

USE OF ENGLISH IN NEPALESE COURT

**A Thesis Submitted to the Department of English Language
Education, University Campus, Kirtipur in Partial Fulfillment for
Master's Degree in Education
(Specialization in English Language Education)**

**By
Padam Giri**

**Faculty of Education
Tribhuvan University
Kirtipur, Kathmandu, Nepal**

2007

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ABSTRACT

The study was aimed at finding out the extent to which English is used in the Nepalese courts and reasons for using English in the court. Nepalese courts are found to have not only used Nepali terms during the advocacies and other legal process. The lawyers and judges use English terms in the courts while interpreting and advocating their cases. Various causes stand as the factors to lead the courts to use English terms. Some of the lawyers have foreign university background beside only the Nepalese University graduates. The references is to the legal concerns are more widely available in the English language in comparison with the Nepali language.

Having prepared a set of questionnaire, the researcher visited the Supreme Court and law campus to collect information. The researcher distributed the same set of question to different respondents as the number required. Then different case hearing and advocacies were observed.

Using the above tools and methodology, this study came to the following findings. The English is used in advocacies in the courts in order to impress the judges and audiences. The lawyers feel themselves prestigious when they use English. One of the reasons for using the English is lack of related sources in other than English language and habituatedness of lawyers in using the English words. During the advocacies the English terms seem to be more pinpointing ones than the Nepali translated legal terms. Because of the growing mode of globalization in each and every walk of life, the impact of the English is pervading. As a consequence of these circumstances Nepalese courts use majority of the legal technical terms in English language.

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SYMBOLS AND ABBREVIATIONS

%	Percentage
A.D.	Anno Domini
B.S.	Bikram Sambat
etc.	et cetera
i.e.	that is (id est in latin)
LLB	Bachelor of Law and Legislation
LLM	Master of Law and Legislation
M.A.	Master of Arts
No.	Number
qtd.	Quoted
R.N.	Roll Number
Regd.	Registered
T.U.	Tribhuvan University
U.N.	United Nations

Chapter One

INTRODUCTION

1.1 General Background

Language is a social phenomenon which is used to express ideas, feelings, emotions, thoughts, experiences, happiness and sorrow. It is common to all and only human beings. It is the most unique gift and the greatest accomplishment of human civilization. Perhaps, it is the most significant asset of human life. We cannot think of any social, academic and artistic activities going on without language. The main purpose of language is to communicate. It is due to language that all other animals differ from human beings as Sapir: languagee (1921:8) states, "Language is a purely human and non-instinctive method of communicating ideas, emotions and desires by means of a system of voluntarily produced symbols."

International Dictionary of English Language (1997: 795) defines language as "A system of communication consisting of a set of small parts and a set of rules which decide the ways in which these parts can be combined to produce message that have meaning." So, there are certain conventions and systems in every language. Recognition and mastery over these conventionalized systems enable human beings to communicate with each other. The noteworthy thing is that only human beings possess the ability to internalize the signs, symbols, systems and conventions of the language. So language is purely human phenomenon. Had there been no language, people would not have come to the position as they are today. Language, therefore, is not only the means of communication but also the vehicle of transmitting culture,

understanding and achievement, experiences, norms and values from generation to generation.

1.1.1 Importance of English

Language is considered as a living phenomenon. Human society and language are the two sides of the same coin. In the absence of society, language would not prevail and in the absence of language society can not fulfil all the social needs. Language and the society are complementary to each other as fish and water. There are hundreds of languages in the world; out of which English is the most flourished and popular language. It is also recognized as one of the six official languages of the UN. Undoubtedly, English has secured a position in all spheres of life. It is the mother tongue of more than 300 million people and is spoken by about 800 million people in the world. A speaker of English is understood all over the world as it is an international language.

Undoubtedly, English is the language of international politics, trade, commerce, industry, medicine, tourism, journalism and legal. One of the ten persons in the world knows English. Seventy five percent of the world's mails, fifty percent of the world's newspapers, over sixty percent of the world's radio stations and more than fifty percent of the world's scientific and technical periodicals use English as medium of expression. It is the bridge language through which many people reach their destination.

Today, in this cosmos world, people want to study English because they think it helps them develop their career as well as uplift their personality. People, having the knowledge of the English language, can have their say in every corner of the world. They can enjoy a happy and successful life in any parts of the world.

So far as the importance of English in Nepal is concerned, it is gaining its popularity day by day. Now people of almost all ages are inclined to learn English. It has become common language to all the people of the world to share their opinions, experiences, happiness and sorrow. Now, in this competitive age, English has become very popular to know and let know the world events. Everywhere, English language is prioritized.

In the context of developing countries like Nepal, the expertise and knowledge on different sectors are to be imported from other developed countries. This, perhaps, is not possible without the use and knowledge of English. So the importance of English touched the boundaries of all fields.

1.1.2 English in Legal System

Communication remains within the range of primary social function of language. People from any walk use English either in domestic or in official purpose. English has come to be a striking language in Nepalese legal system performing the communicative purpose of it. English has extended its territory throughout the world in different fields such as business, medicine, teaching, tourism,

journalism, political, legal and so on. The use of English words has become one of the popular weapons to convey and receive the message. In the scenario of the history of Nepalese courts, the English language has left a concrete impression. Preliminary stage of Nepalese legal system was affected by the Hindu and Urdu laws since the society was governed by religious thoughts and concepts. The cases at that stage were decided relying on religious assumptions. Interpretation at courts were highly affected by Hindu laws.

At the following stage the English language was introduced in its place. Nepalese legal system is more or less connected to that of English. In other words Nepalese legal system could not remain untouched from that whim. Scholars of this field find difficulty in getting the sufficient reference materials in Nepalese language. This reason brought a bolder inclination towards the use of English language by lawyers. They use more English terms because they are exposed and habituated to practise them in English. Language plays an important role in every sector. Legal field can not be the exception in this regard. Rather in legal system language and its presentation plays an important role to decide the case either in favour or against. In Nepal, the Nepali language has been used in court as well as other official sectors. Despite this fact, lawyers use English while interpreting cases. Lawyers do not interpret cases haphazardly rather they interpret very systematically using the proper words according to case. Sometimes lawyers use English to throw light upon their statement and for their convenience. Use of English words depends on the nature of cases and lawyers educational background. Judges decide the cases on the basis of their fact, logic and interpretation.

1.1.3 English in Nepalese Legal System

Particularly, Nepalese legal system was established during the period of Padma Shamsher in 2004 B.S. (Government of Nepal Act, 1948 A.D.). Before that Kuther, Mapchok, Lingwal,, Sulli were in practice and so were the cases even in Kirat and Lichchhavi period. In Medieval period Nepalese king was the sole source of legal system. He himself used to make law. After the downfall of Malla, Shah dynasty came into existence by the diplomatic and fearless king Prithvi Narayan Shah. In the eighteenth and Nineteenth century there was Pancha Bhaladmi system to manage the legal system. They used to punish the criminals on the basis of their seriousness of crime Ram Shah of Gorkha state was very famous at that period in that regard so there is a popular proverb even today "Nyaya Napaye Gorkha Janu". In those days, legal system was laid on the basis of the oral compromise by the locally reputed socialite and respected personalities.

In the history of Nepali constitution, frequent amendments have been made. They are government of Nepal act 2004 B.S., Nepal Interim act, 2007, Constitution Act of Nepal Kingdom, 2015. Nepal's Constitution 2019, Constitution of the Kingdom of Nepal, 2047. Here, since 2004 B.S. to 2047 B.S. amendments according to need of people and demand of age have been implemented. It includes not only the also change of constitution but change in the interpretation of cases and verdict.

1.1.4 Significance of Language in Legal System

Learning and use of different languages make a man better than the one who knows only one language. Present world, is multi lingual

multi cultural and uses multi media, therefore, knowledge of only one language makes man inefficient. Consequently, the choice of such a person will be limited compared to the other people who know many languages.

Although language differs from field to field, there is no doubt about its significance. It is the wise man who uses language properly in proper field to convey his saying. It has become a tendency of this modern age that people insert English while speaking. Therefore as legal system is concerned, jurisprudence is the key of legal system. Without knowing Jurisprudence, it is impossible to know the legal field. Most of the related books are available in English, so, lawyers are accustomed to English terms which pinpoints the particular situation more easily than in Nepali. There are some English words whose exact Nepali words are not available.

1.2 Review of Related Literature

There are many researches carried out in different areas of language such as errors, vocabulary comprehension, proficiency of language skills. Till now even a single research has not been carried in on the issue of use of English in Nepalese legal system.

Kemmer analyzes the causes behind the vast scope of English language and effect of English language among non-English communities or the communities which speak English as the second language:

By the 1700s almost all of the modern syntactic patterns of English were in place and the language is easily readable speakers. Colonization of new territories by the newly

united Kingdom of Great Britain spread English to the far cor and brought cargoes of still more loanwords from those far-flung places. At this point English began to develop its varieties, some of which would develop into national standards for newly independent colonies. By the 21st century, international business, science, and popular culture, English has become the most important language on the planet (2007: 17).

In Kemmer's view, the English language spread its effect during the colonization of Britain, i.e. the speakers of English language increased during colonization. Moreover, English people borrowed many terms from the colonized people.

Maria Angeles Orts opines that "English [serves]as the lingua franca of the vast majority of commercial transactions worldwide" (2007: 17). However, English is not the lingua franca only in commerce and trade but also in different other fields such as science, legislation, art and so on.

Margarita, Kaushanskay and Viorica Marian view that while delivering speech or interpretation the speakers or interpreters in their first language show facial expression more than in second language: "[Native] words [draw] more eye movements delay English naming to a greater extent they control non-words and English translation equivalents [...] Non-target-language information is processed during a target language task" (2007: 145).

The English language was first developed by 600 A.D. i.e. Anglo-Saxon, covering the territory of most of modern England. English language has crossed its many ups and downs to uplift and flourish its territory. If we glance a brief history of English with Chronology – Pre

English, old English, middle English and modern English have borrowed many English words in usage. "By the 21st century, international business, science and popular culture, English has become the most important language on the planet" (Suzanne Kemmer 2005: 7112).

"To speak a language, says Frantz Fanon, is to take on a world, a culture" (qtd. in Dingwaney, 1). Anuradha Dingwaney expresses "Language cannot be isolated from the world or culture within which it is embedded and which it thus expresses, can be extended to other situation as well" (2000: 1).

Timothy Runnigan and Bruce Downing think that the advocator or lawyer should be competent while interpreting the cases in law court and especially in case of taboo words: "[E]ven a competent interpreter has to face difficulty to convey the weight of taboo language within another culture" (qtd. in Marshall 1995: 7113). The lawyers or interpreters may use English words for the equivalent Nepalese taboo words to avoid vulgarity. If the Nepalese lawyer pronounces the taboo words like the secret parts in Nepalese language, it is considered to be vulgar by the audience. But if the lawyer replaces them with English equivalent terms, it is accepted by the audience.

Moreover, Kate Storey realized the importance of the use of English terms in second language due to multi-culturalism. He speaks on "The importance of interpreting in a multi-cultural society" (qtd. in Marshall 1995: 7114). For her, the audience should be able to grasp the meaning of the terms in second language. Otherwise, the audience have to face problems: "[. . .] legal knowledge, is expected of the reader. "The reader may not know the source language or alternatively the target language" (qtd. in Marshall 1995: 7114). It shows that the advocators or

lawyers should consider whether the audience understand their English words or not.

Sylvia A. Smith talks about the problems of translating native words in to English while attempting to give the equivalent terms of proverbs which are related to certain culture (qtd. in Marshall 1995: 7114).

On the other hand, Janis Palma writes on the understanding power of the audience. "The problems of translating [proverbs] are not legal problems, but problems of how to use English language which is bound to cause difficulty if one translates into one's non-native language" (qtd. in Marshall 1995: 7114).

Vicki L. Beyer and Keld Conradsen realize on the requirement of "bilingual lawyers" for interpreting the cases in the court. For them bilingual lawyers "appear to be competent translators" (qtd. in Marshall 1995: 7115).

Brown gives numerous examples of "terms which are difficult to translate, and also illustrates the use of footnotes in translation" (qtd. in Marshall 1995: 6). According to Gerhard Obenaus, the non-English lawyers or interpreters can use English for making their advocacy or interpretation more effective, i.e. for effective purpose (qtd. in Marshall 1995: 7116).

Nepalese terms may be replaced with English equivalent if interpretation becomes more effective in English rather than translating word for word, or it may be that the English client wants to gloss explaining the function within the context of Nepal. Though many critics and reviewers have talked about the use of English terms in non-English courts, no one has made any research on the use of English

terms in Nepalese court. The lawyers or interpreters may use second language for interpretation of the case in court for emotive purpose.

The lawyers or interpreters may use for second language for interpretation of the case in court.

1.3 Objectives of the Study

The general objective of the study is to measure the effectiveness of English words and their impact in the legal field. The research has the following specific objectives:

- a. To find out the extent to which English is used and reasons for using English in the Nepalese court.
- b. To suggest some pedagogical implications.

1.4 Significance of the Study

The success of using English words is measured through the achievement of the lawyers. The expected achievement can be obtained only when due consideration is given to the language and its proper usage. For this, language can play significant role to express and to assimilate by the lawyers and judges respectively. But the lawyers and judges should be aware of the words used in the context.

As this study attempts to find out the causes behind the use of English words in legal field especially in court, particularly it will be beneficial to the students of law, teachers, layers, judges and others who are directly or indirectly involved in this field. Moreover, textbook writers, translators and legal personalities and those who are interested in this field will be benefited from this study. To know the causes

behind the use of English words and to let others know is researchable issue which has very important significance.

1.5 Definition of the Specific Terms

Lawyers: 'Lawyers' refers to all the lawyers who advocate cases as their profession either seniors or juniors.

Judges: It indicates the persons who officially decide the legal cases with its competitor.

Students: 'Students' refers the learners in law campus.

Words: A single unit of language which has meaning and can be spoken or written.

CHAPTER TWO

METHODOLOGY

This chapter concerns with the methodology adopted during the study. The study is carried as follows:

2.1 Sources of Data Collection

In this study both primary and secondary sources are used for the collection of data. These sources are as follows:

2.1.1 Primary Sources

The primary sources of this research are students of law campus (5 from LLB third year and 5 from LLM first year) and 20 advocates working in different parts of the country including the most experienced and the least experienced 30 advocates who have been advocating in the supreme court. In this study observation of their different cases has been made.

2.1.2 Secondary Sources

The secondary sources of data for the study are the law books, precedents, journals, different cases, articles related to law and to this research.

2.2 Tools for Data Collection

For the collection of data a set of questionnaire has been used all the information to collect data. The questionnaire has been developed on the basis of the coverage of the problem (thesis title). Data have been collected at different days by distributing the questionnaire with

necessary instructions as to what they were supposed to respond to the questions.

The researcher visited the supreme court for observation. He took notice of the English words used by the lawyers in 30 different cases and noted down the English words uttered by those lawyers to find out the use of English words in Nepalese court.

The researcher also visited the selected campus and the supreme court. He collected the written and oral (verbal) data from randomly selecting 30 information in writing and 30 through observation. The members were requested to write on a sheet of paper to find the use of English in Nepalese court.

2.3 Process of Data Collection

While collecting primary data, the researcher followed the following process:

- The questionnaires were developed to collect the opinion of the students through observation method (5 students from the LLB third year, 5 from the LLM first year) and lawyers (seniors and juniors, most experienced 43 years and least experienced 2 years).
- To determine the use of English overall picture was observed of 30 lawyers in the supreme court while interpreting cases by different lawyers in different cases.
- The students of LLB and LLM were ranked according to their levels and lawyers were ranked by their seniors and juniors, experienced and less experienced.

Table No. 1.1

1. L.L.B. 3rd year
2. LLB 1st year
3. Senior lawyers
4. Junior lawyers
5. Experienced lawyers
6. Less experienced lawyers.

The same set of questionnaire was distributed to the LLB and LLM with considerable instructions. Focus was laid only for English use. By visiting months in Nepal law campus, law firms and supreme court primary data were collected.

2.4 Limitations of the Study

- a. The data were collected through writing and observing the case hearings.
- b. The level of data collected samples were LLB 3rd year students, LLM first year students, junior lawyers and senior lawyers.
- c. The population of this study was confined to sixty members including ten students of Nepal Law Campus, twenty lawyers who were asked to write their responses and thirty lawyers whose case interpretations were observed in different fields and noted down the use of the English words.

CHAPTER THREE

ANALYSIS AND INTERPRETATION

This chapter consists of analysis and interpretation of data. After collecting the responses of different lawyers, students of LLB and LLM with the view to make the study more objective and effective, the analysis and interpretation of the data has been carried out by using statistical tools questionnaire and observation.

The analysis and interpretation of the data have been carried out under the following headings:

1. Level-wise analysis
2. Degree-wise analysis
3. Word-wise analysis
4. Experience-wise analysis
5. Case-wise analysis
6. Educational background-wise analysis

3.1 Level-Wise Analysis

This section is divided into two sub-headings: LLB and LLM. The level-wise analysis is tabulated under each sub-headings.

Table No. 3.1.1

Views of LLB students on the use of English language	Number	Percentage
Lack of equivalent term in Nepali	4	80
Classroom language	2	40
For effective purpose	3	60
Habit formation	2	40
Material available	1	20
To impress the judge	1	20

This table contains five students of LLB on the use of English words out of them, four (80%) said that the use of English words is necessary because of lack of exact Nepali equivalent terms. Regarding the classroom language, only two (40%) of them said that English is used while interpreting legal cases in the court because they have been using such English terms from their learning period. Three (60%) of them have said that they used the English language so that they could express their views more effectively. Two (40%) of them opined that they were accustomed to use English words in their advocacy period in the court. Only one (20%) of them said that English words were used because of adequacy of materials in English. In other words, in comparison to the materials available in Nepali, English is more sufficient. In the same way, only one (20%) of them has expressed his view that lawyers use English while interpreting legal cases in court in order to impress the judge(s).

Table No. 3.1.2

View of LLM students on the use of English language	Number	Percentage
Lack of equivalent term	5	100
Classroom language	2	40
For effective purpose	3	60
Habit formation	1	20
Material available	1	20
To impress the judges	2	40

This table shows the opinions of the of LLM students. All the five (100%) students of LLM said that lawyers used English because of lack

of exact equivalent Nepali terms. In case of classroom language, two (40%) of them expressed that one of the causes of the use of English is their classroom language during their student life. Three (60%) of them opined that lawyers used English for effective purpose. Only one (20%) of them said that English is used because lawyers are accustomed to using it as their habit formation. Likewise, only one (20%) opined that English words are used because of the adequacy of materials. In other words, they got sufficient materials in English than in Nepali. Two (40%) of them said that lawyers used English while interpreting legal cases in court in order to impress the judge.

Table No. 3.1.3

Level-wise Comparison between LLB and LLM Students on the Basis of Their Views	Number		Percentage	
	LLB	LLM	LLB	LLM
Lack of equivalent	4	5	80	100
Classroom language	2	2	40	40
For effective purpose	3	3	60	60
Habit formation	2	1	40	20
Material available	1	1	20	20
To impress the judges	1	2	20	40

The above table shows that in comparison of LLB students, more number of LLM students opined that the lawyers used the English language due to lack of equivalent terms. Regarding the classroom language, students of both levels had the similar view and so was in the

case for effective purpose. Greater number of LLB students than LLM students opine that lawyers use English due to habit formation. As for availability of materials both LLB and LLM students have the similar views. Some of the LLM students think that lawyers used the English language to impress the judge, whereas the LLB students thought that only in rare cases English was used to impress the judges.

3.2 Degree-wise Analysis

The researcher observed the 30 legal cases interpreted by lawyers in the supreme court. The English words used while interpreting legal cases by those 30 lawyers are analysed below.

Table No. 3.2

Degree of English words used (in %)	Number
Below 10	15
10-20	12
Above 20	3

The above table shows that 15 (50%) lawyers used the English words below 10%. Similarly, 12 (40%) lawyers used English words 10-20 percent where as only 3 (10%) lawyers used English more than 10 percent while interpreting cases in the Supreme Court. So, the number of lawyers who used English less than 10 percent were more than the number of lawyers who used English 10-20 percent and above 20 percent.

3.3 Word-wise Analysis

The researcher observed the 30 legal cases interpreted by different lawyers in the supreme court. The word-wise analysis of those 30 lawyers are tabulated below:

Types of words	Number	Percentage
General words	18	60
Legal words	12	40

The above table shows that 18 (60%) lawyers used general words during their advocacy period, whereas 12 (40%) used legal words at the same time. The matter is that those lawyers who are good in the English used legal words as their normal use of language. Their usage is autonomous but rest of 18 (60%) lawyers used only general words more or less like lawyer. Those who used legal words, their pronunciation was also more accurate than of others 60 percent lawyers used normal words more than legal words.

3.4 Experience Wise Analysis

The researcher has analysed the data on the basis of ranking them into four categories:

Experience of lawyers	% of English word used
Below 10 years	Less than 5%
10-20 years	5-10%
20-30 years	5-10%
Above 30 years	Less than 5%

The above table shows that the lawyers who have experience of less than 10 years, used English words less than 5%. Those lawyers who have experience of 10-20 years, used the English 5-10 percent. Similarly, those lawyers who have experience of 20-30 years used same percent as in 10-20, i.e. 5-10%. The most experienced lawyers who have experience of above 30 years used English less than 5 percent. It has been found out that the lawyers having the experience of 10-30 years use more English words than the lawyers having the experience of below 10 and more than 30 years.

3.5 Case-Wise Analysis

The researcher has observed the 30 different cases interpreted by the lawyers. Those cases are tabulated under the following sectors.

Types of case	Number	Percentage
Criminal	5	Above 10
Political	4	Above 15
Incest	8	5-10
Corruption	4	5-10
Land	9	Below 5%

The above table shows that lawyers used the English on the basis of the nature of case. The researcher has found the use of English words in criminal cases more than 10 percent. Likewise, even in political cases, lawyers use English words more than 10 percent but in the case of incest, the percent of English words used 5-10 percent. Regarding the corruption cases lawyers used English as in the incest case, i.e. 5-10 percent whereas in the cases of land, the use of English words is less than 5 percent. Comparatively lawyers used the English more in political and criminal cases and less in land cases.

3.6 Educational Background Wise Analysis

The researcher has analyzed the use of English words in legal cases by the lawyers on the basis of their educational background. Here, lawyers are divided into two: English background and Nepali background, i.e. those who studied in Nepal and those who studied abroad (foreign country).

3.6.1

Background	Number	Percentage
English	8	Above 15%
Nepali	22	Below 10%

The above table shows that the lawyers who were engaged in their legal profession from their English background used the English terms more than 15 percent. Their English use seemed to be automatic and habituated, whereas the use of English by the lawyers who are from Nepali background seemed to be a bit uneasy. Those lawyers who were from Nepali background used English less than 10 percent. In comparison to the lawyers from the English background, pronunciation of those lawyers from the Nepali background were found out to be a bit incorrect on the basis of standard dictionary, whereas the pronunciation of the lawyers from foreign background seemed to be more accurate.

Moreover, those lawyers from Nepali background spoke English words as if they were Nepali terms. Even the facial expression was not in accordance with the words in English of the lawyers who were from Nepali background.

3.6.2

Educational background	Number	Percentage
Those who studied in Nepali background	25	Below 10%
Those who studied in English background in Nepal	5	Above 15%

The above table shows that those lawyers who studied in Nepal in Nepali background used English in legal cases less than 10 percent whereas those lawyers who studied in Nepal in English background used English more than 15 percent. Comparatively lawyers studied in Nepali background used less English words than the lawyers who studied in English background.

CHAPTER FOUR

FINDINGS AND RECOMMENDATIONS

4.1 Findings

On the basis of analysis and interpretation of the primary data the findings have been presented in this section. The researcher has dealt with all the items to compare different items. The main reasons for which English is used in the Nepalese courts by the advocates as follows:

- i. Lack of exact Nepali terms
- ii. Lawyers being habituated in using English words
- iii. For pinpointing the exact meaning
- iv. Day to day use of English terms
- v. Growing popularity of English
- vi. Lack of related sources in other than English language
- vii. Educational background of the lawyers in English medium schools, colleges and universities
- viii. To impress the judge and audience
- ix. For effectiveness
- x. English is supposed to be a prestigious language
- xi. Matter of pride
- xii. Presence of educated audience
- xiii. Change in attitude to look at the English language (In the past it was considered to be the language of Britishers. But now

English is taken as the common language of the speakers who are able to speak it, it is everyone's language).

- xiv. More awareness and more availability of English sources
- xv. Easier equivalent terms available in the English language.

From the primary data collection it has been found that more number of students of LLB opined that the lawyers use English terms due to the lack of equivalent terms in Nepali. In their view, Nepali words do not clarify the context as English words do. Eighty percent of the students think that English words are used due to the lack of equivalent terms in the Nepali language, whereas forty percent students viewed that they use English terms for English being their classroom language. Similarly, sixty percent students think that they use it for effective purpose while forty percent of them use it because of their habit formation in the English language. Only twenty percent students opine that English words are used due to availability of material in English.

All the students of LLM opined lawyers used English terms due to lack of equivalent term, forty percent opine due to classroom language, sixty percent opined for effective purpose, twenty percent opined due to habit formation, twenty percent due to material available and forty percent opined English words used to impress to judge.

Moreover, it has been found that fifty percent lawyers use English words below ten percent, forty percent of the lawyers use ten to twenty percent English words and ten percent lawyers use English words more than twenty percent.

Similarly, it has been found out that lawyers use general words more than legal words while interpreting legal cases. In percent, sixty percent words were found to be general whereas legal words were forty percent.

The lawyers who are experienced below ten years use less English words i.e. below five percent. The lawyers who have experience of ten to twenty years and twenty to thirty were found to use English words five to ten percent whereas the lawyers who are experienced more than thirty years use English less than five percent in their interpretation of the legal cases.

Lawyers use more English words in political cases i.e. more than fifteen percent and lawyers use less English words i.e. less than five percent regarding the land cases. They use five to ten percent English words in corruption cases and more than ten percent in criminal cases.

Those lawyers who are from the English background in their academic period use more than fifteen percent English words, whereas the lawyers who are from their Nepali background use English less than ten percent while interpreting legal cases.

Likewise, those lawyers who studied in English background in Nepal use more than fifteen percent English words whereas those lawyers who studied in Nepali background use less than ten percent English terms during their advocacy.

So the fact revealed is that the lawyers use more English in political cases, lawyers use English more are from the English background and the lawyers who are experienced ten to thirty years use

more English than the lawyers experienced less than ten years and above thirty years.

4.2 Recommendations

Relying on the mentioned findings of the research work the researcher has presented the followings recommendations:

- i. This work shows that lawyers in the courts of Nepal use English terms during their advocacy because of the lack of sources in Nepali language. Their advocacies and more comprehensible in the case of using proper English source books and references.
- ii. It has been found that in the periods of advocacies some lawyers use English terms with the purpose of leaving impression upon the judge. It should be noted that it is not which language terms have been used but how the reasons and evidences have been put forth. To prioritize the use of English language is false judgement of the lawyers.
- iii. Language should not be taken as a burden or hindrance nor should it be thought to be used to show how capable the lawyer is. Whatever language is chosen it should be understandable to produce the intended goal.
- iv. In some cases the use of Nepali terms can not centralize the targeted sense of advocacy. For clarifying the meanings longer time should be spent if only Nepali words are used in legal processes. Some legal technical terms are such that their equivalent meanings are hardly found in Nepali language but

easily found in English language. In this context the English terms should be used for better understanding.

- v. This study finds that most of the lawyers use English legal terms in their advocacies. This is the age of borderless advocacy. To confine within a nation's language in terms of using effective words is not meaningful. For a gradual touch with the rest of the world also English language should be used in the legal process.

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