# TRANSLATION OF LEGAL TERMS: A CASE OF THE INTERIM CONSTITUTION OF NEPAL, 2007

A Thesis Submitted to the Department of English Education In Partial Fulfilment for the Master of Education in English

> Submitted by Mani Kumar Tamang

Faculty of Education
Tribhuvan University
Kirtipur, Kathmandu
2011

Second Year Examination Proposal :2067-11-19

Roll No.: 280570/066 Date of Submission:2068-03-29

## **DECLARATION**

I hereby declare that to the best of my knowledge this thesis is original; no part of it was earlier submitted for the candidature of research degree to any university.

Date:2068-04-05	
-----------------	--

Mani Kumar Tamang

## RECOMMENDATION FOR ACCEPTANCE

This is to certify that **Mr. Mani Kumar Tamang** has prepared this thesis entitled 'Translation of Legal Terms: A Case of The Interim Constitution of Nepal, 2007' under my guidance and supervision.

I recommend the thesis for acceptance.	
Date:	——————————————————————————————————————

Reader

Department of English Education

Faculty of Education

T.U., Kirtipur

## RECOMMENDATION FOR EVALUATION

This thesis has been recommended for evaluation from the following 'Research Guidance Committee':

	Signature
Dr. Chandreshwar Mishra	
Professor and Head	Chairperson
Department of English Education	
T.U., Kirtipur	
Dr. Laxmi Bahadur Maharjan	
Reader	Member
Department of English Education	
T.U., Kirtipur	
Dr. Bal Mukunda Bhandari (Guide)	
Reader	Member
Department of English Education	
T.U. Kirtipur	
Data	
Date:	

## **EVALUATION AND APPROVAL**

This thesis has been evaluated and approved by the following 'Thesis Evaluation and Approval Committee':

	Signature
Dr. Chandreshwar Mishra	
Professor and Head	Chairperson
Department of English Education	
T.U., Kirtipur	
Dr. Jai Raj Awasthi	
Professor	Member
Department of English Education	
Chairperson	
English and Other Foreign Languages Education	
Subject Committee	
T.U., Kirtipur	
Dr. Bal Mukunda Bhandari (Guide)	
Reader	Member
Department of English Education	
T.U. Kirtipur	
Date:	

## **DEDICATION**

Dedicated to my grandmother and my parents who have devoted their entire lives to make me what I am today.

#### ACKNOWLEDGEMENTS

I am deeply indebted and owe a great debt of gratitude to my Guru and thesis supervisor **Dr. Bal Mukunda Bhandari**, Reader, Department of English Education, Faculty of Education, T.U., who provided me with consconsistent guidance and encouragement throughout my research work. His affectionate words of suggestions and keen interest in the study have largely motivated me to persevere with the study. Actually, I am very lucky to have an opportunity to work with him. So, the depth of feeling of gratitude always goes beyond the expressive power of my words for him.

I am extremely grateful to **Dr. Chandreshwar Mishra**, Professor and Head of the Department of English Education for his constructive suggestions and instructions.

Similarly, I am extremely grateful to my honorable Guru **Dr. Jai Raj Awasthi,** professor, Department of English Education and Chairperson, English and Other Foreign languages Education Subject Committee for his regular inspiration and invaluable suggestions during my study.

In the same way, my sincere gratitude goes to Prof. Dr. Govinda Raj Bhattarai, Prof. Dr. Tirth Raj Khaniya, Prof. Dr. Anju Giri, Dr. Tapasi Bhattacharya, Mr. V.S. Rai, Dr. Anjana Bhattarai, Dr. L.B. Maharjan, Mr. Raj Narayan Yadav, Mrs. Madhu Neupane, Mr. P.B. Phyak, Mr. Bhesh Raj Pokhrel, Mrs. Sarawati Dawadi, Mrs. Hima Rawal and all other teachers at the Department of English Education T.U., for their comprehensive suggestions and guidelines.

I am very much grateful to **Mrs. Madhavi Khanal**, Librarian, the Department of English Education for her continuous help in issuing the books at the moment I needed.

I would like to extend my deep respect to my sister **Sushila Tamang** and brother-in-law **Pradip Adhikari** for their every kind of help and inspiration during my study. Furthermore, my brothers **G.B.Tamang**, **L.B.Tamang**, **Lochan Tamang** and all friends also deserve thanks for their regular encouragement to complete this research.

Finally, I cannot forget Friend's Computer Service, Nayabazar, Kirtipur for its good computer work.

**Mani Kumar Tamang** 

#### **ABSTRACT**

The present study is entitled 'Translation of Legal Terms: A Case of The Interim Constitution of Nepal, 2007'. This study attempted to find out the techniques employed and linguistic problems in translating legal terms. In order to carry out the research, one hundred legal terms were selected from the Nepali version of 'The Interim Constitution of Nepal, 2007' published by Law Books Management Board, Babarmahal and corresponding words from English version of the same book. Findings of the study showed that five different techniques: literal translation, loan shift, transliteration, hybrid formation and paraphrasing were adopted in translating the legal terms. Among them literal translation was the most frequent one which covered 92 per cent and hybrid formation was the least frequent one which covered only 1 per cent of the total legal terms. The problems in translating legal terms occurred because of translingual ambiguity, lack of lexicalization of the legal concept: lexical gap and lack of preference of existing TL terms.

This thesis consists of four chapters: The first chapter includes the general background, review of the related literature, objectives and significance of the study. The second chapter deals with the methodology adopted during the study which consists of sources of data, tools for data collection, process of data collection and limitations of the study. The third chapter deals with analysis and interpretation of data. The last chapter comprises of the findings and recommendation of the study. In the final part of this thesis, references and appendix are included.

## **TABLE OF CONTENTS**

		Page
Decl	aration	i
Reco	mmendation for Acceptance	ii
Reco	mmendation for Evaluation	iii
Evalı	uation and Approval	iv
Dedi	cation	v
Ackn	owledgements	vi
Abstr	ract	vii
Table	e of Contents	viii
List o	of Tables	X
List o	of Symbols and Abbreviations	xi
СНА	PTER ONE: INTRODUCTION	1-20
1.1	General Background	1
	1.1.1 Importance and Scope of Translation	4
	1.1.2 Types of Translation	6
	1.1.3 Problems of Translation	11
	1.1.4 Techniques/Procedures for Translation of Technical Terms	12
	1.1.5 Legal Translation in Nepal	16
1.2	Review of Related Literature	17
1.3	Objectives of the Study	20
1.4	Signification of the Study	20
СНА	PTER TWO: METHODOLOGY	21-22
2.1	Sources of Data	21
2.2	Tools for Data Collection	21
2.3	Process of Data Collection	21
2.4	Limitations of the Study	22

CHA	PTER	THREE: ANALYSIS AND INTERPRETATION	23-31
3.1	Trans	literation of Legal Terms, their Equivalences in English and	
	Identi	fication of Techniques of Translation	23
	3.1.1	Techniques Used in Translation of Legal Terms	27
3.2	Lingu	istic Problems in Translating Legal Terms	28
	3.2.1	Translingual, Lexical Ambiguity	29
	3.2.2	Lack of Lexicalization of the Legal Concept: Lexical Gap	30
	3.2.3	Lack of Preference of Existing TL Terms	30
СНА	PTER	- FOUR: FINDINGS AND RECOMMENDATIONS	32-33
4.1	Findi	ngs	32
4.2	Recor	mmendations	32
REF	EREN	CES	34-36
APP	ENDIC	ES	

## LIST OF TABLES

		Page
Table No. 1:	Legal Terms with Their Transliterated Form, Equivalence	ces in
	English and Techniques of Translation	23
Table No. 2:	Techniques Used in Translation of Legal Terms	28

### LIST OF SYMBOLS AND ABBREVIATIONS

% - Percentage

B.S - Bikram Sambat

Dr. - Doctor

e.g. - For example (Latin: exampli gratia)

etc. - et cetera

HF - Hybrid Formation

HPE - Health, Population and Environment

Ibid. - in the book just mentioned (Latin: ibidem)

LS - Loan Shift

LT - Literal Translation

No. - Number

P. - Page

Pr. - Paraphrasing

Prof. - Professor

S.N. - Serial number

SL - Source Language

SLT - Source Language Text

T.U. - Tribhuvan University

TL - Target Language

TLT - Target Language Text

TT - Target Text