CHAPTER ONE

INTRODUCTION

1.1   General Background

Translation is an abstract notion as it is very difficult of define and limit it in certain criteria. It has a long history and tradition but translation studies is a recently introduced new discipline. Through the historical point of view, the authors like Cicero and Horace dealt with translation, dated from 3000 BC during Egyptian old kingdom. In modern era, the tasks of translation flourished right from the twentieth century. So, the twentieth century has also been called the age of translation (Jumpelt, 1961, cited in Bhattarai 2004, p.13). Gradually, in the twenty first century translation studies has been a full-fledged discipline in the various fields to translate the texts into the multiple languages. The need of translation may arise not only in the case of literary works but also in the world of international business, scientific, technical and medical fields as well.

Etymologically, the term 'translation' means "carrying across" or "bringing across". It is derived from the Latin *translatio* (which itself comes from *trans* and *fero,* together meaning "to carry across" or "to bring across"). The modern Romance languages use words for *translation* derived from that source and from the alternative Latin *traduco* ("to lead across") The Germanic and Slavic languages likewise use calques based on these Latin sources (Retrived from: http://en.wikipedia.org/wiki/translation). In other words, it is an art of "carrying across the matter of one language into another language".

Translation is an action of interpretation of the meaning of a text, and production of an equivalent text that communicates the same message in another language. It is both a substitution and transference of meaning from one language (Source language) to another (target language). The text of the language to be translated is

called source language text (SLT) and the text in which it is translated is target language text (TLT).

Translation typically has been used to transfer written or spoken SL texts to equivalent written or spoken TL texts. There are so many languages in the world that it is insurmountable task for a single person to learn all of them which create problem in communication. It is an important tool for transmission of knowledge across geographical and linguistic boundaries. So, there exists the need of translation. We, the people of the 21st century, have to be far from the vast ocean of knowledge stored in one language without translation. It assumes a crucial role in promoting human understanding. The goal of translation is to establish a relationship of equivalence between the source and target texts (that is to say, that both texts communicate the same message), while taking into account a number of constraints. It serves as a cross cultural bilingual communication vehicle among people.

Translation in general is defined as an act of rendering sense or meaning of a word, an expression, etc. from one language into another. Different terms such as replacement, interpretation, transfer, rendering, etc. are also used to define translation. It is an art of promoting to peep into the diversified lingual, cultural and literary content of a source language and thus highlighting/ appreciating the essence of the literature of the particular language. Translation turns communication from one language into a correct and understandable version of another. It is not merely linguistic conversion or transformation between languages but it involves accommodation in scope of culture, politics, aesthetics, and many other factors.

In a narrow sense, translation theory is concerned with the translation method appropriately used for a certain type of text, and it is therefore dependent on a functional theory of language. However, in a wider sense, translation theory is the

body of the knowledge that we have about translating, extending from general principles to guidelines, suggestions and hints. Defining the translation objectively is very difficult because of the linguistic theory, philosophical tenets, literary convention, types of texts, medium involved in translation etc. Various scholars have described the translation variously in different places at different points of time.

Newmark (1981, p. 7) defines translation as "a craft consisting in the attempt to replace a written message and/or statement in one language by the same message and/or statement in another language." Similarly, Brislin (1976) defines translation as:

> the general term referring to the transfer of thought and ideas from one
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> language (source) to another (target); whether the languages are in oral
>
> form or written; whether the languages have such standardization, or
>
> whether one or both languages are based on signs with languages of the
>
> deaf (p. 1).

For him translation is a linguistic activity. Similar view is presented by Catford (1965, p. 20) who defines "translation as the replacement of textual materials in one language (SL) by equivalent textual material in another language (TL)". He defines translation as a linguistic activity and the theory of translation must, therefore, draw upon a theory of language. According of Wills (1982, p.3) "Translation is a transfer process which aims at the transformation of a written SL text into a optimally equivalent TL text and which requires the syntactic, the semantic and the pragmatic understanding and analytical processing of the SL". For him the term 'translation' stands both for process and result. In the same way, Lefevere (1992, p.1) defines translation as "a text written in a well-known

language which refers to and represents a text in a language which is not as well-known". Bell (1991, p. 10) defines translation as "the expression in another language (or target language) of what has been expressed in another, source language, preserving semantic and stylistic equivalences". Similarly, Crystal (1987, p. 36) defines "Translation is the neutral term used for all tasks where the meaning of in one language (the source language is turned into the meaning of another (the target language), whether the medium is spoken, written or signed".

Translation has been categorized variously, it is an art for Savory (1957); it is a science for Nida (1969) and a combination of science, art, craft and skill for Newmark (1988). According to Newmark (ibid.), translation is first a science, and then a skill, third an art and fourth a matter of taste (p. 6).

1.1.1 Importance and Scope of Translation

Translation is an indispensable means of communication for the present day world. The importance of translation has been increasing with the development in technology, industrial revolution, communication and business. It has been used extensively as the most powerful and essential vehicle for disseminating knowledge and information. Translation has been the key to the world knowledge. It is an instrument to transmit culture, truth, religion and social tradition from one language to another.

Translation is an activity of enormous importance which plays a role to bridge the gap between two speech communities. The greatest contribution of translation is to import to man the knowledge about the varied world of literature which consequently inculcates in him love for cultural contact, sense of beauty, fraternity, peace and harmony. The translator who devoted himself for purely humanitarian purpose has stood on the crossroads of history as an "intercultural mediator" today (Bhattarai, 2004, p. 12). Translation is to a large extent the most efficient way of breaking the linguistic barriers, promoting better communication

and bringing together what lies beyond time and space. Newmark (1988, p.7) defines the scope of translation as "an activity that serves as a means of communication, a transmitter of culture, a technique of language learning and a source of personal pleasure". It helps to establish the unity among the people of different caste, culture, religion and nationality for the development of human civilization.

The main purpose of translation is to create spiritual and devotional unity across the various dialectal societies and individual in both national and international level. Translation is a subject of interest not only to linguists, professional and amateur translators and language teachers but also to the people who are involved in scientific invention and technology. It helps to transcribe the new genres into the target language and helps to coin the word for the increment of vocabulary in developing one's own language. Translation is a versatile means of communication in transferring knowledge, ideas and so on. Emphasizing the value of translation Bhattarai (2004) says:

> Man, the only *homo loquens* known in this planet, possesses a unique
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> capacity to use (speak, read and write) more than one language. He is not
>
> only endowed to use different languages even at home, he can use different
>
> communication packages and system. As a conscious being possessed with
>
> a vast treasure of knowledge accumulated through historical experience and
>
> stored in memory, he can not simply remain ignorant of what lies beyond
>
> his space and time. Translation is the only key to this otherwise forbidden
>
> treasure-house (p.10).

Translation is produced as a matter of national pride, for official document, for reports, papers, articles, correspondence, text books; to convey information, advice and recommendation, for every branch of knowledge. It has the wider scope in various fields such as literature, linguistics and language teaching, culture, religion and history, political and business world etc.

1.1.2 Types of Translation

As translation is defined variously, it is also classified variously by various linguists. Therefore, to classify the translation work is a very difficult job. There are different types of translation which exist on the basis of different factors such as: agent, medium, register, system and orientations. The types of translation are determined by the type of text, purpose and techniques of translation that the translator applies while translating the text.

Catford (1965, p. 21) classifies translation in terms of the extent, level and rank:

a. In Terms of Extent

Translation can be classified into full and partial translation in terms of extent. In full translation, the entire text is submitted to the translation process, in which each and every part of the SL text is replaced by TL text materials either be a whole library of books, a single volume, a chapter, paragraph, a clause etc. On the other hand, in partial translation, some part or parts of the SL text are left untranslated: they are simply transferred to and incorporated in the text.

b. In Terms of Level

This distinction is related to the levels of language involved in translation. It includes total and restricted translation. In total translation, all levels of the SL text are replaced by TL materials or the replacement of SL grammar and lexis by equivalent TL grammar and lexis. Catford (ibid.) defines total translation as

"replacement of SL grammar and lexis by equivalent TL grammar and lexis with consequential replacement of SL phonology/graphology by (non-equivalent) TL phonology/graphology". Restricted translation is "replacement of SL textual material by equivalent TL textual material, at only one level". This translation takes place either at phonological, graphological or at grammar and lexical levels.

c.   In Terms of Rank

Translation can also be classified into bound and unbound in terms of rank. In rank bound translation, the selection of TL equivalent is deliberately confined to one rank/same rank, usually at word or morpheme rank. It means they set up word-to-word or morpheme -to-morpheme equivalences, but not equivalences between high rank units such as the group, clause or sentences. On the contrary, unbound translation is a translation in which the equivalent is not confined and shifts freely up and down the rank scale. It tends to be at the higher rank, sometimes between larger units than the sentence. This may make it a group-group or clause-clause translation.

Similarly, Jakobson (1959) (as cited in Krishnaswamy and Verma, 1992, p. 139) gives three way classification of translation which captures the shades of meaning with respect to some aspects of translation. He developed the concept of interlingual, intralingual and intersemiotic translation on his seminal work "On Linguistic Aspects of Theory of Translation".

i.   Interlingual Translation

Interlingual translation is also called translation "proper". According to Jakobson (ibid.) interlingual translation refers to "an interpretation of the verbal signs of one language by means of the signs of the other language". In this type of translation meanings, ideas, thoughts, etc. are rendered from SL text to TL text. Interlingual translation designates translation as a bilingual activity. This translation is "outside a language" translation.

ii.   Intralingual Translation

Intralingual translation consists of essentially in rewording something within the same langauge. According to Jakobson (ibid.). intralingual translation refers to the "interpretation of verbal sings by means of other sings in the same language". It takes place from one dialect to another dialect or from one register to another, from restricted code to elaborated code, from written language to spoken language, etc. of the same language. Intralingual translation also takes place in terms of time. This translation is also called 'within a language' translation.

iii.   Intersemiotic Translation

This translation is also called 'transmulation'. This translation refers to the transference of a message from one kind of symbolic system to another. According to Jakobson (1959), it is "an interpretation of verbal signs by means of signs in non-verbal sign system". This is 'outside a sign system' translation.

Apart from the above mentioned types of translation, there are other types of translation which are most widely used. They are :
a.   Literary Translation
b.   Technical Translation
c.   Academic Translation

a.   Literary Translation

Literary translation refers to translation of different literary texts such as translation of poetry, short story, essay, novel and drama. It is the oldest, the most difficult and the highest form of translation. According to Gachechiladze (1967, p. 89), "Literary translation is the reflection of artistic reality of the original. There can be no absolute reflection, it is always approximate" (as cited in Bhattarai 2004, p. 5). Translation of literary texts include transformation of different cultural specific terms of SL. Sometimes, some specific terms of one language do not exist

in another language since language and culture are inseparable to each other and may create the trouble in translation.

To Newmark (1981, p. 127) "The translation of poetry is often more difficult than any other kind of translation only because poetry is the only literary form that uses all the resource of language and therefore there are more levels of language to be accounted for." Words articulate basic meaning in translating poetry. 'Form' should be there that only distinguishes poetry from prose but how we can transfer 'content' along with 'form' is important. In fact, translator should maintain balance between 'form' and 'content'. A literary text does not exist in a vacuum; while it is not bounded to a single, specified situation as is a road sign or a legal contract, it has its own situational relationship to reality. So, literary texts are translated, on the one hand, through the dynamics of individual act of reading and, on the other hand, by virtue of the literary work of art being absorbed to its cultural heritage. Literary translation assumes a degree of independence and stability as an artist's documentation of perceived or imagined events in a certain time, place and culture as constantly recreated through interaction in the minds of readers living at another, time and/or in another place or culture. Simply, literary translation is entirely open: the relationship created between text and reader is always conditioned by some kind of situational or cultural constraint.

b.   Technical Translation

Technical translation is related to translation of different informative text like brochure, manuals, instructions, etc. It is opposed to literary translation. Technical translation is potentially non-cultural, therefore, universal. Technical translation is also called scientific translation because it consists of technical vocabulary which is not ambiguous. Technical writing is straight forward and direct. The purpose of such writing is to provide clear cut information rather than double meanings. Such writings involve no humour, no satire or double play of words. So, one of the most

important features of technical text that distinguishes it from litery text is selection of vocabulary. It gives emphasis on meaning rather than on form and the culture of the source language. Technical transaltion, by its nature, is clearly determined by context.

By technical translation, we mean translation of empirical/descriptive texts written in the context of scientific or technological discipline. Technical texts contain a high amount of terminology, i.e., words or phrases that are virtually used only within a specific profession or describe that profession in great detail.

Translation is both art and science but when we come to the technical translation, it tends to be more scientific and less art. Every field of knowledge has its own technical jargon, its own genre making features. Technical jargons/terms are those lexical items which are defined and used for specific purpose only. Technical terms are fixed in a particular cognitive field and used by a set of specialized users who share the common conceptual and pragmatic ranges. It is straight forward, freer from alterative and comprehensible for its readers. Technical terms are claimed to be less ambiguous, more efficient from the point of view of precision in expression. The ultimate aim of technical translation is to impart SL information to the users. It is more content oriented, depersonalized and objective than literary translation. Its style is informative therefore it is usually free from emotive language, connotation, involves no humor and satire. In technical translation, the content become the primary focus of the translator.

> Technical translation is primarily distinguished from further forms of translation by terminology, although terminology usually only makes up above 5-10% of a text. Its characteristics, its grammatical features (for English, passives, nominalizations, third persons, empty verbs, present tenses) merge with other varieties of language. Its characteristic format is

the technical report, but is also includes instructions, manuals, notices, publicity, which put more emphasis on forms of address and use of the second person (Newmark 1988, p. 151).

In contrast to literary translation, technical translation faces less problem of conflict between form and content and subjectivity. A translator transcreates something new in the literary translation but in technical translation s/he not transcreates rather thinks how to provide information intended to translate. To Newmark (1988, p. 154), "A technical term (standardized language) is always more precise (narrower in semantic range) then a descriptive term (non-standerdized language) ". Technical translation with its specific syntactic, semantic and pragmatic features represent an important national and international tool of communication, which is quantitatively and qualitatively speaking, extremely expansion oriented.

c.   Academic Translation

Academic translation is also called pedagogic translation. In this type of translation, the translators render the knowledge of teaching/learning activates from one language to another. Unlike other types of translation, academic translation takes place in the students' native language as well as the second language. The translators reduce the original ST to a small version in TT for the academic purpose. The main purpose of this type of translation is to enrich the students' vocabulary, to familierize them with the TL structure and to enable them to contextualize the meaning of the words.

1.1.3 Problems of Translation

Translation is a difficult and complex process. In the past translation was only regarded as the study of product but since sixties translation process emerged and

experts began to study and discuss the process of translation. While translating one text from one language into another creates various problems due to lack of complete equivalent terms. The problems of translation are greatly enhanced by linguistic indeterminacy which is the result of perceptual change. There are some particular problems in the translation process: problems of ambiguity, problems that originate from structural and lexical differences between language and multiword units like idioms and collocations.

The translators' strategy in choosing a particular technique is governed by the nature of the term to be translated. Since translation is a bilingual as well as bicultural endeavor, the translator faces different problems both at linguistic and extra linguistic levels. As it is bicultural activity, various problems arise at cultural area. The fundamental problem involved in translation arises from the basic fact that natural language differs in the matter of lexicalization of the concepts. That is to say, a language (second language) may not have a lexical item for that concept this is known as a lexical gap.

1.1.4 Techniques/Procedures for Translation of Technical Terms

To translate a text from one language to another is a challenging job. Translation is a general term referring to transfer of thoughts and ideas from one language to another language whether the languages are in written or oral form. There are different procedures for translating technical terms.

a. Literal Translation

Literal translation is a SL oriented translation. It preserves linguistic meaning of SL text. It focuses on semantic content of SL but neglects pragmatic meaning. It is form oriented translation and makes no sense in most of the cases specially in translating idiomatic and phatic expressions. The target language translates the source language terms reflecting its primary sense only. According to Newmark

(1998, p. 40) in literal translation the "SL grammatical constructions are converted to their nearest TL equivalents but the lexical words are again translated singly, out of context. As a pretranslation process, this indicates the problems to be solved." He says, literal translation is correct and must not be avoided; it secures referential and pragmatic equivalence to the original. Literal translation often loosely equated with a word of word translation but it goes beyond one-to-one translation. It is the basic procedural of translation from which translation begins. Catford (1965) says:

> Literal translation lies between word-for word and free translation; it may start, as it were, from a word-for-word translation, but makes changes in conformity with TL grammar (e.g. : inserting additional words, changing structures at any rank etc); this may make it a group-group or clause-clause translation (p.25).

Literal translation occurs whenever word-for-word replacement is possible without breaking rules in the TL. The best way to bridge structural gap is to translate literally in which SL grammar structure is changed into equivalent TL structure.

e.g.　　SL (Nepali)　　　　　　　　　　　　　　TL (English)

　　　　usle jibro tokyo　　　　　　　　　　　　He bit tongue.

b.　　Loan Shift

The target language translates the source language term by extending the semantic range of the exiting word in the target language to convey the technical concept. This strategy is used to adapt the meaning of indigenous words of which meanings were not originally within the semantic range of such words to match the SL expressions. When the source language terms are translated through this procedure, new meaning components are added to the general words in the target

language to reflect the technical concept conveyed by the source language terms. It is the process of making something cover a wider area.

e.g.

SL Term (English)   TL Term (Nepali)

zenith   natāṁ́śa
inertia   jaḍatā

c. Borrowing

Borrowing is also known as transliteration and transference. Borrowing is the process of transferring SL word the TL script maintaining the SL pronunciation with some type of adjustment. It is the most frequently adopted procedure for the translation of technical terms as well as international terms (i.e. terms which have been adopted by the most advanced languages of the world). It is often regarded as a safer practice than coining forms with indigenous lexical components in TL. Borrowing is a widely used translational procedure adopted in translating terms based on proper names, terms for unit, elements and compounds, symbols in science and technology. If should be occasional but not simultaneous because a lot of borrowing hinders communication.

e.g.   SL Term (English)   TL Term (Nepali)

mg   mg

DNA   DNA

d. Paraphrasing

In paraphrasing, target language explains the meaning of the source language term using different words in order to make it easier to understand. The semantic content which is realized in the source language in a single term is syntactically distributed in the TL. It helps to make the text linguistically transparent. The translator attempts to give descriptive and/or functional equivalence of the SL

term while paraphrasing in the TL. Paraphrasing is the last resort of translator i.e. when no other procedure functions, it is useful. It is a feature of free translation.

e.g.   SL Term (English)   TL Term (Nepali)

taste bud   masinā swādka tusā

payee   bhuktāni pāune byakti

e.   Hybrid Formation/Loan Blending

Hybrid formation is also called loan blending. The target language translates the source language terms, borrowing one constituent from the source language and translating the other constituent of the source language construction. It is a normal linguistic phenomenon in technical terminology of any developing language. Therefore, such terms are and can be formed keeping in view of the requirement.

From the above points it can be said that in hybrid formulation there is the complete or partial fusion of two terms (i.e. one term from the SL and another term from the TL) into one term.

e.g.   SL Terms (English)   TL Terms (Nepali)

inert gas   niskriya gyās

vector quantity   bhektar rāsi

f.   Loan creation

Terms in the target language are coined by using available concepts to match the source language concepts. Coinage of technical terms has been one of the most important resorts when the source language technical concepts have to be precisely expressed for which no existing words or expressions in the target language are found suitable and when the retention of the source language terms also are not advisable. Coining new terms in the TL to match the SL terms has to be avoided in case there exist certain words in the TL which could be adapted to reflect the meaning of SL terms.

e.g.   SL Terms (English   Coined Terms in TL (Nepali) Existing Words TL

acceleration	prabeg	beg
antibody	pratipiṇḍa	piṇḍa

1.1.5 Legal Translation in Nepal

Legal translation is a type of technical translation involving cross-linguistic communication in the legal context. It is related to the translation of different legal texts such as act, rule, regulation, order issued by the government, judgement or decision or order of a court etc. Each legal system is situated within a complex social and political framework which responds to the history, uses and habits of a particular group. Legal translation is often more difficult than other types of technical translation because of the system-bound nature of legal terminology. Unlike scientific or other technical terminology, each language has its legal terminology based on particular legal system of that country. They may be quite different even from the legal terminology of another country with the same language. The professional legal translator must have the knowledge of the system bound nature of legal terminology which consists of the competency over at least three separate areas: first, a basic knowledge of the legal system, both of the source and target languages; second, familiarity with the relevant terminology; and third, competency in the specific legal writing style of target language.

The government of Nepal has also adopted the legal translation realizing its need in the rapidly developing world civilization. The then His Majesy's Government, Ministry of Law, Justice and Parliamentary Affairs constituted a board named 'Nepal Law Books Management Board' in 2021 B.S. and authorized it to translate the law of Nepal into foreign language and foreign or international law into the Nepali language and publish them. The high class officials of the government having in-depth knowledge over national and international legal system, terminology and writing style have the authority to involve in translation of legal document. Making the legal translation wider, a council has been established in

the name of Nepal Notary Public Council for managing the work relating to paper translation and document certification in easy and accessible way. It was established under the Act Relating to Notary Public, 2063 made by the House of Representative in the first year of the declaration of the House of Representative, 2063. The people who are involved in translating legal document should have the certificate for translation after passing the examination relating to Notary public. The examination is conducted by the council itself or the council may order to conduct the examination to any one of the institution either one that provides training in relation to law and justice or another one which conducts the examination of law practitioner. But, at the time of the commencement of this act the authorized institution of translation according to prevailing law may translate papers taking approval from the council. The people who translate the paper differing digit/number, date and statement then they shall be punished according to the act.

1.2   Review of Related Literature

Significant number of texts have been translated from Nepali to English and vice-versa. Relatively a few studies have been carried out on translation in the Department of English Education; some of them which are related to my present study are reviewed here.

Adhikari (2003) conducted a research entitled "A Study on the Translation of Technical Terms: A Case of Textbook for Science - IX" to find out the techniques and linguistic problems of translation of technical terms used in science textbook for grade IX. His findings showed that the six different techniques were applied in translating the technical terms. Among the techniques applied, literal translation was the most frequently used by the translator while translating. The problems lied in translation when the TLT lacks an equivalent terms that are present in the SLT.

Similarly, Wagle (2004) carried out a research entitled "A Study on Multiple Translation of Muna-Madan from cultural perspective". In this anecdotal study he found the use of eighteen different techniques and fluctuation in the number of words. Literal translation was most widely used. Every version had cultural loss and pragmatic meaning was emphasized. Contextual equivalence, footnotes were used to transmit cultural messages. He concluded that it was possible to minimize cultural loss in translation by using effective and appropriate techniques.

Likewise, Singh (2004) carried out a research entitled "Techniques in the Translation of cultural Terms: A Case of Translation of Social studies Textbook." He found a number of techniques of translation, literal translation being the most widely adopted procedure of translation of the technical and non-technical terms. He found that there exists a number of gaps in translation of cultural terms due to various reasons: lack of conceptual accuracy, lack of cultural equivalence, lack of lexical items etc.

Similarly, Chhetry (2005) conducted a research entitled "Translation of Technical Terms: A Case of Textbook of Health, Population and Environment for Grade X" to find out the techniques and problems in translating technical terms. He found six different techniques used and transliteration given priority in translation though there were the possibility of literal translation. Both the Nepali and English languages were found to be used as the source of technical terms in the field of HPE. The linguistic problems he found in translating the technical terms were lack of lexicalization of the HPE concept, translingual ambiguity, lack of performance of existing TL terms, lack of conceptual accuracy, existence of jargons.

Sapkota (2007) carried out a research entitled "Techniques in the Translation of Technical Terms Used in Accountancy: A case study on Translation of Grade X". He aimed to find out techniques involved in translation of technical terms from English to Nepali. He found six different techniques in translating OPA (Office Practice and Accountancy) terms. He found that literal translation was the most

frequently used technique i.e. 102 (68%) terms out of 150 in the study were translated literally.

Similarly, Bajagain (2008) carried out a research entitled "Translation of Technical Text. She aimed to find out the techniques used in translating technical terms. She found seven different procedures used in translating technical terms where literal translation was mostly used and borrowing was the least used procedure.

Similarly, Rijal (2008) conducted a research entitled "Translation of Technical Terms: A Case of Science Textbook for Grade VIII." He aimed to find out the techniques employed in translation of technical terms and linguistic problems of translation of technical terms used in the science textbook for Grade VIII. He found six different techniques used to translate, loan translation, hybrid-formation, loan shift, borrowing and paraphrasing. Literal translation was found to be used widely that is 93 (37.88%) out of 246 terms.

Karki (2009) carried out a research entitled "Language used in Legal Journals". He aimed to list out the special vocabularies used in legal texts. He found that the use of different technical/specific vocabularies and abbreviations have made legal language different from others. He found the legal language a particularly field based register and the technical terms, abbreviations and sentence structures are difficult to understand for the one who is not familiar with the language of legal field.

The research works mentioned above are related to translation and translation evaluation; some of them are related to cultural terms; some of them are related to technical terms. None of the studies have been carried out to find the techniques of the translation of technical terms of "The Interim Constitution of Nepal, 2007. So, my present study is entirely different from the rest.

1.3 Objectives of the Study

The present study had the following objectives:

i.   To find out techniques and linguistic problems in translating legal terms.

ii.   To suggest some pedagogical implications.

1.4 Significance of the Study

The study will provide some insight on technical aspect of translation of terms related to the constitution. It will be significant for the students of sociolinguistics, textbook writers, translators and those who are interested in legal terms. Hopefully, this study will be helpful for the people who are directly or indirectly involved in translation and translation studies.

CHAPTER TWO
METHODOLOGY

The term 'methodology' in research refers to the procedures used in carrying out an investigation, including the methods used to collect and analyze data. Hence, to fulfill the objectives of the study the following methodology was adopted.

2.1   Sources of Data

The study was based on written documents. The data of the study was taken from the 'Interim Constitution of Nepal, 2007' published by Law Books Management Board, Government of Nepal.

Various books, especially Nida (1964), Catford (1965), Newmark (1981), Wills (1982), Newmark (1988), Bell (1991), Krishnaswamy (1992), Lefevere (1992), Bhattarai (2004), Sharma (2004), Phyak (2009), theses, journals, dictionaries and websites related to the topic were used as the sources of data.

2.2   Tools for Data Collection

The tools for data collection were the observation and checklist. I read and re-read both the Nepali and English versions of the 'Interim Constitution of Nepal, 2007' to get required information and made a list of the required legal terms in original and translated form.

2.3   Process of Data Collection

I applied the following processes for the collection of data.

a.   I collected the Nepali (original) and English (translated) versions of the 'Interim Constitution of Nepal, 2007'.

b.   I went through the text and underline the legal terms in the Nepali version of the 'Interim Constitution of Nepal, 2007'.

c. I repeatedly read the English version of the 'Interim Constitution of Nepal, 2007'.

d. I made a list of 150 legal terms in my notebook, first from Nepali version then their equivalent terms from the English version.

e. One hundred terms were selected by using non-random judgemental sampling procedure from the total number of 150 legal terms initially selected from the Interim Constitution of Nepal, 2007.

f. I transliterated each equivalent SL term into Roman script.

g. I presented Nepali terms collected with their English translation.

h. I identified the techniques of translation and listed the legal terms under different techniques.

i. I calculated the frequency of the techniques involved in translating legal terms.

j. I identified the linguistic problems in translating legal terms.

2.4 Limitations of the Study

The study had the following limitation:

a. The study was limited to translation of the legal terms of 'The Interim Constitution of Nepal, 2007' published by Law Books Management Board, Government of Nepal.

b. The study was limited to techniques and linguistic problems of translation of the legal terms.

c. The abbreviations and acronyms were not discussed in the study.

CHAPTER THREE
ANALYSIS AND INTERPRETATION

This chapter deals with the analysis and interpretation of collected data from Nepali and English version of legal terms of the 'Interim Constitution of Nepal, 2007' published by Law Books Management Board, Government of Nepal. The data are analyzed and interpreted to find out the techniques and linguistic problems in the translation of legal terms from Nepali into the English language.

3.1   Transliteration of Legal Terms, their Equivalences in English and Identification of Techniques of Translation

It induces the data which are needed for this research where legal terms taken from the SL with their transliterated forms have been mentioned. The terms in the SL along with their equivalent terms found in the TL are included in the form of table where I have identified the techniques employed in their translation.

Table No. 1

Legal Terms with their Transliterated From, Equivalences in English and Techniques of Translation

S.N.	SL Terms	TL Terms	Techniques
1.	akhaṇḍatā	integrity	LT
2.	akhtiyār durupayog anusandhān āyog	commission for the investigation of abuse of authority	Pr
3.	adālat	court	LT
4.	adhiweśan	session	LT
5.	adhyādeś	ordinance	LT
6.	anusūcī	schedule	LS
7.	alpasaṅkhyak	minority	LT
8.	utpreṣaṇ	certiorari	LT
9.	ain	act	LT

10.	kartavya	duties	LT
11.	kasur	offense	LT
12.	kāryapālikā	executive	LT
13.	krānti	revolution	LT
14.	khārejī	repeal	LT
15.	gaṇapuraksańkhyā	quorum	LT
16.	ghoṣaṇā	proclamation	LT
17.	janaāndolan	people's movement	Pr
18.	janamat sańgraha	referendum	LT
19.	tahakikāt	investigation	LT
20.	devanāgari lipi	devanagari script	HF
21.	dhārā	article	LT
22.	najīr	precedents	LT
23.	nāgarik	citizen	LT
24.	nirwācan	election	LT
25.	nīti	policy	LT
26.	paksha	party	LT
27.	paramādeś	mandamus	LT
28.	pariṣad	counsil	LT
29.	prativedan	report	LT
30.	praṇālī	system	LT
31.	pratisedh	prohibition	LT
32.	pradhān nyāyadhīś	chief justice	LT
33.	pramānīkaraṇ	authentication	LT
34.	praśāsantantra	bureaucracy	LT
35.	prastāwanā	preamble	LT
36.	pres	press	Tr
37.	bandī pratakshikaraṇ	habeas corpus	LT
38.	bār	bar	Tr
39.	baithak	meeting	LT
40.	bhāg	part	LT

41.	bhūmi sudhār	land reform	LT
42.	bhedabhāw	discrimination	LT
43.	manonayan	nomination	LT
44.	matādhikār	franchise	LT
45.	mahānyāyadhiwaktā	attorney general	LT
46.	mahābhīyog	impeachment	LT
47.	mānaw adhikār	human rights	LT
48.	mātribhāṣā	mother tongue	LT
49.	māphi	pardon	LT
50.	mrityudaṇḍa	death penalty	LT
51.	yātanā	torture	LT
52.	yogyatā	qualification	LT
53.	rakshā	defense	LT
54.	rajatantra	monarchy	LT
55.	rājīnāmā	resignation	LT
56.	rājya	state	LT
57.	rāṣṭrabhāṣ ā	language of the nation	Pr
58.	lokatantra	democracy	LT
59.	lok sewā āyog	public service commission	LT
60.	vidheyak	bill	LT
61.	viśeṣadhikār	privilege	LT
62.	vyawasāyi	practitioner	LT
63.	śapath	oath	LT
64.	śānti	peace	LT
65.	śoṣaṇ	exploitation	LT
66.	saṁrakshan	protection	LT
67.	saṁvidhān	constitution	LT
68.	saṁsodhan	amendment	LT
69.	sacīwālaya	secretariat	LT
70.	sadan	house	LT
71.	samānatā	equality	LT

72.	samāwedan	petition	LT
73.	samiti	committee	LT
74.	sampatti	property	LT
75.	sambodhan	address	LT
76.	sarakār	government	LT
77.	sarokār	interest	LT
78.	sākshi	witness	LT
79.	sārwabhaumasatta	sovereignty	LT
80.	siddhānta	principle	LT
81.	siphāris	recommendation	LT
82.	sukumbāsī	landless	LS
83.	sunuwāi	hearing	LT
84.	surakshā	security	LT
85.	sthān	seat	LT
86.	spaṣtikaran	explanation	LT
87.	swatantratā	freedom	LT
88.	agragāmi	progressive	LT
89.	antarim	interim	LT
90.	avibhājya	indivisible	LT
91.	asamartha	incapable	LT
92.	gaṇatantrātmak	republican	LT
93.	daṇḍanīya	punishable	LT
94.	daṇḍahinatā	impunity	LT
95.	dharmanirapeksha	secular	LT
96.	paitrik	ancestral	LT
97.	bahudaliya	multiparty	LT
98.	bālig	adult	LT
99.	jamānat dinu	to give gurantee	LT
100.	jānakārī dinu	to give information	LT

3.1.1   Techniques Used in Translation of Legal terms

Various techniques were applied by the translator while translating the legal terms from SL to TL. On the basis of analysis of the legal terms and their English translation, I have found the following techniques of translation:

i.   Literal Translation
ii.   Loan shift
iii.   Transliteration
iv.   Hybrid formation
v.   Paraphrasing

The techniques used in the translation of legal terms with their frequency and percentage are as follows:

Table No. 2

Techniques Used in Translation of Legal Terms

Total Number of Legal Terms: 100

Techniques	No. of Terms	Percentage
Literal translation	92	92
Loan shift	2	2
Transliteration	2	2
Hybrid Formation	1	1
Paraphrasing	3	3

The above table shows the five different techniques used by the translator in the translation of the legal terms from Nepali to the English language. Ninety two per cent terms were translated literally, three percent were through loan shift, two per cent were transliterated, one per cent was through hybrid formation and two per cent were paraphrased.

The above table shows that literal translation is the most frequently used and hybrid formation is the least used techniques in the translation of legal terms.

3.2　Linguistic Problems in Translating Legal Terms

Legal translation refers to the translation of legal text within the legal sphere. It implies both a comparative study of legal systems and an awareness of the problems created by the absence of equivalents. So, the job of translating a legal text into a foreign language is littered with a series of obstacles. The problems in legal translation may crop up due to the differences in legal systems from one country to another, specificity of legal language and the system-bound nature of legal terminology.

On the basis of analysis of Nepali and English legal terms I found the following types of linguistic problems in translating of legal terms from Nepali to English.

i.　　Translingual Lexical Ambiguity

ii.　　Lack of lexicalization of the legal concept: Lexical Gap

iii.　　Lack of Preference of Existing TL Terms

3.2.1 Translingual, Lexical Ambiguity

Most of the linguistic problems in translation emanate from the translingual lexical ambiguity, that is, lexical ambiguity due to variation in lexicalization on different concepts in a certain semantic field. This problem is evident in the case when, for a single form in the source language there is more than one term in the target language with similarity but not identical senses.

e.g.

SL Terms (Nepali)	TL Terms (English)
spaṣṭikaraṇ	explanation/clarification
māphī	pardon/forgiveness
swatantratā	liberty/freedom/independence
khārejī	repeal/abrogation

The SL terms ' spaṣṭikaraṇ', 'māphī', 'swatantratā' and 'khārejī' were found to be translated as 'explanation', 'pardon', 'freedom' and 'repeal' respectively. Here the translator faced with the problems of mapping one lexical item on the many possible equivalents as mentioned in the examples above.

The main question is which TL term to be selected in a particular context to reflect the basic concept of the SL term. It is the lexical uncertainty and ambiguity of the legal terms that create the problems in translation.

3.2.2 Lack of Lexicalization of the Legal Concept: Lexical Gap

The fundamental problem involved in the translation of terms arises from the fact that natural languages differ in the matter of lexicalization of the concepts. That is to say, one language may have a lexical item for a particular concept, while another language may not have a lexical item in its vocabulary for that concept. This is known as lexical gap. The lexical gap refers to the absence of a lexical item from a particular language that corresponds to a particular concept. The lexical gap needs to be distinguished from the absence of a particular concept from a particular speech community. When we say there is a lexical gap, this does not mean that the concept itself is not available in the language and has no means of expressing the concept. The fact is that the language has not lexicalized that concept. In other words, the semantic features which are realized in one language in one lexical item are syntactically distributed in other languages.
e.g.

SL Term (Nepali)	TL Term (English)
rāstrabhāṣā	language of the nation
janaādolan	people's movement

The SL terms ' rāstrabhāṣā' and ' janaādolan' were found to be translated as 'language of the nation' and 'people's movement' respectively. These terms have not been lexicalized in the LT that's why the translator followed technique 'paraphrasing' while translating into TL.

3.2.3 Lack of Preference of Existing TL Terms

There are some terms in TL which are already existed but those terms have not been given preference while translating the SL into TL.

e.g.

SL Term (Nepali)	TL Term (English)	Existing Term in TL
sukumbāsī	landless	squatter
jamānat dinu	to give gurantee	to gurantee
jānakārī dinu	to give information	to inform

Though there existed specific term 'squatter' for SL term 'sukumbāsī' in the TL to reflect the basic concept of the SL term, the already existing term in the TL have not been given preference. The translator has also not given preference to the already existing appropriate word while translating it as in the example above. Similarly, The translator translated the SL terms ' jamānat dinu ' as 'to give gurantee' and   'jānakārī dinu ' as 'to give information' in TL though there are the already existing appropriate terms 'to gurantee' and 'to inform' for those SL terms. It also creates the verbosity. A good translator of legal text needs to master legal jargons and should be able to express it in a few words. It depends a lot on the translator's capability and technical knowledge.

CHAPTER FOUR
FINDINGS AND RECOMMENDATIONS

4.1   Findings

The findings that have been drawn on the basis of analysis and interpretation of the data are as follows:

a.   Five translation techniques were found to be used to translate the legal terms. Techniques involved were literal translation, loan shift, transliteration, hybrid-formation and paraphrasing.

b.   Out of one hundred terms used in the study ninety two per cent were found to be translated literally, three per cent were through loan shift, two per cent were transliterated, one per cent was through hybrid formation and two per cent were paraphrased.

c.   Literal translation was found to be the most widely used technique to translate the legal terms.

d.   Hybrid formation was found to be the least used technique to translate the legal terms.

e.   When the given SL term has more than one possible translation in the TL, the translator faced the problem of selection of a particular term in particular context. e.g. māphī-pardon/forgiveness.

f.   Some legal concepts have not been lexicalized in the English language. As a result, the translator has to use the technique of paraphrasing e.g. rāstrabhāṣā - language of the nation.

g.   The translator has not given preference to the already existing terms in TL.

4.2   Recommendations

On the basis of the findings from the analysis and interpretation of the data some recommendations have been made. They are as follows:

a.   A translator should give priority to literal translation.

b.   The translator should keep the concept in mind that the readers of the translated text are those who know something about SL legal terms, style and form of writing.

c.   The translator should not use whatever word is available in the dictionary. He should select the word looking it in the thesaurus to get the correct equivalent term.

d.   Translingual ambiguity should be removed as far as possible.

e.   Preference should be given to the already existed TL terms rather than translating the terms through loan shift, paraphrasing etc.

f.   Care should be taken to achieve maximum uniformity in the use of legal terms.

g.   Context of the use of the terms should be taken consideration as it becomes extremely important in the translation of legal terms.

h.   Before selecting or coining TL terms for the SL terms most up to data ideas associated with SL terms should be taken into consideration.

i.   A translator of legal text should consult standard bilingual law dictionaries.

This present research studied the techniques and the problems in translation of legal terms through the evaluation process of translation. Translation itself is a difficult task and it needs the sound knowledge of the languages in question. Moreover, translation of legal terms is a very difficult job as it needs not only the knowledge of SL and TL but also the sound knowledge of their terminology, style and forms because the legal terms have the domain of its own. Legal terms, expressions and doctrines used in a statute cannot be translated and interpreted in a haphazard manner.

Translation is an emerging discipline which is natural activity in social interaction. It is natural that the mother tongue influences whatever second language the learner is learning and the s/he cannot avoid translation. Therefore, translation should be emphasized in language learning and teaching programme.

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Appendix I

SL Terms (Nepali)	TL Terms (English)
akhaṇḍatā	integrity
akhtiyār durupayog anusandhān āyog	commission for the investigation of abuse of authority
adālat	court
adhiweśan	session
adhyādeś	ordinance
anusūcī	schedule
alpasańkhyak	minority
utpreṣaṇ	certiorari
ain	act
kartavya	duties
kasur	offense
kāryapālikā	executive
krānti	revolution
khārejī	repeal
gaṇapuraksańkhyā	quorum
ghoṣaṇā	proclamation
janaāndolan	people's movement
janamat sańgraha	referendum
tahakikāt	investigation
devanāgari lipi	devanagari script
dhārā	article
najīr	precedents
nāgarik	citizen
nirwācan	election
nīti	policy
paksha	party
paramādeś	mandamus

pariṣad	counsil
prativedan	report
praṇālī	system
pratisedh	prohibition
pradhān nyāyadhīś	chief justice
pramānīkaraṇ	authentication
praśāsantantra	bureaucracy
prastāwanā	preamble
pres	press
bandī pratakshikaraṇ	habeas corpus
bār	bar
baithak	meeting
bhāg	part
bhūmi sudhār	land reform
bhedabhāw	discrimination
manonayan	nomination
matādhikār	franchise
mahānyāyadhiwaktā	attorney General
mahābhīyog	impeachment
mānaw adhikār	human rights
mātribhāṣā	mother tongue
māphi	pardon
mrityudaṇḍa	death penalty
yātanā	torture
yogyatā	qualification
rakshā	defense
rajatantra	monarchy
rājīnāmā	resignation
rājya	state
rāṣṭrabhāṣ ā	language of the nation
lokatantra	democracy
lok sewā āyog	public service commission

vidheyak	bill
viśeṣadhikār	privilege
vyawasāyi	practitioner
śapath	oath
śānti	peace
śoṣaṇ	exploitation
saṁrakshan	protection
saṁvidhān	constitution
saṁsodhan	amendment
sacīwālaya	secretariat
sadan	house
samānatā	equality
samāwedan	petition
samiti	committee
sampatti	property
sambodhan	address
sarakār	ɔvernment
sarokār	...terest
sākshi	witness
sārwabhaumasatta	sovereignty
siddhānta	principle
siphāris	recommendation
sukumbāsī	landless
sunuwāi	hearing
surakshā	security
sthān	seat
spaṣṭikaran	explanation
swatantratā	freedom
agragāmi	progressive
antarim	interim
avibhājya	indivisible
asamartha	incapable

gaṇatantrātmak	republican
daṇḍanīya	punishable
daṇḍahinatā	impunity
dharmanirapeksha	secular
paitrik	ancestral
bahudaliya	multiparty
bālig	adult
jamānat dinu	to give gurantee
jānakārī dinu	to give information