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Tailoring Translation Strategies in Legal Documents: An Analysis of the Urdu Translation of the Constitution of the Islamic Republic of Pakistan

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Abstract

Legal translation is a highly skilled and complex activity and is often described as “the ultimate linguistic challenge” (Harvey, 2002) because of its engagement with both literal and technical translations. Translating a legal text from one language into another takes into account the legal terminology and the phraseology because the legal translators not only deal with distinctive languages and cultures but also with two varied legal systems and there also exists the difference of sociocultural and historical contexts. While translating such texts, the legal translators make changes at syntactic, semantic and pragmatic levels in order to make the target text somehow equivalent to the source text. As English and Urdu have different legal language systems and any inadequate or



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careless dealing with the terms and phrases would lead to large-scale complications and miscommunications. Therefore, the current research is planned to examine as to how the legal translators have treated syntactic, semantic and pragmatic translation shifts in the Urdu translation of the Constitution of the Islamic Republic of Pakistan. To carry out this research, the researchers have planned a qualitative analysis first by applying Chesterman's (1997) translation method to investigate the syntactic, semantic and pragmatic translation shifts and then by applying Alan Duff's (1989) principles of translation to assess the quality with reference to Translation Quality Assessment (TQA). It has also been examined as to how the translators have treated that the translation shifts in order to bring ST equivalent to TT. The results indicate that though the translators have tried to handle the texts delicately, there are many places where the translators still have to be "sensitive to the intricacy, diversity and creativity of language as well as its limits and power" (Cao, 2007, p.5).

Keywords: Legal translation, syntactic, semantic and pragmatic translation shifts, Translation Quality Assessment (TQA)

1. Introduction

With the passage of time, the physical distances in the world have been dramatically reduced, thanks to electronic and cyber revolutions, and the world is now viewed as one global community where communicating with people from one part of the world to the other is not difficult. The global village, which our world has become, is helping individuals communicate easily and quickly. Living in such a world where communication is urgent and ubiquitous, we need to have a common platform/mode, i.e., language.

Language is the foremost medium of communication that helps us express our ideas and thoughts. We, of necessity, have to communicate with the people of varied cultures and we are in definite need of translation to make sense of the one another. According to Nida and Taber (1969), "Translating consists in reproducing in the receptor language the closest natural equivalent of the source language message, first in terms of meaning and secondly in terms of style" (p.12). The definition explains that in the process of translation, the meaning of the source text should be dealt with first and it should be more focused than the form or the style. Therefore, the aim of translation and a translator is to bridge the communication gap by transferring information as effectively and adequately as possible.

The chief aim of a translation is to retain the quality of the source text and to produce a text that would influence the readers of the target text the way it has influenced the readers of the source text. Koby et. al. (2014) have done a thorough research on the quality of translation and they affirm that:

A high-quality translation is one in which the message embodied in the source text is transferred completely into the target text, including denotation, connotation, nuance, and style, and the target text is written in the target language using correct grammar and word order, to produce a culturally appropriate text that, in most cases, reads as if originally written by a native speaker of the target language for readers in the target culture (p. 416-417)

The text undergoes varied semantic shifts during the process of translation, and in such a scenario, the application of inadequate strategy may seriously affect the quality of the translation.

Translation studies, as an interdisciplinary field, has enormously expanded in the recent years and with the passage of time many sub-fields have also been emerged, such as literal translation, scientific translation, legal translation, machine translation, technological translation, etc. The focus of this research article remains on one such sub-fields, namely legal translation. Translating a legal text is not an ordinary task as it deals with the specified terminology and the phraseology that are required to be handled delicately by the competent, trained and professional translators who should have mastery of both the source and the target texts. Legal texts serve a legal purpose and any inadequacy while translating may bring about legal confusions and implications.

The present research article aims to analyze the Urdu translation of the Constitution of the Islamic Republic of Pakistan (as amended up to 31st May, 2018). A legal text, which is translated from English to Urdu, requires much attention as far as translation is concerned because of the technicalities involved at syntactic, semantic and pragmatic levels. Therefore, this research article attempts to assess the quality of the translated text and the way equivalence has been achieved while dealing with two different legal language systems.

1.1. Statement of the Problem

Translation is just not limited to transference of words from one language to another, rather it is a social practice that involves two different sociocultural identities. While translating, the foremost aim of a translator is to bring the target text (TT) equivalent to the source text (ST) at syntactic, semantic and pragmatic levels as much as possible. Focusing the same strand, the researchers have planned to investigate the Urdu translation of the Constitution of the Islamic Republic of Pakistan. As the two languages (English and Urdu) are unique in their sociocultural and historic contexts, therefore, the researchers aim to analyze as to how far the translators have been successful in maintaining/transferring the quality of the ST by making changes at syntactic, semantic and pragmatic levels by first applying Chesterman's theory of translation (1997) and

then Alan Duff's (1989) principles of translation to assess the quality with reference to Translation Quality Assessment (TQA).

1.2. Delimitation

The study will be delimited to Chapter One "The Courts", of the Part VII (Article 175 and 175 A) of the Constitution of the Islamic Republic of Pakistan (Source Text: Page 94-98) and its Urdu translation "Nazam e Adalat" (Target Text: Page 101-104).

1.3. Research Question

1. How have the syntactic, semantic and pragmatic translation shifts (not) been (adequately) treated, in the translation of Constitution of the Islamic Republic of Pakistan while making the target text (TT) equivalent to the source text (ST)?

2. Literature Review

Legal translation, as a sub-field of Translation studies, has widely spread around the globe with the rapid outburst of globalization and internationalization. "Legal translation falls under the specialist category, or technical translation. It is a type of the translational activity involving special language use, that is, language for special purpose (LSP) in the context of law, or language for legal purpose (LLP)" (Cao, 2007, p.8).

The legal translators "encounter a problem of 'translatability'" (Cheng et. al., 2014) while dealing with two legal languages that are conceptually and culturally divergent. In the act of translation, the legal translators look closely at the socio-economic, and political contexts attached to the particular source language and try to bring about a text that is accepted and interpreted in the target language (the way the source text has been interpreted).

Many translation theorists have worked hard and come up with models and theories that have helped the researchers of all the fields of translation to carry out their research. Roman Jakobson (1959), one of the innovators in the field of translation, focuses on the notion of signifier and the signified; Eugene Nida (1950) discusses the concept of formal and dynamic equivalence; Vinay and Darbelnet (2004) talk about the translation shifts; Catford's (1965) translation shifts (level and category shifts), Nord (1997) highlights functionalist approach; House (1977) discovers discourse and register analysis, and Venuti (1997) puts forward the concept of domestication and foreignization. In 1997, Andrew Chesterman presented syntactic (focused on the manipulation of form), semantic (manipulation of meaning) and pragmatic (manipulation of message) strategies of translation. The strategies are further explained in the following categories:

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No.	Syntactic	Semantic	Pragmatic
1.	G1: Literal translation	S1 : Synonymy change	Pr1: Cultural filtering
2.	G2: Loan, calque	S2: Autonomy	Pr2: Explicitness change
3.	G3: Transposition	S3: Hyponymy	Pr3: Information change
4.	G4: Unit shift	S4: Converses	Pr4: Interpersonal change
5.	G5: Phrase structure change	S5: Abstraction change	Pr5: Illocutionary change
6.	G6: Clause structure change	S6: Distribution change	Pr6: Coherence change
7.	G7: Sentence structure change	S7: Emphasis	Pr7: Partial translation
8.	G8: Cohesion change	S8: Paraphrase	Pr8: Visibility change
9.	G9: Level shift	S9: Trope change	Pr9: Transediting
10.	G10: Scheme change	S10: Other semantic changes	Pr10: Other pragmatic changes

The division of Chesterman's translation strategies is not done in line with some strict formula rather "these groups overlap to some extent; that pragmatic ones usually involve semantic and syntactic ones as well, etc.; and that strategies of different types often co-occur" (Chesterman, 1997, pp. 93). The current research aims to employ Chesterman's (1997) translation strategies because they go best with the nature of the current study and after that Alan Duff's (1989) principles of translation will be applied to check the quality of the translation.

Alan Duff (1989) mentions six principles of translation that are essential to validate the quality of any sort of translation.

- a. Meaning: TT meaning should match with the ST meaning.
- b. Form: While maintaining the meaning or message, form of the TT should also keep in mind.

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- c. Register: Every language has specialized jargons or vocabulary and their meaning is mostly culturally associated. Therefore, a conscious effort is required to avoid any inadequate translation.
- d. Source language influence: The translator should bring a translation that will stand alone, it should not look like the cheaper copy of the ST.
- e. Style and clarity: While translating the essence of the ST should not be altered at all, rather required necessary changes can be done.
- f. Idiom: Idioms have culturally associated meaning, it is suggested to translate such words in a way that they would bring a closer equivalent (Duff, 1989, p. 12-13).

Over the past few years, considerable research has been conducted on this issue. A study was undertaken by Cheng and Hu (2016) on “Translation from the Perspective of Error Analysis”. The study sought to highlight the problems encountered by the legal translators in translating abstracts in English and Chinese from the Taiwanese law reviews. They carried out their study by collecting the journal reviews from January 2013 to March 2015 while employing corpus analysis and they came up with the finding:

...legal translators need to be alert to the influence of ordinary language, use reliable reference tools for legal language, improve their legal knowledge, enhance proficiency in the target language and source language, and mind the peculiar characteristics of legal language (p. 251).

Ghazi & Bnini (2019) researched on “Major Translation Methods Used in Legal Documents: Translation of a Marriage Contract from Arabic into English”. In Morocco, very less work has been done in legal studies particularly about the marriage contracts. The study aims at figuring out the translation methods preferred by translators while translating a marriage contract from Arabic into English. To carry out their research, the researchers opted Vinay and Darbelnet’s model (1958), Newmark’s model (1988), and Sarcevic’s model (1985) as research methodology. The researchers concluded that a marriage contract is highly formal in its style because of the presence of fixed and formulaic expressions. The researchers conclude that as far as cultural and religious expressions are concerned, the translator chiefly used the techniques of literal translation and word-for-word translation in order to preserve the specificity of these terms. However, in several cases, this literalism proves meaningless, hence resorting to other techniques such as translation by omission, communicative translation and translation by adaptation (Sarcevic, 1985).

In the same field of legal translation, Sehab (2013) has worked on “The Translatability of English Legal Sentences into Arabic by Using Google Translation”. Legal translation

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is a complex activity as the message is transmitted from one legal system to another. The paper aims at focusing on the Google translation of six English legal sentences or articles into Arabic. The same sentences have also been translated by two human translators to assess the quality. The researcher has employed qualitative analysis to compare human translation with Google translation. The researcher has used the concept of functional equivalence by Šarčević (2000) as a theoretical framework to conduct the study. The results unveil that partial equivalence has been achieved in Google translation as

...it poses a number of problems in translating the archaic English terms, in dealing with passive voice, and, as previously mentioned, in translating the modal shall. Although GT performance is never likely to reach the level of professionals, it can provide a quick translation for English-Arabic languages. (Sehab, 2013, p. 28).

A recent research has been conducted by Bushi & Papajorgji (2021) on the topic “Translation in Terms of Law and Communication: Difficulties Regarding the Translation of Legal Texts from Albanian into German and Vice Versa”. The research aims at exploring the uniqueness of German legal terminologies and their translation into Albanian and vice versa. The researcher focuses on three important areas: First, the difficulties faced by the translator while translating the text, translator’s approach towards legal translation specially in preserving the essence of the original text, and recommendations for future translators. The researcher opted semi structured interviews of nine translators. The researcher concludes, based on interviews that the translators should keep in mind “the semantic meaning of the text, context and non-linguistic competencies in a legal text. By non-linguistic competencies we mean the situation in which the text is created, the technical language as well as the reader to whom the text is addressed. It should also include the culture of both texts: the source and target language” (Bushi & Papajorgji, 2021, p.62).

This detailed literature review would help us figuring out the technicalities involved in legal translation like legal terminology, legal phraseology, religious and fixed expressions in legal texts, etc.

3. Research Methodology

The researchers have used qualitative analysis while applying Chesterman’s (1997) notions to probe the syntactic, semantic and pragmatic shifts in translation. After analyzing the major translation shifts the researchers have further employed Alan Duff’s (1989) principles of translation to assess the quality of the target text as to how far the message has been preserved and transmitted keeping in view the sociocultural and historical differences.

3.1. Data Collection

The researchers have selected Chapter One “The Courts”, of Part VII (Article 175 and 175 A) of the Constitution of the Islamic Republic of Pakistan (Source Text: Page 94-98, to conduct the study. The data has been analyzed with the help of Chesterman’s (1997) syntactic, semantic and pragmatic translation strategies and then presented in the form of table. The translation shifts that have been used by the translator have been given below. After highlighting these translation shifts, the researchers have employed Alan Duff’s (1989) principles of translation to assess the quality of the target text.

3.2. Source Text: Page 94-98

CONSTITUTION OF PAKISTAN

PART VII

The Judicature

CHAPTER 1. – THE COURTS

Establishment and jurisdiction of courts

175. (1) There shall be a Supreme Court of Pakistan, a High Court for each Province ¹[and a High Court for the Islamabad Capital Territory] and such other courts as may be established by law.

²[*Explanation.*— The word “High Court” wherever occurring in the Constitution shall include the High Court for the Islamabad Capital Territory.]

(2) No court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law.

(3) The Judiciary shall be separated progressively from the Executive within ³[fourteen] years from the commencing day ⁵[:]

⁴[* * * * *]

⁵[“Provided that the provisions of this Article shall have no application to the trial of persons under any of the Acts mentioned at Serial No. 6 and 7 of sub-part III of Part I of the First Schedule, who claim, or are known, to belong to any terrorist group or organization misusing the name of religion or a sect.

Explanation.— In this proviso the expression “sect” means a sect of religion and does not include any religious or political party regulated under the Political Parties Order, 2002.”.]

Appointment of Judges to the Supreme Court, High Courts and the Federal Shariat Court

⁶[175A. (1) There shall be a Judicial Commission of Pakistan, hereinafter in this Article referred to as the Commission, for appointment of Judges of the Supreme Court, High Courts and the Federal Shariat Court, as hereinafter provided.

¹ Ins. by the Constitution (Eighteenth Amnd.) Act, 2010 (10 of 2010), s.66.
² Explanation added *ibid*.
³ Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for “five”.
⁴ Ins. by the Constitution (Twenty-first Amendment) Act, 2015 (1 of 2015) and shall cease to form part of the Constitution and shall stand repealed on the expiration of two years.
⁵ Subs. & Ins. by the Constitution (Twenty-third Amendment) Act, 2017 (XII of 2017) and shall cease to form part of the Constitution and shall stand repealed on the expiration of two years.
⁶ New Article 175A ins. by Act 10 of 2010, s. 67.

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(2) For appointment of Judges of the Supreme Court, the Commission shall consist of—

- | | | |
|-------|--|----------|
| (i) | Chief Justice of Pakistan; | Chairman |
| (ii) | ¹ [four] most senior Judges of the Supreme Court; | Members |
| (iii) | a former Chief Justice or a former Judge of the Supreme Court of Pakistan to be nominated by the Chief Justice of Pakistan, in consultation with the ² [four] member Judges, for a term of two years; | Member |
| (iv) | Federal Minister for Law and Justice; | Member |
| (v) | Attorney-General for Pakistan; and | Member |
| (vi) | a Senior Advocate of the Supreme Court of Pakistan nominated by the Pakistan Bar Council for a term of two years. | Member |

(3) Notwithstanding anything contained in clause (1) or clause (2), the President shall appoint the most senior Judge of the Supreme Court as the Chief Justice of Pakistan.

(4) The Commission may make rules regulating its procedure.

(5) For appointment of Judges of a High Court, the Commission in clause (2) shall also include the following, namely:—

- | | | |
|-------------------|---|--------|
| (i) | Chief Justice of the High Court to which the appointment is being made; | Member |
| (ii) | the most senior Judge of that High Court; | Member |
| (iii) | Provincial Minister for Law; and | Member |
| ² (iv) | an advocate having not less than fifteen years practice in the High Court to be nominated by the concerned Bar Council for a term of two years: | Member |

¹ Substituted by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s. 4 for "two".

² Substituted by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s. 4.

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Provided that for appointment of the Chief Justice of a High Court, the most senior Judge mentioned in paragraph (ii) shall not be member of the Commission:

Provided further that if for any reason the Chief Justice of High Court is not available, he shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in consultation with the four member Judges of the Commission mentioned in paragraph (ii) of clause (2).]

(6) For appointment of Judges of the Islamabad High Court, the Commission in clause (2) shall also include the following, namely:—

- (i) Chief Justice of the Islamabad High Court; Member and
- (ii) the most senior Judge of that High Court: Member

Provided that for initial appointment of the ¹[Chief Justice and the] Judges of the Islamabad High Court, the Chief Justices of the four Provincial High Courts shall also be members of the Commission:

Provided further that subject to the foregoing proviso, in case of appointment of Chief Justice of Islamabad High Court, the provisos to clause (5) shall, *mutatis mutandis*, apply.

(7) For appointment of Judges of the Federal Shariat Court, the Commission in clause (2) shall also include the Chief Justice of the Federal Shariat Court and the most senior Judge of that Court as its members:

Provided that for appointment of Chief Justice of Federal Shariat Court, the provisos, to clause (5) shall, *mutatis mutandis*, apply.

(8) The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, a High Court or the Federal Shariat Court, as the case may be.

(9) The Parliamentary Committee, hereinafter in this Article referred to as the Committee, shall consist of the following eight members, namely:—

¹ Substituted by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s. 4.

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- (i) four members from the Senate; and
- (ii) four members from the National Assembly:

¹[Provided that when the National Assembly is dissolved, the total membership of the Parliamentary Committee shall consist of the members from the Senate only mentioned in paragraph (i) and the provisions of this Article shall, *mutatis mutandis*, apply.]

(10) Out of the eight members of the Committee, four shall be from the Treasury Benches, two from each House and four from the Opposition Benches, two from each House. The nomination of members from the Treasury Benches shall be made by the Leader of the House and from the Opposition Benches by the Leader of the Opposition.

(11) Secretary, Senate shall act as the Secretary of the Committee.

(12) The Committee on receipt of a nomination from the Commission may confirm the nominee by majority of its total membership within fourteen days, failing which the nomination shall be deemed to have been confirmed:

¹[Provided that the Committee, for reasons to be recorded, may not confirm the nomination by three-fourth majority of its total membership within the said period:]

²[Provided further that if a nomination is not confirmed by the Committee it shall forward its decision with reasons so recorded to the Commission through the Prime Minister:

Provided further that if a nomination is not confirmed, the Commission shall send another nomination.]

¹[(13) The Committee shall send the name of the nominee confirmed by it or deemed to have been confirmed to the Prime Minister who shall forward the same to the President for appointment.]

(14) No action or decision taken by the Commission or a Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.

¹ Substituted by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s. 4.

² Inserted and re-numbered by Act 1 of 2011 s. 4.

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¹[(15) The meetings of the Committee shall be held in camera and the record of its proceedings shall be maintained.

(16) The provisions of Article 68 shall not apply to the proceedings of the Committee.]

¹[(17) The Committee may make rules for regulating its procedure.

CHAPTER 2. – THE SUPREME COURT OF PAKISTAN

Constitution of Supreme Court

176. The Supreme Court shall consist of a Chief Justice to be known as the Chief Justice of Pakistan and so many other Judges as may be determined by Act of ²[Majlis-e-Shoora (Parliament)] or, until so determined, as may be fixed by the President.

Appointment of Supreme Court Judges

177. ³[(1) The Chief Justice of Pakistan and each of the other Judges of the Supreme Court shall be appointed by the President in accordance with Article 175A.]

(2) A person shall not be appointed a Judge of the Supreme Court unless he is a citizen of Pakistan and—

- (a) has for a period of, or for periods aggregating, not less than five years been a judge of a High Court (including a High Court which existed in Pakistan at any time before the commencing day); or
- (b) has for a period of, or for periods aggregating, not less than fifteen years been an advocate of a High Court (including a High Court which existed in Pakistan at any time before the commencing day).

Oath of Office

178. Before entering upon office, the Chief Justice of Pakistan shall make before the President, and any other Judge of the Supreme Court shall make before the Chief Justice, oath in the form set out in the Third Schedule.

¹ Inserted and re-numbered by Act 1 of 2011 s. 4.

² See footnote 6 on page 3, *supra*.

³ Subs. by the Constitution (Eighteenth Amendment) Act, 2010 (10 of 2010), s.68, for “clause (1)”.

3.3. Target Text: Page 101-104

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اسلامی جمہوریہ پاکستان کا دستور

حصہ ہفتم

نظام عدالت

باب ۱۔ عدالتیں

۱۶۵۔ (۱) پاکستان کی ایک عدالت عظمیٰ، اور ہر صوبے کے لئے ایک عدالت عالیہ اور دار الحکومت اسلام آباد کے لئے ایک عدالت عالیہ اور ایسی دوسری عدالتیں ہوں گی جو قانون کے ذریعے قائم کی جائیں گی۔

۱۶۶۔ (۲) کسی عدالت کو کوئی اختیار ساعت حاصل نہیں ہوگا، ما سوائے اس کے جو دستور کی رو سے، یا کسی قانون کی رو سے، یا اس کے تحت، اسے تفویض کیا گیا ہے یا کیا جائے۔

۱۶۷۔ (۳) عدلیہ کو یوم آغاز سے [چودہ] سال کے اندر انتظامیہ سے بتدریج علیحدہ کیا جائے گا [۱۰:۳]۔
 ہر محکمہ شرط یہ ہے کہ اس آرٹیکل کے احکامات کا جدول اول کے حصہ اول کے ذیلی حصہ سوم کے نمبر شمار ۶۹ اور ۷۰ میں متذکرہ ایکٹس میں سے کسی کے تحت اشخاص کی سماعت مقدمہ پر کوئی اطلاق نہیں ہوگا، جو کسی دہشت گرد جماعت یا تنظیم سے جو مذہب یا فرقے کے نام کا غلط استعمال کر رہی ہو، سے وابستہ ہونے کا دعویٰ کرتا ہو یا اُس سے شناخت ہوتا ہو۔

وضاحت :- اس فقرہ شرطیہ میں، عبارت 'فرقہ' سے مذہب کا فرقہ مراد ہے اور اس میں کوئی مذہبی یا سیاسی جماعت جو سیاسی جماعتوں کے فرمان ۲۰۰۲ء کے تحت منظم ہیں شامل نہیں ہوگی۔]

۱ دستور (انٹیمڈیٹ ریویژن) ۱۹۷۳ء، سیکشن ۱۱۱ (نمبر ۱۰) (۲۰۱۰ء) کی دفعہ ۶۶ کی زد سے شامل کیا گیا۔
 ۲ دستور (انٹیمڈیٹ ریویژن) ۱۹۷۳ء، سیکشن ۱۱۱ (نمبر ۱۰) (۲۰۱۰ء) کی دفعہ ۶۶ کی زد سے تخریج کو ختم کیا گیا۔
 ۳ فرمان صدر نمبر ۱۳ بجری ۱۹۸۵ء کے آرٹیکل ۱۱۱ اور جدول اول کی رو سے 'پانچ' کی بجائے تبدیل کیا گیا۔
 ۴ دستور (تیسری ریویژن) ۱۹۷۳ء، سیکشن ۱۱۱ (نمبر ۱۰) (۲۰۱۰ء) کی دفعہ ۶۶ کی زد سے تخریج کو ختم کیا گیا۔ اور دو سال کی مدت کے اختتام پر دستور کا حصہ نہیں رہے گا۔ اور منسوخ دستور ہوگا۔

عدالت عظمیٰ، عدالت ہائے عالیہ اور وفاقی شرعی عدالت کے ججوں کا تقرر۔

۱۰۵] الف) (۱) پاکستان کا ایک عدالتی کمیشن ہوگا، جس کا حوالہ بعد ازیں اس آرٹیکل میں بطور کمیشن دیا گیا ہے، عدالت عظمیٰ، عدالت ہائے عالیہ اور وفاقی شرعی عدالت کے ججوں کی تقرری کرے گا، جیسا کہ بعد ازیں فراہم کیا گیا ہے۔

(۲) عدالت عظمیٰ کے ججوں کے تقرر کے لئے، کمیشن حسب ذیل پر مشتمل ہوگا،۔

- (۱) پاکستان کے چیف جسٹس؛
- (۲) عدالت عظمیٰ کے جج [چار] مقدم ترین جج؛
- (۳) پاکستان کی عدالت عظمیٰ کا ایک سابق چیف جسٹس یا جج جس کو پاکستان کا چیف جسٹس [چار] رکن ججوں کی مشاورت سے دو سال کی مدت کے لئے نامزد کرے گا؛
- (۴) قانون دانصاف کے وفاقی وزیر؛
- (۵) پاکستان کے اتارنی جنرل؛ اور
- (۶) پاکستان کی عدالت عظمیٰ کا ایک مقدم وکیل جسے پاکستان بار کونسل کی جانب سے دو سال کی مدت کے لئے نامزد کیا جائے گا۔
- (۷) شق (۱) یا شق (۲) میں شامل کسی امر کے باوصف، صدر عدالت عظمیٰ کے مقدم ترین جج کا تقرر پاکستان کے چیف جسٹس کے طور پر کرے گا۔
- (۸) کمیشن اپنے طریقہ کار کو منضبط کرنے کے لئے قواعد وضع کرے گا۔
- (۹) عدالت عالیہ کے ججوں کے تقرر کے لئے، کمیشن شق (۲) میں حسب ذیل کو بھی شامل کرے گا، یعنی:-

- (۱) عدالت عالیہ کا چیف جسٹس جس کا تقرر کیا گیا ہے؛
- (۲) اس عدالت عالیہ کا مقدم ترین جج؛
- (۳) صوبائی وزیر قانون؛ اور
- (۴) ایک وکیل جو عدالت عالیہ میں چند روزوں سے کم پریکٹس نہ رکھتا ہو جسے متعلقہ بار کونسل دو سالہ مدت کے لئے نامزد کرے؛

۱. دستور (دفعہ ۱۷۱) (ترمیم) ۲۰۱۸، ۲۰۱۷، ۲۰۱۶، ۲۰۱۵، ۲۰۱۴، ۲۰۱۳، ۲۰۱۲، ۲۰۱۱، ۲۰۱۰، ۲۰۰۹، ۲۰۰۸، ۲۰۰۷، ۲۰۰۶، ۲۰۰۵، ۲۰۰۴، ۲۰۰۳، ۲۰۰۲، ۲۰۰۱، ۲۰۰۰، ۱۹۹۹، ۱۹۹۸، ۱۹۹۷، ۱۹۹۶، ۱۹۹۵، ۱۹۹۴، ۱۹۹۳، ۱۹۹۲، ۱۹۹۱، ۱۹۹۰، ۱۹۸۹، ۱۹۸۸، ۱۹۸۷، ۱۹۸۶، ۱۹۸۵، ۱۹۸۴، ۱۹۸۳، ۱۹۸۲، ۱۹۸۱، ۱۹۸۰، ۱۹۷۹، ۱۹۷۸، ۱۹۷۷، ۱۹۷۶، ۱۹۷۵، ۱۹۷۴، ۱۹۷۳، ۱۹۷۲، ۱۹۷۱، ۱۹۷۰، ۱۹۶۹، ۱۹۶۸، ۱۹۶۷، ۱۹۶۶، ۱۹۶۵، ۱۹۶۴، ۱۹۶۳، ۱۹۶۲، ۱۹۶۱، ۱۹۶۰، ۱۹۵۹، ۱۹۵۸، ۱۹۵۷، ۱۹۵۶، ۱۹۵۵، ۱۹۵۴، ۱۹۵۳، ۱۹۵۲، ۱۹۵۱، ۱۹۵۰، ۱۹۴۹، ۱۹۴۸، ۱۹۴۷، ۱۹۴۶، ۱۹۴۵، ۱۹۴۴، ۱۹۴۳، ۱۹۴۲، ۱۹۴۱، ۱۹۴۰، ۱۹۳۹، ۱۹۳۸، ۱۹۳۷، ۱۹۳۶، ۱۹۳۵، ۱۹۳۴، ۱۹۳۳، ۱۹۳۲، ۱۹۳۱، ۱۹۳۰، ۱۹۲۹، ۱۹۲۸، ۱۹۲۷، ۱۹۲۶، ۱۹۲۵، ۱۹۲۴، ۱۹۲۳، ۱۹۲۲، ۱۹۲۱، ۱۹۲۰، ۱۹۱۹، ۱۹۱۸، ۱۹۱۷، ۱۹۱۶، ۱۹۱۵، ۱۹۱۴، ۱۹۱۳، ۱۹۱۲، ۱۹۱۱، ۱۹۱۰، ۱۹۰۹، ۱۹۰۸، ۱۹۰۷، ۱۹۰۶، ۱۹۰۵، ۱۹۰۴، ۱۹۰۳، ۱۹۰۲، ۱۹۰۱، ۱۹۰۰، ۱۸۹۹، ۱۸۹۸، ۱۸۹۷، ۱۸۹۶، ۱۸۹۵، ۱۸۹۴، ۱۸۹۳، ۱۸۹۲، ۱۸۹۱، ۱۸۹۰، ۱۸۸۹، ۱۸۸۸، ۱۸۸۷، ۱۸۸۶، ۱۸۸۵، ۱۸۸۴، ۱۸۸۳، ۱۸۸۲، ۱۸۸۱، ۱۸۸۰، ۱۸۷۹، ۱۸۷۸، ۱۸۷۷، ۱۸۷۶، ۱۸۷۵، ۱۸۷۴، ۱۸۷۳، ۱۸۷۲، ۱۸۷۱، ۱۸۷۰، ۱۸۶۹، ۱۸۶۸، ۱۸۶۷، ۱۸۶۶، ۱۸۶۵، ۱۸۶۴، ۱۸۶۳، ۱۸۶۲، ۱۸۶۱، ۱۸۶۰، ۱۸۵۹، ۱۸۵۸، ۱۸۵۷، ۱۸۵۶، ۱۸۵۵، ۱۸۵۴، ۱۸۵۳، ۱۸۵۲، ۱۸۵۱، ۱۸۵۰، ۱۸۴۹، ۱۸۴۸، ۱۸۴۷، ۱۸۴۶، ۱۸۴۵، ۱۸۴۴، ۱۸۴۳، ۱۸۴۲، ۱۸۴۱، ۱۸۴۰، ۱۸۳۹، ۱۸۳۸، ۱۸۳۷، ۱۸۳۶، ۱۸۳۵، ۱۸۳۴، ۱۸۳۳، ۱۸۳۲، ۱۸۳۱، ۱۸۳۰، ۱۸۲۹، ۱۸۲۸، ۱۸۲۷، ۱۸۲۶، ۱۸۲۵، ۱۸۲۴، ۱۸۲۳، ۱۸۲۲، ۱۸۲۱، ۱۸۲۰، ۱۸۱۹، ۱۸۱۸، ۱۸۱۷، ۱۸۱۶، ۱۸۱۵، ۱۸۱۴، ۱۸۱۳، ۱۸۱۲، ۱۸۱۱، ۱۸۱۰، ۱۸۰۹، ۱۸۰۸، ۱۸۰۷، ۱۸۰۶، ۱۸۰۵، ۱۸۰۴، ۱۸۰۳، ۱۸۰۲، ۱۸۰۱، ۱۸۰۰، ۱۷۹۹، ۱۷۹۸، ۱۷۹۷، ۱۷۹۶، ۱۷۹۵، ۱۷۹۴، ۱۷۹۳، ۱۷۹۲، ۱۷۹۱، ۱۷۹۰، ۱۷۸۹، ۱۷۸۸، ۱۷۸۷، ۱۷۸۶، ۱۷۸۵، ۱۷۸۴، ۱۷۸۳، ۱۷۸۲، ۱۷۸۱، ۱۷۸۰، ۱۷۷۹، ۱۷۷۸، ۱۷۷۷، ۱۷۷۶، ۱۷۷۵، ۱۷۷۴، ۱۷۷۳، ۱۷۷۲، ۱۷۷۱، ۱۷۷۰، ۱۷۶۹، ۱۷۶۸، ۱۷۶۷، ۱۷۶۶، ۱۷۶۵، ۱۷۶۴، ۱۷۶۳، ۱۷۶۲، ۱۷۶۱، ۱۷۶۰، ۱۷۵۹، ۱۷۵۸، ۱۷۵۷، ۱۷۵۶، ۱۷۵۵، ۱۷۵۴، ۱۷۵۳، ۱۷۵۲، ۱۷۵۱، ۱۷۵۰، ۱۷۴۹، ۱۷۴۸، ۱۷۴۷، ۱۷۴۶، ۱۷۴۵، ۱۷۴۴، ۱۷۴۳، ۱۷۴۲، ۱۷۴۱، ۱۷۴۰، ۱۷۳۹، ۱۷۳۸، ۱۷۳۷، ۱۷۳۶، ۱۷۳۵، ۱۷۳۴، ۱۷۳۳، ۱۷۳۲، ۱۷۳۱، ۱۷۳۰، ۱۷۲۹، ۱۷۲۸، ۱۷۲۷، ۱۷۲۶، ۱۷۲۵، ۱۷۲۴، ۱۷۲۳، ۱۷۲۲، ۱۷۲۱، ۱۷۲۰، ۱۷۱۹، ۱۷۱۸، ۱۷۱۷، ۱۷۱۶، ۱۷۱۵، ۱۷۱۴، ۱۷۱۳، ۱۷۱۲، ۱۷۱۱، ۱۷۱۰، ۱۷۰۹، ۱۷۰۸، ۱۷۰۷، ۱۷۰۶، ۱۷۰۵، ۱۷۰۴، ۱۷۰۳، ۱۷۰۲، ۱۷۰۱، ۱۷۰۰، ۱۶۹۹، ۱۶۹۸، ۱۶۹۷، ۱۶۹۶، ۱۶۹۵، ۱۶۹۴، ۱۶۹۳، ۱۶۹۲، ۱۶۹۱، 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(۱۰) کمیٹی کے آٹھ اراکین میں سے، چار حکومتی نشستوں، ہر ایوان سے دو اور چار حزب اختلاف، ہر ایوان سے دو ہوں گے، حکومتی نشستوں سے اراکین کی نامزدگی قائد ایوان اور حزب اختلاف سے قائد حزب اختلاف کرے گا۔

(۱۱) سینٹ، کانگریسی کمیٹی کے سیکرٹری کے طور پر کام کرے گا۔

(۱۲) کمیٹی کی کمیشن کی جانب سے نامزدگی موصول ہونے پر نامزدگی کی توثیق اپنی رکنیت کی مجموعی اکثریت سے چودہ دن کے اندر کرے گی، جس میں ناکام رہنے پر نامزدگی توثیق شدہ تصور ہوگی؛
۱۔ مگر شرط یہ ہے کہ کمیٹی، وجوہات کو قلمبند کرتے ہوئے، مذکورہ مدت کے دوران اپنی مجموعی رکنیت کی تین چوتھائی اکثریت سے نامزدگی کی منظوری نہیں کر سکے گی؛

۲۔ [مزید شرط یہ ہے کہ کمیٹی اگر نامزدگی کی منظوری نہیں دیتی تو وہ اپنے فیصلے کو اس طرح وجوہات قلمبند کرتے ہوئے بذریعہ وزیراعظم کی کمیشن کو ارسال کرے گی؛

مزید شرط یہ ہے کہ اگر نامزدگی کی منظوری نہ ہو تو کمیشن ایک اور نامزدگی بھیجے گا۔]

۳۔ [کمیٹی اس کی جانب سے توثیق شدہ نامزدیاں جو توثیق شدہ تصور ہوگا ام وزیراعظم کو بھیجے گی، جو اس کو تقرر کے لئے صدر کو ارسال کرے گا۔]

(۱۳) کمیشن یا کمیٹی کی جانب سے اٹھایا گیا کوئی قدم یا کیا گیا کوئی فیصلہ باطل نہیں ہوگا یا اس پر اعتراض نہیں کیا جائے گا صرف اس بناء پر کہ اس میں کوئی اسامی خالی ہے یا اس کے کسی بھی اجلاس سے کوئی بھی رکن غیر حاضر ہے۔

۴۔ [کمیٹی کے اجلاسوں کا انعقاد بند کرے میں ہوگا اور اس کی کارروائیوں کا ریکارڈ برقرار رکھا جائے گا۔]

(۱۶) آرٹیکل ۶۸ کے احکامات کا اطلاق کمیٹی کی کارروائیوں پر نہیں ہوگا۔]

۵۔ [کمیٹی اپنے طریقہ کار کو منضبط کرنے کے لئے قواعد وضع کر سکے گی۔]

۱ دستور (تیسویں ترمیم)، سیکشن ۲۰۱، (نمبر ۱ بائبل، ۲۰۱۱) کی زد سے تخریب شدہ کتبہ میں کیا گیا۔

۲ بحوالہ سن ماہل کی زد سے تخریب شدہ ہائے شرطیہ شامل کئے گئے۔

۳ بحوالہ سن ماہل کی زد سے تخریب شدہ کتبہ میں کیا گیا۔

۴ بحوالہ سن ماہل کی زد سے نئی شکات (۱۵) اور (۱۶) کو شامل کیا گیا۔

۵ بحوالہ سن ماہل کی زد سے شیئ (۱۵) کو شیئ (۱۴) کے طور پر بار نمبر دیا گیا۔

3.4 Table 1: Preferred Translation Strategies Used by the Translators

Table 1	ST	TT	Translation strategies
1.1	- (p.94)	<i>Aur hur soobay</i> (p.101)	G8: Cohesion Change (Use of connector)
1.2	- (p.94)	<i>Bajaz is ke kay siaq-o-sabaq say kuch aur zahir ho</i> (p.101)	S7 : Emphasis Change (Addition)
1.3	the High Court for <u>the Islamabad</u> <u>Capital Territory</u> (p.94)	<i>Adalt-e-alia</i> <i>Islamabad</i> (p.101)	S6: Distribution Change (Compress)
1.4	- (p.94)	<i>Masiwaey is ke</i> (p.101)	S7 : Emphasis Change (Addition)
1.5	by the Constitution or by or under any <u>law</u> (p.94)	<i>Kisi dastoor ki ro sy ya</i> <i>kisi qanoon ki ro sy ya</i> <i>us k tehat</i> (p.101)	S10: Other Semantic Changes (reversal of terms)
1.6	Explanation.— (p.94)	<i>wazahat:-</i> (p.101)	Pr1:Cultural filter (naturalize)
1.7	4 [* * * * *] (p.94)	- (p.101)	Pr10: Other Pragmatic Changes (omission)
1.8	Commencing day (p.94)	<i>Yum-e-aghaz</i> (p.101)	G2:Loan,Calque
1.9	who claim (p.94)	<i>Sy wabasta hony ka</i> <i>dawa krta ho</i> (p.101)	Pr2: Explicitness Change (Explicitation)

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1.10	Appointment of Judges (p.94)	<i>Jajun ka taqrur</i> (p.102)	G1:Literal translation
1.11	Consist of (p.95)	<i>Hasb-e-zail par mushtamil ho ga</i> (p.102)	S7: Unit shift (Phrasal verb to sentence)
1.12	a former Chief Justice or a former Judge (p.95)	<i>Sabiq chief justice ya juj</i> (p.102)	G10: Scheme Change (reduction of parallelism)
1.13	In consultation (p.95)	<i>Mushawrat say</i> (p.102)	G1:Literal translation
1.14	Four member <u>judges</u> (p.95)	<i>Chaar rukan juj sahiban</i> (p.102)	G5:Phrase Structure Change {Change in number (plural to singular)}
1.15	Judges (p.95)	<i>Juj sahiban</i> (p.102)	Pr1:Cultural filter (naturalize)
1.16	Notwithstanding (p.95)	<i>Bawasf</i> (p.102)	S1: Synonymy Change
1.17	Anything (p.95)	<i>Amar</i> (p.102)	G8: Cohesion change (Substitution)
1.18	foregoing proviso (p.96)	<i>Mazkoora bala fiqra shartiya</i> (p.103)	Pr9: Trans-editing
1.19	mutatis mutandis (p.96)	<i>U</i> (p.103)	G10: Scheme Change (reduction of alliteration)
1.20	Recorded (p.97)	<i>Qalmband</i> (p.104)	Pr1:Cultural filter (domestication)

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1.21	Question (p.97)	<i>Aitraz</i> (p.104)	G8: Cohesion change (Substitution)
1.22	In camera (p.98)	<i>Band kamray</i> (p.104)	S10: Other Semantic Changes (change of symbol) + Pr1: Cultural filter (domestication)
1.23	(p.94)	(p.101)	Pr9: Trans-editing (re-writing the footnotes)

3.5 Data Analysis

3.5.1 Data Analysis with Reference to Chesterman’s Translational Strategies

Chesterman’s (1997) syntactic, semantic and pragmatic translational strategies help the researchers examine the translational inadequacies handled by the translators while translating the legal text. The specimens of translations depict that the translators do not stick only to syntactic, semantic or pragmatic translation strategies; rather according to the need of the target language, they have used the strategies to present a meaningful text.

The table opens with the syntactic change, the translators opt for cohesion change where they have found a need to use connector “aur”, in Unit 1.1, to create the interconnection in the target text. Emphasis change (a pragmatic strategy) has been observed in Unit 1.2 “*Bajaz is k kay siaq-o-sabaq sy kch aur zahir ho*” and 1.4 “*Masiwaey is k*”, where the translators deliberately add something in the ST to produce emphasis on the theme of the article. Creating such additions with emphasis also highlights that the translators intentionally want their readers to take care of such conditions seriously, because in the source text, they have not been conveyed with the same emphasis. Unit 1.3 talks about the distribution change, where the translators compress the ST “the Islamabad Capital Territory” to “*Islamabad*”, as it has been taken to be understood for the target readers. It has been witnessed that the structures of Urdu and English languages are different and when one sentence is translated from one language into the other, it needs to make structural changes in order the target reader to comprehend the TT. One such semantic change has been found in Unit 1.5, where the translators have reversed the terms “by the Constitution or by or under any law” to “*Kisi dastoor ki ro say ya kisi qanoon ki ro say ya us k tehat*” to make the TT more plausible.

In translation, when some units of a language cannot be translated into another language, the translators opt for the cultural filters that help them naturalize their expression or structure in the target language as seen in Unit 1.6 “Explanation.—” has translated as

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wazahat:-, here we observe that “.—“ has been replaced with “:- “, because in English there is no such punctuation mark that is used in generating heading, hence the translators attempt to produce a TT that goes with the structure of its language. Again in Unit 1.15 the translators have naturalized “Judges” with “*Juj sahiban*”. Unit 1.8 expresses the root to root translation. The translators while translating the text deliberately go with many changes like making the statements direct or indirect for its readers as seen in Unit 1.9, where the translators have made the Unit “who claim” more explicit by translating it as “*Say wabasta honay ka dawa krta ho*”. Such additions in the components of the TT illustrate that the ST has not been conveying the meaning only implicitly and it is the job of the translator to make it explicit. Many illustrations of word-for-word translation (literal translation) have also been noticed in the TT as seen in Units 1.10 and 1.13, where “appointment of Judges” and “in consultation” have been translated respectively as “*Jajun ka taqurur*” and “*Mushawrat say*”. The translators have also favoured the unit changes as seen in Unit 1.11 where phrasal verb “consist of” has been translated as a sentence “*Hasb-e-zail par mushtamil ho ga*”.

The source text also portrays the use of linguistic schemes like alliteration, parallelism or metrical rhythm and such schemes in one language may not be found in other language with the same expression. For such instances, the translators have deliberately avoided to translate them in the target language as found in Units 1.12 and 1.19, where in 1.19 the translators translate “mutatis mutandis” as ‘*Munasib tabdeeliun*’. Unit 1.14 illustrates the phrase structure change, where the change in plural to singular has been found while translating “judges” to “juj”.

Total transition is a misleading term in translation and is a tricky task for the translators. Therefore, in the process of translation they may go for changes like synonymy change where the translators find themselves unable to produce a literal translation of many words or expressions, one such instance is found in Unit 1.16 where the translators produce a synonym of “notwithstanding”. Units 1.17 and 1.21 exhibit the cohesion change in the form of substitution, as the translators see themselves unable to find an equivalent, so they have produced a substitution of “anything” as “*amar*” and “question” as “*aitraz*” respectively.

While translating, the translators come across many source culture words that are difficult to translate in the target culture, in such scenarios the translators opt for the cultural filters and seek to domesticate the text in such a way that it will be accessible for the target readers as seen in Unit 1.20 where “recorded” has been translated as “*qalamband*” and in Unit 1.22 where “in camera” is translated as “*band kamray*”, because in target culture the expression “band kamray” is more frequently used and understood instead of translating “camera” in some other expression. Whatever is

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written in the ST cannot be considered a flawless and logical document as it may also carry ambiguities and, if translated literally, such ambiguities can seriously hamper upon the readability of the text. In Unit 1.18, “foregoing proviso” has been translated as “*mazkoora bala fiqra shartiya*” and in Unit 1.23, the researchers observe that the footnotes have not been translated with an aim to translate as seen in Unit 1.7, in ST the expression “4 [* * * * *]” has been omitted in the TT completely by providing no substitute or clue. The description of expression “4 [* * * * *]” has been added in the footnotes of the ST but in the TT’s footnotes it has also not been addressed. Along with this many other changes have been seen in footnotes that portray that the footnotes have not been translated statement to statement rather have been addressed broadly wherever required.

Keeping in view the above mentioned illustrations, it is easy to see that the translators have deliberately favoured syntactic, semantic and pragmatic translation strategies, while translating the ST in order to make it readily accessible for the reader.

3.5.2 Data Analysis with Reference to Alan Duff’s (1989) Principles of Translation

Alan Duff (1989) presents the principles of translation that have helped the researchers in assessing the quality of the translated text.

The first principle of translation is “meaning”. While focusing on the syntactic, semantic and pragmatic translation strategies, the researchers, at many places, have come across the additions made in the translation. This has been done to make the target text sound and meaningful. As Urdu and English are quite different, so the translators must have felt a need to make changes in the ST. As seen in Unit 1.2 “*Bajaz is ke kay siaq-o-sabaq say kuch aur zahir ho*” and 1.4 “*Masiwaey is k*”, the translators have added the information to put emphasis on the text that has not been found in the ST. This change has been done so naturally that it does not sound like a forced one and nor does it alter the meaning of the ST. The researchers have also observed the cases where translators have deliberately rewritten the text for the convenience of the target readers, as seen in Unit 1.18, where the translators have translated “foregoing proviso” as “*mazkoora bala fiqra shartiya*” to make the meaning of the text comprehensible for its readers. So, the researchers have observed that “nothing has been arbitrarily added or removed” (Duff, 1989, p. 10) from the ST, rather keeping in view the need of the TT, the translators have intentionally made many changes in the text to convey the meaning of the ST logically.

The second principle talks about the “form” of the text. While focusing on the ST and the TT, the researchers have observed that the translators have not strictly followed the structure/form of the ST to flash out the meaning in the TT. Urdu and English are considerably different languages. The information presented in one language may alter its meaning when presented with the same structure in another. Keeping in view the limitations of the two languages, the translators have made changes in the form of the

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ST as seen in Unit 1.5 where “by the Constitution or by or under any law” has been translated as “*Kisi dastoor ki ro say ya kisi qanoon ki ro say ya us ke tehat*”, here the translators have used the strategy of reversing the terms to make the text understandable for its target readers. If the same text is translated literally, it may alter the meaning of the ST. In Unit 1.1, the use of the connector “aur” has also been observed. This principle focuses that “the ordering of words and ideas in the translation should match the original as closely as possible” (Duff, 1989, p. 10) and the researchers have perceived that the changes that are made in the TT portray that the translators have not made changes for the sake of changes; rather, the changes are made to present the ideas of the ST as close as possible.

“Register”, the third principle of translation, usually highlights the formality level of the text and the way certain expressions are used in a given language. While analysing the ST and the TT, the researchers have noted that there are many expressions that are found in the ST that if they are translated literally they would “sound too formal/ informal, cold/warm, personal/impersonal” (Duff, 1989, p. 11), for such expression the translators have used the technique of explicitation, as seen in Unit 1.9 “who claim” has been translated as “*say wabasta honay ka dawa krta ho*”, here the expression has been used implicitly in the ST, and it has been rendered explicitly in the target language. There have been many expressions of the ST that are translated literally in the TT as seen in Unit 1.8 where “commencing day” has been rendered as “*Yum-e-aghaz*”. Here the translators have found an equivalent expression in the target language and used it in the TT to retain the tone of the ST. So, the researchers have found that the translators do have the idea of the complexities that exist between the two languages, and to avoid ambiguities in the translation of the ST, they have opted for such changes that will help the target readers in getting the true meaning of the target text.

Another principle lays emphasis on the “source language influence”. In the process of translation, a problem has been faced where the translation does not appear natural for the readers because of “the translator’s thoughts and choice of words that are too strongly molded by the original text” (Duff, 1989, p. 11). This happens when the translator follows the ST unnecessarily and prefers word for word translation of every expression and structure. While translating, it has been observed that the translators have favoured the overall transference of meaning, wherever necessary they have opted for literal translation as seen in Units 1.10 and 1.13 where “appointment of Judges” and “in consultation” have been translated as “*Jajun ka taqrur*” and “*Mushawrat say*” respectively. There are instances where the translators have preferred sense for sense translation and used the substitute of the target word as in Units 1.17 and 1.21 where “anything” and “question” are translated as “*amar*” and “*aitraz*” respectively. The researchers have observed that the translators have preferred the “natural patterns of thought in the first language (LI), which may not come to mind when the eye is fixed on the SL text (Duff, 1989, p. 11).

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The fifth principle of translation emphasizes “style and clarity” of the text. It states that the translators must not alter the style of the original text “but if the text is sloppily written, or full of tedious repetitions, the translator may, for the reader’s sake, correct the defects” (Duff, 1989, p. 11). The researchers have discovered that the translators, at many places, have corrected the (presumed) defects found in the ST. As in English language, the writers sometimes avoid writing the complete statements, rather, they use phrasal verbs to convey certain meaning of the expression, however, in case of Urdu the use of the same phrasal verb may not deliver the same sense and therefore, it is common for the translators to use complete sentences. One such instance can be seen in Unit 1.11 where “consist of” has been translated as “Hasb-e-zail par mushtamil ho ga”. Here the translators have tried to make the text more accessible for its readers, because in the ST, it has been taken as incomplete sentence. It has also been observed that in English the headings are given above the text, but in Urdu mostly headings are placed side by side. The same happens in the TT, the translators have not blindly followed the style of the source text, and rather they have chosen a style that has already been used in target language.

Last principle of translation revolves around the use of “idiom” in the text. In English and Urdu, there are many culturally associated expressions that become problematic for the translators. The researchers have perceived that, keeping in view the spirit and manner of the expressions, the translators have opted for a cultural filter while translating expressions as seen in Units 1.19, 1.20 and 1.22. In Unit 1.19 “mutatis mutandis” has been translated as “*Munasib tabdeeliun*”. The translators seem to have the idea that if this alliteration is translated literally, it would not suffice. Therefore, they avoid favoring the alliteration and opt for a “plain prose translation” (Duff, 1989, p. 11). Units 1.20 and 1.22 illustrate that in the ST the expressions “recorded” and “in camera” are used while referring to particular situations. If the same symbols are forcibly translated, they would not work in the target language. So instead of translating them literally, the translators have translated them as “*qalamband*” and “*band kamray*” respectively to make them more appropriate in the target language.

4. Conclusion and Recommendations

In short, the researchers investigate that these translational inadequacies highlight that the translators face many problems at syntactic, semantic and pragmatic levels (as mentioned in table). The researchers find that the translators, while translating, face difficulties at word, phrase, sentence and paragraph levels. There exist many culturally associated words and for such culturally associated expressions and structure, the translators use translational strategies like literal translation, loan translation, cultural filter, naturalization, omission, explicitness, compression, synonymy, substitution, scheme change, emphasis change, phrase structure change, unit shift and trans-editing which is in line with Alan Duff’s principles of translation. Through various specimens, the researchers have highlighted many points where the ST has not been justifying the

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true meaning of the text and for such cases the translators have preferred translation strategies at syntactic, semantic and pragmatic levels to remain natural yet meaningful for the readers of the target language. However, the legal translators need to be “sensitive to the intricacy, diversity and creativity of language as well as its limit and power” (Namakula, 2014, p.114). The researchers recommend that legal translation is a serious topic and it requires to be handled in a legal way. Therefore, there is a need to provide platform to the professional legal translators to get professional training in this field. The training will benefit them to deal in completely different legal language systems.

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