused by adopting threatening, abusing, suppressing style of cross-examination. There are different types of eye witnesses and convicts, especially minors, old ones, disabled, impaired hearing patients, deaf and dumb, etc., which cannot stand this hostile attitude and lawyer succeed in putting their own words in their mouth for this destruction Females have been treated with a highly derogatory attitude in. Female family courts, especially in rape cases due to patriarchic Society, Cultural Norms and Social Pressure results in intimidation.

Fifthly, Delayed presentation of cases, delayed hearing, overcrowded courts, fake witnesses, untrained witnesses adds fuel to the fire.

### **5.4 Importance of Forensic Linguistics in the whole Scene**

The whole court proceedings are either in writing or spoken discourse. These are in three different languages. The linguist can readily judge the unlawful manipulation at every stage to avoid misrepresentation and miscommunication of the facts related to the cases. The forensic linguist will realize any alleged fabrication by going through the written documents and actually recorded evidences both in the initial stages of the trial as well as at the judgment stage.

Different tools can be discussed as stylometric analysis, authorship profiling, Ontological semantics ONSE, natural language processing NLP methods, Generic information processing GIP methods, etc.

Cyber Crimes in today's digital world have remarkably changed the ways of investigation. Forensic linguistics has become a complex science in collaboration with computer assistance to trace the anonymous senders of e-mails related with cyber crimes, e.g. cyber bullying, authorship attrition, cyber harassment, hacking the accounts, bank forgery through fake signatures, money laundering, data replication by creating fake identities to befool people etc. Forensic linguistic helps in such cases by its unique methods of investigations e.g. e- mail tracking systems based on linguistic profiling. Ontological semantic corpora, general lexical corpora constructed for the help of linguists, syntactic profiling, and generic Information processing systems.

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