



An Analysis of the Urdu Translation of the Constitution of the Islamic Republic of Pakistan: A Study of Legal Translation

Muqaddas Inayat

Ph.D. English Linguistics Scholar at NUML, Islamabad

Article Info

Corresponding Author: M. Inayat
muqaddasinayat@yahoo.com

Keywords:

Translation Studies,
Legal Translation,
Syntax,
Semantics,
Pragmatics,
Equivalence

Abstract

The transference of message is important to consider while translating a document from one language system to another. The translator makes changes in this act through the selection of words at semantic, pragmatic, and syntactic levels in order to have equivalence between the two texts. For instance, two culturally different languages like English and Urdu would provide a totally new meaning to the text by experimenting with the words. Hence, the research is conducted to analyse the cultural and semantic lacks faced by the translator besides the brusqueness of expression and emotional feeling that is transferred from the Urdu text into the English text. The following objectives are being gathered from the current study (i) to explore as to what extent the translation of the Constitution of the Islamic Republic of Pakistan has maintained semantic, syntactic and pragmatic equivalence of the source text, (ii) to scrutinize the strategy adopted by most of the translators during the process of translation. According to Chesterman's (1997) translation method: a qualitative analysis of the contents of ST and TT has been executed by categorizing and scrutinizing the elements of semantic, syntactic and pragmatic shifts. While tracing the important elements of translation shifts in TT, the results of the study prove that Chesterman's semantic, syntactic and pragmatic translation strategies have aided translators to point out the most favoured translation strategies. The findings reflect that translating a legal text is a challenging task as it demands an in-depth understanding of legal phraseology and terminology. Moreover, this thesis helps the researcher in coining new terms in the field of translation.

Introduction

The electronic outburst has changed the living spectrum of 21st-century man. Each passing day makes a huge difference in today's digital age as digital technologies have been contributing to shifting the nature and function of time and space. Today's, up-to-date age is known as the era of translation as it has overcome linguistic and cultural barriers. As far as the term "translation" is concerned, it is as old as language itself. Its origin can be traced back in history, via the ancient world and everything else in between, and we see that it stays alive even during the period of revival and decline. The most significant period in its history is the 20th century in which we see the radical growth and development of translation studies with "professional associations, journals, publishers, catalogues and a proliferation of doctoral thesis" (Basnett, 1993, p.138), and formally emerges as a discipline (Translation Studies) not only multidisciplinary but also interdisciplinary. It has also been given due acknowledgment by scholars and practitioners.

As far as the notion of language is concerned, we observe that the smaller components are combined together to form larger components to produce meaning (Wareing, 2004, p.6). It is a system of symbols that are communicated both verbally (saying no) and non-verbally (shaking your head). There is no natural relationship between the object and its name rather it is “arbitrary or unmotivated” (Munday, 2000, p.36). Also the relationship between words and their meaning is so complicated, because each passing day new words are devised and they become part of the existing language. This makes language productive too, as with the finite rules we are able to generate infinite number of sentences.

During the communicative process, the idea of diverse languages makes problem for the human to comprehend each other in both oral and written forms. We all are aware of the fact that communication is a complex activity that involves biological, social and cognitive behaviours.

For successful communication, the notion of translation jumps in makes it convenient for the users of varied languages to understand each other’s points of views. However, it has been viewed that translation is not a stress-free task because “no two languages are identical, either in the meanings given? to corresponding symbols or in the ways in which such symbols are arranged in phrases and sentences” (Nida, 1964, p.126). This is the reason that made theorists to assert that “whoever takes upon himself to translate contracts a deb; to discharge it, he must pay not with the same money, but the same sum” (Constance B. West as cited in Nida, p.126, 1964).

A translation is a document that requires to be different from the source text but also it has been believed that the source text and the target text should convey the same spirit. The process of translation is so challenging as it just not only deals with varied languages but also with varied cultures too. The translators feel a huge responsibility to transmit a text in its best possible ways because there exist numerous expressions that are culturally associated and they sometimes feel stranded while translating them. Translation-related activities require the trained professionals who should have expertise over the two languages, as only the trained professionals would be aware of the linguistic complexities that cause trouble during the process of translation.

The agenda of translation remains constant which is to preserve the meaning of the original text and get the label of a good translation. Before presenting the definition of a good translation and a bad translation, we should also look into the criteria that segregates a translation into good or bad one. The idea of a worthy translation is one that runs naturally, fits into the linguistic requirements of the target language, and is also written for specific readers. On the contrary, the bad translation appears vague, syntactically inappropriate, weak, and seems clumpy to the target readers.

The present research has been scheduled in the same line, that compares the source text (Constitution of the Islamic republic of Pakistan) and its translated text to analyze how far meaning has been well-kept by the translators.

Problem statement

Translation has been considered a challenging activity that transfers both verbal and non-verbal texts. During the process of translation, the translator tries his best to make the source text equivalent to the target text not only at the word level but also at phrase and sentence levels. This activity of making the target text equivalent to the source text puts the translator’s job at stake because he has to bring a text that fulfils all the linguistic requirements of the target language. Keeping the same idea in focus, the researcher will analyze the nature of changes, at syntactic, semantic and pragmatic levels, made by the researcher to acquire the true spirit of the text. As we are mindful of the notion that Urdu and English are culturally distinct languages, thus any discrepancy, while dealing with another language’s terminology and phraseology, may provide a new meaning to the text. The present research has been organized to identify the issues confronted by the translators while converting the English text Constitution of the Islamic Republic of Pakistan into the Urdu text concerning Chesterman’s theory of memes.

Research Objectives

The objectives of this research are:

- 1) to find out whether or not translated text has achieved equivalence at syntactic, semantic and pragmatic levels.
- 2) to analyze which strategy has been preferred the most by the interpreters throughout the procedure of translation.

Research Questions

1. How far the translated text has achieved equivalence at syntactic, semantic and pragmatic levels?
2. Which strategy has been preferred the most by the interpreters throughout the procedure of translation?

Significance of the Study

The results of current study would provide evidence about the use or disuse of translation strategies in the translated text. The study will also present the most preferred strategies used by the translators during the process of translation. The present research will help future interpreters, researchers, and scholars in the field of Legal Translation Studies.

Literature Review

Translation studies has been prospered and arose as a specialized field, with “professional associations, journals, publishers, catalogues and a proliferation of doctoral thesis” (Basnett, 1993, p.138) at the end of the 1970s. Earlier the noting of translation has been viewed as a secondary task that can never present the true picture of the original work as Hilaire Belloc writes in his 1931 lecture “the art of translation is a subsidiary art and derivative” (as cited in Basnett, 1993, p.138). Later, the work of Bassnett and Andre Lefevere play a pivotal role in making Translation a professional field. They came up with reasonable theoretical frameworks and methodologies that provide ways for the field to flourish among other fields. They strengthen the field and state that “translation has been a major shaping force in the development of world culture and no study of comparative literature can take place without regard to translation” (as cited in Basnett, 1993, p.148).

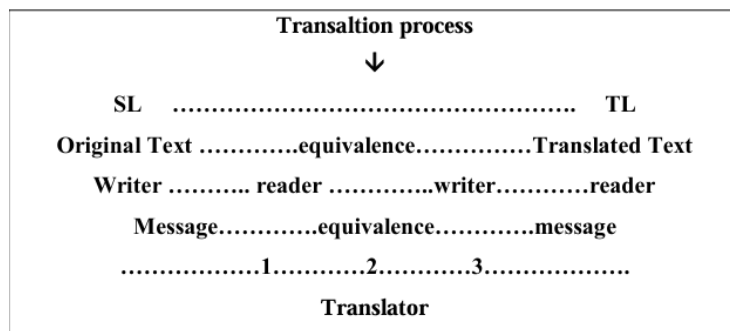
After that, the work in the discipline of translation has emerged during the time because of its outburst involvement and it was considered as “no longer a word for word substitution; however, it is a cultural product that aims at reproduction of meaning” (Boukhelef & Babou, 2012, p.75).

It is via translation that we are now able to study other cultures, peoples, and their literature.

After its contribution in many frames, the old idea of seeing translation has been changed as it can be defined as “the act or process of changing something from one form to another” (Merriam-Webster’s Learner’s Dictionary (1828)). Catford (1995) comes up with the idea that “translation is an operation performed on languages: a process of substituting a text in one language for a text in another” (Catford, 1965, p. 1). He brings the idea of strategies and techniques that are used by the translators for the smooth conduct of translation activity.

Many attempts have been made to make translation a mechanic process with the help of modern technology, as we already have computer assisted translation and machine translation, but the outcome proves that this activity needs to be supervised by the human brain. As language is a unique entity that is arbitrary in its nature, therefore computers cannot create coded relationships between two diverse languages at word, phrase, or clause levels. Each word presents varied connotative meanings when it is compared with other languages and cultures.

During the process of translation, the translator adopts bilingual codification to bring equivalence at word, phrase, clause, and sentence levels. The concept of equivalence is itself challenging because of the cultural, structural, and lexical component of languages. Therefore, the translator first tries to understand the structure of the source text and the target language.



Translation process (D. Shastri, 2012, p.15)

The above-mentioned notion presents that the translator is held responsible for this process of translation as he has to undergo the grammatical structure, lexicon, and cultural implications of both the texts (the source text and the target text). Here, we find that the source text and the target text have been written by two different persons. There could be a possibility that the target text’s author has no information regarding the source text’s author but he simply takes the text and tries to translate it for the target readers. In most of the cases, the readers are also not the same. The

source text readers are different from the target text's readers. So, the translator very proficiently decodes the message from the source text and encodes it to the target text to create a similar impact of the text for the target readers the way it has been seen with the readers of the source text.

The current research discusses the contemporary ideas in Legal translation, in detail, (as it revolves around Pakistan's Constitution), its history, its emergence as an individual field and its progress in recent times. With each passing day, we find that the legal conditions or the law are present in every phase of our lives. Our lives are more scientifically oriented because of the frequent use of up-to-the-minute discoveries in our daily lives. For instance, legal terms and conditions are followed while registering over any website, inserting or withdrawing money from an ATM, filling out any performa or application, selling or purchasing property, using passports and permits while going from one place to another, marital contracts etc. Hugh Evander Willis (1926) quotes in his article the explanation given on law by Sir William Blackstone:

Law, in its most general and comprehensive sense, 'is that rule of action which is prescribed by some superior and which the inferior is bound to obey.' Civil law he defined as 'a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong'. (p.203)

The Constitution of the Islamic Republic of Pakistan has never been analyzed with reference to the theme of translation, however, many research theorists have worked on it with the help of varied theoretical frameworks.

Dr. Naveed Ahmed et. al. (2021) work on the topic "Legitimacy and Significance of Art. 2A in the Constitution of the Islamic Republic of Pakistan, 1973". Their work focuses on Article 2 A which talks about law-making process and its implications by the courts of Pakistan. The study has been conducted via both normative and empirical methods. The findings of the study present that Article 2A fulfills all the requirements and "play a vital role in the law-making process in Pakistan as per Quran and Sunnah but the framers of the Constitution did not provide a way forward yet to frame laws in conformity with the said article" (Ahmed et. al., 2021, p.47).

The topic "Minorities of Pakistan: An Analytical Analysis of the 1973 Constitution of the Islamic Republic of Pakistan" has been researched by Dr. Ghulam Mustafa et. al. The research aims to discover that though the constitution tries to do justice to the minorities of Pakistan even then the situation is getting worse. The paper analyses the situations that are responsible for minorities suffering. The findings of the study present that although the Constitution of the Islamic Republic of Pakistan contains a proper chapter regarding fundamental rights but "gap of law-making and failure of governments in this regard is the main issue. Since the independence of Pakistan, in seventy years many governments took place, all of them fought for their survival, the rights of Pakistan Social Sciences Review (PSSR) June, 2020 Volume 4, Issue 2 749 minorities were not their priority. Pakistan is a pluralistic country but only has 4% of minorities. So the government always focused on 96% of the majority of the state and 4% minority left behind" (Mustafa et. al., 2021, p.748). The research suggests that the government should take thoughtful notice regarding the apprehensions of minorities and try to resolve problems as early as possible, as only this can create harmony in the country.

Another research on the topic "An In-Depth Analysis of Extending the Duration of General Elections beyond the 90-Day Limit Fixed in the Constitution of the Islamic Republic of Pakistan (1973)" has been conducted by Nawaz and Bexci in 2023. The research analyses key constitutional provisions in various articles (48(5a), 51(5), 153, 219, 222, 224 and 254) of the constitution. The topic has been analyzed with reference to the qualitative methodology of studying the text. The findings posit that "the Advisory Jurisdiction of the Supreme Court of Pakistan, be invoked to provide crucial legal interpretations in this matter, considering the proper interpretations and implementation of these Articles" (Nawaz & Bexci, 2023, p.629). It also highlights that to guarantee transparency, quick and imperative electoral reforms are required in Pakistan's electoral systems.

Dr. Abida Hassan et. al. (2024) work on the topic "A Critical Analysis of Salient Amendments in the Constitution of Islamic Republic of Pakistan. 1973". The topic aims to present the notion behind including the 19th Amendment in the Constitution. It also examines the impact of the 18th and 19th amendment on judicial independence. The research has been carried out with the help of descriptive and qualitative research methods. The study concludes that "(1) this amendment makes the process more equitable by prohibiting biased appointments to higher courts; (2) it also gives the prime minister and JCP a significant role in the selection of higher justice" (Hassan, 2024, p.112).

The findings also suggest that as the members will be part of the selection committee then they will not be able to blame them in any way.

In 2018, Fatima et. al. conducted research on the notion of “Prohibition of Child Labor Leading to Delinquent Behavior in the Constitution of Islamic Republic of Pakistan 1973”. The research tries to find inappropriate behavior toward the prohibition of child labor with reference to the Constitution of Pakistan. For the data collection, the researchers opted for purposive sampling that help them conduct the content analysis of the selected documents (Articles 11, 17, 18, 25 (A), 37 (e) and 18th amendment) that were related to child labor. The results present that the main reasons that cause child labor are “poverty, family decay such as broken family system due to divorce; lack of morality; absence of attention in education; physical neglect and lack of training that become the main cause of early manipulation of children into unskilled labor” (Fatima et. al., 2018, p.394). However, we need to take strict measures to eliminate it as children’s mental, physical and emotional health suffer a lot though they have constitutional support. Moreover, we can arrange awareness campaigns for parents, children and most importantly proprietors that can help minimize such unfortunate happenings.

The researcher also finds research on the idea “Education of Legal Translation: Needs, Horizon, and Challenges in Pakistan”. The research has been conducted by Khan et. al. in 2023. The study focuses on exploring the future of legal translation, as a field, in Pakistan and the challenges faced by the law institutions with respect to correspondence of official data in Urdu (the National Language). The study has been conducted with the help of descriptive research methods. The findings of the study exhibit that legal translation is the most challenging activity. The study concludes that “Lawyers and judges interpret and translate the legal texts in their daily routine proceedings. They must know the translational and interpretational strategies, theories, shifts categories, their influences, and the coping strategies to deal with the complex nature of the legal texts and terminologies” (Khan, 2023, p.372). Legal Translation Studies in Pakistan can only be strengthened if we have professional legal translations and law experts, that can only be done if we start bi-departmental MS Programs in the field of Legal Translation Studies in Pakistan

The detailed literature review postulates that legal translation is a highly multifaceted action that requires full attention while dealing with legal phraseology and terminology. It also demands fidelity towards the process of translation because translation aims at preserving and transmitting the true meaning, therefore, the legal translators are required to be trained enough to perform their duty efficiently.

Research Methodology

A qualitative analysis of the contents of the ST and TT has been carried out with the assistance of Chesterman’s syntactic, semantic and pragmatic translation strategies that assist the researcher to categories and scrutinize the elements of translation shifts. This analysis would help the researcher identify that how far equivalence has been achieved (not achieved) in the translated text.

Delimitations of the Study

The present analysis of the study will be restricted to Part IV of the English [Source Text (ST)] and Urdu version [Target Text (TT)] of the Constitution of the Islamic Republic of Pakistan.

Theoretical Framework

Andrew Chestermen’s (1997) presentation of translation strategies have been favoured for the data collection and analysis of the text. These translation strategies suit the nature of the study as they describe, in detail, the syntactic, semantic and pragmatic levels of the text.

Data Analysis

Qualitative analysis

The data has been collected from Part IV of the English [Source Text (ST)] and Urdu version [Target Text (TT)] of Pakistan’s Constitution. The collected data has been presented in the form of table and examples have been presented in the guise of units.

Source Text (Page 57-59)

PART IV

Provinces

CHAPTER 1. – THE GOVERNORS

101. Appointment of Governor

101. ¹[(1) There shall be a Governor for each Province, who shall be appointed by the President on the advise of the Prime Minister].

(2) A person shall not be appointed a Governor unless he is qualified to be elected as a member of the National Assembly and is not less than thirty-five years of age ²[and is a registered voter and resident of the Province concerned.] ³[;]

4* * * * *

4* * * * *

(3) The Governor shall hold office during the pleasure of the President ⁵[and shall be entitled to such salary, allowances and privileges as the President may determine].

(4) The Governor may, by writing under his hand addressed to the President, resign his office.

⁶(5) The President may make such provision as he thinks fit for the discharge of the functions of a Governor ⁷[in any contingency not provided for in this Part.]

102. Oath of Office

102. Before entering upon office, the Governor shall make before the Chief Justice of the High Court oath in the form set out in the Third Schedule.

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 33, for "clause (1)".

² Added *ibid.*

³ Subs. by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976), s. 2, for the full-stop (*w.e.f.* the 13th September, 1976).

⁴ Proviso and clause (2A) omitted by the Constitution (Eighth Amdt.) Act, 1985 (18 of 1985), s. 11 which was previously amended by Act 62 of 1976, s.2.

⁵ Added by the Constitution (First Amdt.) Act, 1974 (33 of 1974), s. 6, (*w.e.f.* the 4th May, 1974).

⁶ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

⁷ Added by Act 18 of 1985, s. 11.

Conditions of Governor's office

103. (1) The Governor shall not hold any office of profit in the service of Pakistan or occupy any other position carrying the right to remuneration for the rendering of services.

(2) The Governor shall not be a candidate for election as a member of ¹[Majlis-e-Shoora (Parliament)] or a Provincial Assembly and, if a member of ¹[Majlis-e-Shoora (Parliament)] or a Provincial Assembly is appointed as Governor, his seat in ¹[Majlis-e-Shoora (Parliament)] or, as the case may be, the Provincial Assembly shall become vacant on the day he enters upon his office.

Speaker Provincial Assembly to act as, or perform functions of Governor in his absence

²[**104.** When the Governor, by reason of absence from Pakistan or for any other cause, is unable to perform his functions, the Speaker of the Provincial Assembly and in his absence any other person as the President may nominate shall perform the functions of Governor until the Governor returns to Pakistan or, as the case may be, resumes his functions.]

Governor to act on advice, etc.

³[**105.** (1) Subject to Constitution, in the performance of his functions, the Governor shall act ⁴[on and] in accordance with the advice of the Cabinet ³[or the Chief Minister] :

⁵[Provided that ⁴[within fifteen days] the Governor may require the Cabinet or, as the case may be, the Chief Minister to reconsider such advice, whether generally or otherwise, and the Governor shall ⁴[, within ten days,] act in accordance with the advice tendered after such reconsideration.]

6* * * * *

(2) The question whether any, and if so what, advice was tendered to the Governor by the Chief Minister ⁷[or the Cabinet] shall not be inquired into in, or by, any court, tribunal or other authority.

¹ See footnote 6 on page 3. *supra*.
² Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 34, for "Article 104".
³ Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "Article 105".
⁴ Ins. by Act No. 10 of 2010, s. 35.
⁵ Subs. by the Constitution (Eighth Amdt.) Act. 1985 (18 of 1985), s. 12, for "proviso,"
⁶ Proviso omitted *ibid*.
⁷ Subs. *ibid.*, for "the Cabinet or a Minister".

CONSTITUTION OF PAKISTAN

¹[(3) Where the Governor dissolves the Provincial Assembly, notwithstanding anything contained in clause (1), he shall,—

- (a) appoint a date, not later than ninety days from the date of dissolution, for the holding of a general election to the Assembly; and
- (b) appoint a care-taker Cabinet.]

2* * * * *

(5) The provisions of clause ³[(2) of Article 48 shall have effect in relation to a Governor as if reference therein to "President" were reference to "Governor".]

حصہ چہارم

صوبے

باب ا۔ گورنر

- ۱۰۱۔ (۱) ہر صوبے کے لئے ایک گورنر ہوگا، جسے صدر وزیر اعظم کے مشورے پر مقرر کرے گا۔ [گورنر کا تقرر۔
- (۲) کسی شخص کو بجز اس کے کہ وہ قومی اسمبلی کا رکن منتخب ہونے کا اہل ہو، اور پینتیس سال سے کم عمر کا نہ ہو، اسے اور درج شدہ رائے دہندہ ہو اور متعلقہ صوبے کا رہائشی ہو کسی صوبے کا گورنر مقرر نہیں کیا جائے گا۔^۱

* * * * *

- (۳) گورنر، صدر کی خوشنودی حاصل رہنے تک اپنے عہدے پر فائز رہے گا^۲ اور ایسے مشاہرے، بھتوں اور مراعات کا مستحق ہوگا جو صدر متعین کرے۔

- (۴) گورنر، صدر کے نام اپنی دستخطی تحریر کے ذریعے، اپنے عہدے سے مستعفی ہو سکے گا۔

- (۵) صدر کسی گورنر کے کارہائے منصبی کی کسی ایسی اتفاقی صورت میں جس کی بابت اس حصہ میں حکم وضع نہ کیا گیا ہو انجام دہی کے لئے ایسے احکام وضع کر سکے گا جو وہ موزوں سمجھے۔

۱۔ دستور (اصول میں ترمیم) ایکٹ ۱۹۶۰، (نمبر ۱) بابت ۲۰۱۰ء کی دفعہ ۳۳ کی رو سے "شش (۶)" کی بجائے تہرہ (۱۷) کیا گیا۔

۲۔ بحوالہ تین ماہی اضافہ کیا گیا۔

۳۔ دستور (ترمیم چہارم) ایکٹ ۱۹۷۶، (نمبر ۲۲) بابت ۱۹۷۶ء کی دفعہ ۱ کی رو سے وقت کال کی بجائے تہرہ (۱۷) لکھا گیا (نفاذ پر ۱۳ دسمبر ۱۹۷۶ء)۔

۴۔ تقریر شریف اور شش (الف) ایکٹ نمبر ۱۸ بابت ۱۹۸۵ء کی دفعہ ۱۱ کی رو سے حذف کر دیے گئے جس میں اصل لفظ "تہرہ" ایکٹ نمبر ۲۲ بابت ۱۹۷۶ء کی دفعہ کی رو سے ترمیمی لکھی تھی۔

۵۔ دستور (ترمیم اول) ایکٹ ۱۹۷۳، (نمبر ۳۳) بابت ۱۹۷۳ء کی دفعہ ۶ کی رو سے اضافہ کئے گئے (نفاذ پر ۱۳ دسمبر ۱۹۷۳ء)۔

۶۔ فرمان صدر نمبر ۱۳ بجریہ ۱۹۸۵ء کے آرٹیکل ۱۲ اور جدول کی رو سے اضافہ کئے گئے۔

۷۔ دستور (ترمیم ششم) ایکٹ ۱۹۸۵، (نمبر ۱۸) بابت ۱۹۸۵ء کی دفعہ ۱۱ کی رو سے اضافی کیے گئے۔

Hissa Chaharum

Suby

Baab 1- Governor

101- Governor ka Taqarur-

¹[(1) Har suby kay liey aik governor ho ga, jisy sadar wazir-e-azam kay mashwary par muqarar kary ga-]

(2) Kisi shakhs ko bajaz is kay k wo qoumi assembly ka rukan muntakhib hony ka ahal ho, aur paintees saal say kam umar ka na ho, ²[aur daraj shuda raey dahinda ho aur mutalqa suby ka rehaishi ho]kisy suby ka governor muqarar nahi kia jaey ga- ³[:]

4* * * * *

4* * * * *

(3) Governor, sadar ki khushnudi hasil rahny tak apny uhdai par faiz rahy ga ⁵ [aur aisy mushahiry, bhatun aur mara'at ka mustahiq ho ga jo sadar mutayun kary-]

(4) Governor, sadar kay naam apni dastakhati tehreer kay zareay , apny uhdai say Mustafa ho saky ga-

⁶[(5) Sadar kisi governor kay karhaey mansabi ki ⁷[kisi aisi itfaqi surat mein jis ki babat is hissay mein hukam waza na kia gea ho] injam dahi kay liey aisy ahkam waza kar saky ga jo wo mozun samjhay-]

102- Governor, uhdai par faiz hony say qibal, adalat-e-alia kay chief justice kay samny, jadool soum mein darj shuda abarat mein halaf uthaey ga-

103- (1) Governor Pakistan ki mulazmat mein koi munfa'at bakhsh uhdai ya koi dusri aisi haisiat qabool nahi kry ga jo khidmat ki injaam dahi kay sila mein muawza kay haq ki hamil ho-

(2) Governor, ¹[Majlis-e-shura (parliament)] ya kisi subae assembly kay rukan ki haisiat say intikhab ka umeedwar nahi ho ga aur, agar ¹[Majlis-e-shura (parliament)] ya kisi subae assembly kay kisi rukan ko governor muqarar kia jaey to ¹[Majlis-e-shura (parliament)] ya jaisi bhe surat ho, subae assembly mein us ki nishast us din khali ho jaey ge jis din wo apny uhdai par faiz ho ga-

²[104- Jab governor, Pakistan say gair haziri ki surat mein ya kisi dusri waja say, apny uhdai kay kar haey mansabi ki injam dahi kay qabil na ho to, speaker subae assembly aur uski gair haziri mein koi bhe dusra shakhs jaisa kay sadar namzad kary ga jo governor kay kar haey mansai injam day ga ta waqtyeh kay governor Pakistan waois a jaey ya jaisi bhe surat ho, apny kar haey mansabi sambhal lay-]

105-(1) Dastoor kay tabei, apny kar haey mansabi ki injam dahi mein, governor kabeena ⁴[ya wazir-e-ala] kay mashwary ⁵[par aur] us kay mutabiq amal kary ga:

⁴[Magar sharat yeh hy kay ⁵[pandra din kay andar] governor kabeena ya, jaisi bhe surat ho, wazir-e-ala ko mazkooora mashwary par, aam tor par ya basoort deegar, dobara gor karny ka hukam day saky ga, aur governor ⁵[das dinu kay andar] mazkooors dubara gour kay bad diey huey mashwary kay mutabiq amal kary ga-]

6* * * * *

(2) Is sawaal ki kay aia koi, aur agar aisa hy to kia, mashwara wazir-e-ala [ya kabeena] nay governor ko dia tha, kisi adalat, terbunal ya deegar hayat majaz mein ya uski taraf say tafteesh nahi ki jaey ge-

²[(3) Jab kay governor subae assembly ko tehleel kar day, shaq (1) mein shamil kisi amar kay bawjud, wo (Alif) Tehleel ki tareekh say naway din kay andar, assembly kay aam intakhabat kay ineqad kay liey, tareekh muqarar kary ga; aur

(Bay) Nigran kabeena muqara kary ga-]

3* * * * *

(2) Ahkamat ⁴[article 48 ki shaq (20)] kay kisi governor kay silsaly mein is trah muasar hn gy goa kay in mein “sadar” ka hawala “governor” ka hawala ho-]

TABLE 01

Unit	ST	TT	Translation Strategies
1.1	Governors (p.57)	Governor (p.63)	G5: Phrase Structure Change {Change in number (plural

			to singular}}
1.2	Appointment of Governor (p.57)	<i>Governor ka taqarur</i> (p.63)	G1: Literal translation
1.3	Unless (p.57)	<i>Bajaz</i> (p.63)	Pr1: Cultural Filtering (adaptation or domestication)
1.4	Registered voter (p.57)	<i>Darj shuda raey-dahinda ho</i> (p.63)	S7 : Emphasis Change (Addition)
1.5	Voter (p.57)	<i>raey-dahinda</i> (p.63)	Pr1: Cultural Filtering (adaptation or domestication)
1.6	A person shall not be appointed a Governor unless he is qualified to be elected as a member of the National Assembly and is not less than thirty-five years of age ² [and is a registered voter and resident of the Province concerned.] (p.57)	<i>Kisi shakhs ko bajaz is kay k wo qoumi assembly ka rukan muntakhib hony ka ehal ho, aur paintees saal say kam umar ka na ho, ²[aur daraj shuda raey dahinda ho aur mutalqa suby ka rehaishi ho] kisi suby ka governor muqarar nahi kia jaey ga-</i> (p.63)	Pr6: Coherence Change (rearrange the information)
1.7	During (p.57)	<i>Hasil rehny tak</i> (p.63)	S6: Distribution Change (expands the text)
1.8	Hold (p.57)	<i>Faiz</i> (p.63)	G8: Cohesion Change (substitution)
1.9	Address (p.57)	<i>Naam</i> (p.63)	S7: Emphasis Change (alteration)
1.10	Writing under his hand (p.57)	<i>Dashtakhati tehreer</i> (p.63)	Pr1: Cultural Filtering (adaptation or domestication)

1.11	Office (p.57)	<i>Uhdaiy</i> (p.63)	S10: Other Semantic Changes (change in point of view)
1.12	In any contingency not provided for in this part (p.57)	<i>Kisi aisi itfaqi surat mein jis ki babat is hissaiy mein hukam waza na kia gea ho</i> (p.63)	S6: Distribution Change (expands the text)
1.13	Provision (p.57)	<i>Ahkam</i> (p.63)	G5: Phrase Structure Change (change in number)
1.14	Fit (p.57)	<i>Mozun</i> (p.63)	S1: Synonymy
1.15	The President may make such provision as he thinks fit for the discharge of the functions of a Governor 7[in any contingency not provided for in this Part. (P.57)	<i>Sadar kisi governor kay karhaey mansabi ki 7[kisi aisi itfaqi surat mein jis ki babat is hissy mein hukam wazeiy na kia gea ho] injam dahi kay liey aisy ahkam waza kar saky ga jo wo mozun samjhay.</i> (p.63)	Pr9: Trans-editing
1.16	Entering upon office (p.57)	<i>Uhdaiy par faiz hony say</i> (p.64)	S10: Other Semantic Changes (change in point of view)
1.17	High Court (p.57)	<i>Adalat-e-alia</i> (p.64)	Pr1: Cultural Filtering (adaptation or domestication)
1.18	In the form (p.57)	<i>Abarat</i> (p.64)	G4: Unit Shift (phrase to word)
1.19	Make (p.57)	<i>Uthaey ga</i> (p.64)	G8: Cohesion Change (substitution)
1.20	Service of Pakistan (p.58)	<i>Khidmat ki injam dahi</i> (p.64)	Pr2: Explicitness Change (change from explicit to implicit)

1.21	Seat (p.58)	<i>Nishist</i> (p.64)	S1: Synonymy
1.22	In his absence (p.58)	<i>Governor ki gair mojudgi mein</i> (p.64)	S7 : Emphasis Change (Addition)
1.23	Nominate (p.58)	<i>Namzad</i> (p.64)	S1: Synonymy
1.24	Until (p.58)	<i>Tawaqat yeh k</i> (p.64)	Pr1: Cultural Filtering (adaptation or domestication)
1.25	Question (p.58)	<i>Is sawaal</i> (p.65)	G5: Phrase structure change (definiteness)
1.26	Authority (p.58)	<i>Hayat majaz</i> (p.65)	Pr1: Cultural Filtering (adaptation or domestication)
1.27	Not later than ninety days (p.59)	<i>Naway din kay andar</i> (p.65)	S10: Other Semantic Changes (negated contrary to positive contrary)
1.28	Reference (p.59)	<i>Hawala</i> (p.65)	S1: Synonymy

Findings

The researcher exhibits a number of translational changes at the syntactic, semantic and pragmatic levels. The translators have employed these strategies to make the target text equivalent to the source text. The table unlocks with the syntactic translation strategy, that defines manipulation of the form, of the ST, as presented in unit 1.1, where G5: Phrase Structure Change has been displayed. In unit 1.1, we see that the plural form, in the ST, of the term “governors” has been translated as “governor” in the TT. On the contrary, in unit 1.13, the translators make a phrase structure change by translating the singular term “provision” as a plural term “ahkaam” to transmit the message of the ST. In unit 1.25, the phrase structure change has been seen in the usage of definiteness as the term “question” has been translated as “is sawaal”. Here, the researcher notices that such usage employs the translator’s choice of presenting the TT conceivable for the target readers. The illustration of word-for-word translation can be inspected in unit 1.2, where “appointment of governor” has been translated as “governor ka taqarur”. Here, the investigator discovers that the translators favor the literal translation because it does not disturb the overall meaning of the sentence. The scholar also finds instances where the translators select the cohesion change in the form of substitution as seen in units 1.8 and 1.19, where the terms “hold” and “make” have been translated as “faiz” and “uthaey ga” respectively. This posits that the translators have the evidence that Urdu and English are unique languages, so they prefer to preserve the message of the text instead of translating them word-for-word. The researcher also perceives example of unit shift where the phrase “in the form” has been translated as a word “abarat”, as reflected in unit 1.18. Summing up the usage of translation strategies, the researcher believes that Chesterman’s syntactic translation strategies have tried to produce a closely related TT for that purpose the translators have made deliberate choices by manipulating the form of the ST.

The researcher also notices the examples of semantic translation strategies, that explain the manipulation of the meaning, as seen in units 1.4, 1.9, and 1.22 where the instances of emphasis change can be viewed. In unit 1.4 and

1.22, the researcher observes that the translators have added the material intentionally to make the meaning of the sentence logical for the target readers, therefore, the expressions “registered voters” and “in his absence” have been translated as “Darj shuda raey-dahinda ho” and “Governor ki gair mojudgi mein” respectively. On the other hand, in unit 1.9, we find that the term “addressed” has been translated as “naam”, here we get that the translators have altered the term for the target readers to convey the essence of the ST. The illustrations of other semantic changes can be found in units 1.11, 1.16, and 1.27. As far as unit 1.11 is concerned, the researcher notices that the point of view has been changed in such a way that the target readers can feel related to the target text. The term “office” has been translated as “uhday”. If the translators prefer the word-for-word translation of the term “office” as “daftar” that would disturb the meaning of the sentence, therefore, the translators wisely choose such words that are commonly used in the target language. In unit 1.27, the negated term has been converted into a positive one as the expression “not later than ninety days” has been as “naway din kay andar”. The examples of distribution change in the way of expanding the text can be observed in units 1.7 and 1.12 where the expressions “during” and “In any contingency not provided for in this part” have been translated as “Hasil rehny tak” and “Kisi aisi itfaqi surat mein jis ki babat is hissay mein hukam waza na kia gea ho” respectively. In the use of semantic translation strategies, the researcher also observes that the translators have also favored the synonymy use as we can find in units 1.14, 1.21, 1.23, and 1.28. All these expressions convey that the translators are aware of the complexities that exist between the English and Urdu languages, therefore, to carry the original touch of the ST, they look for the synonyms of the expressions that participate in making the meaning of the translated text. The researcher also highlights that though the semantic changes have disturbed the overall structure of the text the implied meaning of the text remains the same.

The table also indicates the illustrations of the pragmatic translation strategies. These strategies explain the manipulation of the message. The scholar detects the examples of cultural filtering as seen in units 1.3, 1.5, 1.10, and 1.17. In units 1.5 and 1.10, the expressions “voter” and “writing under his hand” have been translated as “raey-dahinda” and “dastakhati tehreer” respectively. In these examples, the investigator witnesses that there are several terminologies in one language that carry cultural associations, such expressions are highly technical when it comes to translating them. Therefore, the translators have deliberately opted for such choices that the expressions would convey a similar meaning, to the way they have conveyed in the source language. Also, the translators aim to provide the local flavor of the target language so that the target readers would make an association with the text. The researcher also comes across instances of re-arrangement of information according to the need of the target language as depicted in unit 1.6, where the expression “A person shall not be appointed a Governor unless he is qualified to be elected as a member of the National Assembly and is not less than thirty-five years of age 2[and is a registered voter and resident of the Province concerned.]” has been translated as “Kisi shakhs ko bajaz is kay k wo qoumi assembly ka rukan muntakhib hony ka ehal ho, aur paintees saal say kam umar ka na ho, ²[aur daraj shuda raey dahinda ho aur mutalqa suby ka rehaishi ho] kisi suby ka governor muqarar nahi kia jaey ga”. As the English and Urdu languages share distinct syntactic structures, it is difficult to preserve the meaning along with preserving the form of the source text, which is why the whole expression has been re-arranged by the translators to stay nearer to the meaning of the ST. Somehow similar case can be noticed in unit 1.15, where the whole sentence has been re-written. The researcher also witnesses the instance of explicitness change where the obvious expression “service of Pakistan” has been translated as implicitly “khidmat ki injaam dahi”. The investigator concludes that the translators maintain the closest natural equivalent at a pragmatic level as the whole idea presents the essence/ message of the source text.

The researcher also analysed the use of each translation strategy in the form of percentages that have been presented below:

Translation Strategies	Number of each Translation Strategy	Percentage of the Use of Translation Strategies	TOTAL
Syntactic	07	25%	28
Semantic	12	42.85%	
Pragmatic	09	32.14%	

The table exhibits that the semantic translation strategies have been utilized most of the time, by the translators, to present a text that focuses on preserving the meaning of the source text.

The researcher also notes that the most favored strategy by the translators of the translated text is Pr1: Cultural Filter as 06 out of 28 instances have been found in Table 01. Along with that S1: synonymy translations strategy has also been utilized as 04 out of 28 illustrations have been detected. The findings portray that the translators face numerous problems because there exist concepts that carry culturally associated meanings and translating such perceptions becomes awkward, because any unfitting dealing may distract the original message of the source text. For such culturally associated lingos and arrangements, the translators use translational strategies like literal translation, cultural filter, unit shift, phrase structure change, other semantic changes, synonymy, coherence change, explicitness change, substitution, trans-editing, etc., to prefer meaning over structure of the text and producing the text as ordinary as imaginable for the receptors of the target language.

Conclusion

Translation studies has prospered universally as a multidisciplinary field. Due to its emergent relevance, the maintenance/transmission of a message (meaning) from one language to another is interrogated judgmentally. It is obvious that translations live via meaning and it is the “meaning, that lies, at the heart of translation” (Darwaish, 2010, p.186). The translator must be aware of the fact that he is not dealing with two texts only, rather he has to tackle two distinct pieces of arts. Dealing with two diverse language codes means facing two unlike cultures, and the realm in which such cultures appear offers an interpreter with a variety as well as a challenge. Therefore, it becomes hard to reserve the meaning to its full range. As Edward Sapir asserts “no two languages are ever sufficiently similar to be considered as representing the same social reality. The worlds in which different societies live are distinct worlds, not merely the same world with different labels attached” (as cited in Bassnett, 1993, p.145).

The present research has been planned to search how far the meaning has been given preference from English text to its Urdu translation with reference to Chesterman’s (1997) syntactic, semantic and pragmatic translational equivalence. The analysis of the ST and the TT helps the researcher form novel terms regarding the term translation, the translation process, the interpreter, the transcripts and their relation, and a good translation.

1. Translation breathes through the message: translation does not move with complexity of form but rather with the progress of the message.
2. Translation is a translatic (a three-tic) process: that involves syntactic, semantic and pragmatic features of two languages.
3. A translator must behave like a balancer: he should play the role of balancing the ST and the TT through his mastery of two languages.
4. A translation must achieve homogeneous correlation: the relation that exists between the receptors of two different texts (the ST and the TT).
5. A good translation is one that appears culnatural (culturally natural) syntactically, semantically and pragmatically.

The outcomes posit that the translators have intentionally made changes to get a text that fulfils the syntactic, semantic and pragmatic requirements of a text. The translators have given preference to meaning over the form of the text, and in this way, numerous variations have been observed at word, phrase, and unit levels to make the target text comprehensible for the target readers. They focus on the natural and legible conversion of the text. The findings display that the translators have to undergo many changes starting from morph to sentence levels to present a text that sounds syntactically coordinated, semantically eloquent, and pragmatically plausible. The investigator posits that legal translation is a highly exciting activity because of its legal jargon and complexity. The translators have to work twice while dealing with such documents. For that purpose, professional legal translators are required to get professional training in this field that will assist them to work better in the field of legal translation studies.

Recommendations

The outcomes of the present study provide the following recommendations for future researchers and research:

1. The present study was delimited to the application of Chesterman's translational strategy, whereas the future researcher could analyse the legal document with other translational strategies.
2. The present legal document could be used to analyze the grammar and lexicon of two different languages i.e. Urdu and English.
3. A quantitative analysis of the current research could be a good research topic in which the researcher can design an open or closed-ended questionnaire for the readers of the ST and TT.
4. The researched legal document could be helpful for the pedagogical implications in the field of translation, as a model for future translators, how skilfully the translator preserves the message of the original text in conveying the spirit and manner.
5. Summing up, the theoretical framework used in the existing research could be of great help if used for the analysis of other texts because it covers all the aspects like syntactic, semantic, and pragmatic features.

References

- Ahmed, N., Khan, A. N., & Munir, B. (2021). Legitimacy and Significance of Art. 2A in the Constitution of Islamic Republic of Pakistan, 1973. *A Research Journal of South Asian Studies*, 36(1), 39-48.
- Bassnett, S. (1993). *Comparative Literature: A Critical Introduction*. Blackwell.
- Boukhelef, F., & Babou, A. (2021). The Social Nature of Translation: The Shift from Textual to Contextual. *Altralang Journal*, 3(1), 75-89.
- Catford, J. C. (1965). *A linguistic theory of translation: an essay in applied linguistics*. London: Oxford University Press.
- Dave Shastri, P. (2012). *Fundamental Aspects of Translation*. New Delhi: Asoke k Ghosh.
- Fatima, F., Fatima, S., & Ali, S. (2018). Prohibition of Child Labor Leading to Delinquent Behavior in the Constitution of Islamic Republic of Pakistan 1973. *Pakistan Administrative Review*, 2(4), 383-396.
- Hassan, D. A., Khanand, D. M., & Hassan, M. (2024). A Critical Analysis of Salient Amendments in the Constitution of Islamic Republic of Pakistan. 1973. *Journal of Development and Social Sciences*, 5(2), 108-114.
- Khan, D. S., Amin, D. Z., & Begum, D. S. (2023). Education of Legal Translation: Needs, Horizon, and Challenges in Pakistan. *Palarch's Journal of Archaeology Of Egypt/Egyptology*, 20(2), 356-374.
- Munday, J. (2001). *Introducing Translation Studies*. London: Routledge.
- Mustafa, D. G., Ahmad, T., & Arslan, M. (2020). Minorities of Pakistan: An Analytical Analysis of the 1973 Constitution of Islamic Republic of Pakistan. *Pakistan Social Sciences Review*, 4(2), 736-750.
- Nawaz, H., & Bexci, D. M. (2023). An In-Depth Analysis of Extending the Duration of General Elections beyond the 90-Day Limit Fixed in the Constitution of the Islamic Republic of Pakistan (1973). *Pakistan Languages and Humanities Review*, 7(4), 619-630.
- Nida, E. A. (1964). *Toward a Science of Translating*. Netherlands: Leiden E.J.Brill.



© 2023 by the author. Licensee University of Chitral, Journal of Linguistics & Literature, Pakistan. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) (<http://creativecommons.org/licenses/by/4.0/>).