

# **Deficiency Analysis of Writing Skills with reference to Civil Judges in Pakistan**

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## **Abstract:**

*This paper is an attempt to analyze the deficiency in writing skills with reference to Civil Judges in Pakistan. The purpose is to provide a solution in the light of the findings of the research: recommendation of a specific course. In the introduction, the paper describes the structure of judiciary in Pakistan, states the problem, provides the objective of research, and introduces the research carried out. Next, review of literature has been presented. This is followed by sections on research methodology, data analysis, and overall findings. Subsequently, the paper ends with recommendations.*

## **1. Introduction**

This section deals with structure of judiciary in Pakistan, statement of problem and objective of the research. Additionally, it introduces the present research.

### **1.1 Structure of Judiciary**

Pakistan is a common law country. The highest court of appeal in Pakistan is the Supreme Court of Pakistan, which is located in the federal capital, Islamabad. Pakistan has four provinces. Each province has its own High Court that is the highest court of appeal at provincial level. The High Courts are located in the provincial capitals, but they have their benches in other big cities as well. At the district level, the highest court of appeal is called the Session/District Court that deals with the appeals that come from the Civil Courts. Civil Courts are trail courts. However, in case of a murder, trail begins in the Session Court. In the hierarchy, Civil Courts are at the lowest level, whereas the Supreme Court of Pakistan is at the top. Besides this, there are some specialized courts like the Federal *Shariah* Court, Anti-Terrorism Courts and Banking Courts etc.

Civil Courts are spread all over the country, and therefore, are greatest in number. The judge of a Civil Court is called a Civil Judge. Civil Judges are appointed through competitive exam, and are required to have a degree of law (L.L.B.) as a prerequisite to take the competitive exam. After the final selection, Civil Judges receive pre-service training at the Federal Judicial Academy (FJA) based in Islamabad. Their occupational work as Civil Judges begins after the successful completion of the training.

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## **1.2 Statement of Problem**

English is the language of law in Pakistan. Keeping in view the common law tradition, judges write judgements in English. However, it has been reported by the legal discourse community that newly recruited Civil Judges commit serious grammatical and organizational errors which make their judgements unclear. A number of reasons are assigned to the problem: deterioration in education system at school and college levels, Urdu medium of instruction at majority law colleges, complexity of the language of law etc. Even after the successful completion of their pre-service training, they do not get the required competence in the basic skills of writing because pre-service training of Civil Judges does not deal with the problem as the contents of the pre-service training do not have topics related to basic writing skills. During the course of pre-service training, apart from other subjects, Civil Judges are taught the techniques of writing judgements but these techniques deal with generic structure and content matters to be presented at different stages of the judgement, and topics related to basic writing skills are not taken under consideration assuming that Civil judges have had enough training in the basic skills of writing at different points in their educational career. The situation as such makes a strong case for ESP (English for Specific Purposes) with an emphasis on needs analysis to find out the deficiencies in the basic writing skills of Civil Judges.

## **1.1 The Objective**

The objective of this study is to recommend a basic writing skills course for newly recruited Civil Judges in Pakistan in response to their inadequacy in the basic skills of writing. To improve the standard of in-service training of Civil Judges, the Federal Judicial Academy (FJA), Islamabad can implement the proposed course by making it a part of their syllabi.

## **1.2 Present Research**

As the objective of the research is to recommend a course of writing skills, the present research investigates the deficiencies of Civil Judges in writing skills. The analysis of the deficiencies will provide comprehensive information about levels of adequacies in a variety of areas related to the basic skills of writing. The findings will be helpful in prioritizing, sequencing and grading different areas of basic writing skills in outlining the contents of the recommended course.

## **2. Literature Review**

The present research is related to deficiency analysis of Civil Judges with reference to their occupational writing skills so that a remedial course can be recommended. Therefore, the research has its basis in English for Specific Purposes (ESP) with particular emphasis on needs analysis.

In this section, I will review literature related to needs analysis after taking into account the theory of ESP.

## 2.1 Definitions of ESP

Teaching English for Specific Purposes (ESP) has emerged as a significant movement within the field of English language education (Stoynoff, 2004). Definitions of ESP have been put forward by a number of researchers.

Hutchinson and Waters (1987) establish the primacy of need in ESP. For them, ESP is an approach rather than a product. This means that ESP does not involve a particular kind of language, teaching material or methodology. They are of the view that ‘the foundation of ESP is the simple question: Why does this learner need to learn a foreign language? To answer this question, information is gathered about learners, the language required and the learning context. This is done through a process of needs analysis. On the basis of the information gathered, the language to be taught is determined.

Robinson (1991), like Hutchinson and Waters also establishes the primacy of needs analysis in defining ESP. She maintains that ESP is ‘*normally goal-directed*’ and ESP courses develop from a *needs analysis* which ‘aims to specify as closely as possible what exactly it is that students have to do through the medium of English’ (Robinson 1991:3). Besides these basic criteria, she emphasizes that ESP has certain characteristics e.g. ESP courses have a *limited time period*, students are *adults in homogenous classes* in terms of the work and specialist studies students are involved in.

## 2.2 Needs Analysis

This part reviews literature on needs analysis. Needs analysis is a process of gathering and interpreting information (Brindley, G., 2000). Information is gathered through one or more than one ways, and then interpreted quantitatively or qualitatively. Decision-making is based on the results of needs analysis. Teachers and researchers make decisions related to course objectives, syllabus design, materials development and assessment. Therefore, “needs analysis can be seen as crucial to an ESP course” (Robinson 2000:196).

Needs analysis, in fact, is a defining feature of ESP (e.g. Hutchinson & Waters, 1987; Jones & Dudley-Evans, 1991; Dudley-Evans & St John, 1998; Robinson, 2000 & 1991; Strevens, 1988a; Jordan, 1997; Flowerdew & Peacock 2001). Some formal definitions of needs analysis are as follows:

**The process of determining the needs for which a learner or group of learners requires a language and arranging the needs according to priorities. Needs assessment makes use of both subjective and objective information (e.g., data from questionnaires, tests, interviews, observation).**

Richards, Platt, & Weber (1985: 189)

**the systematic collection and analysis of all subjective and objective information necessary to define and validate defensible curriculum purposes that satisfy the language learning requirements of students within the context of particular institutions that influences the learning and teaching situation**

Brown (1995: 36)

**needs assessment involves finding out what the learners know and can do and what they need to learn or do so that the course can bridge the gap (or some part of it). Thus needs assessment involves seeking and interpreting information about one's students' needs so that the course will address them effectively.**

Graves (1996:12-13)

**...needs analysis serves three main purposes: it provides a means of obtaining wider input into the content, design and implementation of a language programme; it can be used in developing goals, objectives and content; and it can provide data for reviewing and evaluating an existing programme.**

Richards (1984:5)

There are different approaches to needs analysis. Jordan (1997) reviews needs analysis by taking into account five approaches to needs analysis: Target Situation Analysis (TSA), Present Situation Analysis (PSA), Learning-Centered, Strategy Analysis and Means Analysis.

Another grey area is the methods or procedures by which needs analysis is conducted Braine (2001). Jordan (1997) lists fourteen methods of data collection. These methods include advance documentation, language test at home, language test on entry, self-assessment (by students), observation and monitoring, class progress test, surveys, structured interviews, learner diaries, case studies, final tests, evaluation/feedback, follow-up investigation and previous research. Contrary to this detailed list, Robinson (1991) presents a list that has fewer methods of data collection: questionnaires, interviews, observation, case studies, tests, authentic data collection and participatory needs analysis. "Although Robinson (1991) cites fewer methods of analyses, her list appears to be more comprehensive and reflective of current practices" Braine (2001). The lists of Dudley-Evans (1998) and Brindeley (2000) are similar in terms of size tools. Dudeley-Evans' list includes questionnaires, analysis of authentic spoken and written texts, discussions, structured interviews, observations and assessments. Similarly, Brindeley provides six methods of data collection: questionnaires, structured interviews, group discussions with learners, collection and linguistic analysis of authentic spoken and written texts which are typically found in future context of language use, language tests and assessments and case studies of individual learners. Hutchinson and Waters (1987:58) list the most frequently used ways of gathering information about the needs of the target learners as follows:

- i. Questionnaires
- ii. Interviews
- iii. Observations
- iv. Data collection
- v. Informal consultations with Sponsors, Learners and Others

Another researcher lists data collection procedures in the following manner:

**A range of methods is commonly used for conducting needs analysis. These include questionnaires, interviews, participant and non-participant observation, authentic language data (texts and recording), case studies of learners, self-assessment, pre- and post- course testing, and learner diaries.**

Flowerdew & Peacock (2001: 179)

### **2.3 Steps in Needs Analysis**

Jordan (1997) indicates that with so many approaches, procedures of data collection, sources of information and other variables, there is a danger that one may feel overwhelmed. What is important, therefore, is to remember that there is no single approach to needs analysis and circumstances vary from situation to situation. In fact, choices in needs analysis will be determined by time, money and resources. For this, planning in advance is essential. After deciding what is strictly relevant and necessary, sufficient time must be allowed for carrying out step-by-step analysis. Deciding in advance the answers to the list of questions posed can help following these steps: why? whose?, who?, what?, how?, when?, and where?. The steps suggested by Jordan (1997:23) are:

1. Purpose of analysis
2. Delimit student population
3. Decide upon the approach (es)
4. Acknowledge constraints/limitations
5. Select methods of collecting data
6. Collect data
7. Analyze and interpret results
8. Determine objectives
9. Implement decisions (i.e. decide upon syllabus, content, materials, methods etc.)
10. Evaluate procedures and results

### **3. Research Methodology**

The purpose of this research was to analyze deficiencies in the writing skills with reference to Civil Judges in Pakistan. Therefore, information was sought regarding Civil Judges' present situation with regard to their existing deficiencies in writing skills.

To investigate the deficiencies, I created a list of the following topics/areas of writing skills.

1. Grammar: Sentence Structure (tense, voice, narration etc.)
2. Appropriate use of article
3. Appropriate use of preposition
4. Appropriate use of punctuation
5. Appropriate standard for citations
6. Appropriate formatting
7. Paragraph Organization

8. Overall Organization
9. Conciseness
10. Clarity

I selected these topics on the following grounds:

1. These areas are commonly taken into account to teach writing skills to foreign learners as revealed through a survey of books on basic writing skills.
2. My own teaching and research experience and discussions with my professional colleagues convinced me to select the above mentioned topics.

To gather information with reference to the above mentioned areas of writing, I had two population groups: senior lawyers and judges of the appellate courts (in-service and retired). These two groups were taken under consideration because of their direct exposure to the writings of Civil Judges: they read the judgments written by Civil Judges as a matter of their routine occupational activity.

In this context, a survey research was carried out using questionnaire as a tool. The questionnaire had ten items related to the topics mentioned above: areas of writing. All the items were close-ended having three options: “adequate”, “inadequate” and “no opinion”. Respondents were to check any one of the three options. The questionnaire was distributed in senior lawyers and judges of appellate courts. To study the differences in the opinions of these two population groups was out of the scope of this study. Therefore, distribution of questionnaires within these two population groups was conducted on random basis.

The selected research sites were the capital cities of all the four provinces of Pakistan: Karachi, Lahore, Peshawar and Quetta. The total number of questionnaires distributed was 400 (100 questionnaires for each city). The overall return rate was 524.25% as 209 respondents returned the questionnaire. Data was analyzed quantitatively.

#### **4. Data Analysis**

The analysis of data revealed that a vast majority of respondents believed that Civil Judges’ competence in writing skills was not adequate. The analysis is based on the 209 returned questionnaires. Ten areas of the writing skills were taken into consideration. The following is the detailed analysis of each of the ten skills:

##### **4.1 Grammar: Sentence Structure**

Respondents were asked to comment on Civil Judges’ level of adequacy with regard to grammar i.e. correct construction of sentences and the appropriate use of tense, voice and narration etc. Surprisingly, a vast majority of the respondents believed that Civil Judges’ competence in this area was inadequate as out of the total of 209 respondents, 177 i.e. 84.68% opined that Civil Judges had inadequate ability. Only 30 respondents, i.e. 14.35%, mentioned that the ability in this area was adequate. The respondents who opted for “no opinion” were 2 in number i.e. 0.95%.

#### **4.2 Appropriate Use of Article**

The analysis of data regarding this item revealed that Civil Judges' competence was not up to the mark as 161 i.e. 77.03% respondents opted for the option "inadequate". On the other, only 42 i.e. 20.09% respondents felt that the ability was "adequate" with this regard. In this case, the number of respondents who opted for "no opinion" was 6 i.e. 2.87%.

#### **4.3 Appropriate Use of Preposition**

Once again, it was found that Civil Judges' competence in appropriate use of preposition was inadequate. 167 i.e. 79.90% respondents, out of the total of 209, commented that the ability was inadequate, whereas for 38 i.e. 18.18% respondents only, Civil Judges had adequate competence in this area of writing. 4 i.e. 1.91% respondents opted for "no opinion".

#### **4.4 Appropriate Use of Punctuation**

Unlike the findings of the above areas of writing, the analysis of this item revealed that approximately half of the respondents believed that Civil Judges had inadequate competence. 105 respondents i.e. 50.23% commented that the ability was inadequate. On the other hand, 100 i.e. 47.84% respondents thought that Civil Judges had adequate ability with this regard. 4 respondents i.e. 1.91% opted for the option "no opinion".

#### **4.5 Appropriate Standard for Citations**

Majority respondents opined that Civil Judges' ability to cite other sources was inadequate as 120 i.e. 57.41% respondents out of the total of 209 believed that Civil Judges do not cite sources according to the standard rules of citing. However, for 80 respondents i.e. 38.27%, the ability to cite other sources was adequate. 9 respondents i.e. 4.3% were not sure about their opinion as they opted for "no opinion".

#### **4.6 Formatting Conventions**

Majority respondents were not satisfied with Civil Judges' competence in following the conventional ways of formatting. 58.37% i.e. 122 believed that the ability was inadequate. Contrary to it, 36.84% i.e. 77 respondents thought that Civil Judges had adequate competence. 4.78% i.e. 10 respondents did not comment as they opted "no opinion".

#### **4.7 Paragraph Organization**

Through this item information was gathered regarding Civil Judges' ability to write a well organized paragraph. It was learnt that a vast majority believed that Civil Judges did not have adequate skill to write well organized paragraphs. The details show that 72.24% i.e. 151 respondents opted for the option "inadequate", whereas only 24.88% i.e. 52 respondents thought that Civil Judges were adequate in this ability. 6 respondents i.e. 2.87% opted for "no opinion".

#### **4.8 Overall Organization**

Similarly, when the respondents were asked to comment on Civil Judges' ability for overall organization of their written works, a vast majority revealed that Civil Judges did not have the required competence in this important area of writing. 147 respondents i.e. 70.33% opted for "inadequate", whereas only 58 respondents i.e. 27.75% opted for adequate. The number of respondents who did not have any opinion was 4 (1.91%).

#### **4.9 Conciseness**

The item that gathered information about Civil Judges' ability to write concisely revealed that 147 respondents i.e. 70.33% believed that the ability was inadequate. On the other hand, for only 56 respondents i.e. 26.79% Civil Judges had adequate competence in this area. 6 respondents i.e. 1.91% did not answer to the question as they opted for "no opinion".

#### **4.10 Clarity**

In this case, respondents were asked to comment on Civil Judges' ability to write in a clear manner. A vast majority of respondents thought that Civil Judges were not able to write in a clear manner. 171 respondents i.e. 81.81% pointed out that Civil had inadequate ability in this case, whereas only 34 respondents i.e. 16.26% thought that the ability was adequate. 4 respondents i.e. 1.91% opted for "no opinion".

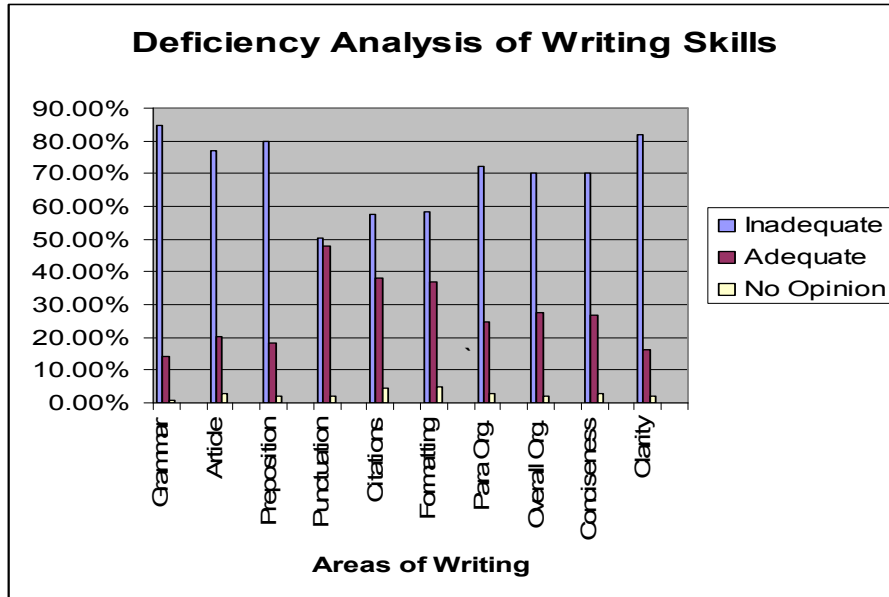
The following Table 1 and Graph 1 depict the comparative study of deficiency analysis with regard to Civil Judges' writing skills.

**Table 1: Comparative Study of Deficiency Analysis with regard to Civil Judges' Writing Skills**

	<b>Areas of Writing Skills</b>	<b>Inadequate</b>	<b>Adequate</b>	<b>No Opinion</b>
1.	Grammar: Sentence Structure (tense, voice, narration etc.)	84.68% (N=177)	14.35% (N=30)	0.95% (N=2)
2.	Use of Article	77.03% (N=161)	20.09% (N=42)	2.87% (N=6)
3.	Use of Preposition	79.90% (N=167)	18.18% (N=38)	1.91% (N=4)
4.	Use of Punctuation	50.23% (N=105)	47.84% (N=100)	1.91% (N=4)
5.	Citations	57.41% (N=120)	38.27% (N=80)	4.30% (N=9)
6.	Formatting Conventions	58.37% (N=122)	36.84% (N=77)	4.78% (N=10)
7.	Paragraph Organization	72.24% (N=151)	24.88% (N=52)	2.87% (N=6)
8.	Overall Organization	70.33% (N=147)	27.75% (N=58)	1.91% (N=4)
9.	Conciseness	70.33% (N=147)	26.79% (N=56)	2.87% (N=6)
10.	Clarity	81.81% (N=171)	16.26% (N=34)	1.91% (N=4)



**Graph 1**



**5. Overall Findings**

The overall findings indicated that Civil Judges did not have the required competence in writing skills.

In all the 10 areas of writing, more than 50% of the respondents mentioned that the ability to write was inadequate. The two areas, where more than 80% of the respondents believed that Civil Judges had inadequate competence, were grammar and clarity. Next, areas where 70% to 80% respondents thought that Civil Judges had inadequate competence were: use of articles, prepositions, organization in paragraph, overall organization, and the ability to write in a concise manner. For rest of the three skills, i.e. use of punctuation, citing sources and following generic conventions more than 50% respondents believed that Civil Judges had inadequate ability.

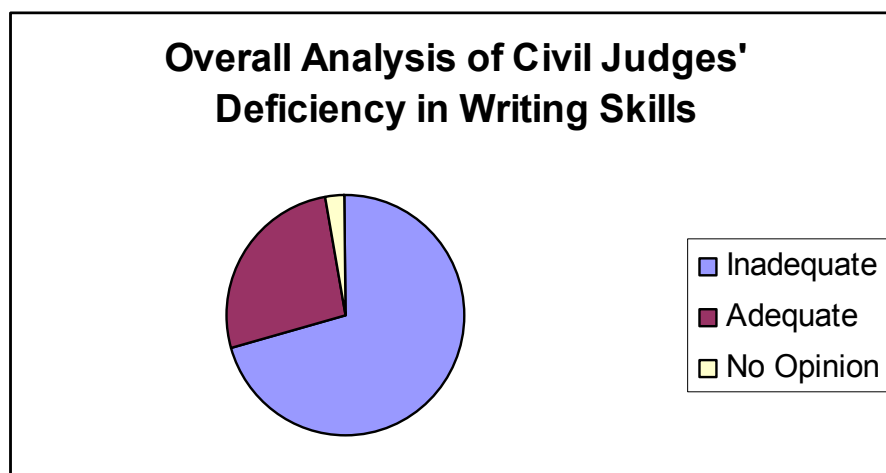
The overall analysis revealed that 70.233% respondents indicated that Civil Judges had inadequate competence in writing skills, whereas only 27.125% respondents pointed out that competence with this regard was adequate. The respondents who opted for “no opinion” were 2.628%. This shows that according to a vast majority of respondents, Civil Judges have inadequate competence in the skills of writing.

Table 2 and Graph 2 depict the overall analysis.

**Table 2: Overall findings related to Civil Judges’ deficiency in writing skills**

	Inadequate	Adequate	No Opinion
<b>Writing Skills</b>	70.233%	27.125%	2.628%

**Graph 2:**



## **6. Recommendations**

The above mentioned findings provide justification for the recommendation of a writing skills course for Civil Judges to be imbedded in their pre-service training course conducted by the Federal Judicial Academy (FJA), Islamabad.

### **6.1 Course Objectives**

On the basis of the findings of needs analysis, the recommended course has the following objectives:

After the completion of the course, learners will be able to:

- construct simple and complex sentences with appropriate use of preposition, article, punctuation, tense, narration and voice etc.
- organize the written work, both at micro (paragraph) and macro (overall) levels
- bring conciseness and clarity in their written works
- format their writings according to the required conventions
- cite sources in appropriate manner

### **6.2 Outline of the Recommended Course**

To achieve the above mentioned objectives, the recommended Writing Skills Course has topics/contents related to the objectives. The recommended course has three units in total: Grammar, Organization, and Clarity and Conciseness. The details are as follows:

## **Unit 1: Grammar**

### **Topics:**

1. Basic Sentence Grammar
2. Tense, Voice and Narration
3. Articles
4. Prepositions
5. Punctuation

## **Unit 2: Organization**

### **Topics:**

1. Brain Storming
  - 1.1 Think about the contents
  - 1.2 Think about the readers/audiences
  - 1.3 Think about the conventions of formatting a particular document
  - 1.4 Organize the overall structure of the document
  - 1.5 Organize the contents of each paragraph
2. How to Write a Good Paragraph
  - 2.1 The functions of paragraph
  - 2.2 Paragraph patterns
  - 2.3 Unity and coherence in paragraph (cohesive devices)
  - 2.4 Paragraph length
  - 2.5 Topic and concluding sentences in a paragraph
  - 2.6 Link between paragraphs
  - 2.7 Introductory and concluding paragraphs
  - 2.8 Citing legal authorities in paragraphs

## **Unit 3: Clarity and Conciseness**

### **Topics:**

1. Omit surplus words
2. Use base verbs, not nominalizations
3. Prefer active voice
4. Use short sentences
5. Arrange your words with care

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