

A Critical Genre Analysis of Writ Petitions

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Abstract

This study examined the genre of writ petitions from a textual perspective by using the Critical Genre Analysis framework by Vijay Kumar Bhatia (2017). The data consisted of 30 writ petitions collected from different lawyers from High Court Muzaffarabad and Supreme Court Azad Jammu and Kashmir through purposive sampling. The study used a mixed-method approach as it examined the structure of writ petitions as well as the usage of recurrent linguistic features. It also highlighted the functions of interdiscursivity and intertextuality in writ petitions. The study analyzed the structure of writ petitions, identifying six obligatory moves and their related sub-moves. These moves include Introduction with optional sub-move of Writ Petition Number, Jurisdiction, Statement of Facts, Grounds for Filing a Writ Petition, Conclusion, and Supporting Documents. While Introduction, Jurisdiction, Statement of Facts, and Conclusion had obligatory sub-moves, Grounds for Filing a Writ Petition and Supporting Documents did not require further sub-moves. Exploring the pattern in which the writ petition was written, the analysis explored what linguistic features were specific and recurrent in this genre. Notably, the use of legal terminology, Latin terms, borrowed vocabulary, passive voice, compound-complex sentences and discourse markers was prevalent. Modal verbs like "shall," "may," and the conjunction "that" recurred frequently. In addition to that three forms of intertextuality such as referential, functional and generic intertextualities were found. There was the account of fusing different texts, or styles that were referred to as interdiscursivity. Intertextuality and interdiscursivity created cohesion and established the contexts. The outcomes of the study will be helpful for the members outside of the discourse community to understand the conventions of the genre of writ petitions.

Keywords: *Writ Petitions, Critical Genre Analysis, Linguistic features, Textual Perspective, Interdiscursivity, Intertextuality,*

1. INTRODUCTION

The word "genre" is derived from Latin, initially related to categories of objects, and has become widely accepted to refer to the analysis of various literary genres (Hood, 2011). Bakhtin (1975) mostly discusses his theories on the genre in his writings, especially "The Dialogic Imagination: Four Essays" published in 1975. Although Bakhtin did not give a clear, comprehensive definition of the genre, his ideas on genre may be gleaned from his talks across his books. In "The Dialogic Imagination: Four Essays," Bakhtin (1975) examines the concept of genre in relation to literature and language. He emphasises the dialogic aspect of genres by describing how different discourses and voices within a society have an impact on them. The interaction and interchange of many voices, views, and languages within genres are highlighted by Bakhtin's idea of "dialogism". Originating with Bakhtin, the study of the genre has drawn the interest of scholars from several linguistic schools.

Practitioners in the field of English for Specific Purposes (ESP) created the ESP approach to the genre. This model is based on the work of Swales (1981, 1990), and Bhatia (1993). These researchers' desire to provide instructional resources for English language learners served as their inspiration for genre analysis. According to Swales (1981) and Bhatia (1993), a genre is a particular kind of communication event that has a certain function and can be easily recognised by its discourse community, or participants. According to Bhatia (1993) and Swales (1990), genres are staged events that emerge through a series of what they refer to as moves and component steps. This arrangement, sometimes known as a genre's schematic structure, might alter between various genre instances. Some steps could be optional, happen in a different order, be incorporated into other moves, or even be repeated (Swales, 1990). The ESP method takes into account that various academic and professional disciplines each have unique genres and discourse patterns that are employed within them. To help learners effectively communicate within their profession, it is crucial to recognise and analyse these genres and patterns. Swales' (1990) Creating a Research Space model in this approach identifies many moves that make up the normal discourse structure of the introduction to research papers, whereas Bhatia's (1993) work, identifies the structure of professional genres primarily business and legal ones. Bhatia (1993) found out the schematic structure of sales letters and legal cases. Fakhruddin and Hassan (2015) claim that Bhatia (2004) proposed a four-space model of discourse analysis for professional genres. The model covers textual, tactical, professional, and social spaces. These areas indicate the overlapping grounds on which discourses from various points of view take place both inside and between them. A comparable set of multidimensional approaches to the genre-based analysis of written discourse is necessary in order to investigate and encompass all four viewpoints inside the genre model, especially for those interested in the study of institutional and organisational context. Because of this, Bhatia (2015) has also described numerous research techniques that might provide important findings and knowledge of a particular genre. These techniques depend on a variety of analytical data types, including textual data, socio-cognitive

data, ethnographic data, and socio-critical data. This approach resulted in a Critical Genre Analysis framework. Following these approaches, many scholars gave generic structures of different legal discourses. Among all, ESP has been widely used. Legal judgements have been studied extensively using the ESP approach, with the most influential work done by Maley (1985) and Bhatia (1993). Maley provides a detailed analysis of an assenting judgment in the High Court of Australia and identifies the following potential generic elements: facts, issues, reasoning, conclusion and order or finding. Bhatia's (1993) study describes a very similar structure. Based on the same approach, the generic structure of another legal genre, law reports were also analysed by Bowles (1995). Bowles disintegrates the structure of law reports in the following moves: Heading, Description of court, Keywords, Description (of the facts) which includes a list of cases cited and opinions of concurring judges, Judgment and Decision of court. Mashuri (2013) elaborated that Warnika (2002), Salim (2003) and Suhardana (2008) also analysed the Memorandum of Understanding, which is a legal document, under the ESP approach. Warnika (2002) divided a memorandum of understanding structure into six parts: Title, Opening, Comparison, Substation, Closing and Signatures, whereas Salim (2003) divided the structure into Title, Parties, Date of agreement, Parties' identity, Content, and Signatures.

On the basis of the above-mentioned studies, it can be established that a considerable amount of research has been done on the generic structure of different types of legal genres using different approaches of genre analysis and that every legal genre has its specific structure, however, the genre of writ petitions remains unaddressed. It is important to know how they are structured in the context of Azad Jammu and Kashmir, and what the features of writ petitions are. Hence, in this article, a critical genre analysis of writ petitions drafted in the context of AJK is made. The study will be delimited to writ petitions filed in the High Court of Muzaffarabad, Azad Jammu and Kashmir. Usually, the genre of Writ petitions can be analyzed from every perspective suggested in the critical genre analysis framework of Bhatia (2017), but the scope of the study is delimited to a textual perspective. Hence the study will be focusing on analyzing the genre of Writ petitions from a textual perspective, out of all four perspectives along with the element of interdiscursivity.

2. RESEARCH OBJECTIVES

This study aims to achieve the following objectives:

- i. To explore the move structure of writ petitions
- ii. To identify the use of recurrent linguistic features in the genre of the writ petition
- iii. To explore the role of interdiscursivity and intertextuality in the genre of writ petitions

3. SIGNIFICANCE OF THE STUDY

The aim and objectives of this study are to explore different moves and sub-moves in the writ petitions. In addition to that, this study aims to know how recurrent linguistic features are used in the genre of Writ Petition. Prior to that, such type of study on writ petitions has not been conducted by anyone else. Hence, it will add to the knowledge of novices, future researchers as

well as those outside the discourse community. This investigation will assist individuals outside the realm of legal discourse in comprehending the writ petition genre.

4. LITERATURE REVIEW

In his study “Analysing Genre: Language Use in Professional Setting”, Bhatia (1993) explored the structural interpretation of legal cases, where he explained how legal cases are often structured. Bhatia distinguished four moves in the examination of legal cases: identifying the case, establishing the facts of the case, arguing the argument, and passing judgment. In addition, he discussed the sub-moves involved in making the main argument. Bhatia established the genre's communication goal while identifying recurrent language elements such as complicated prepositional phrases, binominal and multinominal expressions, and syntactic discontinuities in his examination of legislative provisions. The Main provisionary clause and the Qualifications are the two interaction components that make up the structure of legislative provisions.

Mazzi (2007) conducted a comparative study on a corpus of 40 judgments, 20 of which were handed by the Court of Justice of the European Communities and ten by the House of Lords (UK) and Ireland's Supreme Court, respectively. Random sampling was used as a sampling technique, and a small corpus was selected from a larger reference corpus of 221 judgments. Bhatia's 1993 model was considered the framework for the study. It was discovered that English and Irish judgements shared the same structure as Bhatia's 1993 model, which included identifying the case, establishing the facts, making an argument, and rendering judgment. Mazzi (2007) found that although EC rulings had a somewhat different format, they nonetheless contained all the elements that Bhatia's model had, but also had moves like stating the scope of the court's procedure, identifying relevant national and/or community law, and settling expenses as necessary moves.

Jabeen (2012) explored the legal genre of Plaintiff letters used in Pakistan's legal proceedings. The study focuses on move analysis as well as stylistic analysis of plaintiff letters using Bhatia's analysis of appeal cases as a reference. In Bhatia's (1993) *Genre Analysis of Appeal Cases*, the following four moves were identified: Identifying the case; establishing the facts of the case; Arguing the case; and Pronouncing judgment. While taking this as a reference, Jabeen (2012) found that the first two moves were common, whereas the last two moves i.e., Arguing the case and pronouncing judgments were missing, because Plaintiffs are supposed to state facts, not argue. Rather, the researcher proposed other moves such as Claiming the Relief, Reference to the lawyer, and verifying the plaintiff.

In his work “*Fatwas and court judgments: A genre analysis of Arabic legal opinion*”, Fakhri (2014) studied fatwas and Arabic court judgments. The aim of the study was to investigate the rhetorical and linguistic features of court judgments and fatwas. The study was based on Swales' 1990 foundational work on move analysis and lexico-grammatical features of the genre. According to Fakhri's (2014) research, the moves in court decisions were giving the case history, outlining the petitioner's claims, stating the court's opinion, and announcing the decision, whereas the moves in fatwas were answering the question and providing evidence to back up the answer. According to linguistic study, phrase complexity in court rulings sought to strengthen the logical

relationship between various legal arguments. In contrast, sentences in fatwas vary in grammatical complexity according to their communicative objectives, with narrative elements exhibiting less complexity than argumentation or explanation. It is clear from Fatwas' frequent use of formulaic language that a high degree of certainty is desired in legal contexts. Furthermore, the mufti's rhetorical skills in appealing to emotions and spirituality and projecting themselves as an authority on shari'a were credited with the frequent use of direct citations from the Quran and hadith in fatwas.

Królikowski (2015) conducted a study on legal justifications. The aim of the study was to analyze the constructional units that is to say moves in the aforementioned genre. According to Królikowski, all justifications have three moves: Admissibility of application, Object of constitutional review, and Standard of constitutional review. The researcher also found the additional three moves i.e., explanation of material factors necessary to determine whether an application is valid; evaluation of the legitimacy of a charge; evaluation of the effect of a judgment, and said that they may occur based on the circumstances of a case. Królikowski (2015) asserted that legal justifications are more regular and conventional in nature.

Gozdz-Roszkowski (2020) also investigated the move structure of legal justifications supplied by the Polish Constitutional Court in its judgments. The purpose was to validate Królikowski's (2015) assertion that writing justifications became more regular and conventional. The analysis proved the significance of Królikowski's proposed moves and presented a list of moves found in the under-discussion genre. According to the findings of Gozdz-Roszkowski (2020), Move 1 deals with the object of constitutional review and the constitutional question, whereas Move 2 assesses the application's admissibility based on pre-established standards. Move 3 entails recreating review criteria, whereas Move 4 investigates a normative act's (non)compliance with the Constitution. Move 5 examines the legal consequences of the judgement.

Jabeen and Shehzad (2022) analyzed the constitution of Pakistan from a textual perspective, using Bhatia's Critical Genre Analysis framework. The aim of the study was to analyze the schematic structure of the constitution of Pakistan, as well as the salient linguistic features of the text. The researchers also noticed the constitutional genre's lexico-grammatical and syntactic traits. Jabeen and Shehzad (2022) claimed that the structure of the Constitution of Pakistan was organized in such a way that it starts from a Preamble, which suggests the purpose and scope of the Constitution. The rest of the text has 12 parts, sections, chapters, and 280 articles. Articles further have clauses and subclauses. The researchers observed the employment of adverbials, nominalization, modal auxiliary verbs, extended phrases, adverbial clauses, passivized assertions, and conditional sentences. In addition to that, it was analyzed that coherence and cohesion are also deployed via different devices such as thematic grouping of articles, inter-discursivity, inter-textuality, cohesive devices, referential expressions, etc.

The literature reviewed above highlights significant studies conducted on various legal genres across different contexts, indicating that each legal genre possesses distinct schematic structures and linguistic characteristics. Additionally, the literature review underscores extensive research in diverse contexts. Nevertheless, there remains a notable gap in studies concerning the genre of Writ Petitions within the Pakistani or AJK context, making it conducive to explore this genre.

5. RESEARCH METHODOLOGY

In order to fully comprehend the genre, the study uses Bhatia's Critical Genre Analysis framework and a mixed methods approach that combines qualitative and quantitative methodologies. By combining the depth of qualitative research with the broader perspectives offered by quantitative data, this technique provides a comprehensive understanding of the genre. The quantitative part makes it easier to spot frequency patterns and trends, while the qualitative component enables a thorough examination of the writ petitions' content and structure. The primary data for this study was collected from the Azad Jammu and Kashmir High Court. The researcher approached 5 lawyers directly who were lawyers of both the Supreme Court and High Court, and requested them to obtain the required writ petitions. The population for the study was the writ petitions filed from January 2022 to March 2023 to ensure an up-to-date representation of the genre. The data collection process for this study primarily involved the collection of 30 writ petitions filed in the Azad Jammu and Kashmir High Court. The purposive sampling technique was employed to collect the data. Purposive sampling allowed researchers to select specific documents that best represent the characteristics of the target population, in this case, 30 writ petitions were purposefully selected that contained the conventional features.

6. FRAMEWORK

This study is based on the Critical Genre Analysis framework provided by Bhatia (2017). Bhatia (2017) saw the necessity to combine several frameworks for genre analysis and proposed a model to concentrate on the world of professions. The multi-perspective and multi-dimensional study of the genre was the primary emphasis of Bhatia's first framework for the CGA (2004). This theoretical framework used four perspectives—textual, ethnographic, socio-cognitive, and socio-critical—to analyze the genre-specific text. Afterwards, he fortified it by incorporating the elements of interdiscursivity and criticality when underwent revisions in 2015 and 2017. Since the study is delimited to the textual perspective and considered the element of interdiscursivity, so it is crucial to discuss these concepts.

The textual perspective, according to CGA, can examine lexico-grammatical instances, rhetorical structures, and intertextuality. The framework also recommends Linguistic description and analysis, Corpus-based analysis of language and ideas, and Analysis of cohesion as well as intertextuality as some of the procedures or tools to analyze these categories. Critical genre analysts have the freedom to choose their chosen tools from the list of approved ones in order to best suit the characteristics and goals of the study. A textual viewpoint, according to the proposed framework (Bhatia, 2004, 2017), was only interested in the text (as a product) and not in how it should be understood.

Interdiscursivity is the second element in Critical Genre Analysis. According to Bhatia (2010), Interdiscursivity is viewed as a type of borrowing of traits from different genres or discourses in text or speech. The element of interdiscursivity examines patterns of interdiscursivity and common contextual elements among genre structures. This element shows how fusing several discourses is a well-planned strategy.

7. RESULTS AND DISCUSSION

This study sequentially presents the genre analysis of writ petitions using the chosen framework. First, the critical genre analysis from a textual perspective is elaborated, which comprises the move analysis, and lexico-grammatical features of writ petitions, then the role of intertextuality and interdiscursivity is discussed.

7.1. Move Analysis

It is seen that the thirty writ petitions considered as a sample followed a sequential pattern. Therefore, after examining the data, the sample writ petitions' structure is divided into six main moves: Introduction, Jurisdiction, Statement of facts, Grounds for filing a writ petition, Conclusion, and Supporting Documents. All of these moves make up the structure of the sample under study. It is also observed that in the sample the structure is not merely divided into moves, but also sub-moves that can also be called moves at the micro-level, or what Bhatia (1993) called different rhetorical strategies. The detailed move analysis of the sample of writ petitions is discussed as follows:

7.1.1. Introduction

The first move Introduction is accomplished by some micro moves or sub-moves which are: Introduction of Jurisdiction, Writ Petition Number, Brief introduction of parties involved and the counsels, Index, Place and Date, and Representation of Petitioners. An example of this move and the rhetorical strategies used to accomplish this move is as follows:

- (1) *Before the high court of Azad Jammu & Kashmir Muzaffarabad.*
W.P. No. 181/2021
Rashida Aslam VRS Azad Government & others
(PETITIONER) (RESPONDENTS)
Counsel for the Petitioner: MANZOOR HUSSAIN RAJA / ASIA KHOKHAR
Advocates Supreme Court
Counsel for the respondents: _____

<i>Serial Number</i>	<i>Document</i>	<i>Annexure</i>
<i>01</i>	<i>Copy of CNIC</i>	<i>PA</i>
<i>02</i>	<i>Notification of Appointment</i>	<i>PB</i>

MUZAFFARABAD
 DATED: 03.06.2023

Petitioner
Through Counsel

 MANZOOR HUSSAIN RAJA
 ADVOCATE SUPREME COURT

The example showed that for the sample writ petition, it is the high court that is the legal authority to accept a writ petition, and since the sample was taken from only the premises of High Court Muzaffarabad, so it is also briefly mentioned in the introduction of jurisdiction. In addition to

that, in some of the writ petitions chosen as a sample, the writ petition number after introducing the jurisdiction was also mentioned. In example (1) '181' represented the specific number that was assigned to the writ petition, whereas '2021' indicated the year in which a writ petition was filed. On analysis, it is revealed that this sub-move is not present in all of the samples under consideration; rather just 2 out of 30 writ petitions have their unique numbers, which establishes the fact that this sub-move is usually skipped while drafting a writ petition in the context of High Court Muzaffarabad. In the aforementioned example, the third sub-move consists of a brief introduction of the party who filed the petition, that is to say, the petitioner, and the respondents/non-petitioner, who are claimed to be the party responsible for the infringement of rights. After that, the counsels for the petitioner and respondents are introduced. The data reveals that the next sub-move is the index. It is structured in a way that there is a content list for every writ petition. It enlists the contents added to the document along with their serial numbers, page numbers and annexures if applicable. In the content list, all the relevant documents are mentioned that were attached to give solid pieces of evidence and to prove that one's right was infringed. In (1), the contents mentioned are Copy of CNIC, and Notification of Appointment along with their annexure numbers i.e., PA, PB. This index acted as a thorough guide, giving rapid access to the numerous items included in the legal filing. In simple words, it can be stated that the index made browsing the required document easy. In the example, it is seen that after enlisting the contents, the place where the High Court is located i.e., Muzaffarabad along with the date when the writ petition was filed which was 03.06.2023 were mentioned. In the end, it is noticed that the first move Introduction ends with mentioning the singular or plural representatives of the person who filed the writ petition along with their signatures and designations.

To establish the fact, it is noticed that all sub-moves except the Writ Petition Number were present in 30 out of 30 Writ Petitions chosen as a sample, hence making Writ Petition Number as the optional sub-move.

7.1.2. Jurisdiction

The data reveals Jurisdiction as second Move in Writ Petitions. In this specific move, the study is able to effectively determine the precise legal provision that a writ petition can be filed under, as well as the right authority to whom it should be presented. Through this endeavour, the legal environment and jurisdiction within which the writ petition can be successfully filed are clarified. After evaluation, it is seen that this move is further divided into sub-moves such as: Identification of authority, Parties to the Petition, Citation of relevant provision.

The first sub-move 'Identification of authority' resembles the introduction of jurisdiction sub-move stated in 7.1.1. Its execution is repetitious, with the opening of the sub-move based on the phrase 'BEFORE THE HIGH COURT AZAD JAMMU & KASHMIR MUZAFFARABAD'. This declaration identifies the Azad Jammu and Kashmir High Court as the authorized authority for submitting a writ petition and releasing a writ in response.

After establishing the authority, a detailed introduction of petitioner/ petitioners as well as respondents is given. In the detailed introduction, firstly the introduction of the petitioner(s) is elaborated. In it, the names of the petitioner(s), and designation (if applicable) along with their

address are mentioned. Secondly, the introduction of respondents is mentioned. Their names (if not the governmental authorities), addresses, and designations (if any) are given, just like the petitioner(s). The respondents are the governmental authorities, elected officials, or organizations in charge of the alleged wrongdoing or abuse of power, and sometimes they may be some private parties. For instance;

2(a): *Syed Iqtedar Hussain Shah S/o Syed Mir Hussain Shah presently working as a driver in the office of Dr Khalid Javaid Khan CMO Muzaffarabad*

(PETITIONER)

VERSUS

- 1- *Director General Health Azad Government of the state of Jammu & Kashmir, office situated at New District Complex Muzaffarabad.*
- 2- *Incharge CMO Rural Health Center Chatter Class Muzaffarabad.*
- 3- *District Health officer Muzaffarabad, Azad Jammu & Kashmir.*
- 4- *Accountant General of Azad Jammu & Kashmir, having his office at Sathra Hills, Muzaffarabad.*

(RESPONDENTS)

In 2(a) the respondents are governmental authorities, but there were instances of private parties as respondents in the data, as well. On analysis of data, this sub-move was found to be persistent in every sample, making it as an obligatory one.

The final sub-move that realized the 'Jurisdiction' move is found to be 'Citation of Relevant Provision'. In this sub-move, it is seen that the petitioner states the precise constitutional provision, law, or other piece of written legislation that offers the right to submit a writ petition and gives the court jurisdiction to address the issue. For example:

2(b) *WRIT PETITION UNDER ARTICLE 44 OF THE AZAD JAMMU & KASHMIR INTERIM CONSTITUTION, 1974 AS AMENDED UP TO DATE READ WITH SECTION 561-A Cr. P.C*

In 2(b), the relevant legal provision is mentioned in the way that the statement indicates that a writ petition was being filed in the Azad Jammu & Kashmir legal system pursuant to Article 44 of their Interim Constitution (as amended) and was also utilizing the authority provided by Section 561-A of the Criminal Procedure Code, probably with a view to obtaining a particular legal remedy or relief.

7.1.3. Statement of Facts

This move is also found in all of the samples under study. On the analysis of the date, it is examined that the petitioner tried to provide the context by stating circumstances or events in chronological order that led to the filing of the writ petition. In the sample of the study, the move is observed by following several sub-moves such as Opening statement, Objective statements of relevant facts, and Sequential Events. For example:

(3) *Respectfully Sheweth,*

- 1) *That the petitioner is 1st class state subject of Azad Jammu and Kashmir, and member of Central Bar Association Muzaffarabad, Azad Jammu and Kashmir.*

- 2) *That the petitioner appointed as Legal Advisor Department of Tourism and Archaeology Azad Jammu and Kashmir, vide notification bearing No. MQ/Cases/307/22/2022 dated 08.09.2022. Copy of appointment notification dated 08.09.2022 is attached herewith and marked as **Annexure “PA”**.*
- 3) *That in compliance with the order dated 16.03.2021, the petitioner submitted his joining report before the competent authority, who allowed the petitioner to join his duties. Copy of joining report is attached herewith and marked as **Annexure “PB”***
- 4) *That the services of the petitioner were extended time and again, lastly through order dated 07.04.2023 by service of the petitioner has been extended. Copy of extension order dated 07.04.2023 is attached as **Annexure “PC”***
- 5) *That the decision/ minutes of the committee meeting dated 20th December 2022 regarding adhoc contractual or temporary government employees is still not decided by the committee as the age of the petitioner is above 40 years and yet to be decided by the committee.*
- 6) *That now merely on political basis and without any legal justification, the respondents have illegally, formulated a proposal for the termination of services of the petitioner.*

In (3), the facts are stated by using an opening statement at first. The opening statement in all of the samples of the study is ‘*Respectfully Sheweth*’. The archaic phrase ‘*Respectfully Sheweth*,’ is used instead of the more modern ‘Respectfully Stated’ to maintain legal tone. Point 1 and 2 in (3) are the examples of the second sub-move ‘objective statement of relevant facts’. The statements presented are entirely objective in nature, devoid of any personal opinions or subjectivity. To further highlight this objectivity, a document in the form of an appointment notification has been attached, providing concrete evidence to support the presented information. Statement 3,4,5, and 6 in (3) represent the sequential events that the petitioner told and which made one feel that one’s right was violated and led to file a writ petition. This sub-move is an essential component of the writ petitions, giving readers a thorough knowledge of the issue at hand.

7.1.4. Grounds for Filing Writ Petition

It is the fourth and obligatory move in the writ petitions that were considered for the analysis. The legal justification or reasons for the petitioner's request for court or authority remedy are referred to as grounds in writ petitions. The petitioner's case is supported by these reasons, which serve as its main arguments or justifications. The reasons list the legal standards, transgressions, or mistakes that the petitioner felt to have happened and urged for the court to step in. The data reveals that there are no sub-moves observed in this move i.e., Grounds. An instance of mentioning grounds in one of the writ petitions considered for the study is described in example(4)

(4) *GROUND:*

- A. *That offences alleged in the FIR were not made out as such conviction of the petitioner is not possible and continuance of investigation under circumstances of the case against petitioner amounts to unnecessary harassment, therefore, the FIR is liable to be quashed.*

- B. That complainant with the connivance of the political figures has made concocted and baseless fictitious story in the FIR, the facts of the case are that the respondent No.4 instituted an suit before the District Judge Muzaffarabad in which stated that the petitioner borrowed (34 lac) from the husband of respondent No.4 on 06.09.2011 and on 06.04.2015 the husband of respondent No.4 was died, after filling of application the petitioner submitted an application under order 7 rule 11 before the District Judge Muzaffarabad, the District Judge Muzaffarabad vide judgment dated 26.05.2022 dismissed the suit, thereafter the respondent No.4 submitted an application before the Director General Human rights, the Director General issued notices to the SHO and SSP, upon the notices the SHO and SSP submitted their notices. Copies of suit, application, objection, judgment and decree of District Judge, application before Director General Human Rights, notices are attached herewith as Annexure "PB" to "PB/9" respectively.

The current study sample demonstrates that the grounds are occasionally provided as a distinct heading, while at other times they are incorporated into the statement of facts without a specific heading. It is also observed that this move is not comprised of any sub-move, and it independently occurs in all of the study samples, which makes it a compulsory move in writ petitions.

7.1.5. Conclusion

According to the examination of the sample for study, the fifth move in the writ petitions is the Conclusion. This move is critical in summarizing the petitioner's principal claims and clarifying the intended outcome. The sub-moves that end the writ petitions are Prayer, Petitioner Representation, and Verification. The Prayer sub-move requests the court to approve the petitioner's claims. The Representation of Petitioner sub-move details the petitioner's representation for the case. Finally, the Verification sub-move certifies the petitioner's allegations as genuine. For an example:

5) PRAYER:

It is, therefore, very humbly prayed that by accepting the instant writ petition the respondents may kindly be restrained from termination the service of petitioner as Naib Qasid till the regular appointment after the advertisement of post and Selection on merit, further be prayed that respondents may kindly be restrained not to disturb the petitioner from his present place of posting Naib Qasid Government High School Sukh Chainpur Mirpur. Any other relief which this Hon'ble Court deems fit may also be granted in favour of petitioner in the interest of justice.

MUZAFFARABAD: -

DATED: 18.03.2023

Petitioner
Through Counsel

SAJID HUSSAIN ABBASI
ADVOCATE SUPREME COURT

VERIFICATION:

Verified that the contents of writ petition from Para 1 to last along with prayer clause are true and correct to the best of my knowledge and belief.

Petitioner
Through Counsel

SAJID HUSSAIN ABBASI
ADVOCATE SUPREME COURT

In (5), it can be seen that the petitioner humbly requests the desired actions that is to say, restraining termination of the appointment as Naib Qasid till regular appointment and not to disturb the petitioner's current position. The petitioner also requests for the other actions that he thought could be given by the relevant authority itself. It is also noticed that the prayer is written along with the date and place where the prayer is made. After the prayer, there is solemnization that the contents mentioned in the Writ Petition are true, which leads to conclusion in the form of mentioning the counsel of the petitioner. This sub-move was repeated both before and after the "Verification" sub-move, which represents the importance of the representation of counsel, or to establish that the petitioner got sufficient legal assistance. All of the sub-moves were present in 30 out of 30 Writ Petitions, making 'Conclusion' as an obligatory move.

7.1.6. Supporting Documents

It is observed while analyzing the study sample that after concluding the writ petition, supporting documents were annexed by the petitioners. In sample writ petitions, supporting documents offer proof and strengthen the petitioner's assertions and arguments. These records support the petitioner's position and contribute to the factual data used in the petition by strengthening the petitioner's case. For instance, in one of the sample writ petitions, the petitioner attached a copy of the Nikkahnama to prove evidence and strengthen his claim that the Nikkah was actually done when the respondent filed a family suit and lodged an F.I.R against the petitioner for nullification of a validly registered Nikkahnama. There were other examples in the data such as CNIC (for the proof of age), Wakalatnama (as a proof of legal assistance), Appointment notifications (to prove the legality of appointments), etc. This move was also present in every sample, hence making it an obligatory move.

On the basis of the analysis, it can be established that all moves are present in the sample considered for the research. Furthermore, all sub-moves except "Writ Petition Number" are obligatory since they are present in 100% of the texts, whereas the sub-move Writ Petition Number is present in only 2 writ petitions making its presence in only 6% of the total texts, hence considered as an optional move. Moreover, two moves that are not further classified into sub-moves are grounds and supporting documents.

7.2. RECURRENT LINGUISTIC FEATURES

The textual perspective of the critical genre analysis framework advocated by Bhatia (2017) calls for a linguistic study of an under-researched genre, and according to him study at this level should focus on text as a product rather than its interpretation or usage, hence it is seen that there are several recurring linguistic elements in the sample, which are Legalese, Borrowed Vocabulary, Discourse Markers, Archaic Adverbials, Use of Modal "shall" and "may", Use of "That", Use of Compound-complex Sentences, and Use of Passive Voice.

The analysis of data revealed that legalese is present in it. Legalese is defined by Blackwell (2008) as the formal language used in legal papers; it specifically refers to complicated and opaque jargon that is exceptionally difficult to understand. It was examined that many legal phrases and

terms used in the sample had their origins in Latin. These phrases and terms had specific legal meanings that may not be easily stated using normal English or they were conventions in the genre. Using Latin terminology assisted in ensuring clear and unambiguous communication within the discourse community that is involved. Examples of legal jargon in the sample are status quo, Mandamus, Habeas corpus, Prohibito, Inter alia, etc.

There are also instances where borrowed vocabulary was used in writ petitions. The analysis suggests the following borrowed vocabulary words and phrases in sample writ petitions:

Table 1. Examples of borrowed lexis in the sample

Borrowed word/ phrase	Approximate Meaning
Dastoor-ul-Amal	Code of conduct
Khasra Girdawri	Record for a land
Istehqaq Certificate	Certificate for eligibility
Khivet	Record for ownership of land
Maqbooza Malkan	Seized assets
Naib Qasid	Peon
Qabar Kushai	The grave's opening
Qabz Wasool	Recovery of dues
Qatal bil Sabab	Intentional murder
Rashan Card	Card for food/ration
Sunnah	Prophet's Way of Life
Shamlat Deh Hasb-e-Rasad	Classification of common Land according to the present report
Vis-à-vis	According to
Deh	Village
Dehi Council	Village Council
jirga	A tribal council

Jabeen and Shahzad (2022) stated the reason for the use of borrowed vocabulary, is that certain native and customary ideas are communicated through borrowed lexical words since they cannot be represented accurately in a foreign language or the language of the document.

Another recurrent linguistic feature observed in the data is use of discourse markers. Following a comprehensive investigation, many discourse markers, as listed in Table 2 by Fraser (2009), are found in different instances.

Table 2. Frequencies of Discourse Markers

Type of Discourse Markers	Examples found in the data	Frequency
Contrastive Markers	On the other hand, but, whereas, however	78
Elaborative Markers	and, furthermore, on that basis, moreover	89
Inferential Markers	Hence, therefore, in accordance with, so, as a result of, thus, accordingly	140

So, from the given frequencies of the discourse markers, it can be observed that although all the types are present, inferential markers and elaborative markers are in abundance compared to contrastive markers.

Use of archaic adverbials was also abundant and recurrent in the sample. Archaic adverbials such as ‘herewith’, ‘herein’, ‘thereof’, ‘therein’, ‘thereafter’, and ‘forthwith’ are found in the data. The frequencies of different archaic adverbials are given in the Table (3).

Table 3. Frequencies of Archaic Adverbials

Archaic Adverbial	Frequency
herewith	30
herein	15
thereof	9
therein	12
thereafter	12
forthwith	5

The adverbial "herewith" is predominant in frequency, with an occurrence of 30 instances, followed by "herein" appearing 15 times. The adverbial "thereof" is observed 9 times, while both "therein" and "thereafter" manifest 12 occurrences each. Conversely, "forthwith" exhibits the least frequency, being recorded merely 5 times. These archaic adverbials contribute to the establishment of a formal tone within the Writ Petitions.

Furthermore, usage of Modal verbs ‘May’ and ‘shall’ is also found to be recurrent in the data. The frequencies of these modal verbs are as follows:

Table 4. Frequencies of May and Shall in the data

Modal Verb	Frequency
May	69
Shall	30

In the data, “Shall” expresses responsibilities, duties, or required activities. It is used to specify what actions or expectations parties should have based on the law or other legal requirements. Moreover, it also maintains the formal tone of the document. On the other hand, modal “may” in the data is used for the polite request that fulfils the communicative purpose of Writ petitions i.e., request.

Another important and recurrent linguistic feature that is found to be persistent in the data is usage of ‘Passive Voice’. Passive voice, in the sample writ petitions, is used for several purposes such as putting emphasis on actions as in the example (6a). Or, when the doer of the action was unknown, yet the emphasis is on the receiver of the action as in example (6b). Or, where the actions were generalized using passive voice as in example (6c)

- 6) a. *That the appointment order of the petitioner has been issued in accordance with law.*
- b. *That the petitioner was appointed against the vacant post of Naib Qasid.*
- c. *No property shall be compulsorily acquired or taken possession of save for a public purpose.*

Compound Complex sentences were also found to be redundant in the data to explain a number of facts or claims, express complex legal arguments, and create logical linkages between various case aspects, as in the following sentence:

- 7) It is pertinent to mention here that the writ petition was filed in representative capacity for all categories of similar placed employees and this Hon'ble Court finally accepted the writ petition to the extent of enhancement of wages/salary while directing the non-petitioner to give benefit of notifications minimum wages from prescribed dates of notifications this judgment dated 15.08.2022 was assailed before the Supreme Court by the respondents which was also dismissed by the Hon'ble Supreme Court, copy of the judgment of High Court dated 15.08.2022 is attached herewith and marked as Annexure "PD".

Two independent clauses make up the sentence with the help of “that” which acted as a connector in ‘It is pertinent to mention here that the writ petition was filed in representative capacity for all categories of similar placed employees’ and in ‘this Hon'ble Court finally accepted the writ petition to the extent of enhancement of wages/salary while directing the non-petitioner to give benefit of notifications minimum wages from prescribed dates of notifications’, ‘while’ is acting as a connector to connect dependent clause. There is another dependent clause attached as well “which was also dismissed by the Hon'ble Supreme Court.

Moreover, it is observed that every argument in the data is initiated with ‘that’. The inclusion of the term ‘That’ at the beginning of each argument in grounds acts as a marker to show that the petitioner is outlining the exact grounds for why they are seeking judicial relief. It also assisted in presenting the reasons in a systematic and organized manner, which was necessary in the sample writ petitions to ensure consistency and clarity. Examples of inclusion of “that” in grounds are as follows:

- 8) a- *That the petitioner is 1st class state subject of Azad Jammu and Kashmir, and member of Central Bar Association Muzaffarabad, Azad Jammu and Kashmir.*
- b. *That the decision/ minutes of the committee meeting dated 20th December 2022 regarding ad hoc contractual or temporary government employees is still not decided by the committee as the age of the petitioner is above 40 years and yet to be decided by the committee*

7.2.1. Frequencies of recurrent linguistic features

Since, distinct linguistic features are found to be recurrent in the data, so their frequencies are presented in the tabular form.

Table 5. Frequencies of recurrent linguistic features

Linguistic feature	Frequency
Latin Terms	96
Borrowed Vocabulary	42
Discourse Markers	307
Archaic Adverbials	83
Modal “shall” and “May”	99
That	398
Compound-Complex sentences	201
Passive Voice	162

Analyzing lexical features in AJK Writ Petitions reveals different linguistic elements as crucial for drafting Writ Petitions. The redundant use of "That" (398 instances) and discourse markers (307 instances) highlights their importance in constructing legal arguments. Complex syntactic structures, including compound-complex sentences (201 occurrences) and passive voice (162 occurrences), underscore the petitions' syntactic sophistication. Modal verbs like "shall" and "may" (99 instances) convey obligations and permissions, while archaic adverbials (83 occurrences) and Latin terminology (96 occurrences) contribute to their formal and authoritative tone. Borrowed vocabulary, though less frequent (42 instances), reflects the evolving nature of legal language. Collectively, these features enhance the formal tone, structural coherence, and precision of Writ Petitions, underscoring their linguistic complexity in the legal domain.

7.3. ROLE OF INTERTEXTUALITY AND INTERDISCURSIVITY

In his Critical Genre Analysis framework, Bhatia (2017) stated intertextuality as an important procedure to analyze a text, and called it as referencing of one text in another.

There have been numerous instances where other texts are explicitly referenced, such as articles or sections of the interim constitution of Azad Jammu and Kashmir or the cases of similar issues in Writ Petitions. For example, while mentioning the subject of the sample writ petitions, there is a direct reference to Article 44 of the Azad Jammu and Kashmir Interim Constitution, 1974 which gave the right to file a writ petition. Furthermore, to strengthen the arguments in a case, while stating grounds, the petitioner also refers to Article 14 of the Constitution which is about the protection of the property of an individual. Similarly, in some of the writ petitions the reference of one of the sections of the Criminal Procedure Code is also mentioned. Also, in another sample writ petition, when the petitioner was filing it for quashing the FIR, the petitioner also referred to the FIR numbers such as FIR No. 37/23, etc. In addition to that, there are some annexures when the respondent filed a family lawsuit and filed an F.I.R. against the petitioner for the nullification of a validly registered Nikkahnama, the petitioner included a copy of the Nikkahnama as proof to support his claim that the Nikkah was performed. This document is explicitly referred to as in the following example;

9) *Copy of the Nikkahnama is attached herewith and marked as Annexure "PB".*

The data shows that 30 out of 30 writ petitions referred to some other texts or documents. Alafnan (2017) said the references to texts helped put the text in the right context. The data also reveals that to solidify the argument and to make the argument objective, different texts are referred. Hence intertextuality creates a sense of cohesion in the genre of writ petitions because while referring to the texts, context is established and there is a link developed between the texts and arguments.

The Critical Genre Analysis by Bhatia (2017) describes interdiscursivity as an element for analyzing a genre. Bhatia (2010) elaborates on interdiscursivity as a type of borrowing of traits from different genres or discourses in text or speech. Jianguo (2011) refers to interdiscursivity as mixing diverse genres, discourses and styles associated with institutional and social meanings in a single text. In the sample writ petitions, it is observed that not every sample includes the pattern

of interdiscursivity. It is least common in the sample, yet present in some of the writ petitions considered for analysis. There have been occasions where personal accounts in Writ petitions have been used to highlight the effects of a claimed breach or injustice. As they combine legal discourse with personal storytelling tactics to strengthen the argument, these personal narratives are seen as an example of interdiscursivity. For example:

- 10) 'this action of respondents caused financial loss and an irreparable damage to the reputation of the petitioner.'

Similarly, there is another writ petition which mentioned the decision of Cabinet meeting with authorities from Education department, it is also blending of a political discourse that involved decision making with legal one.

- 11) That in Cabinet meeting held on 20.12.2022 under the Chairmanship of Minister Elementary & Secondary Education which specifically decided as follows on 26.01.2023:-

"Decision:

- i) The final data of gazetted & non gazetted employees having either 10 year service or above 40 years age will furnish separately. On the basis of data, the employees fulfilling any one of this criteria would be recommended.
- ii) The data of employees having service more than 09 years and 05 months will also be separately prepared and shared with committee along with minutes (Annex-A).
- iii) The data of employees who have appointed through, Selection Boards/Selection Committees and having 05-year service as such will also be furnished and shared along with minutes (Annex-B).

This was incorporated in statement of facts in one of the writ petitions. It is fused here to create link that in what context the petitioner is filing the writ petition, and to strengthen the arguments for filing that writ petition.

On the whole, this mixing of discourses or styles that is interdiscursivity is found in 6 out of 30 writ petitions, making it less frequent but a notable practice. In all of the instances present in the data, the common reason for the interdiscursivity appears to create the link between the ideas presented in the texts.

8. CONCLUSION

This study uncovered the genre of Writ Petitions using Bhatia's (2017) framework for analyzing a genre. The study found that the writ Petitions considered for analysis had six moves: Introduction, Jurisdiction, Statement of facts, Grounds for filing a writ petition, Conclusion and Supporting Documents. All these moves were present in 100% of the sample chosen for the study, making them obligatory for the genre of writ petitions. The first move Introduction had some sub-moves such as the Introduction of jurisdiction, Writ Petition Number, Brief Introduction of the parties involved and the counsel, Index, Place and Date, and Representation of Petitioner. All of the sub-moves were present in 100% of the sample under study except the sub-move Writ Petition Number which was in 6% of the sample, hence making it an optional move. The second

move Jurisdiction had Identification of authority, Parties to the Petition, and Citation of relevant legal provision as sub-moves. All sub-moves were present in 100% of the data, making them obligatory for the Writ Petitions. The third move was Statement of Facts which further had the sub-moves Opening Statement, Objective Statement of Relevant Facts, and Sequential Events. They were also obligatory and were present in 100% of the sample of the study. The fourth move Grounds for filing Writ Petition did not contain any sub-move and was realized as the obligatory move since it occurred in 100% of the sample under discussion. The fifth move Conclusion had Prayer, Representation of Petitioner and Verification as sub-moves. All of these sub-moves were present in 100% of the sample chosen for the analysis. The sixth and last move Supporting Documents that occurred in 100% of the sample also had no further sub-moves. It contained all the documents that were necessary to strengthen the petition and to get the writ from the authorities. The study observed Legalese, Borrowed Vocabulary, Discourse Markers, Archaic Adverbials, Modal “shall” and “may”, “That”, Compound-complex Sentences, and Passive Voice as redundant linguistic features present in the data. It was also found that there were references to several texts in the sample termed as ‘intertextuality’ which helped in smooth flow of discourse. It was further noted that different discourses were also part of the different writ petitions, to develop a persuasive and comprehensive narrative to support claims and to link the text to a particular context. This phenomenon of interdiscursivity was not common but was notable in the data. Both intertextuality and interdiscursivity created a sense of cohesion in the discourse.

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