

English in the Domain of Legal Services: Problems of Access in Pakistan

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Abstract

English as the official language dominates the domain of legal services and its functions in Pakistan. Keeping prevalent lack of English language proficiency in mind, access to justice becomes a major problem for those who are not proficient in English language. This paper analyses the role of English language in facilitating access to justice for the key participants i.e. litigants and lawyers etc. The qualitative analysis of questionnaire and interview based data confirms entrenched position of English language in the domain that discriminates against the less proficient users. The participants belonging to marginalized social, economic and political strata, therefore, face hindrance in accessing justice due to lack of English language proficiency as compared to the mainstream elite. Dominance of English language in the domain of legal services thus associates with the formation and perpetuation of class difference in Pakistan. The paper proposes remedial steps including investment in the capacity building of judiciary to provide translation services to litigants, lawyers and public. Further, it is proposed that substantive steps should be taken to incorporate the local and national languages in the functions of judiciary.

Keywords: Language Policy and Planning, Access to Justice, Language Based Barriers, National Language, Official Language

Introduction

English was passed to Pakistan as a colonial legacy in 1947. Since then, it is medium of instruction in education and the official language in all major domains such as executive, judiciary and legislative. Despite the passage of 70 years since inception and heavy investment in the improvement of English language proficiency, Pakistani population (those who claim to know English language) has low level proficiency in it. Education First, an international organization, in its report, “*English Proficiency Index*” of 2018, has placed Pakistan at rank number 50 and considered her English language speakers to be in the “low” category that is one level above the worst in four categories of “very

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high, high, low, very low” while the average proficiency of India and Indonesia is placed in “high” (Education First, 2018). Professor Tariq Rahman considers the discriminatory barriers in learning of English language to be a key cause of low proficiency in Pakistan. He points to elitist education provide quality education in English medium schools, while government school students to be generally weak in English language. The result of this discriminatory education appears in exclusion of the less proficient speakers and those who cannot speak English language from domains of power inclusive of domain of legal services(Rahman, 1998, 2004).

Against the backdrop of proficiency problems among the users of English in Pakistan, it is the language of courts since colonial times. The proficient users who can use it well in the courts’ proceedings constitute a small fraction of the judges, pleaders, litigants and defendants. The majority of users know very little of English and often their limitation in English becomes a hindrance in the efficient dispensation of justice especially among those who are marginalized groups. The problem has such importance that Supreme Court of Pakistan has also attempted to remove the language related barrier for the less proficient users of English. However, despite numerous attempts, the problem remains unaffected.

Pakistan is a multilingual state that recognizes equality of all its citizens without discrimination. Pakistan is also signatory of the international covenants where equality of human rights is ensured. The domain of legal services of Pakistan emerged as a legacy of British colonial era. As domain of legal services is a highly specialized domain it requires a specialized language. The dominance of a language is determined by the resources (both human and material) available to a language by assigning it key functions of a domain. So, domain of legal services in Pakistan is dominated by English language as it is assigned key functions of recording the statements, records and litigation, cross examination and announcement of verdicts.

Literature Review

Existing scholarship on language barriers in developed states generally focus on the problem of migrant due to language they understand. The scope of such studies in developed states is limited to asylum cases and use of health facilities. The studies by United Nations also focus on problems that immigrant faces when they are booked in criminal cases. The perspective of multilingual states where marginalization persist due to language barriers in accessing legal services are normally glossed in the studies conducted in applied and sociolinguistics. The review of literature begins with elaboration of domain specific language planning. Studies exploring language based barrier to various

domains are reviewed for persistent patterns of language planning. Finally the literature that focuses the language based barriers in the domain of legal services is evaluated for identifying the nature of domain specific language planning.

A report by United Nation states that only 32% of all member states provide legal aid to persons whose first language is different form the official language, and this assistance was available in only 11% of member states (United Nation Office on Drugs and Crime, 2016, p. 112).

Assuring right to fair trial. All major international laws such as , International Covenant on Civil and Political Rights, Arab Charter on Human Rights, European Convention for the Protection of Human Rights and Fundamental Freedom requires the laws of member states to include the right of an accused to fair trial which include giving information in a language that the person understands (UNODC, 2014). In the case of Siera Leone where English is the official language and the language of court, only 5 percent used it as their second language, same is the case with India where 80% were not literate (UNODC, 2014, p. 18).

The legal aid worker need to coordinate with the relevant authorities in ensuring that the person understands the language in which the legal information is available (UNODC, 2014, p. 96).

United Nations in the supplementary Country Profile of the Global Report finds that in Pakistan Code of Civil Procedure, 1908 and Code of Criminal Procedure 1898 provide aid to poor persons but. The rights to translation for persons whose first language defers from official language (Urdu and English) of Pakistan is not mentioned in this report (UNDP, 2016).

Section 137 of Code of Civil Procedure, 1908 stipulates English as the language of proceedings and the cost of translation on request of a party is borne by the applicant party (CCP, 1908). Code of Criminal Procedure, 1898 in chapter XIX entitled "Of the Charges" in section 221 subsection 6 states that the default language of the charge shall be English or the one determined by the court. In section 265 of the same code, it is stated that the language of records shall be English (CCP, 1898).

In Pakistan, most of the legal documents are available only in English language and some in Urdu, while in other languages there are translated on request while the cost is fixed on the party demanding translation (Asensio, 2014). Botero (2002) argues that language remains a major barrier in access to justice in Pakistan and this make the experience of justice system horrible for those who have to deal with it, especially women. Pakistan Annual Law Digest Office (1979) cites cases in which the counsel was unable to plead the case effectively due to lack of command on English language.

In United States of America, provision of legal services in the language of US citizen's own language is mandatory. When such services are not provided, it amounts to *National Origin Discrimination*(Law Help, 2018)

Australian justice department in the New South Wales (NSW) identified the following problems for people identified as *Culturally and Linguistically Diverse* (CALD):

- Hardships in reaching and availing the interpreter services and informal material translation
- Scarcity of funding for the maintenance of such funding
- CALD background people do not know about the existence of legal services and if they have heard about such services, they do not trust the translator and service provider
- The employee and environment of service providers do not show awareness of the cultural values of CALD communities
- The female interpreters are not normally available as they are needed to interpret for female from CALD background (Scetzer & Henderson, August 2003, p. xvii).
- The following points further complicate access to legal system by the individuals from CALD background:
 - Legal services especially the huge amount of translations are normally very expensive
 - The existing numerical strength and available resources are normally insufficient to meet the high demand of translations for CALD people
 - The existing funding has normally too much stipulation to provide services to all in need of translation from CALD background
 - Very few people can meet all criteria to be eligible for availing translation services
 - The legal aid providers have very weak liaison which result in meagre and inadequate services to CALD people
 - Most of the time the service providers are not allowed to translate for CALD community as they belong to the same community and a conflict of interest part of law disqualifies them from assisting people from the CALD background
 - The fee legal aid is normally limited in scope
 - Changes in laws, policies and procedures complicate the provision of legal aid to CALD communities
 - The information contained online is not accessible to the people from CALD background due to language barrier
 - The existing legal aid resources do not come up to the demands of language service provision for CALD
 - The people are not aware of the legal resources they can avail as their right
 - They cannot read the legal information online as they are illiterate and the information are very formal and happen to be in a language that is not their first language (Scetzer & Henderson, August 2003, p. xv).

As reported in daily Nation (2016), UNESCO considers Urdu as a better medium of education and communication in Pakistan as it is more accessible in comparison

to English language. Though Urdu is the first language of the minority of speakers, it is easily understood by the majority of Pakistanis as a second language. The interest in Urdu, according to this report, arise from lack of its use in the offices. Shamim (2017) opines that the narrative of English as the language of development is not a true one, in the case of Pakistan. These clichés are often used to sell English language to the poor people of Pakistan at an exorbitant price. Therefore, English becomes a barrier instead of a resource for the ordinary less proficient users of English in Pakistan.

Research Methodology

The research is essentially qualitative description of the role of language in determining access to the domain of legal services. The researcher sought to point out the nature and mechanism of selective access to domain of legal services as a result of language barriers. To ascertain the nature and mechanism of this selective access to domain of legal services, the following questions were answered:

1. Which language among English, Urdu and Pashto suits best to the domain of legal services in Pakistan?
2. Which language among Urdu, Pashto and English facilitates access to domain of legal services in Pakistan?
3. What are effects of the language based barriers on stakeholders to domain of legal services in Pakistan?
4. What are the available remedies to ease the language based barriers to domain of legal services in Pakistan?

Delimitations

The study is based on a sample taken from district Mardan, which makes the study imply the access to language similar to the context in the district, which is a the existence of three languages in planning, i.e. a local language (that is Pashto in this study), a national language (Urdu) and an international language (English) acting as the official language as well. As the three language layers are present everywhere in Pakistan, therefore, the study can be projected in essence to other parts of Pakistan as well.

Data Collection and Analysis

The collection of data was divided into two converging prongs: questionnaire and focus group discussion. A 12 point mixed method close ended questionnaire was developed with the help of earlier works such as Ahmad (2016), limiting and modifying the questions to the scope of above stated questions (see Appendix A for questionnaire). The data was collected from 150 participants randomly collected among the litigants/defendants from the District and Sessions Court Mardan. The participants were further stratified on the bases of their command of languages, location, income and gender. The Focus Group

Discussion included nine participants of whom four had the experience of litigation, four were lawyers and one was a lower court magistrate. The participants of Focus Group had experience of witnessing/participating in High Court and Supreme Court proceedings. Before the commencement of the Focus Group discussion a moderator guide was formed with the help of earlier studies on legal access especially that of United Nations in Global Study on Legal Aid(UNDP, 2016) and that by Ngo-Metzger et al. (2003 Jan). Based on these works, the study moved from general to specific with open ended cues/probes and thereby tried to have sufficient discussion on the above mentioned questions of the study. The Focus Group Discussions lasted one session of approximately one hour duration. The discussion was recorded and then transcribed and translated into English.

The contents that were relevant were organized in such a way that the set questions were adequately addressed. The content analysis of Focus Group Discussion Contents were supplemented with the analysis of questionnaire based data. As mentioned earlier in this section, the questionnaire included open ended items. Responses to these items were grouped into contents and analyzed for answer to the given questions. Some close ended contents were also included that were statistically quantified with the help of Statistical Package for Social Science version 20. The five point Likert Scale generated values whose mean and standard deviations were studied along some cross tabulation of the gender, locality and income with the reported access to domain of legal services.

Table 1. Gender

		Frequenc y	Percent	Valid Percent	Cumulative Percent
Valid	Female	75	50.0	50.0	50.0
	Male	75	50.0	50.0	100.0
	Total	150	100.0	100.0	

While the gender strata was symmetrical in this study, asymmetry existed in the strata of rural and urban origin of the respondents

Table 2. Rural and Urban Residence

		Frequenc y	Percent	Valid Percent	Cumulative Percent
Valid	Rural	53	35.3	35.3	35.3
	Urba	97	64.7	64.7	100.0
	n Total	150	100.0	100.0	

There were three categories in income the poor who earned less than a dollar a day and the middle class who earned between one and 20 dollars and the rich who earned more than 20 dollars a day

Table 3. Income Level

		Frequen cy	Perce nt	Valid Perce nt	Cumulati ve Percent
Va	less than a dollar a day- poor	82	54.7	54.7	54.7
lid	1-20 dollar a day income	43	28.7	28.7	83.3
	more than 20 dollar a day - rich	25	16.7	16.7	100.0
	Total	150	100.0	100.0	

Finally the respondents were grouped in 5 age brackets. The division is as follows:

Table 4. Age Groups of the Respondents

		Frequen cy	Perce nt	Valid Percent	Cumulative Percent
Valid	Age 19-29	29	19.3	19.3	19.3
	Age 30-39	54	36.0	36.0	55.3
	Age 40-49	31	20.7	20.7	76.0
	Age 50-59	14	9.3	9.3	85.3
	Age 60 and above	22	14.7	14.7	100.0
	Total	150	100.0	100.0	

The study has some limitations which should be kept in mind while generalizing its result to understand the language based access to the whole domain of legal services in Pakistan. First, the sample size and location are very specific, so a larger sample taken from all over Pakistan would be a better representation of the domain of legal services. Further, the set questions do not engage law makers and senior judges and lawyers, therefore, future studied would be needed to fill in the missing pieces in this research and improve its findings.

Analysis and Discussion

The questionnaire and Focus Group Discussion based data is analyzed in this part. First the seven items of questionnaire are analyzed. The interpretation of questionnaire based data is triangulated with the findings of Focus Group Discussion. The analyses aim to describe language based barriers, those who are benefitted/affected by English/Urdu use and the effects of such barriers on stakeholders. Possible solutions to the language based barriers to the domain of legal services are also discussed in this section.

Table 5. Proficiency in English language Helps in Gaining Access to Legal Services in Pakistan

		Frequen cy	Perce nt	Valid Percent	Cumulative Percent
Val id	Fairly Agree	33	22.0	22.0	22.0
	Strongly Agree	117	78.0	78.0	100.0
	Total	150	100.0	100.0	

Table 5 describes responses to first prompt in questionnaire, “Proficiency in English language helps in gaining access to legal services in Pakistan”. Majority of respondents (78%) agreed that proficiency in English language helps in gaining access to legal services. The results conform to the prevalent belief and practice that confers on users, the privileged position to influence and benefit from the court functions ranging from litigation to gaining insight of legal nuances of Pakistani judiciary. Like other domains of power the reliance of legal services on English language makes the proficient user of English confidence and skills to manipulate the legal system effective for desired effects. One participant of Focus Group Discussion described the situation, “If you know English language you can read and understand what is in the law and where the law favors you and where you are risk. This language is used by the English to make their law- the English law- that is still used in Pakistani courts.”

Table 6. Proficiency in Urdu Language Helps in Gaining Access to Legal Services in Pakistan

		Frequen cy	Perce nt	Valid Percent	Cumulative Percent
Vali d	Fairly Disagree	13	8.7	8.7	8.7
	Undecided	23	15.3	15.3	24.0
	Fairly Agree	93	62.0	62.0	86.0
	Strongly Agree	21	14.0	14.0	100.0
	Total	150	100.0	100.0	

Table 6 describes responses to second prompt of the questionnaire, “Proficiency in Urdu language helps in gaining access to legal service in Pakistan”. As 76 % of respondents agree with the statement, therefore the results confirm that Urdu is a good candidate to replace Urdu language in courts. The participants of Focus Group Discussion explained the advantage of using Urdu language in courts accrue from the wide spread use of Urdu as working language when the judges, lawyers and litigants find it hard to communicate in English language. The use of Urdu though at times disadvantage the users, especially when someone starts

using English language, then all in the court are forced to follow the suit. One contributor in the Focus Group Discussion explained the situation in these words, “Urdu is easier to use for all in court and it is also used during proceedings normally. As a language of all Pakistanis it helps you when you are involved in a court in a different part of the country. Everybody in court... the lower courts especially, find it comfortable to talk in courts in this language. The use of Urdu becomes a problem in higher courts where judges and lawyers often use English language and refer to cases that are in English language. There English language proves that it is more powerful than Urdu.”

Table 7. Proficiency in Pashto Language Helps in Gaining Access to Legal Services in Pakistan

		Frequen cy	Perce nt	Valid Percent	Cumulative Percent
Vali d	Strongly Disagree	150	100.0	100.0	100.0

Table 7 describes responses to third prompt of the questionnaire, “Proficiency in Pashto language helps in gaining access to legal services in Pakistan”. The cent per cent agreement on the concept that Pashto is language does not help in courts conform to the prevalent practice where even courts in Pashto speaking areas often use Urdu not Pashto. The use of Pashto language becomes a problem in courts as often the litigants, counsels and judges often speak different languages and dialects. It is very rare when all of them are Pashto speakers and they informally engage in conversation especially in out of court settlements. However, no one writes agreements in Pashto and seldom deposition in Pashto before a non-local court help.

Table 8. English is Suitable as the Language of Courts

		Frequen cy	Perce nt	Valid Percent	Cumulative Percent
Vali d	Strongly Disagree	80	53.3	53.3	53.3
	Fairly Disagree	16	10.7	10.7	64.0
	Undecided	32	21.3	21.3	85.3
	Fairly Agree	15	10.0	10.0	95.3
	Strongly Agree	7	4.7	4.7	100.0
	Total	150	100.0	100.0	

Table 8 describes responses to fourth prompt of the questionnaire, “English is suitable as the language of courts”. Only 22% of respondents agreed that English is suitable language for courts in Pakistan. The argument for opposing English comes from those who consider English to be a language that very few in Pakistan

understand. So, the use of English in court creates barrier seeking justice. The poor people do not know English language and when they are confronted by courts forms and records in English language they become alienated and lose their hope of getting justice. Hiring a lawyer with high profile who uses English effectively (often such lawyers charge higher fee and they practice in senior courts) stays out of the reach of the majority of Pakistanis who are poor and illiterate.

Table 9: Urdu is Suitable as the Language of Courts

		Frequency	Percentage	Valid Percent	Cumulative Percent
Valid	Strongly Disagree	5	3.3	3.3	3.3
	Undecided	19	12.7	12.7	16.0
	Fairly Agree	97	64.7	64.7	80.7
	Strongly Agree	29	19.3	19.3	100.0
	Total	150	100.0	100.0	

Table 9 describes responses to fifth prompt, “Urdu is suitable as the language of courts”. As compared to predominant opposition to the idea of English language suitability, the idea of using Urdu as the language of courts 83% found it an appealing idea.

Table 10. Pashto is Suitable as the Language of Courts

		Frequency	Percentage	Valid Percent	Cumulative Percent
Valid	Fairly Disagree	22	14.7	14.7	14.7
	Undecided	15	10.0	10.0	24.7
	Fairly Agree	28	18.7	18.7	43.3
	Strongly Agree	85	56.7	56.7	100.0
	Total	150	100.0	100.0	

Table 10 describes responses to sixth prompt, “Pashto is suitable as the language of courts”. 75% of respondent as compared to 83% of support for Urdu as court language shows an anomaly that the local language is considered slightly inferior to the national language. The answer was found in Focus Group Discussion when this argument in support of Urdu was made, “Pashto is my mother tongue and I love it, but it has no legal terms and the lawyers who use Pashto language often use Urdu or English language when pleading the case or when discussing it with us. We find Urdu to easier to Understand and thing if Pashto had these terms then it would have been best for use in local courts.... When you have a case in other

part of Pakistan, or you have a lawyer or a judge who is not Pashtoon then use of Pashto will make problems than what it solves.”

Table 11. Translation Services Solve the Problem of Language Based Barriers to Legal Services

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Fairly Disagree	9	6.0	6.0	6.0
	Undecided	47	31.3	31.3	37.3
	Fairly Agree	13	8.7	8.7	46.0
	Strongly Agree	81	54.0	54.0	100.0
	Total	150	100.0	100.0	

Table 11 describes responses to seventh prompt of the questionnaire, “Translation services solve the problem of language based barriers to legal services”. The 61 % agreement and 31% of respondents remaining undecided about translation services in Pakistan is understandable as Pakistan is unlike developed states where translation services is considered an effective solution in provision of language based access to legal services. Translation services in Pakistan of poor quality and they are often unavailable in Pakistan.

The means and standard deviation of the seven Likert scale items, whose frequencies are described above is given in Table 12.

Table 12. Statistics of Mean and Standard Deviations

		Proficiency in English Language helps in gaining	Proficiency in Urdu Language helps in gaining	Proficiency in Pashto Language helps in gaining	Urdu is suitable as the language of	English is suitable as the language of	Translation services solve the problem of	Pashto is suitable as the language of
N	Valid	150	150	150	150	150	150	150
	Missing	0	0	0	0	0	0	0
Mean		4.78	3.81	1.00	3.97	2.02	4.11	4.17
Std. Deviation		.416	.781	.000	.789	1.256	1.044	1.110

Table 12 summarizes all responses to prompts in the questionnaire. When data was coded for SPSS, Strongly disagree was given the value of 1, Disagree 2, undecided 3, Agree 4 and Strongly Agree was given value of 5. Therefore, a mean

value of 3 was expected to mean the overall response to be undecided and responses whose mean occurred above 3 were in the region of agreement with highest value of 5 while Strong Disagreement was to be lower than 3 with the lowest value of 1. The mean of 4.78 shows Strong Agreement to first prompt. The mean of 3.81 is in in the upper region of Agree for second prompt. The mean of 1 for the third prompt shows strong disagreement to the contents. The mean of 3.97 for the fourth prompt falls in the upper region of Agreement. The mean of 2.02 for fifth prompt shows a borderline area between Strong Disagreement and Disagreeing. The mean of 4.11 for sixth and mean of 4.17 fall in the lower part of Strongly Disagree. The results of standard deviation means degree of fluctuation in the range of answers. The lowest fluctuation was recorded for third prompt where a unanimous response came that Pashto does not help in gaining access to legal services in Pakistan. Two prompts regarding Urdu language produced an equal deviation of 0.789. First one sought response to suggestion if proficiency in Urdu language helps in gaining access to legal services and second suggested suitability of Urdu language for use in courts. Such deviation brings forth suggestion that the responses at worst were bordering on being undecided to the upper margin of agreeing. However, greatest variation in responses was observed in the standard deviation of 1.256 for the suggestion that English is suitable as the language of courts. This makes the opinion ranged between undecided and mid-level Strong Agreement. The suggestion that Pashto is suitable as the language of courts which brings it closer to undecided in worst and Strong Agreement in best case scenario.

The questionnaire based study compared Urdu, English and Pashto in terms of its suitability for access to legal services and which language being more facilitating in access to legal domain. The effects of language based barriers on stakeholders were explored in Focus Group Discussion. The discussion pointed to the following effects:

1. English language supports a small educated, urban and wealth elite
2. English language disadvantages the uneducated, poor and rural population
3. English language predispose the elite to unfairly manipulate the legal services to their advantage
4. English language disadvantages to avoid seeking legal services, alienates them and predisposes them to rely on seeking informal (and illegal) channels of arbitration
5. Urdu language though widely used become fairly difficult for the illiterate segment of population
6. Pashto language though a regional language in Khyber Pakhtunkhwa (Pakistan) lacks standardization to be used effectively in courts.
7. Translation services are in poor form and ineffective in the courts.

The discussion resulted in the following proposals for easing language based barriers to the domain of legal services:

1. Making English language more accessible to litigants especially the uneducated through state sponsored translation services
2. Gradual transition from English to Urdu language in long term and allowing regional languages use in courts through translation services to all citizens
3. Making legal terminologies, documents and proceedings more accessible by making the presence of translation services compulsory part of all courts
4. Discouraging the practice of giving more prestige to English language at the cost of Urdu and other regional languages.
5. Promotion of all Pakistani languages in education so they can be used later in the domains of power especially courts by the learners. The current teaching of literature only is ill suited to the development of technical expertise required in domain of legal services. Designing technical writing skills courses for schools, colleges and university students.
6. Promotion of local languages in local courts can facilitate in removing access to justice at local level. Appoint of local judges and establishment of courts in more locality will help in using the local languages in local courts.

Conclusion

The paper explored the nature and effects of language based barriers in accessing domain of legal services. Pakistan being a multilingual state acquired English language as the official language from the colonial past. The legal system over the last seventy years instead of promoting local languages always delayed the transition from English to Urdu and local languages. Constitution of Pakistan declares Urdu as the national language but legal machinery has failed to transit from English to Urdu. The language of jurisprudence remains English language. The study found Urdu to be more acceptable choice for implementation in the domain of legal services in Pakistan. The study also noted that in lower courts, where the majority of litigation lands, can benefit from promoting the use of the local languages. The study, therefore, recommended that more local courts with a judge familiar with local languages may be appointed to them. Translation services being non-existent, constitute an integral part of developed states where language based access is ensured as the right of every person. The establishment of extensive and superior translation service will help in solving the problem of language based barriers to legal services in Pakistan.

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Appendix A**Questionnaire**

Dear sir/madam, I am conducting research on “English in domain of legal services and access to justice” with intention to publish it subsequently. This questionnaire is part of the research. I am grateful to you for participating in this research as respondent. All information that leads to your identification will remain confidential. Though, your participation is extremely valuable to me, you are free not to fill the whole or part of the questionnaire. You are also welcome to ask for further information about this questionnaire and suggest improvement.

Name: _____ Age (in years) _____ Gender (tick one) male/female

Residence (tick one) rural/Urban, Daily income (in rupee) _____

Tick in one box in front of the statements

Key:SD= Strongly Disagree, D=Disagree, U=Undecided, A=Agree, SA=Strongly Agree

	SD	D	U	A	SA
Proficiency in English language helps in gaining access to legal services in Pakistan					
Proficiency in Urdu Language helps in gaining access to legal services in Pakistan					
Proficiency in Pashto language helps in gaining access to legal services in Pakistan					
English is suitable as the language of courts in Pakistan					
Urdu is suitable as the language of courts in Pakistan					
Pashto is suitable as the language of courts in Pakistan					
Translation services solve the					

problem of language based barrier in accessing legal services					
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- What language based barriers are there in accessing legal services

- What are the effects of language based barriers to legal services?

- What can be done to remove these barriers?

- How language based barriers work in limiting access to legal services?

Appendix B

Focus Group Discussion Guidelines

1. Welcome, introduction and format sharing by Focal Person

1.1.Welcome: I welcome you to this focus group discussion. My name is _____ and I am studying the barriers people face in access legal aid services. Your point of view is very important to me and I look forward to learning many things from your experience.

1.2.Introduction: This focus group discussion is aimed to synthesize understanding of language based problems to legal services, covering as many as possible functions and activities related to legal services whether in the court or out of the court.

1.3.Anonymity: Your identity will remain anonymous. I rely on recording this conversation as it will help me preparing my research paper. However, the research paper will not disclose your identity and the recording will be discarded after the write-up of the research paper. Your participation is voluntary and you are at liberty to quit discussion whenever you decide to do so.

1.4. Please follow the general understanding to keep the discussion friendly, fruitful and focused. These are some basic principles that are expected from all participants

- a. One person is supposed to speak at one time
- b. The questions or cues are there to give you a sense of directions. We will not declare anyone's view as wrong. We are here to respect other's view while trusting our own
- c. While respecting other's view is important it is also important that no one is supposed to agree with others. Dissent is right but it is vital it remains impersonal

2. Warm up

Now, I invite you to introduce yourself to other participants in this Focus Group discussion session.

Thematic Foci and Resulting Cues/Questions

Thematic Focus	Questions/Leads
Language barriers for various actors/participants of the domain	What languages are allowed in courts?
	What functions these languages perform? Record, litigation, witnesses, applications
	What barriers are created by English language?
	Are these barriers same for all? Any difference for some... more some and less for others.....
Effects: benefits and harms for people	What benefit English language offers in legal services?
	Who benefits from English language use in the legal aid services
	What problems and harms are created by the use of English language?
	Who face problems by the use of English language in domain of legal services?
Mechanism of the language based	Why some benefit and some are disadvantaged by English language? Who make decision to perpetuate or

selective access	change the language based barriers?
	How those who benefit from English language use get the benefits?
	How those who are harmed by English use are harmed?
Solution for language based barriers	What options do policy makers have to address this situation?
	What can other people such as defendants, litigants, lawyers and magistrates do to
	What is the role of other actors such as advocacy groups etc.?
	What are the problems with translation services and how they can they be addressed.

Closing Question

What is the closing comment each one of you want to add, summing up your point of view?

Closure of Focus Group Discussion

I am obliged by your presence and sharing your valuable views. Your discussion will make the study more informative and of better quality.

Once again I repeat that the discussion will be kept confidential and the information will be used in such a way that your identification is not revealed. I thank you for your precious time and participation in the Focus Group Discussion.