

SYLLABUS / INDEX

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Module 1. Phonology & Morphology

1.	Use of English and its significance for communication in Indian Legal Context fin the Supreme Court, High Courts and various tribunals")
2.	Correct pronunciation - speech sounds, word stress and intonation.
3.	Structure of words
4.	Processes of word formation (examples from law)

Introduction:

The study of linguistics incorporates a number of aspects which are very closely related, yet distinctive from one another. Some of the aspects we explore most often include phonetics, phonology, morphology, syntax, semantics, and pragmatics:

- **Phonetics** is the science concerned with the study of speech processes, including the production, perception and the analysis of sounds. It is closely connected to phonology.
- **Phonology** is the study of the sound system of a language or languages.
- Morphology is a branch of biology which concerns the form and structure of organisms; this definition includes the form and structure of words within a language, and their modification.
- **Syntax** is the branch of linguistics that covers the grammatical arrangements of words within sentences, and how we use speech in communication,
- **Semantics** deals with the study of meaning; how we combine words to create meaningful discourse. It studies the relationship between signs and symbols and what they represent. It is also used in logic as the principles that determine truth-values of formulas within a logical system.
- **Pragmatics** (as applied to linguistics) is about how we actually use speech in communication, and how context aids the transmission of meaning in utterances.

These aspects of linguistics are listed in their hierarchical order, with phonetics and phonology being the most basic, and rising to pragmatics at the top. It can sometimes be difficult to differentiate between these sub-fields as they are so closely related to one another.

Important Questions in this chapter are:

What is the Difference between Pragmatics, Syntax, Morphology, and Phonology?

Key Difference between Pragmatics, Syntax, Morphology, and Phonology:

Pragmatics, Syntax, Morphology and Phonology are different sub-fields or branches of linguistics. Pragmatics deals with the study of language by considering the context in which it is used. Syntax is the study of the structural aspect of language by dealing with phrase and sentence formation. Morphology is the study of minimal units of meaning which includes morphemes and word formation process. Phonology deals with the study of sound patterns of language.

Pragmatics deals with the study of language by considering the context in which it is used. It is not concerned with the way language is structured. Speech is looked as a social act which is ruled or governed by many social conventions.

It can be simply referred to as the study of speaker meaning or can be considered as the contextual meaning. The meanings are interpreted from recognising the apparent meaning. Thus, it includes both aspects - the way speaker communicates the message and the way the listener interpretes the message. Pragmatics is simply the study of use of language in context.

Syntax is the study of the structural aspect of language by dealing with phrase and sentence formation. It basically deals with seeing ways through which words combine to form grammatical sentences. Structure of sentences is governed by rules of syntax. One must remember that it is not about meaning of the sentences. Meaning-less sentences can also be grammatically correct.

Morphology is the study of minimal units of meaning which includes morphemes and word formation process. It deals with the study of forms and also deals with the ways in which words possess a relationship with some other words of the same language.

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It includes the grammatical processes of inflection and derivation. Derivational morphemes typically indicate semantic relations within the word. On the other hand, Inflectional morphemes typically indicate syntactic or semantics relations between words in a sentence.

It includes the grammatical processes of inflection and derivation. Derivational les typically indicate semantic relations within the word. On the other hand, drihctkmal morphemes typically indicate syntactic or semantics relations between

Phonology deals with the study of sound patterns of language. It also includes the distribution and pronunciation. It can be considered as the study of distinctive words in a language. It deals with the concept of a phoneme which is a distinctive or contrastive sound in a language.

Phonology is about the functional aspects of speech. It involves the actual sound of words which is constructed from the Phoneme. Phoneme is basically the smallest unit of pronunciation. Phonology also shares its attributes with other branches of linguistics Pragmatics, Semantics, Syntax, Morphology and Phonetics. It becomes a basis of further research in subject areas like morphology and semantics. It involves the study of both phonemes and prosody (stress, rhythm and intonation) as subsystems of spoken language.

Pragmatics deals with the study of language by considering the context in which it is used. Syntax is the study of formation of grammatical sentences with words. Morphology can be described as a branch of grammar which looks into the ways in which words are formed from morphemes. Phonology is the study of sound systems of languages and it is also related with the general and universal properties exhibited by these systems.

Comparison between Pragmatics. Syntax. Morphology and Phonology:

	Pragmatics	Syntax	Morphology	Phonology
Definition	Pragmatics deals with the study of language by considering the context in which it is used.	Syntax is the study of the structural aspect of language by dealing with phrase and sentence formation.	Morphology is the study of minimal units of meaning which includes morphemes and word formation process.	Phonology deals with the study of sound patterns of language. It also includes the distribution and pronunciation.
Word Origin	Via Latin pragmaticus from the Greek (pragmatikos), meanings – “fit for action” , which comes from (pragma) “deed, act” and from (prasso) “to pass over, to practise, to achieve”	From the Greek word syntaxis, which means arrangement	From Greek words morph – meaning ‘shape, form’, and ology which means ‘the study of something’	For Greek phone, “voice, sound,” and the suffix logy (which is from Greek “ word, speech, subject of discussion”.

Main focus	How language is used for the purpose of communication.	Rule governing the way words and morphemes are combined to form phrases and sentences.	Morpheme: minimal meaningful language unit. Unlink Phoneme, morphemes have unique meanings.	Distinctive sounds within a language, Nature of sound systems across the languages., Nature of sound systems across the languages. Phoneme – the smallest unit has meaning within a language.
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The use of English and its significance for communication in Indian Legal Context (in the Supreme Court, High Courts and various tribunals)

The importance of learning legal English for lawyers

What is Legal English?

It is one of the many forms of English that is used in law. In other words, it is a technical language specifically originated as a language for legal professionals such as judges, lawyers, legal assistants and attorneys. Legal English is not a native language for these professionals. Therefore, they are required to learn this language from a technical context in order to perform well in the field of law.

The difference between Legal and Regular English

Even when we talk about English being spoken in two different regions, we can analyze that there is a lot of difference between the two. For instance, there are certain terminologies in British English and the US English that greatly differ. This can lead to confusion if a British lawyer is practicing law in the US. However, English of law can set language standards that align well with the law of that particular state.

Why Is It So Important?

Learning legal terms is important for your career if you are studying law regardless of the country. The main reason behind this is the rise in globalization. Since a lot of people study from one country and apply their learned skills by moving to another country, it is important that you should be able to communicate well while interacting with others.

When you enter the market as a qualified lawyer, you will come across various clients in the country you have shifted to. Similarly, you will have to use all the legal terminologies that other lawyers use in that region. For instance, if you have studied law from Brazil and you want to practice in the US, you will most likely interact with US attorneys. In order to talk to them regarding legal matters, you must adapt their legal language, i.e. English used in law that is particular to their region.

Considerations of Learning English Containing Legal Terminologies

English is a second language for many people. Therefore, learning professional law definitely indicates that you should learn the English terminologies in the same area. However, as a law student, you can come across various challenges. This is because you will have to consider many things while searching for the right instructor and the right platform to prove your legal language.

Lawyers who are required to apply technical legal terminologies in their career have to ensure that they consider the following points:

Finding a Professional Language Instructor

It is necessary that you should find an instructor who is not only proficient in English, he should also be an expert in understanding the law. Since the concepts and terms of law are precise as well as complex, you can learn it from the legal context only if your instructor is a professional in English as well as law.

Participating In Relevant Classroom Activities

While you attend your law classes, it is important that you consider what actually is required from these classes. Participating in your law classes will benefit you throughout your career if the classroom activities help you understand those common legal terms you will be using while talking to your clients in the future. Such activities can comprise of mediations and negotiations within class groups.

Joining a Legal Communication Skills Program

Since learning both written and spoken legal communication skills is essential to succeed in the legal profession, you should give special emphasis to it. You can test your legal language skills yourself by enrolling in a specific program that caters to lawyers who want to polish their language skills in applying legal terminologies.

Learning legal terms along with the concepts of law is the only way you can represent yourself as a lawyer. Due to a challenging market for lawyers, it is a necessity for all lawyers.

Significance of English for communication in Indian Legal Context:

The common law system - a system of law based on recorded judicial precedents- came to India with the British East India Company. The company was granted charter by King George I in 1726 to establish "Mayor's Courts" in Madras, Bombay and Calcutta [now Chennai, Mumbai and Kolkata respectively]. Judicial functions of the company expanded substantially after its victory in Battle of Plassey and by 1772 company's courts expanded out from the three major cities. In the process, the company slowly replaced the existing Mughal legal system in those parts.

Following the First War of Independence in 1857, the control of company territories in India passed to the British Crown. Being part of the empire saw the next big shift in the Indian legal system. Supreme courts were established replacing the existing mayoral courts. These courts were converted to the first High Courts through letters of patents authorized by the Indian High Courts Act passed by the British parliament in 1862. Superintendence of lower courts and enrolment of law practitioners were deputed to the respective high courts.

During the Raj, the Privy Council acted as the highest court of appeal. Cases before the council were adjudicated by the law lords of the House of Lords. The state sued and was sued in the name of the British sovereign in her capacity as Empress of India.

During the shift from Mughal legal system, the advocates under that regimen, "vakils", too followed suit, though they mostly continued their earlier role as client representatives. The doors of the newly created Supreme Courts were barred to Indian practitioners as right of audience was limited to members of English, Irish and Scottish professional bodies. Subsequently rules and statutes culminating in the Legal Practitioners Act of 1846 were passed which opened up the profession regardless of nationality or religion.

Coding of law also began in earnest with the forming of the first Law Commission. Under the stewardship of its chairman, Thomas Babington Macaulay, the Indian Penal Code was drafted, enacted and brought into force by 1862. The Code of Criminal Procedure was also drafted by the same commission. Host of other statutes and codes like Evidence Act [1872] and Contracts Act (1872)

During the early period one of the main objective of the East India Company was to make a little alteration as possible in the existing state of the Mohammedan Law and system of criminal courts. The Mohammedan Law, therefore was administered by the criminal courts in India for long. As soon as the Company gained some strength it realised the necessity to make important changes in certain matters of Mohammedan Law of crimes as according to them no civilised government would like to tolerate them. As Ibert said "It was impossible to enforce the law of retaliation for murder, of strong sexual immorality or of mutilation for theft or to recognise the incapacity of unbelievers to give evidence in cases affecting Mohammedans. Warren Hasting and Cornwallis frequently criticised the provisions of the Mohammedan Criminal Law and whenever they got any opportunity they introduced changes on it.

In Harrington's Analysis of the Bengal Regulations, giving a true picture of the Mohammedan Criminal Law he states that it became like a patchwork quilt. Regulation VI of 18 of 1832 marked the end the Mohammedan Criminal Law was not completely set aside till the penal code of 1860 and the Criminal procedure code of 1861 were enacted and came into operation. The process of superseding native law by English Law, so far as the administration of criminal justice was concerned was completed after the enactment of the Indian Evidence Act in 1872.

The Charter of Act of 1833 introduced important changes in the constitution of East India Company and the system of Indian administration. It established, for the first time in the history of British India, a single legislation for all the presidency Towns as well as the Mofussils and appointed the First Indian Law Commission. By appointing the first law commission, the British Parliament tried to achieve in the words of Lord Macaulay "Uniformity where it was possible, diversity where it was necessary but in all cases certainty",

The First law commission, headed by Lord Macaulay, submitted many reports on various laws. These reports were based on a detailed study primarily of the English Law. The English Law, to the extent it suited Indian Conditions, usages and customs, was thus systematically imported into India. The codification of Indian Law was a systematic import of English Law into India through the four Law Commissions. Though the First Indian Law commission under the Chairmanship of Lord Macaulay submitted its Report on penal code, it was not until 1860, that the Indian Penal Code was placed on the Indian statute book.

Apart from English Law, the French Code was of great help as a model and on many questions it afforded valuable suggestions which were utilised by the Law Commission in framing the Indian Penal Code. The Code of Civil Procedure was passed in 1859 and the Criminal Procedure Code was passed in 1861. The law of procedure was supplemented by the Evidence Act, the limitation Act and by the Specific Relief Act., Which stands on the broader land of substantive and adjective law.

In India codification has been brought about by the pressure of practical necessity. In India it became necessary to draw up, for the guidance of untrained judges and Magistrates, a set of rules which they could easily understand and which were adapted to the circumstances of the country. But since the framers have been English, it is a natural corollary that English notions must have been imported as has been. At the dawn of independence, the parliament of independent India was the forge where a document that will guide the young nation was being crafted.

It will fall on the keen legal mind of B. R. Ambedkar to formulate a constitution for the newly independent nation. The Indian Bar had a role in the Independence movement that can hardly be overstated - that the tallest leaders of the movement across the political spectrum were lawyers is ample proof. The new nation saw its first leader in Jawaharlal Nehru, and a paternal figure in M. K. Gandhi, both exemplary lawyers. Perhaps it is the consequent understanding of law and its relation to society that prompted the founding fathers to devote the energy required to form a Constitution of unprecedented magnitude in both scope and length.

The Constitution of India is the guiding light in all matters executive, legislative and judicial in the country. It is extensive and aims to be sensitive. The Constitution turned the direction of system originally introduced for perpetuation of colonial and imperial interests in India, firmly in the direction of social welfare. The Constitution explicitly and through judicial interpretation seeks to empower the weakest members of the society. India has an organic law as consequence of common law system. Through judicial pronouncements and legislative action, this has been fine - tuned for Indian conditions.

The Indian legal system's move towards a social justice paradigm, though undertaken independently, can be seen to mirror the changes in other territories with common law system. From an artifice of the colonial masters, the Indian legal system has evolved as an essential ingredient of the world's largest democracy and a crucial front in the battle to secure constitutional rights for every citizen.

We own the English common law for the fundamental principles of our public law the rule of law, individual freedom, and limited powers of the government. In the sphere of administration of justice, the system of trial, the legal profession, the independence of judiciary, system of judicial precedents and justice according to law, are all based on the principles of English law. The doctrine of precedents which is deep rooted in English Law, was first introduced in Indian in 1726, when the Mayor's Court were established in India.

Since then the judicial precedents have played a very important role in shaping Indian law. Section 212 of the Government of India Act also provided that the law lay down by the Privy Council would be binding on all courts in India. It also followed that every court was absolutely bound by the decisions of the superior courts. Article 141 of the Indian Constitution, 1950, provides "the law declared by the Supreme Court shall be binding on all courts within the territory of India".

This is based on English principles, though by this provision there is some departure from the English practice. In England, the house of Lords is bound by its own decision but in India, the Supreme Court is not bound by its own decisions. The Supreme Court of India, the highest judicial organ in India is free to change the law which is laid down in an earlier case.

Concluding, it can be stated that the British Empire has left an imperishable contribution to the enrichment of India's Legal heritage. Apart from this but equally of importance is the fact that with the ending of British Raj in India the time is ripe enough for us to make a beginning of new understanding of India's national peculiarities in the legal sphere. A study of India's ancient history will reveal the fact that what we now call "the unique principles of English common law" was in fact originated in India.

During Mediaeval and British periods, we were made to forget our own "ancient Hindu period" which was our glorious past in various respects. The principles of Indian philosophy, traditions, social and legal order, which formed the backbone of our glorious past, can be correlated to meet the growing problems and new conditions of India today. Let us not forget India still remains her intellectual treasure despite the influence of English Common law.

As per the report of the 18th National Law Commission in 2008 the following important points were discussed regarding use of 'English Language' in Indian Legal System.

- Language is a highly emotional issue for the citizens of any nation. It has a great unifying force and is a powerful instrument for national integration. No language should be thrust on any section of the people against their will since it is likely to become counterproductive.
- It is not merely a vehicle of thought and expression, but for Judges at the higher level, it is an integral part of their decision-making process. Judges have to hear and understand the submissions of both the sides, apply the law to adjust equities.

Arguments are generally made in higher courts in English and the basic literature under the Indian system is primarily based on English and American text books and case laws. Thus. Judges at the higher level should be left free to evolve their own pattern of delivering judgments.

- It is particularly important to note that in view of the national transfer policy in respect of the High Court Judges, if any such Judge is compelled to deliver judgments in a language with which he is not well versed, it might become extremely difficult for him to work judicially. On transfer from one part of the country to another, a High Court Judge is not expected to learn a new language at his age and to apply the same in delivering judgments
- At any rate no language should be thrust upon the Judges of the higher judiciary and they should be left free to deliver their judgments in the language they prefer. It is important to remember that every citizen, every Court has the right to understand the law laid down finally by the Apex Court and at present one should appreciate that such a language **is only English.**
- The use of English language also facilitates the movement of lawyers from High Courts to the Apex Court since they are not confronted with any linguistic problems and English remains the language at both the levels. Any survey of the society in general or its cross-sections will clearly substantiate the above proposition which does not admit of much debate, particularly in the present political, social and economic scenario.
- It may, however, be admitted that in so far as legislative drafting is concerned, every legislation although authoritatively enacted in English may have a Hindi authoritative translation along with the same at the central level. Same analogy may be applied even in respect of executive actions at the central level, but the higher judiciary should not be subjected to any kind of even persuasive change in the present societal context.

Relevant provisions of the Constitution of India regarding Language used in courts:

It is pertinent to extract the relevant provisions of the Constitution of India below:

LANGUAGE OF THE SUPREME COURT, HIGH COURTS, ETC.

Article 348 - Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.

- Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides -
 - all proceedings in the Supreme Court and in every High Court,
 - the authoritative texts
 - of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,
 - of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

- of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language.
- Notwithstanding anything in sub-clause [a] of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in- that State: Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.
- Notwithstanding anything in sub-clause [b] of clause (1), where the Legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislature of the State or in Ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye-law referred to in paragraph (iii) of that subclause, a translation of the same in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article,

Article 349 - Special procedure for enactment of certain laws relating to language

During the period of fifteen years from the commencement of this Constitution, no Bill or amendment making provision for the language to be used for any of the purposes mentioned in clause (1) of article 348 shall be introduced or moved in either House of Parliament without the previous sanction of the President, and the President shall not give his sanction to the introduction of any such Bill or the moving of any such amendment except after he has taken into consideration the recommendations of the Commission constituted under clause (1) of article 344 and the report of the Committee constituted under clause (4) of that article.

Correct Pronunciation - Speech Sounds, Word Stress and Intonation.

Introduction

Pronunciation is the way in which a word or a language is spoken. This may refer to generally agreed-upon sequences of sounds used in speaking a given word or language in a specific dialect ("correct pronunciation"), or simply the way a particular individual speaks a word or language.

A word can be spoken in different ways by various individuals or groups, depending on many factors, such as: the duration of the cultural exposure of their childhood, the location of their current residence, speech or voice disorders, their ethnic group, their social class, or their education

Tips to Improve Your English Pronunciation:

1. Learn to listen,

Before you learn how to speak, you'll need to learn how to listen. Some sounds can be hard to tell apart when you're listening. Did the speaker sleep or slip? Did he hurt his chin or shin? If you can hear the difference, it will be easier to speak the difference.

There are many guides to get you started in learning to listen. We have some great articles here about learning to listen from movies, songs and music and podcasts. You can also find listening exercises online, like this one from Rong-chang.

The pronunciation practice at Many Things is really slick, especially its huge selection of lessons on **minimal pairs**. Minimal pairs are pairs words like sleep and slip, that are only different by one sound. You can click on each word to hear a complete sentence with each, then quiz yourself in the second box and click the correct answer.

When you want to listen to authentic English instead of pronunciation exercises, you can watch videos on FluentU. FluentU is an online immersion platform that takes real-world videos—like music videos, movie trailers, news and inspiring talks - and turns them into personalized language learning lessons.

Every word comes with an in-context definition, image, audio and example sentences, so you have enough support to make native English accessible to you. FluentU's "learn mode" takes your learning history into account, and asks questions based on what you already know, which sets you up for success. The better you get at hearing words, the better you will become at pronouncing them.

2. Notice how your mouth and lips move.

When you speak, you move your mouth. How you move your mouth affects how you pronounce a word.

The first step to correcting your mouth shape is to notice it and pay attention. There are a few ways you can check that your mouth and lips are making the correct shape:

- **Use a mirror.** This is by far the simplest way to tell what your mouth is doing while you talk.

- **Put a finger in front of your lips (like you're saying "shh").** As you speak, don't move your finger. You should feel your lips moving away from or pushing against your finger.

Watch other people and notice the shape their mouth and lips make when they talk. Try following along with your favorite TV show or movie. Can you repeat the faces and sounds that the actors are making?

There are guides and pictures online that will help you learn how to move your mouth. Sounds of English has some good explanations for pronouncing specific words. This guide is for people making 3D animations, but the pictures are a great start to understanding how your mouth should look when you speak.

3. Pay attention to your tongue.

The main difference between rice and lice is in your tongue. When you speak, you move your tongue to make sounds. You probably didn't even notice that, since you do it without thinking. To improve your English pronunciation, it's a good idea to check what your tongue is doing.

Some difficult sounds for non-native speakers to make are the letters "L" and "R," and the sound "TH." Pronouncing them correctly is all in the tongue!

- **To make the "L" sound,** your tongue should touch the back of your front teeth and the top of your mouth, just behind your teeth. **Try it now:** Say the word "light." Say it a few times. Feel where your tongue is in your mouth. Make sure it touches the top of your mouth.
- **To make the "R" sound,** your tongue should not touch the top of your mouth. Pull your tongue back to the middle of your mouth, near where it naturally rests if you weren't saying anything. As you say the sound, your lips should be a little rounded. **Try it now:** Say the word "right" a few times. You should feel air blowing between your tongue and the top of your mouth as you speak. You should also feel your lips get a little rounder when you make the sound.
- **Now for the "TH" sound.** This one may seem strange if you don't have a similar sound in your native language. To make this sound, put your tongue between your top and bottom teeth. Your tongue should stick out a little between your teeth, and as you push air out of your mouth, let some air escape between your tongue and teeth—that's what makes the sound. **Try it now:** Say the word "think." Repeat it a few times. Make sure you push your tongue between your teeth.

For a more detailed explanation on how to make those three sounds correctly, watch this video from the Woosong University, this one from Club English, or any number of other pronunciation guides you can find on YouTube.

If you can't figure out what to do with your tongue to make the right sound, try asking someone. Ask them to say a word with that sound, then tell you where they put their tongue. They probably never thought about it before either!

4. Break words down into sounds.

Words are made up of syllables, or parts. The word "syllable," for example, has three syllables; syl-la-ble. Turning words into parts can make them easier to pronounce. To

check how many syllables a word has, place your hand flat just under your chin. Say the word slowly. Each time your chin touches your hand, that's a syllable.

You can even write the word down in parts. Leave a space or draw a line between each affable (every syllable should have at least one vowel: a, e, i, o, u, y). Now try saying the word. Say it slowly and pause after each syllable. Isn't that easier?

If you're having trouble with syllables, you can check out [How Many Syllables](#). This website shows you the syllables in any word you look up, and even shows you how to pronounce it.

5. Add stress to sounds and words.

English is a stressed language. That means some words and sounds are more important than others. You can hear this when you say a word out loud. For example, the word "introduce" is pronounced with a stress at the end, so it sounds like this: "in-tro-DUCE." Sometimes where you put the stress in a word can change the word's meaning. Say this word out loud: "present." If you said "PREsent," you are talking about a noun that means either "right this moment" or "a gift." If you said "preSENT," you are talking about a verb that means "to give or show."

In situations such as these, signing (or sign language) may be used either to augment a person's relatively unintelligible speech or to replace speech, altogether.

Signing is a systematic, visual means of communicating using manual gestures supported by facial expressions and body language. It is well known as a means of communication used by people who are deaf and those with severe hearing impairments (e.g. British Sign Language; American Sign Language).

The fact remains, however, that speech is the most common medium through which people communicate with one another.

Returning to our opening gambit that not all of the sounds humans are capable of uttering are used for speech, we must ask ourselves, therefore, which sounds are actually used in speech. The simple answer is that the sounds used in speech are the speech sounds. For speakers of English, for example, the sound /b/ is readily recognizable as a speech sound because we have heard it spoken at the beginning of words such as ball, boy, bus and bat. We have also heard it at the ends of words such as cab, lab, dab and crab. Moreover, we have heard it spoken somewhere in the middle of longer words such as laboratory, Peterborough, cannibalistic and nebula.

The key appears to be that speech sounds are those sounds used by a particular world language to form the **words** of that language. We recognize /b/ as an English speech sound because we can find examples of it appearing in the words of English. In comparison, most speakers of English would not recognize a **dental click** as an English speech sound.

This is a sound made by sucking on the front teeth with the tongue, rather like the tutting sound made in [British] English to express disapproval, tut tut/This sound does appear, however, in words in Kama [one of the so-called Khoisan languages of the Kalahari in Africa]. Clearly, native speakers of a Nama and native speakers of English are both capable of producing a dental click. However, this sound is only considered to be a speech sound for one group - the speakers of Nama. For speakers of English this sound does not appear in any dictionary words. In sum, it is not an English speech sound.

Word Stress:

In some languages, each syllable in each word is pronounced with the exact same stress.

English is not one of those languages. English has its own rhythm, complete with its own vocal music. This means that one part of a certain word is said louder and longer than other parts of the same word.

It is something that is completely natural for English speakers, but something ESL students can learn from learning the correct way to pronounce new words, practicing their conversational skills, and by learning the rules for using word stress.

A few things to remember:

- **A word can only have one stress.** In a very long word you can have a secondary stress, but it is always a much smaller stress.
- **Only vowels are stressed, not consonants.** The vowels in English are a, e, i, o, and u. The consonants are all the other letters.
- **There are many exceptions to the rules.** The word stress rules in English are complicated. Remember that there are exceptions to every rule. Use a dictionary to check the word stress of new words. Soon, you will know English well enough to add word stress naturally.

It is important that you stress the right syllables, so people can hear and understand your words.

Intonation

Somebody speaking without paying attention to the words: the 'melody' you hear is the intonation. It has the following features;

- It's divided into phrases, also known as '**tone-units**'.
- The pitch moves up and down, within a '**pitch range**'. Everybody has their own pitch range. Languages, too, differ in pitch range. English has particularly wide pitch range.
- In each tone unit, the pitch movement (a rise or fall in tone, or a combination of the two) takes place on the most important syllable known as the 'tonic-syllable'. The tonic-syllable is usually a high-content word, near the end of the unit.
- These patterns of pitch variation are essential to a phrase's meaning. Changing the intonation can completely change the meaning.

Example:

- Say: 'It's raining!'
- Now say it again using the same words, but giving it different meaning. You could say it to mean 'What a surprise!', or 'How annoying!', or 'That's great!'. There are many possibilities.

Why to learn intonation?

Intonation exists in every language, so the concept we're introducing isn't new. However, learners are often so busy finding their words that intonation suffers. Yet intonation can be as important as word choice - we don't always realise how much difference intonation makes:

- Awareness of intonation aids communication.
- Incorrect intonation can result in misunderstandings, speakers losing interest or even taking offence!

Though it's unlikely our learners will need native-speaker-level pronunciation, what they do need is greater awareness of intonation to facilitate their speaking and listening.

Tones

As well as a characteristic beat or rhythm of connected speech, as a product of stress patterns, there is also an attendant musical quality, defined by distinctive pitch changes known as tones (Burzio, 2005; Halliday and Greaves, 2005). Halliday (1967) describes five simple and two compound tones in English:

simple

- falling
- high rising
- low rising
- falling-rising
- rising-falling

compound

- falling plus low rising
- rising-falling plus low rising

However, we see that each is constructed from just two primary tones (1) **falling**, and (2) rising

Falling and rising tones

consider the effects of both a rising and falling tone on the single -word utterance no (falling tone is marked with a '\' preceding the relevant syllable, and rising (tone is marked with a '/' preceding the relevant syllable).

\NO

/NO

As the word no is monosyllabic there is only one syllable to receive the **primary stress**. This is indicated by capital letters. The first utterance, with falling tone, is most likely interpretable as being a refusal, or a statement. In contrast, the second utterance, with rising tone, is plausibly interpretable as a questioning utterance. We see, therefore, that tone is capable of signaling meaning.

Tone variation ,

Of course, in utterances with more than one tone group, the tones do not all have to be the same. Consider the following.

do you drink / RED | or do you drink \ WHITE

Two meaning units are identifiable in this utterance: (1) do you drink red, and (2) do you drink white. In the first tone group the nucleus is the monosyllabic word red. This receives a rising tone which, as we have seen, frequently signals a question. In the second tone group the nucleus is the monosyllabic white. This nucleus receives a falling tone which we have, so far, identified as typically signaling a statement. The overall meaning of the complete utterance, however, is interpretable as being a question, despite the fact that a falling tone is included.

Combination tones

As well as having rising and falling tones in different tone groups it is also possible to identify two other combination tones that can occur within the same tone group. The first is a combination falling-rising tone [marked as '∨'] and the second is a combination rising-falling tone [marked as '^'] Consider the effects of these tones, again on the single-word utterance no.

∨

NO

^ NO

The first utterance, with its falling-rising tone, appears to be expressing disbelief. The second utterance, with its rising-falling tone, is interpretable as scolding, as when censuring a young child.

Summary

There are several more nuances of intonation that could be investigated. However, does not permit a more detailed examination. The foregone discussion should, have demonstrated the ways in which intonation contours may be used to meaning. The study of intonation is clearly complex but it is sufficient for now to te that people rely on intonation to clarify meanings and to interpret the of the speaker. Often, the most effective communicators are perceived as those who can effortlessly varyprosodic features to create interesting and colorful that is capable of expressing a diversity of intellectualand emotional meaning. In for example, a speaker who does not vary his or her intonation contour, ig to the context of the conversation, speaks in a monotone that may be as boring, disinterested, and similar.

Structure of words

Introduction:

The way in which a word is constructed, the elements of which it is made, is an important it building block in our understanding of our language. Although it is often easy to vocabulary, which is a word and its meaning, it is also important to consider the construction of a word, its morphemes, affixes and inflexions.

Morphology is the study of the **structure** and form of words in language or a language, including inflection, derivation, and the formation of compounds. At the basic level, words are made of "morphemes." These are the smallest units of meaning: roots and affixes (prefixes and suffixes).

Purpose for studying word structure:

As Students move into the upper grades, there is a shift from Phonics to Word Structure. Phonology is the study of the sounds that make up words. In the early grades, students learn to map sounds with spellings to read words. However, as students move into the upper grades and encounter more complex and longer words, the understanding of morphology and the morphological units that make up words is important for fluent reading, vocabulary development, and comprehension.

Morphology is the study of Word Structure. Word Structure activities support the development of fluency as students learn to identify and read meaningful chunks of word rather than individual spellings. Word Structure also supports the development of vocabulary as students learn how inflectional endings change a word's tense, number, and so on and how affixes can be added to a base word to create or derive a new but I meaning.

Morphemes are the smallest units that have semantic meaning. Morphemes may be free or bound. A free morpheme can stand alone, such as the words dog, man, or woman. Abound morpheme, on the other hand, is a unit of meaning that must be combined with another morpheme to make a meaningful word.

For example, in rewrite the prefix

re- means to do again, and in dogs the -s changes the meaning to plural. Both re- and -s are bound morphemes because they must combine with other words to create new words.

Learning about word structure helps the reader at several levels. Being able to identify key-word parts not only helps with the pronunciation of longer, unfamiliar words but it also helps with meaning. In Word Structure, students learn how to deconstruct words—to identify the root of the word as well as the affixes. When affixes occur at the beginning of a word, they are called prefixes, and when they occur at the end of a word they are called suffixes. The prefix, root word, and suffix are all morphemes.

In the word restatement, there are three morphemes: the prefix re-, the root state and the suffix -merit

prefix	root	suffix
re-	state-	ment

Suffixes, in particular, can impact the root word in different ways. Suffixes such as -s and -ed can change the tense of a verb; suffixes such as -s can change the number of a noun to make it a plural. Derivational morphemes, in contrast, can be added to words to create or derive another word, for example the addition of -ness to sad creates the new word sadness, or the addition of -ly changes sad to an adverb, sadly.

Word structure includes the study of the following:

Compound words are made of two words that combine to form a new word. Compounds can be open or closed.

Root words focus on learning about the basic element of words. Root words are the foundations upon which the meaning of a word is formed-. A root may be a real word as

in audio, meaning "sound," but it can also be used with a suffix to become audible, changing the noun to an adjective. Although audible can have other elements, it does not need other elements to be complete. Most roots, however, do need other elements. Roots such as duct, anthrop, and cred require affixes to form the words deduct, anthropology, and incredible, respectively. Knowledge of root words and affixes provides students with critical tools for understanding derived words.

Prefixes include any morpheme that is attached to the beginning of a root or word and changes the meaning of that word. Prefixes do not change the form of the word, only the meaning. Common prefixes include: con-, com-, ad-, de-, di-, dis-, per-, re-, sub-, hyper-, un-, and so on as well as numbers (bi-, tri-, uni-, mono-, octo-, and so on.)

Suffixes include any morpheme that is attached to the end of a word or root and that changes the meaning of that word. Suffixes often change the function of the word and often require a spelling change in the root as well. For example, the addition of -ial to colony changes a noun to an adjective

Common Latin Roots

Audi: auditory, auditorium, inaudible, audible, audition

Dict: dictate, predict, contradict, prediction

Ject: reject, inject, project, object, projection, objection

Port: transport, import, export, portable, support, report

Rupt: rupture, erupt, eruption, disrupt, interruption

Scrib/script: scribe, describe, manuscript, inscription, transcript, description, prescription

Spect: spectator, inspect, inspector, respect, spectacle, spectacular

Struct: structure, construct, instruct, destruction, reconstruction

Tract: tractor, traction, attract, subtraction, extract, retract, attractive

Vis: vision, visual, visit, supervisor, invisible, vista, visualize, visionary

Common Greek Roots

Auto: automatic, autograph, autobiography, automobile

Bio: biology, biography

Graph: graphite, geography, graphic, photograph, phonograph, hydrogen,

Hydro: hydrogen, hydrant

Meter: speedometer, odometer, thermometer, metronome

Ology: geology, zoology, phonology

Photo: photography, photocopy, photosynthesis, photogenic

Scope: telescope, stethoscope, microscope, microscopic, periscope

Tele: telephone, television, telegraph

Therm: thermos, thermostat

Explain the Processes of word formation(examples from law)

The Processes of word formation is explained as below:

<u>Word formation processes</u>
--

English language relies on a variety of processes to enrich their lexicon. The different processes by which languages maximize their vocabulary are the following;

Compounding, derivation, invention (coinage), echoism, clipping acronymy, blending, reduplication, backformation.

Compounding

- A process used in English and it involves combining roots/two or more words to create new ones known as compound lexemes.
- **Example:** typewriter, hotdog, dining room, handbag, breakfast, high school, baby-sitter, mother-in-law
- **Note:** compound might be written as one word or two words or as hyphenated word.

Invention (coinage)

- One of the least common process of word formation.
- It involves the invention of totally New words.
- It is associated with the names of inventors, products names or companies names.
- **Example:** aspirin, nylon, Kleenex, Fahrenheit

Clipping (reduction)

- The process of cutting off the beginning or the end of a word or leaving a part to stand for the whole.
- Example: exam, gym, math, lab, tm m. prof, fan, gas, ad
- Note: clipping the end of words is , known as **apocope** [e.g. taxi-taximeter, cab-cabriolet, pud- pududding).

While clipping the beginning of a word is known as **procope** [e.g. bus- omnibus, plane-aeroplane)

Derivation

- A process by which new words are created by adding derivational affixes to simple bases/roots.
- Example: act+or>> actor
act+ive >> active
king+dom>>kingdom
- Note: other examples involve more than one affix (e.g. unfriendliness, unjustifiable, transformation

Echoism

- The formation of words whose sound suggests their meaning.
- **Example:** hiss, hush, dick, thunder, whisper, moan
- **Note:** the meaning is usually a sound, either natural [the roar of the waterfall) or artificial (the clang of the bell).

Acronymy

- The process whereby a word is formed from the initial or beginning segments of a succession of words.
Acronyms= Abbreviations
- **Example:** LAZER stands for (Light Amplification By Stimulated Emission of Radiation), NATO (North Atlantic Treaty Organization), ARAMCO (Arabian American Oil Company), SABIC (Saudi Arabian Basic Industries Corporation)
- **Note:** acronyms should be written in capital letters. Also,

	the initials should be capitalized.
<p style="text-align: center;">Blending</p> <ul style="list-style-type: none"> • A special form of word formation that involves both compounding and dipping. • It is the fusion of two words into One. the first part of one word with the last part of another • Example: brunch – breakfast + lunch Smog - smoke + fog, motel-motor + hotel, telecast-television + broadcast 	

Types of Words and Word-Formation Processes in English

The Morpheme

The smallest units of language that have a meaning or a grammatical function and form words or parts of words are called **morphemes**. In writing, individual **morphemes** are usually **represented** by their graphic form, or spelling; e.g., -es, -er, un-, re-; or by their graphic form between braces, { }; e.g., {-es}, {er}, {un-}, {re -}. The branch of linguistics in charge of studying the smallest meaningful units of language (i.e., morphemes), their different forms, the internal structure of words, and the processes and rules by which words are formed is called **morphology**.

Types Of Morphemes

Depending on the way morphemes occur in an utterance, they are grouped into two large groups: free morphemes and bound morphemes.

Free or independent morphemes are those morphemes which can occur alone as words and have a meaning or fulfill a grammatical function; e.g., man, run, and. There are two types of free morphemes.

Lexical (content or referential) morphemes are free morphemes that have semantic content (or meaning) and usually refer to a thing, quality, state or action. For instance, in a language, these morphemes generally take the forms of nouns, verbs, adjectives and adverbs; e.g., dog, Peter, house, build, stay, happy, intelligent, quickly, always. Actually, lexical morphemes constitute the larger class of morphemes. They form the **open class of words** (or **content words**) in a language, i.e., a class of words likely to grow due to the incorporation of new members into it.

Function(al) or grammatical morphemes are free morphemes which have little or no meaning on their own, but which show grammatical relationships in and between sentences. For instance, in a language, these morphemes are represented by prepositions, conjunctions, articles, demonstratives, auxiliary verbs, pronouns; e.g., with, but, the,

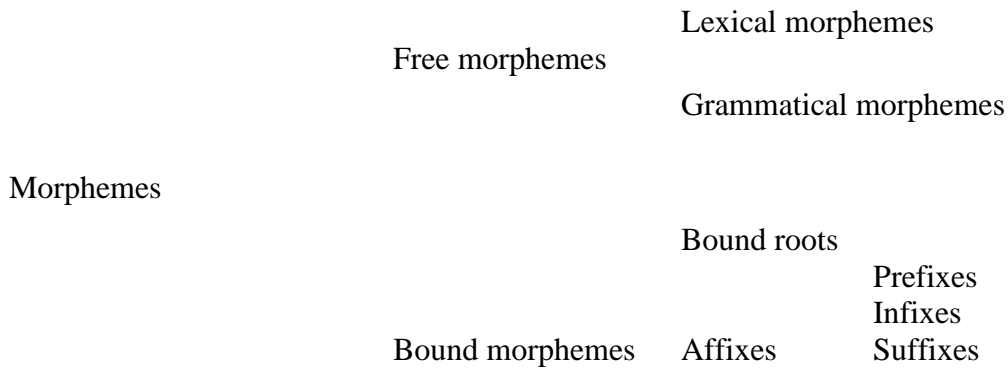
this, can, who, me. It should be said that function words are almost always used in their unstressed form.

Bound (or dependent) morphemes are those morphemes which never occur alone as words but as parts of words; they must be attached to another morpheme (usually a free morpheme) in order to have a distinct meaning; e.g., ~er in worker, -er in taller, -s in walks, -ed in passed, re- as in reappear, un~ in unhappy, undo, -ness in readiness, -able in adjust-able; -ceive in conceive, receive, -tain in contain, obtain, etc. There are two types of bound morphemes: bound roots and affixes.

Bound roots are those bound morphemes which have lexical meaning when they are attached to other bound morphemes to form content words; e.g., -ceive in re-ceive, conceive; -tain in retain, contain; plac- in implacable, placate; cran- in cranberry, etc. Notice that bound roots can be prefixed or suffixed to other af-fixes. (See Appendix).

Affixes are bound morphemes which are usually marginally attached to words and which change the meaning or function of those words; e.g., -ment in devel-opment, en- in enlarge; 's in John's; -s in claps, -ing in studying, etc.

Classification of morphemes



Types of Affixes

Affixes can be classified into two different ways; according to their position in the word and according to their function in a phrase or sentence.

- According to their **position in the word** (or **side of the word they are attached to**) affixes are classified into prefixes, infixes and suffixes.
 - **Prefixes** are bound morphemes that are added to the beginning of the word; e.g., un- in unnoticed, a- in amoral, sub- in subway, etc. Notice that prefixes are represented by the morphemes followed by a **hyphen** (-).
 - **Infixes** are bound morphemes that are inserted within the words. There are no infixes in the English language, but in the languages such as Tagalog and Bontoc (in the Philippines), Infixes are represented by the morphemes preceded and followed by a hyphen; e.g., -um-.
 - **Suffixes** are bound morphemes which are attached to the end of the word; eg., -able in noticeable, -less in careless, -s in seeks, -en in shorten, etc. Notice that suffixes are represented by the morphemes preceded by a hyphen.
- According to the **function** affixes fulfill in the language, affixes are classified into derivational affixes (derivational morphemes or derivations) and inflectional affixes (inflectional morphemes or inflections).
 - **Derivational affixes** are morphemes that create (or derive) new words, usually by either changing the meaning and/or the part of speech (i.e., the syntactic category), or both,

2 of the words they are attached to (Godby et al., 1982). In English, derivational morphemes can be either prefixes or suffixes. For example, un-+ happy (adj.) = unhappy (adj.); classify (v) = reclassify (v.); by- + product (n.) = by-product. (See Appendix for a list of derivational prefixes and suffixes in English).

3

4 b. **Inflectional affixes**, for their part, are morphemes which serve a purely grammatical function, such as referring to and giving extra linguistic information about the already existing meaning of a word (e.g., number, person, gender, case, etc.), expressing syntactic relations² between words (e.g. possession, comparison), among others. For instance, the different forms of the verb speak are all considered to be verbs too, namely, speak, spoken, speaking. In a like manner, the comparative and superlative forms of the adjective strong are also adjectives, namely, stronger, strongest. In English, there are only eight inflections. They are -(e)s³ (third person singular marker of verbs in present tense), as in speaks, teaches; -(e)s⁵ (regular plural marker) as in books, oranges;'s (possessive marker) as in John's house; -(e)d⁵ (regular past tense marker) as in helped, repeated; -en⁵ (past participle marker) as in spoken, eaten; -ing (present Marker) as in eating, studying; -er (comparative marker) as in faster, happier; and -est (superlative marker) as in fastest, happiest.

5 Roots and Stems

Roots (or **bases**) are the morphemes (free or bound) that carry the principal or basic concept, idea or meaning in a word. They generally constitute the nuclei or cores of words. When roots are free morphemes, they constitute content (and function) words by

them- selves, such as book, dog, house, carry, quick, early, etc. When roots are bound more – phemes,⁴ they form parts of words, such as -ceive in perceive, -tain in attain, -sume in per-sume, etc

6

7 For their part, **stems** are free roots to which derivational affixes have been added or are likely to be added. In this sense, a stem = a root, as in fish, place; a stem = a root + one or more derivations, as in comfortable, uncomfortable, uncountableness. Notice that stems are words without inflectional morphemes. For example, in the word disestablishment, disestablish, establishment, and establish (which is a root at the same time) are stems.

General Morphological Processes Involved in the Formation of New Words.

In this course, we will study five major morphological processes that affect roots and stems and which lead to the production of new words. Those processes are affixation, com-pounding, symbolism, reduplication and suppletion.

A. Affixation

Affixation consists in adding derivational affixes (i.e., prefixes, infixes and suffixes) to roots and stems to form new words. For example, if the suffix **-able** is added to the word pass, the word passable is created. Likewise, if to the word passable the prefix **in-** (or rather its allomorph **im -**) is attached, another word is formed, namely impassable. Affixation is a very common and productive morphological process in synthetic languages. In English, **derivation** is the form of affixation that yields new words.

B. Compounding

Compounding consists in the combination of two or more (usually free) roots to form a new word. For example, the word blackboard, heartfelt, brother-in-law are compound words; they are made up of the roots (at the same time words themselves) black and board, heart and felt, brother, in and law, respectively.

Compounding is a very common process in most languages of the world (especially among synthetic languages). In English, for instance, **compound words** have the following characteristics:

1. Compound words behave grammatically and semantically as single words.
2. Since compound words behave as units, between their component elements no affixes (whether inflections or derivations) can usually occur; inflectional suffixes can appear only after compound words. For example, bathrooms, school, buses, water resistant. Exceptions : passersby, brothers-in-law, courts-martial.
3. Compound words can be written in three different ways:
 - **Open**, i.e., with a space between the parts of the compound; e.g., toy store, diving board, flower pot
 - **Hyphenated**, i.e., with a **hyphen** (-) separating the elements of the compound; e.g., flower-pot, air-brake, she-pony.
 - **Solid**, e.g., without a space or hyphen between the component elements of the compound; e.g., flowerpot, washrooms, pickpocket.

Preference for a particular form of writing the compound word depends largely on lexicographical conventions and the variety of English use. For instance, **hyphenation** (i.e., separating the elements of a compound with a hyphen) is more common in British English than in American English. In American English, the tendency is to write the compounds open or solid (Quirk et al., 1985). However, hyphenation is quite common practice in both

varieties of the language when **ad hoc premodifying compounds**⁵ are used; e.g., a much-needed rest; a state-of-the-art report.

4. The global meaning of the compound word can often be guessed from the individual meaning of each element of the compound. For example, a boathouse is 'a shed in which boats are stored'; a bookstore is 'a store which sells books'; and so on. But there are a few compound words whose global meanings have to be learned as if they were single words because such meanings cannot be guessed from the individual meanings of the component elements of the compounds. For instance, a Redcoat is 'a British soldier', not 'a coat that is red'. Similarly, a flatfoot is 'a detective or policeman'. a turncoat is 'a traitor', a hot dog is 'a kind of fast food', etc.

D. Reduplication

Reduplication consists in the repetition of all or of part of a root or stem to form new words. If the entire root or stem is repeated, the process is called **complete** (or **total reduplication**), and the new word is considered as a **repetitive compound**. Total reduplication is fairly frequent in Indonesian, Tojolabal (Mexico), Hausa (Sudan), and Hawaiian. For example, in Tojolabal [-otS] means 'to enter', [-otSotS] 'to enter little by little', (cf. Nida, 1949). Similarly, in Indonesian, total reduplication is used to form the plural of nouns, as in [rumah] 'house', [rumahrumah] 'houses'; [ibu] 'mother' [ibuibu] 'mothers': [lalat] 'fly', [lalatlalat] 'flies'. In Hawaiian, halo means 'run', holoholo 'go for a walk or ride'; lau means 'leaf, laulau 'leaf food package',

If only a part of the root or stem is repeated, the process is called **partial reduplication**, and the repeated portion is called a **reduplicative**. Such reduplicatives may occur preposed, interposed, and postposed to the root or stem (cf. Nida, 1949); however, reduplicatives are more common word-initially and word-medially. Partial reduplication is fairly common in Snohomish and Tagalog.

In English, partial reduplication is a little bit more common than total reduplication. Quirk et al. (1985) refer to the words formed by either type of reduplication as **reduplicatives** (also called '**jingles**'). As an example of total reduplication, they give bye-bye, goody-goody ('a self-consciously virtuous person'). As to partial reduplication, they say that the constituents of the reduplicatives may differ in the initial consonants, as in walkie-talkie, or in the medial vowels, e.g., criss-cross. The same authors add that most reduplicatives are highly informal or familiar, and many belong to the sphere of child-parent talk, e.g., din-din (dinner').

Quirk et al. (1985) in addition state that the most common uses of reduplicatives are the following:

- To imitate sounds, e.g., rat-a-tat (knocking on door), tick-tack (of a clock), ha-ha (of laughter), bow-wow (of dog).
- To suggest alternating movements, e.g., see saw, flip-flop, ping-pong.

- To disparage by suggesting instability, nonsense, insincerity, vacillation, etc., e.g., higgledy-piggledy, hocus-pocus, wishy-washy, dilly-dally, shilly-shally, willy-nilly.
- To intensify, e.g., teeny-weeny, tip-top.

E. Acronymy

Acronymy is the process whereby a new word is formed from the initial letters of the constituent words of a phrase or sentence. For example, from the initial letters of the words of the phrase North Atlantic Treaty Organization, the word NATO \ "nelt'U\ is formed. Similarly from the initial letters of the constituent words of the phrase unidentified flying object, the word UFO \ Æ ju...f 'U\ (or \ " ju...f' U\) is formed. In a like manner, from the constituent words of the sentence I owe you, the word IOU \ ÆaI'U"ju... \ (notice the , adaptation in spelling) is formed. And from the Situation normal, all fouled up, snafu \snoe"fu... \ (army slang) is formed. The words created by this process are called **acronyms**; all of them function as nouns.

Types of Acronyms

According to Quirk et al. (1985), there are two main types of acronyms, namely: 1

1. Acronyms which are pronounced as a word; e.g., NASA \ "noes\ (= National Aero-nautics and Space Administration), radar \ "reIdÆdA...r\ radar \ "reÆdA...r\ (radio detecting and ranging), laser (= light amplification by stimulated emission of radiation), UNESCO \ ju..."nesk'U\ (= United Nations Educational, Scientific and Cultural Organization), BASIC \ "beIsIk\ (= Beginners' All-purpose Symbolic Instruction Code), COBOL \ "k'UbAl\ (Com-mon Business Oriented Language), etc

As can be seen, acronyms of this type often derive from phrasal names. Many of belong to the **jargon** (i.e., specialized language) of particular occupations, ions or fields of study (esp. scientific, administrative, political) and might completely meaning-less to the persons who are not familiarized with them. Notice also that some of these acronyms are of so frequent an occurrence that people often use them without the slightest idea of what the words stand for; e.g., laser, radar.

2. Acronyms which are pronounced as sequences of letters (also called 'alphabetisms'); e.g., C.O.D. \ Æsi../U"di... \ (= cash on delivery), MIT \ Æemal"ti... \ (= Massachusetts Insti-tute of Technology), VIP \ Ævi—al"pi... \ (= very important person). In writing, the more institutionalized formations have no periods between their component letters. This tendency is especially more common in British English than in American English; e.g., DIY \ Ædi...al\wal\ (= do-it-yourself), FBI \ Æefbi..."aI\ (= Federal Bureau of Investigations).

Note that each constituent letter of these acronyms usually represents a full word or constituent in the compound, or just a part of a word, as in the following examples:

TB \ Æti..."bi.,\ (= tuberculosis), TV \ Æti..."vi...\ (= television], c/o (= [in] care of).⁶ Likewise, notice that some of these acronyms are given a quasi-phonetic written form; e.g., Emcee for M.C. (- Master of Ceremonies], DeeJay for DJ (= disc jockey], etc.

F. Clipping

Clipping is the processes whereby new words are formed by shortening other words; i.e., by eliminating the initial part, the last part, or both parts, of those words. E.g., phone from (tele) phone, plane from (air) plane, ad (advert (BrE)) from ad (vertisement), exam from exam (ination), flu from (in) flu(enza), fridge(esp. BrE) from refrigerator.

Notice that the short form or **clipping** represents the word in its entirety; however, that fragment does not have to be the salient part of the original word, neither prosodically nor semantically. Also, the clipping may not be used in the same contexts as the longer word. For example, the word exam is mostly used to refer to academic examinations or tests, not to medical examinations or check-ups.

Clipped forms generally show a certain tone of informality, which is often reflected in their spellings; e.g., showbiz for showbusiness, 'cause ('cuz or cos) for because, praps for perhaps. Note that in some cases the spelling is adapted to suit the pronunciation of the original word, as in mike for microphone, Mike for Michael, nark for narcotics, hike for bicycle. In other cases, the pronunciation changes, as in soc \ "sAk\ (BrE) for society \s"sal'ti\. Still in other cases, neither spelling nor pronunciation changes as in veg \ "vedZ\ for vegetable (or veggies \ "vedZiz\ for vegetables). Also, some clipped forms retain a final - s present in the original longer forms, as in maths (esp. BrE) for mathematics, specs for spectacles. The tone of informality of some clippings is usually lost when they become well established in the language; e.g., plane, stereo (from stereophonic), taxi (from taxicab), cab (from cabriolet), pram (BrE for perambulator) and so on.

In many long-established cases, the fuller form is rarely used or is not ordinarily known, as in omnibus for bus and mobile vulgus for mob (cf. Quirk et al., 1985). Other common clippings are cosec \ "k'Usek\ from cosecant \ k'U"si...k'nt\ (in trigonometry), demo for demonstration, Doc from Doctor, Ed from Education, French fries (AmE) from French fried potatoes, gas from gasoline, gents from gentlemen's room (lavatory), gym from gym-nasium, lab from laboratory, lib form liberation as in Women's Liberation Movement, mart from market, nark from narcotics (agent), photo from photograph, prof from professor, pseud (BrE) from pseudo (-intellectual), lit from literature, pub from public house, Stat from Statistics, telly (BrE) from television, hanky from handkerchief, tec or dick from de-tective, turps (BrE) from turpentine, van from caravan (or vanguard], etc.

G. Blending

Blending is the process whereby new words are formed by combining parts of two words, usually the beginning of one word and the end of another (cf. Godby et al., 1982). For example, smog (smoke + fog), brunch (breakfast + lunch), heliport (helicopter + air-port), motel (motor + hotel), FORTRAN (formula translation), etc. Notice that

enough of each word is normally retained so that the complex whole remains fairly readily analyzable.

Following is a partial list of other common blends: breathalyzer (breath + analyzer), electrocute (electro + execute), Eurovision (European + television), multiversity (multiple + university), newscast (news + broadcast), paratroops (parachute+troops), telecast (televi-sion + broadcast), travelogue [travel + catalogue), inter + exchange). According to Quirk et al. (1985), acronymy, clipping and blending are three highly productive ways in which **abbreviation** [i.e., the shortening of words) is involved in English word-formation.

H. Borrowing

Borrowing is the process whereby new words are formed by adopting words from other languages together with the concepts or ideas they stand for [cf. Brun, 1983; Pei 1966] E.g. tango, mango, taco, burrito from Spanish; fianc'e, very [adapted from Old , French verai), garage from French; pizza, mafia from Italian; and so on. Usually, the pronunciation and morphology of the **borrowings (borrowed terms or loanwords)** are adapted to the phonology and morphology of the **host language** (i.e., the language which adopts the terms); e.g., guerrilla \g"rll\ (English), \ge" r@ija\ (Spanish); banana \b,"noen". (English), \ba"nana\ (Spanish); mango (sing), mangoes (pl.) (English), mangos

It is important to remark that, in many cases, words are borrowed due to historic occur-rences, such as conquests and invasions, or to geographical proximity. The borrowed term may substitute for a native term or may live along with the native term social contexts. E.g., beginning and de'but (French), donkey and burro (Spanish) . However, the most common reason for a language to borrow words is to fill lexical and semantic gaps, i.e., to express new concepts and ideas for which the language has no terms, such as in the fields of science, politics, culture (esp. cooking and music); e.g., guerrilla, taco, tango, piano, junta, matador, arena, cole slaw (Dutch), alcohol, radio, etc.

E. Back-formation

Back – formation is the process by which new words are formed by the deletion of a supposed affix from an already existing word (cf. Quirk et al., 1985; Fromkin & Rodman, 1983; Richards et al. 1985). For example, the verbs peddle, edit, hawk, enthuse, stoke, swindle, televise, donate, sculpt, buttle have been created form the pre- existing nouns ped-dler, editor, hawker, enthusiasm, stoker, swindler, television, donation, sculptor and butle, respectively. The nouns have been thought to be derivatives of verbs on the analogy of cases such as revision, creation, formation, transmission, to name a few, which are true de-rivatives form the verbs revise, create, form, transmit, respectively.

Notice this process normally involves the transformation of one part of speech into another.

Module 2. Semantics & Role of Meaning in Law

1.	Concept of Meaning
2.	Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collocative and Thematic)
3.	Semantic Ambiguity
4.	Components and Contrasts of Meaning-Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
5.	Lexical Relations-Homographs, Homophones and Polysemy and their Significance in Legal Language (focus on examples)

The Concept of Meaning.

- the idea that is represented by a word, phrase, etc.
- the idea that a person wants to express by using words, signs, etc.
- the idea that is expressed in a work of writing, art, etc.

Concept:

- an idea of what something is or how it works

Basically, **meaning** has to do with the ideas and purposes of "something," while concept is similar, but focuses on what is that "something."

Concept is the word, and **meaning** is the word's definition, connotation, explanation, and implication.

Types of Meaning :

Following are the types of meaning:

- Denotative
- Connotative
- Social
- Emotive
- Reflected
- Collocative
- Thematic

A word is the smallest unit of spoken language which has meaning and can stand alone, it is a written representation of one or more sounds which can be spoken to represent an idea, object, action, etc. in order to be understood by the people, a word must have a meaning.

Most words have more than one meaning, it is the characteristic of words that a single word may have several meanings, in fact, words may play an enormous part in our life. Words are used to express something and also convey feelings about what we are describing. Words are used not in isolation but related to human situation. It is through our experience with them in human situation that they take on meaning.

If we talk about words, we can not avoid talking about the study of meaning (semantics). The meaning of a word is often complex, having such components as a picture, an idea, a quality, a relationship and personal feelings and association. Lyons (1977:643 in Palmer 1981:40-41) suggested that we should draw a distinction between sentence meaning and utterance meaning, the sentence meaning being directly predictable from the grammatical and lexical features of the sentence, while utterance meaning includes all the various types of meaning, then, is the part of meaning of a sentence that we are going to discuss in the next following. Lyons states that, utterance meaning is the part of meaning of a sentence that is directly related to grammatical and lexical features, but is obtained either from associated prosodic and paralinguistic features or from the content, linguistic and non-linguistic.

The seven types of meaning are as follows:

1. Conceptual Meaning.

Conceptual meaning is sometimes called denotative meaning or cognitive meaning, it is widely assumed to be the central factor in linguistic communication. Larson noted that denotative meaning is also called as primary meaning, that is the meaning suggested by the word when it is used alone (It is the first meaning) or usage which a word will suggest to most people when the word is said in isolation, it is the meaning learned early in life and likely to have reference to a physical situation (Larson, 1984: 100)

The denotation of a word is its agreed-upon sense-what it refers to, stands for, or designates, a part from the feeling it may call up, and this again is able for a good deal on the context the words that appear in.

It is said that the aim of denotative meaning is to provide, for any given interpretation of a sentence, a configuration of abstract symbols, in which shows exactly

what we need to know if we are to distinguish that meaning from all other possible sentence meaning in the language.

2. Connotative Meaning:

As we experience, words are human situations, they not only take on certain denotation, but also often acquire individual flavors. They have come to have emotive tone, the associations, and suggestiveness of the situation in which they have been a part. For example let us examine the words "brink". This denotes on "edge". However in the phrase "The brink of the cliff or" the brink of disaster", this word suggest danger and its emotive tone is that of fear.

According to Leech (1974: 40-41) connotative meaning is the communicative value an expression has by virtue of what it refers to, over and above its purely conceptual content. It will be clear if we are talking about connotation, we are in fact talking about the "real word experience". Someone associates with an expression when someone uses and hears it. The fact that if we compared connotative meaning with denotative meaning is that connotations are relatively unstable; that is they vary considerably we have seen, according to culture, historical period, and the experience of the individual. Although all the speaker of particular language speaks the language exactly the same conceptual framework, actually each of them has individual perception of words. Connotative meaning is indeterminate and open in the same way as our knowledge and belief about the universe are opened-ended. Connotations play a major role in the language of literature, of politics, of advertising, and a greeting card.

3. Stylistic Meaning:

Stylistic meaning is that which a piece of language conveys about the circumstances of its use. A recent account of English has recognized some main dimensions of stylistic variation. For instance:

1. They chucked a stone at the cops, and then did a bunk with the loot.
2. After casting a stone at the police, they absconded with the money.

Sentence (1) could be said by the two criminals, talking casually about the crime afterwards; sentence (2) might be said by the chief of the police in making the official report; both could describe the same happening (Leech, 1974: 15)

4. Affective Meaning:

Affective meaning is a sort of meaning which an effect the personal feeling of speakers, including his/her attitude to the listener, or his/her attitude to something he/she talking about. In order to get people attention to be quiet, we might say either "(1)"/"I'm terribly sorry to interrupt, but I wonder if you would be so kind as to lower your voice as a little" or (2) "Will you belt up". Factors such as intonation and voice timbre are also important here. The impression of politeness in the sentence (1) can be reserved by tone of biting sarcasm; sentence (2) can be turn into a playful remark between intimates if delivered with the intonation of a mild request.

5. Reflected Meaning:

Reflected meaning involves an interconnection on the lexical level of language, it is the meaning, which arises in case of multiple conceptual meaning, when one senses of word forms part of our response to another sense. For instance, on hearing the Church

service, the synonymous expressions The Comforter and The Holy Ghost both refer to the Third Trinity, but the Comforter sounds warm and comforting, while the Holy Ghost sounds awesome.

6. Collocative Meaning:

Collocative meaning consists of the associations a word acquires on account of the meanings of the words, which tends to occur in its environment. For instance the words pretty and handsome share common ground in the meaning of good looking. But may be distinguished by the range of noun in which they are like to occur or collocate; Pretty woman and handsome man. The ranges may well match although they suggest a different kind of attractiveness of the adjectives.

7. Thematic Meaning.

This is the final category of meaning, thematic meaning is the meaning that is communicated by the way in which the speaker or writer organizes the message, in terms of ordering, focus, and emphasis. It is often felt an active sentence such as (1) below has a different meaning from its passive equivalent (2) although in conceptual content they seem to be the same (Leech. 1974: 19)

1. Mrs. Bessie Smith donated the first prize.
2. The first prize was donated by Mrs. Bessie Smith

We can assume that the active sentence answers an implicit question "what did Mrs. Bessie Smith donate?", while the passive sentence answer the implicit question "who donates the first prize!", that in other words (1) in contrast to se (2) suggest that we know who Mrs. Bessie Smith.

Semantic Ambiguity :

There are two types of ambiguity: Genuine ambiguities, where a sentence really can have two different meanings to an intelligent hearer, and "computer" ambiguities, where the meaning is entirely clear to a hearer but a computer detects more than one meaning. Genuine ambiguity is not a serious problem for NLP problems; it's comparatively rare, and you can't expect computers to do better with natural language than people. Computer ambiguity is a very serious problem; it is extremely common, and it is where computers do much much worse than humans.

Types of ambiguity

Lexical ambiguity

Words have multiple meanings.

"I saw a bat."

bat = flying mammal / wooden club?

saw = past tense of "see" / present tense of "saw" (to cut with a saw.)

\

Syntactic ambiguity.

A sentence has multiple parse trees.

Particularly common sources of ambiguity in English are:

Phrase attachment. "Mary ate a salad with spinach from California for lunch on Tuesday."

"with spinach" can attach to "salad" or "ate"

"from California" can attach to "spinach", "salad", or "ate".

"for lunch" can attach to "California", "spinach", "salad", or "ate"

and "on Tuesday" can attach to "lunch", "California", "spinach", "salad" or "ate".

(Crossovers are not allowed, so you cannot both attach "on Tuesday" to "spinach" and attach "for lunch" to salad. Nonetheless there are 42 possible different parse trees.)"

Conjunction. "Mary ate a salad with spinach from California for lunch on Tuesday and Wednesday."

"Wednesday" can be conjoined with salad, spinach, California, lunch, or Tuesday.

Noun group structure English allows long series of nouns to be strung together using the incredibly ambiguous rule NG -> NG NG. E.g. "New York University Martin Luther King Jr. scholarship program projects coordinator Susan Reid". Even taking "New York" "Martin Luther King Jr." and "Susan Reid" to be effectively single elements, this is 8 elements in a row, and has 429 possible parses.

For a while, I was collecting these as an assignment from students; I saved some of the best in Examples of Compound Nouns

Semantic ambiguity.

Even after the syntax and the meanings of the individual words have been resolved, there are two ways of reading the sentence. "Lucy owns a parrot that is larger than a cat", "a parrot" is extensionally quantified, "a cat" is either universally quantified or means "typical cats." Other examples:

"The dog is chasing the cat." vs. "The dog has been domesticated for 10,000 years." In the first sentence, "The dog" means to a particular dog; in the second, it means the species "dog".

"John and Mary are married." (To each other? or separately?) Compare "John and Mary got engaged last month. Now, John and Mary are married." vs. "Which of the men at this party are single? John and Jim are married; the rest are all available."

"John kissed his wife, and so did Sam". (Sam kissed John's wife or his own?)

Compare "Amy's car", "Amy's husband", "Amy's greatest fear", "Michaelangelo's David" etc.

The relation of the meaning of a compound noun to its component can be vary wildly.

Explaining Lexical Relations-Homographs, Homophones and Polysemy and their Significance in Legal Language (focus on examples)

Synonyms & Antonyms: same meaning, different meaning

When we have words that convey the same meaning, but are spelled and pronounced differently (i.e. they are completely different words), they are said to be **synonyms**. Words that are spelled and spoken differently, and have opposite meanings are called **antonyms**.

A quick note on i.e. and e.g.

ie. and e.g. are abbreviations for Latin terms that are commonly used when clarifying or defining a point made in a piece of text.

- e.g. is derived from *exempli gratia*, which translates as "for example",
- i.e. is derived from *id est*, which we understand as "that is".

They are different, and should be applied differently (and correctly!). We use **e.g.** when considering general examples that illustrate a point, and we use **i.e.** when we are talking about a specific instance, in order to say "in other words". A couple of examples:

"There are many varieties of waterfowl in St. James's Park, **e.g.** mallards, Canada geese, and moorhens." In this sentence, we use **e.g.** to indicate different types of birds that you might see there under the category of "waterfowl". The list is not exclusive, and could include others, or none of these. We are using **e.g.** to mean "such as" here, to aid understanding in what we mean by the term "waterfowl".

"Manchester's tall buildings with copious relief detailing have made it home to one of the UK's rarest protected species, **i.e.** the peregrine falcon." In this sentence, we are talking about the peregrine falcon alone, and the words earlier in the sentence are used to set the scene, to describe in a more interesting way that peregrine falcons live in Manchester. In this sentence, we use **i.e.** to mean "that is", to indicate a specific and single example.

Homonyms. Homophones. Homographs

Meaning, Sound and Appearance

There are a number of terms that describe the way similar words fit together within the structure of the English language, and here I am going to discuss those which describe words of particular meanings, i.e. terms for words that sound the same, look the same, mean the same - or the opposite. We already covered the two simplest categories above, **synonyms** (different words that mean the same thing) & **antonyms** (different words that are opposite in meaning).

There are more to add to the list, and what with English being the awkward and fussy language that it is, some of them have almost identical meanings - but the subtle differences are important. This is best illustrated with a diagram:

Polysemy is a variety of synonymy, and appears similar to homophony and homonymy but it is actually neither of these. Polysemy is a bit awkward to define. It describes a relationship between words, which has not come about by chance, i.e. there was a point in time where these words were etymologically linked, and the various meanings stem from that original root (homonyms & homophones are "accidental" polysemes, although there could be some examples of homophones & homonyms that are also polysemic - I haven't found any yet, though).

Polysemy

That is the simplest definition that I could find. And it is something of an oversimplification, because the idea of relatedness between words is subjective. Although polysemes must have had a common linguistic root at one time, we must be careful as sometimes a common linguistic root can go off in directions that create new words with unrelated meanings.

Examples Of Polysemy

Word	Polysemes	Example
Paper	The thing that one writes on	"Please may I borrow some paper!"
	A published work	"The journal accepted my paper!"
man	A newspaper	"I'll give you today's paper once I've finished reading it."
	The human species	Man as opposed to other animals, as in Mankind.
	Males of the human species	Man & woman.
Bank	Adult males of the human species	Man & boy.
	A financial institution	"HSBC is the world's Local Bank"
	A building belonging to a financial institution	"I'm going to the bank to pay in some cheques."
	A river bank	"I'll be down at the bank this afternoon, fishing."
	An elevated piece of land	"Follow the road round until the grassy bank, and then take the farm track on the right."

In this section, I'm also writing about metonymy. I want to call it the "opposite of polysemy", but it isn't. Synecdoche, a related term which I discuss below, would be closer to that, arguably. What is metonymy?

Metonymy is a figure of speech in which we refer to something by using a word that describes an attribute or accompaniment to the actual thing we are talking about.

Here are some examples of metonymy:

- Saying "suits" when we mean "businessmen"
- Referring to the monarchy as "The Crown"
- "France has elected Macron as President" - where "France" means "the French electorate".

Synecdoche

A **synecdoche** is a word that refers to a part of something to mean the whole . it is different from the definition of metonymy because metonymy describes the wider subject using something that is related to it, or signifies it, whereas a **synecdoche** is a word that describes an actual component of the whole thing it is used to describe.

Here are some examples of synecdoche:

- Saying "wheels" to mean "transportation"
- Saying "plastic" to mean "credit cards"
- Saying "mouths to feed" to mean "dependent persons"

Synecdoche is a subset *of metonyms*. Most metonyms are not synecdochic, but all synecdoches are also metonyms.

And here is one example of synecdoche that upsets many people - because it is just plain offensive. It illustrates how powerful language can be, and that we should consider how we use it and its consequences. **It's the use of "wheelchair" to mean "wheelchair user"**.

Model 3. Composition Skills

1.	Report Writing
2.	Precis Writing
3.	Notices of General Nature
4.	Essay Writing on Legal Topics
5.	5. Translation: <ul style="list-style-type: none">• Definition of 'Translation' and its Nature• Techniques of Translation• The Significance of Translation in

Report Writing

Tips for Report writing:

Report writing comes in different shapes and styles, depending on your topic and your supervisor's requirements. Some reports contain all of the common report writing components, while others contain only a few.

1. How to write a report: The letter of transmittal

A letter of transmittal is a separate, usually brief, document that accompanies your report. By sending a transmittal letter, you're letting your recipient know that you are sending a report, and you're also providing an idea of what is being sent and what the basic requirements were.

Advice on writing the letter of transmittal:

- This document has to be written in accordance with business letter etiquette. Be sure to include the name and address of your recipient. End your transmittal letter with a one-sentence paragraph that establishes goodwill by thanking or complimenting the recipient.
- Do not include a transmittal letter unless specifically requested to do so.

2. How to write the report title page

- There are four main pieces of information that must be present on the title page:
- The report title The name of the person, company, or organization for whom the report has been prepared
- The name of the author and the company or university that originated the report
- Report completion date

A title page might also include a contact number, a security classification, or a copy number depending on the nature of the report you are writing.

Advice on writing the title page:

- Title page requirements have a lot of variation. Ask your tutor for more specific requirements for your title page.

3. How to write the report acknowledgments

A good report includes a page of gratitude to those who helped the writer in the process: supervisors, teachers, professors, librarians, family members, etc.

Advice on writing acknowledgments:

- Make your acknowledgments sincere. Don't just say, "Thank you..." and then give a list of names—instead, refer to each person separately and thank him or her for something specific.

4. How to write the report summary abstract

The abstract communicates to your reader the scope of your paper and the topics discussed. By doing so, the abstract plays an important role in facilitating future research. When writing a summary of your report, go over its main parts (introduction, body, etc.), and summarize each one in a single sentence.

Advice on writing the summary abstract:

- It's better to write the summary abstract at the end. By that time, you will know the content of your report and will be able to outline its most important features.
- To make a good outline, ask yourself why another researcher would be interested in this research or what a potentially interested reader should know about the research.

5. How to write the report table of contents

The table of contents is a reflection of the report writing structure. Sections and subsections should be numbered and titled properly and logically to help the reader find his or her way through your report.

Precis Writing

Tips on Precis Writing

A precis is a summary. Precis writing is an exercise in compression. A precis is the gist of a passage expressed in as few words as possible. A precis should give all essential points so that anyone reading it will be able to understand the idea expressed in the original passage.

Note that precis writing is different from paraphrasing. In a paraphrase you should give all the details: you should not leave out any details. A paraphrase will be at least as long and sometimes longer than the original. A precis, on the other hand, must always be shorter than the original. It should express only the main theme that too as briefly as possible.

How long should a precis be?

There are no rigid rules regarding the length of a precis. But as a general rule, it should not contain more than a third of the total number of words in the original passage.

Uses of precis writing

Most people read carelessly and fail to fully comprehend the meaning of the passage. Precis writing forces them to pay attention to what they read because no one can write a summary of a passage unless they read it carefully. So summarizing teaches one to read with concentration.

Precis writing also improves your overall writing skills. It teaches you how to express your thoughts clearly, concisely and effectively. You learn to choose your words carefully and construct your sentences in a logical and concise manner.

Some general considerations:

- Learn to shorten your words, text of written work, useful writing tips, essential thoughts, ideas or fact.
- It is generally accepted that a precis should be a third of the passage given. If the original passage has 300 words, the precis should not be more than 110 words in length.
- A precis should be in the language of the precis-writer. The original passage is not to be reduced in length by just removing unimportant or unnecessary sentences and by reproducing the rest as the precis. It should be a brief gist or summary of the passage expressed in the writer's own words.
- A precis should be full i.e. it should contain all the essential thoughts, ideas, or fact in the original passage. It should not contain repetitions or observations that are not relevant to the main theme of the original.
- A precis is always written in Reported Speech. The passage given may be a speech made by a person in Direct Speech, but the precis is to be in Reported Speech or the Third Person or in the Past tense.

Techniques of Precis - Writing

There are three kinds of work to be done in producing a clear and successful precis. They are

- (1) Reading,
- (2) Writing and
- (3) Revision.

1. Reading

Read the passage carefully. If one reading is not enough to give you a general idea of its meaning, then read it second time. As you read, find out the subject or the theme of the passage and what is said about the subject.

It will be a good thing if you find out the lead or the topic sentence. The lead sentence will help you to see the subject clearly. It will also help you to think of a title.

Now comes the process of selection. The writer of the precis writing passages has to decide what facts or ideas in the passage are essential and what are of secondary or no importance. Taking the main ideas of the passages as your point of reference, it should not be too difficult to write out the important points in the original in a corner of your - writing work sheet.

2. Writing

You should first prepare a draft of the precis, keeping in mind, the need to reduce the original to one-third its length. The main thoughts expressed in the passage, the ideas it contains, the opinions presented and the conclusion arrived at should figure in the rough draft. Unimportant things like the names of people and places and dates should not figure in it.

It may so happen that your first draft is too long or that it sounds rather jerky. Shorten it if necessary and write out a careful second draft. Sometimes you may need to work out three or even four drafts, but with reasonable care and concentration, you should normally succeed in producing good precis writing by the second draft.

3. Revision

When you have made your second [or final] draft, carefully revise it before writing out the fair copy. Look for any mistakes or slips in grammar or spelling and correct them. Don't forget to give your precis a title.

Exercise : Write a precise of the following passage

An independent and impartial judiciary, forms the cornerstone of every truly democratic government. The Rule of Law is a basic requirement of such governments; and the maintenance of the Rule of Law is unthinkable without a system of judicial administration presided over by judges who will apply the law without fear or favour to the high and the low, the rich and the poor. Questions often arise in such State of the powers of the State represented by its administrative officials to affect the rights of the individual citizen. The modern welfare State with its labyrinth of all pervasive laws restricting the citizens' activities, invariably needs independent adjudicators alert to protect the citizen from unjustified State action. Different States may evolve different systems, suitable to their genius to afford such protection. Britain has developed a jurisprudence which enables the citizen by appropriate writs to approach the courts of law for the enforcement of his rights to liberty "and property. France has created a system of administrative tribunals for redress against illegal executive action. Whatever the procedure devised, their aim must be to provide remedies easily available, to the citizen for the assertion of his rights against the executive before tribunals in whose impartiality and sense of justice the citizen has complete confidence.

The need for the support of the Rule of Law by an efficient and independent judiciary becomes imperative when the Constitution of - the country is a written Constitution with a federal structure. As we know, a federal system of government predicates parallel governments with limited powers operating in the same territory in different fields. Their respective fields of power are demarcated by the Constitution. The Functioning of parallel governments with limited powers makes it essential that there should exist a competent and impartial authority to adjudicate on the limits of their powers whenever conflicts arise between the Central government and the units or between the units themselves

Ans: The role of The Judiciary

The rule of law is basic value under a democratic step up. It can be preserved and protected only through the institution of the independent and impartial judiciary. Every

State evolves its own institution to satisfy the aspiration of its people by safeguarding their rights. In Britain citizen's rights are protected through prerogative writs and in France administrative Tribunals safeguard the rights of the people. The need for the supporting of the rule of law by an independent judiciary is more imperative in view the written Constitution : federal structure and government with limited powers. An independent judiciary also decides and keep balance of power between the Centre and the States.

Write the Notices of General Nature

The Notices of General Nature are as below:

a. What is a notice?

Ans. A notice is a very short piece of writing which is usually formal in style. It is widely used by individuals and organizations to announce events and celebrations, births and deaths, occasions like inaugurations or sales, to issue public instructions, to make appeals and to extend invitations besides issue notices of termination to the employees or another way round ie notice of leaving the job from the employee to the employer. Most notices are meant to be pinned up or pasted on special boards meant for this specific purpose only. There must be one or more such notice board in the school and other organization. Whereas notices issued by the Government departments and other big organization also appear in various newspapers.

How to Write a Notice?

Writing an effective notice is a kind of art that can be acquired with practice with keeping some basic points in mind while writing them out. Your notice should give complete information and must be written in a clear and lucid style and easily understandable language.

Content that a good effective notice must include in it are:

- Name of the Organization, Institution or Office issuing it.
- Date of issuing of a particular notice.
- The heading 'Notice' to make it very clear.
- A suitable description/ eye-catching caption or heading to hold the immediate attention of the reader.
- The purpose for which it has been written like calling a meeting, drawing attention, making an appeal or informing the general public about some issue of concern etc.
- Details of schedule i.e. date, time, venue, programme, duration etc. in case the notice is about an event to be organized in the near future.

Format of Notice Writing

Notice circulated for some kind of official/non-official Meeting should definitely have:

- Date
- Time
- Venue
- Agenda/ Purpose
- Who is to attend
- Specific instructions
- Contact person/Address

Notice issued for informing about some Events

- Name
- Objective/ Purpose/ Occasion
- Date
- Time/ Duration
- Place/ Venue
- Essential qualifications/ Eligibility/ Conditions
- Contact address
- Specific instructions
- Depending upon the occasion, one can use suitable background images, logos or any graphic representing the event.

Format of Notice Writing (Event Notification) with Example

- Notice for Lost and Found of article or other valuables
- Article Lost/ Found
- Date
- Time (approx]
- Place
- Identification marks [color, size, contents, material]
- Contents
- Whom to contact, When and Where

Format of Notice Writing (Lost or Found) with Example

Notice issued for informing the masses/general public for change of Name

- Drawing attention
- Existing name
- Address
- New Name
- Reason of Change

Notice informing about Tours/ Fairs/ Exhibitions/ Camps to be organized in near future.

- Name and Nature
- Occasion
- Venue
- Objective - information, awareness, appeal, invitation etc.
- Dates/ Timing
- Expenditure/ Entry fee etc.
- Beginning/ Conclusion
- Place (for Tours]
- Duration: From to
- Contact address
- Specific instructions [e.g. do's & don'ts, visiting hours, etc.]

Important Points to Remember while writing a notice:

- Notices can use capital letters for details such as names of organizations, captions, an important detail within the message itself.
- The date of the notice can be placed at the top right or left, or bottom right or left hand corner.
- The entire content of the notice is centered within a 'box'.
- The individual/s responsible for issuing the notice indicates the name below the signature in parenthesis, followed by their designation/s.
- Complete sentences need not always be used in all types of notices. Abbreviations and symbols an also be used.
- Usually, future time references predominate over other tense forms.
- There is penalty for exceeding the prescribed word limit [i.e. 50 words for the body of the notice)

Format of Notice Writing (Official / Non-Official)

	NOTICE TITLE or	just NOTICE
		Date _____
		Time _____
	Venue	/ Place _____
Agenda /	Purpose	_____

(Review of policy, Stationary required, Discussion on new timings, Shortage of fund, Recovering deficits etc.)

Speakers / **Chief** **Guest** _____
 (Name of the Speaker, Chief Guests Name, or Name of Dignitary or Dignitaries attending, Special Guests etc.)

Specific Instructions or **Instructions** _____
 (Switch off Mobiles, No Eatables allowed, Formal Clothing not allowed. Bring your own Pen and Paper, Late arrivals not allowed, Adults only, Ladies only, Those aged between 20-30, Officials only)

For more Information Contact Person / Organisation Address _____

Format of Notice Writing (Event Notification)

Event **Name** _____
(Flower show, Dog show, Bachelor party, Fancy dress)

Date _____

Time / **Duration** _____

Venue / **Place** _____

(stadium, university centre, college campus, hotel, restaurant, i discotheque)

Occasion / Event Details _____

I (Silver jubilee, Launch of a product, Festival, Convention, Opening 1 ceremony etc.)

Instructions _____

(Dress code, No Eatables allowed, Adults only, Ladies only, Age limit, I Officials only, Couples only etc.)

Contact _____

- It is not compulsory to follow the format in the same manner; one can place **Date, Time, Place** along with **Event Name**, under the Event Name but , always in the **Top Section of the Notice**.
- Similarly, one can change the Placement of other Essentials as per ones' *Layout, Design or Criteria*.

Format of Notice Writing (Lost or Found)

Title of Lost or Found Notice

(Lost:- Missing black labrador, Lost silver coloured laptop, White & blue Philips MP3 player, etc.)

(Found:- Black wallet, Driving license, Keys, USB flash drive, Ring engraved with initials 'J' etc.)

Description / Content _____

(Full details like black labrador dog, aged 4 years wearing a black collar with 'S' initial, Mention color, size, contents, material and other required information)

Place _____

(Name of street, Hotel, Cab, Parking lot etc. where item was lost or found)

Date _____ Time _____

Contact _____

(Call me, Give me a call, Ring me up, Get in touch at this number etc.)

- It is not compulsory to follow the format in the same manner; one can place **Date, Time, Place** within the **Description / Content** (para), one can also highlight these with Bold Letters or Underlined or Differently coloured Alphabets).
- Similarly, one can change the **Placement** of other **Essentials** as per ones' *Urgency*. These can also be highlighted with Bold Letters, Underlined Letter or Differently coloured Alphabets).
- One can also include **Photos of Missing Person, Missing Dog, Lost Item** depending upon the budget and other considerations, not required academically or grammatically.

Essay writing (on legal topics)

Tips for writing good (legal) essays:

Writing an essay often seems to be a dreaded task among students. Whether the essay is for a scholarship, a class, or maybe even a contest, many students often find the task overwhelming. While an essay is a large project, there are many steps a student can take that will help break down the task into manageable parts. Following this process is the easiest way to draft a successful essay, whatever its purpose might be. According to Kathy Livingston's *Guide to Writing a Basic Essay*, there are seven steps to writing a successful essay:

1. Pick a topic.

You may have your topic assigned, or you may be given free reign to write on the subject of your choice. If you are given the topic, you should think about the type of paper that you want to produce. Should it be a general overview of the subject or a specific analysis? Narrow your focus if necessary.

If you have not been assigned a topic, you have a little more work to do. However, this opportunity also gives you the advantage to choose a subject that is interesting or relevant to you. First, define your purpose. Is your essay to inform or persuade?

Once you have determined the purpose, you will need to do some research on topics that you find intriguing. Think about your life. What is it that interests you? Jot these subjects down.

Finally, evaluate your options. If your goal is to educate, choose a subject that you have already studied. If your goal is to persuade, choose a subject that you are passionate about. Whatever the mission of the essay, make sure that you are interested in your topic.

2. Prepare an outline or diagram of your ideas.

In order to write a successful essay, you must organize your thoughts. By taking what's already in your head and putting it to paper, you are able to see connections and links between ideas more clearly. This structure serves as a foundation for your paper. Use either an outline or a diagram to jot down your ideas and organize them. To create a diagram, write your topic in the middle of your page. Draw three to five lines branching off from this topic and write down your main ideas at the ends of these lines. Draw more lines off these main ideas and include any thoughts you may have on these ideas.

If you prefer to create an outline, write your topic at the top of the page. From there, begin to list your main ideas, leaving space under each one. In this space, make sure to list other smaller ideas that relate to each main idea. Doing this will allow you to see connections and will help you to write a more organized essay.

3. Write your thesis statement.

Now that you have chosen a topic and sorted your ideas into relevant categories, you must create a thesis statement. Your thesis statement tells the reader the point of your essay. Look at your outline or diagram. What are the main ideas?

Your thesis statement will have two parts. The first part states the topic, and the second part states the point of the essay. For instance, if you were writing about Bill Clinton and his impact on the United States, an appropriate thesis statement would be, "Bill Clinton

has impacted the future of our country through his two consecutive terms as United States President."

Another example of a thesis statement is this one for the "Winning Characteristics" Scholarship essay: "During my high school career, I have exhibited several of the "Winning Characteristics," including Communication Skills, Leadership Skills and Organization Skills, through my involvement in Student Government, National Honor Society, and a part-time job at Macy's Department Store."

4. Write the body.

The body of your essay argues, explains or describes your topic. Each main idea that you wrote in your diagram or outline will become a separate section within the body of your essay.

Each body paragraph will have the same basic structure. Begin by writing one of your main ideas as the introductory sentence. Next, write each of your supporting ideas in sentence format, but leave three or four lines in between each point to come back and give detailed examples to back up your position. Fill in these spaces with relative information that will help link smaller ideas together.

5. Write the introduction.

Now that you have developed your thesis and the overall body of your essay, you must write an introduction. The introduction should attract the reader's attention and show the focus of your essay.

Begin with an attention grabber. You can use shocking information, dialogue, a story, a quote, or a simple summary of your topic. Whichever angle you choose, make sure that it ties in with your thesis statement, which will be included as the last sentence of your introduction.

6. Write the conclusion.

The conclusion brings closure of the topic and sums up your overall ideas while providing a final perspective on your topic. Your conclusion should consist of three to five strong sentences. Simply review your main points and provide reinforcement of your thesis.

7. Add the finishing touches.

After writing your conclusion, you might think that you have completed your essay. Wrong. Before you consider this a finished work, you must pay attention to all the small details.

Check the order of your paragraphs. Your strongest points should be the first and last paragraphs within the body, with the others falling in the middle. Also, make sure that your paragraph order makes sense. If your essay is describing a process, such as how to make a great chocolate cake, make sure that your paragraphs fall in the correct order. Review the instructions for your essay, if applicable. Many teachers and scholarship forms follow different formats, and you must double check instructions to ensure that your essay is in the desired format.

Finally, review what you have written. Reread your paper and check to see if it makes sense. Make sure that sentence flow is smooth and add phrases to help connect thoughts or ideas. Check your essay for grammar and spelling mistakes.

Exercise : Advocate, A friend to society / Lawyers duty towards society / Lawyer is the custodian of civilisation.

In India, the Legal profession which exist today is the outcome of the legal system introduced by the British during the eighteenth century. The legal profession in India as else where is largely creature of status, though in some measures, customs, conventions and usages also play an important role. It is therefore, necessary to have an acquaintance with the legal frame work in order to appreciate the provisions relating to professional ethics and professional responsibility vis-a-vis the Indian Bar.

In the words of Blackstone legal profession is "a science which distinguishes the criterion of right and wrong which teaches to establish the one and prevent, punish or redress the other." The legal profession is the most independent one. A member of the legal profession never hesitates to condemn tyranny injustice. A lawyer stands for justice more than a judge, as he pleads for it. It is a wrong belief that the lawyers promote dispute and difference in the society. The work of the legal profession is not to create disputes but settle the disputes whenever they arise. In fact lawyers are peace makes in the society.

The profession of law has been recognised as profession of high calling and of the noblest order since time immemorial. Neither is the legal profession, a trade or a business; nor is an attorney, a trader or a businessman. A lawyer has got to remember that he is expected to be a gentleman in the true sense of the term in every little or big act in his profession. In fact, no government can function without laws and without the services of the legal profession. In other words, legal profession is an honorable profession, as ancient as magistracy, as noble as virtue and necessary as justice.

Furthermore, legal profession is criticised that it does not add to the economic prosperity of a nation; and consequently a lawyer is not an essential member of society. There is no doubt that it is peace which brings prosperity for a country and peace is the result of law and the lawyer. Had there been no law and lawyers there would have been chaos in society.

In India, the lawyer's relations with his client are primarily a matter of contract. The relation is in the nature of agent and principal. The agreement determines to what extent the counsel can bind his client by his acts and statements; what shall be his remuneration, whether he will have a lien on his client's property, etc. It is evident, however, that as lawyer is also to conform to the ethical code prescribed for him by law and usage, he cannot be a mere agent or mouthpiece of his client to carry out his biddings.

Though Indian Vakalatnama form empowers the advocate to do all that is necessary including compromise in the case, but it does not mean that in view of the express authority his client's concern is undesirable. He should be prompt in communicating to the client to happenings of the court, reply to his queries and the result of the case, irrespective of the defeat or success. He should also act judiciously and wisely like a judge while handling the client's case. One must not forget that an advocate is a representative of the client and not an agent. After the case is over, it is the duty of the advocate to carefully return the brief to the client with all documents and certificates. (Duty to his client)

The cardinal principle which determines the privileges and responsibilities of advocate in relation to the court is that as an officer of justice and friend of the court. This is his primary position. A conduct, therefore, which is unworthy of him as an officer of justice cannot be justified by stating that he did it as the agent of his client. His status as an officer of justice does not mean that he is subordinate to the judge. It only means that he is an integral part of the machinery for the administration of justice.

It is difficult to lay down any hard and fast rules as to what expressions a lawyer can use with impunity while addressing the court and what should ordinarily be tolerated by it.

An advocate have certain duties to the court and to the presiding Judge irrespective of his success or failure of the case. [Duty to Court]

An advocate shall not in any way communicate or negotiate upon the subject-matter of controversy with any party represented by an advocate except through that advocate. He shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the court.

He should also always treat his opponent with fairness and due consideration. For instance, in drafting, pleading, he should act with care, prudence and good faith. He should not indulge in abuse and reckless charges of fraud, dishonesty and criminality. This is for his own honour and reputation. He must satisfy himself that such allegations are relevant and can be supported by some evidence. (Duty to the opponent counsel)

Lawyers have always shown great consideration to the estimate regarding themselves of fellow members of the Bar. No one can be a great lawyer, and as a rule no one can prosper in the profession, who does not command the confidence of fellow members of the Bar. An advocate who is despised by the profession cannot long retain confidence of his clients. (Duty to COLLEAGUES)

Every lawyer owes duty to his professional brethren in particular and to the community of legal profession in general. Some of these duties are like;

- A lawyer has to keep up the best traditions of the Bar. He should not be a party to the lowering of the standard maintained by the Bar.
- It is had of a lawyer to pursue the legal profession in a spirit of competition, vengeance and rivalry with professional brethren (Duty to profession).

The first duty which he owes to himself is the duty of self-respect and independence which are by far the most important. As he should be courteous and respectful to others, so others too should not deny the respect and courtesy to him. (Duty to self)

If a newly enrolled advocate wishes to receive legal training from a senior advocate of a considerable standing at the Bar, it is his duty to train such advocate provided that there is scope for such training. (Duty to impart legal Training)

The Legal Aid is very essential for the survival of healthy democracy, which is founded on the equality, dignity and worth of man as man as a live and valuable component of Society. Legal Aid in modern 'legal, political and social theory is organically related to the urge for social justice. Its movement in India influenced by contemporary legal developments in foreign countries and especially in England.

The concept of Legal Aid is the very spirit of equality and its movement is dedicated to the principle of equal justice to the poor. Equal justice or fair treatment within the purview of judicial process implies an easy access to Courts and other

governmental agencies on the basis of equality. Equal justice requires a systematic approach in response to the prevailing inequalities and injustices existing in our Society. Legal Aid is a vital limb of our Constitution and becomes, for this reason, an interpretative doctrine reflecting the desired fulfillment of the basic objectives of equality. (Duty to RENDER LEGAL AID)

Today, the Legal Aid is not a matter of Charity but it can be claimed as a matter of right. The success of Legal Aid programme requires maximum participation by all persons bar, bench and the general public. Here the roll of law Courts, legal profession and Law Schools is very important. Thus, it is desirable that all persons connected with the administration of justice makes vigorous efforts in this mass movement.

Advocate Must Follow Ethical Rules

The profession of law is a great profession with serious responsibilities. It is learned profession. The profession of a lawyer is a profession and not a business. As justice is a great interest of man on the earth and as the lawyer is the high priest in the shrine of justice, the quality of justice to a very great extent depends on the moral quality of the lawyer. It is on his integrity and fairness that the sanctity of administration of justice depends. It is therefore necessary to have some ethical rules, which vigilantly draws attention on the member of this profession and prevent them from being distracted from the path of right conduct.

An advocate is an officer of the court of law. Hence, he shall conduct himself with dignity and self-respect, during the presentation of his case he shall maintain towards a court a respectful attitude and dignity of judicial office. There are certain duties of the advocates towards the court as well as client, which he is under obligation to fulfill.

Legal Aid to Poor

Just as the modern State tries to protect the poor classes against the common dangers of life such as unemployment, disease, old age, social oppression etc. so it should protect them when legal difficulties arise. Indeed, the case for such protection is stronger than the case for any other form of protection. The law is made for all citizens, poor and the rich alike. It is therefore the duty of the State to make its machinery work alike for the rich and the poor.

The theory, justice should not be a priced a commodity and hence charging Court fees is repugnant to the finer sensibility of those who place principle above expediency. The people of India are yet to see the practical application of the pious words of the Constitution, which states that the State shall secure operation of the legal system and promote justice on the basis of equal opportunity and shall, in particular, provide free legal aid so that suitable legislation or schemes or in any other way to ensure that opportunities for ensuring justice are not denied to any citizen by reason of economic or other disabilities.

One of the greatest impediment on the way of getting justice by the poor is the heavy amount of Court fees which has to be paid by the party concerned who likes to get assistance from the judicial departments and for the redressal of his grievances.

In the context of Indian poverty and inspired by a democratic ideology, our constitution has assured to all equality before the law and equal protection of that laws.

This guarantee under Art. 14 apart, the "right to counsel" has been more specifically articulated in Art.22(1) of the Indian Constitution which lays down that no person shall be denied the right to consult and be defended by a legal practitioner of his choice. The perspective, which must inform judicial construction of these articles, is furnished by Art. 38 of the Indian Constitution which states that "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice: social, economic and political, shall inform all the institutions of national life. It is perfectly reasonable to hold that legal aid is a constitutional imperative.

Equal access to the law for the rich and the poor alike is essential to the maintenance of the rule of law. It is therefore essential to provide adequate legal advice and representation to all those, threatened as to their life, liberty, property or reputation. Who are not able to pay for it.

In fact, where there is no protection, there is in effect no law. No true democracy can endure without a system of administration of justice of which the poorest are able to take advantage. It would not be an exaggeration to say that the very existence of free government depends upon making the machinery of justices available to the humblest of its citizens.

For the poorest sections of the society, 'justice' will remain a distant destination, until and unless, comprehensive arrangements are made to offer legal aid to the lower income groups. It was succinctly pointed out by Francis Bacon: Laws were like cobwebs where the small flies were caught and the great break through. Since the judicial process remains costly and naturally it goes out of the reach of the poorest sections of the society.

Mr. Justice V. R. Krishna Iyer, the Chairman of the Legal Aid Committee prepared a blue print of the Scheme putting forth the philosophy underlying this social welfare measure to ensure effective and cheaper justice to the Indian masses.

The beneficiaries of the Legal Aid Scheme are weaker sections of the society. For instance, members of the scheduled Castes and Scheduled Tribes, backward classes. Rural agricultural and Industrial Labour and workers, woman, Harijans, juvenile, undertrials and geographically deprived depressed classes.

The Legal Service authorities Act, 1987 is intended to avoid laws delays and enables people's participation in Judicial administration through Lok Adalats which in a sense is an expansion of Public Interest Litigation in rural areas. It has helped speedy disposal of family disputes, divorce cases, motor accident claims, insurance cases in shortest possible time.

It would be worthwhile to quote the observation made by the noted American Jurist H.L.A. Hart in this regard who said, "Useful function of lawyers is not only to conduct litigation, but to avoid it, wherever possible, by achieving settlement or

withholding suit". Besides legal practitioners, the academic lawyers and law-teachers can also play a significant role in ameliorating the sufferings of neglected section of the community by their active participation in Legal Aid Schemes.

Legal Literacy Programmes and Lok Adalats. Which have now been accepted as indispensable appendages of the India Justice System.

Translation

- Definition of Translation' and its Nature
- Techniques of Translation
- The Significance of Translation in Law

Introduction to 'Translation

Definition of Translation' and its Nature

Meaning of Translation The English word translation has been derived from the Latin word translation, which itself comes from trans- and latum—together meaning "a carrying across" or "a bringing across. In other words, it is the business of carrying across a message/written content from one text to another, from one person to another and from one language (source language) to a different language (target language]. It can happen within the same language (from one dialect to another dialect or from one form to another) or between languages. It is best seen as a communication process where the transfer of a message/written content from one language into a new language takes place. However, poets engaged in the job of translation often think of translation as 'interpretation', 'taking a view', 'bringing to life', or 'transformation'.

Whatever maybe its meaning, every act of translation involves the expression of sense. A translation is a text that is considered to be different from the original (the source text) but it is also a fact that the source text and the translated text are the same in terms of the sense they convey. It is often said that translation gives new clothes to a piece of writing by putting it in a different form. This interactive relationship between source and translation goes on in the hands of mature translators of prose and drama but it is the best in poetry.

Definition of Translation

Roman Jakobson, a leading linguist and noted expert in the subject of translation, defined translation as "the interpretation of verbal signs by means of some other language." Through this process of translation, texts in one language are transformed into texts in another language with the same meaning. These materials range from the isolated words in a language to the complex network of sentences of philosophical texts.

Some scholars define translation as an art or craft and some others call it a science. It is called an art as all good translations are expressions of the creative urge of the translators. Likewise, it is a science because of the technical formalities and complexities involved in its process. Oxford University defines translation as "The process of translating words or text from one language into another:' The Cambridge Dictionary also endorses that. This can mean the word to word rendering of the text in one language to another or replacing the equivalents of the words or phrases in one text to another. The translated text may have formal equivalence when the source text and the translated text look alike in form. It may have functional equivalence when the source

text and the target text or translated text convey the same sense or perform the same function, though they have formal differences. It is often seen that the idioms and usage of the source language creep into the target language through translations which often enrich and shape the target language.

Translation is the communication of the meaning of a text in a source language (SL) into a comprehensive version of target language (TL) without causing any loss to the original message. It is often thought that if one is a bilingual s/he can be a good translator, which is not the truth. People having good communicative and writing experiences in both the languages can be good translators, which includes their being bilinguals. While translating, a translator discovers the meaning of a text behind the forms in the source language (SL) and reproduces the same meaning in the target language (TL) with the forms and structures available in the target language. The form changes but the meaning or sense or message remains the same. Nowadays we find translators using computers to translate one language into another, but human beings still play the major role in deciding the final output. While translating images/metaphors and emotive expressions in literary texts, computers cannot replace human beings. Translating is more than simply looking up a few words in a dictionary. We cannot confine translation to one or two definitions. It is elastic in nature and depends upon the person who does the translation. It differs from language to language, and from culture to culture. Hence it is not as easy as it is thought to be. While trying to be a different version of the original, it maintains its own uniqueness, an identity of its own. In the next section, we will discuss the nature of translation, responsibilities of a translator and the complexities involved in the process of translation.

Nature of Translation

Translation is an interpretative process. The nature of translation depends upon the nature of the document. Translation of a technical or promotional document is easier and requires less skill and expertise than the translation of a text of literature. The vocabulary, grammatical rules and the sentence structures would match with the nature of the document, the source language and the target audience.

A successful translation satisfies the needs of the target audience, either in terms of suitable structures or forms or in terms of the appropriate transfer of meaning from the source text to the target text. Besides having equal expertise in the source language and the target language, a good translator should also have a flair for writing in the target language and be familiar with the socio-cultural context in which a text is set.

A successful translator is not a mechanical translator of a text. S/he puts in his/her creativity to the fullest extent and goes into the soul of the content. We can visualize him/her as a co-creator of the target language text as the translated text he almost recreates the text reflecting his culture and personality. While translating, a translator takes into account the lexicon, grammatical structure and cultural context Of the text in the source language to understand the meaning built in the text and then transfers the same meaning to the text in the target language with the help of lexicon and grammatical

structure appropriate to the target language and its cultural context. In this process, every care is taken to ensure that there is no or minimum loss of meaning.

Earlier, faithfulness to the original text was considered to be one of the greatest responsibilities of the translators. But now, with the mushrooming of multiple cultures and languages and diversity of political views in a given context, the translator takes liberty with the original text to allow some accommodation or adaptation in order to keep pace with the sense or spirit of the original. Accommodation is inevitable in practice if the translation is to maintain the essence, impact, and effect of the text in the source language. This is particularly true of poetry where the text is highly emotive and artistic in nature.

A translator may come across a couple of words which are culturally-rooted and thus untranslatable. Such words are difficult to be translated if the cultural context is missing. But the fact is that individual words may not be translatable, but language is.

b) Techniques of Translation are as below:

1. Borrowing

This means taking words straight into another language. Borrowed terms often pass into general usage, for example in the fields of technology ("software") and culture ("punk"). Borrowing can be for different reasons, with the examples below being taken from usage rather than translated texts:

- the target language has no (generally used) equivalent. For example, the first man-made satellites were Soviet, so for a time they were known in English as "sputniks".
- the source language word sounds "better" (more specific, fashionable, exotic or just accepted), even though it can be translated. For example, Spanish IT is full of terms like "soft [ware]", and Spanish accountants talk of "overheads", even though these terms can be translated into Spanish.
- to retain some "feel" of the source language. For example, from a recent issue of The Guardian newspaper: "Madrilenos are surprisingly unworldly."

2. Calque

This is a literal translation at phrase level. Sometimes calques work, sometimes they don't. You often see them in specialized, internationalized fields such as quality assurance (aseguramiento de calidad, assurance qualite, Qualitatssicherung...).

3. Literal Translation

Just what it says - "El equipo esta trabajando para acabar el informe" - "The team is working to finish the report". Again, sometimes it works and sometimes it

doesn't. For example, the Spanish sentence above could not be translated into French or German in the same way - you would have to use technique no. 4...

4. Transposition

This is the mechanical process whereby parts of speech "play musical chairs" (Fawcett's analogy) when they are translated. Grammatical structures are not often identical in different languages. "She likes swimming" translates as "Le gusta nadar" (not "nadando") - or in German, "Sie schwimmt gern", because gerunds and infinitives work in different ways in English and Spanish, and German is German (bringing in an adverb to complicate matters). Transposition is often used between English and Spanish because of the preferred position of the verb in the sentence: English wants the verb up near the front; Spanish can have it closer to the end.

5. Modulation

Now we're getting clever. Slightly more abstract than transposition, this consists of using a phrase that is different in the source and target languages to convey the same idea - "Te lo dejo" - "You can have it".

6. Reformulation (sometimes known as equivalence)

Here you have to express something in a completely different way, for example when translating idioms or, even harder, advertising slogans. The process is creative, but not always easy. Would you have given the name *Sonrisas y lagrimas* to the film *The Sound of Music* in Spanish?

7. Adaptation

Here something specific to the source language culture is expressed in a totally different way that is familiar or appropriate to the target language culture. Sometimes it is valid, and sometimes it is problematic, to say the least. Should a restaurant menu in a Spanish tourist resort translate "pincho" as "kebab" in English? Should a French text talking about Belgian jokes be translated into English as talking about Irish jokes (always assuming it should be translated at all)? We will return to these problems of referentiality below.

8. Compensation

Another model describes a technique known as compensation. This is a rather amorphous term, but in general terms it can be used where something cannot be translated from source to target language, and the meaning that is lost in the immediate translation is expressed somewhere else in the TT. Fawcett defines it as: "...making good in one part of the text something that could not be translated in another". One example given by Fawcett is the problem of translating nuances of formality from languages which use forms such as *tu* and *usted* (*tu/vous*, *du/Sie*, etc.) into English which only has 'you', and expresses degrees of formality in different ways.

c. **The Significance of Translation in Law**

Legal translation is the translation of texts within the field of law. Usually, these texts relate to Certificates of accuracy, Witness statements, Depositions of Trust, Wills, Articles of Incorporation, Litigation Documents, Immigration Documents, Intellectual Property Rights etc. only. While translating a legal text, a translator should keep in mind that the legal content of the source text is structured in a way that suits that culture and this is reflected in that legal language; similarly the target text is to be read by someone who is familiar with his culture- specific legal system. The entire message of the legal content can change if it is not meticulously translated.

The Bombay High Court recently directed the state government to improve the system for translation of legal documents and look at setting up a commission which will be in charge of such translation to ensure its quality and correctness. The court was hearing a matter filed by the president of 'Marathi Bhasha Saurakshan and Vikas Sanstha' over deficiencies in translation of legal material into Marathi. Pointing to several amendments and new legislations brought in every year, the court held that the need is more serious as the government needs to carry out such an exercise continuously.

Translate the following passage into Marathi/ Hindi

According to the Constitution, there shall be a Governor for each state & he shall be appointed by the President for a term of five years. He shall hold office during the pleasure of the President. Under the Constitution, the President has a free hand in the appointment as well as in the dismissal of the Governor. The Governor is the representative of the President in the State as an executive head. There were instances where Governor were dismissed by the Central Government without any reason. Another unsavory practice is the removal or transfer of governors with the change of government at the centre. In practice, the office of the Governor became co-terminus with the party in power at the centre. The appointment & removal of a Governor in India have become a notorious partisan & political affair which is to be deplored. Now-a-days, it has become a major problem in the centre -state relation. The insecurity of the term of his office can create considerable insecurity in the minds of the Governor & impair his capacity to withstand pressures. Resist extraneous influences & act impartially in the discharge of his discretionary functions. The only solution for this is the amendment of the Constitution to follow the procedure of the removal of the chief Justice of the Supreme Court in the case of removal of a Governor

Translate the following passage into Marathi/ Hindi

Social environment is influenced by one's power and wealth. This, in turn, determines success or failure in peoples' lives. If one is born with a silver spoon in his mouth, he will easily be able to attend a fancy school no matter how intelligent he is or has any luxury he wants just because of power and wealth. On the -flip side, if one is born to a poor family in a bad neighbourhood Infested with violence and drugs, he would have a much smaller chance succeeding in life, more especially, going to an upper-class school. It is hard for many poor to go to college because of such high tuition costs. Scholarships are available; but, even though one shows financial need, one still has to have a high grade point average and test scores. Even if one has a good mind, trying to study in a gang-ridden neighbourhood with constant gunfire isn't easy. With both parents working, there isn't any parental guidance. The rich' also have the luxury of affording special tutors to help their children while other children are on their own. Social environment is not the definitive factor in someone's lifetime accomplishments. It is common knowledge that it is difficult to get out of a bad situation such as growing up without any of the advantages others have, but many have managed. The poor are seen as undeserving, therefore, not receiving much of an education, if any. In any -society, there are always the strong and the weak; and, in this case, the weak are portrayed as the poor by the rest of society some feel that the weak 'in our society should be eliminated because they are no more than mere pests, irritating the rest of society.

Module 4: Understanding the law

	Defining Law Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedent, Rule, Statute Nature of Law Classification of Laws- Municipal Law and International Law, Public and Private Laws, Civil and Criminal laws		
	Interpreting Law and Role of Language in Interpretation (Use of definitions, meanings of words, literal meaning and contextual meaning (Refer to Porritts and Spencer (Asia) Ltd v. State of Haryana 1979 SCC (1) 82 and Dupont Steels v. Sirs, (1980) 1 All ER 529, (1980) ICR 161)		
	Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws- Legal Terms (75)		
	Abduction Abetment Abscond Accomplice Accused Acquittal Adoption Admission Affidavit Alibi Alimony Amendment Appeal Approver Bail Bankrupt Chargesheet Claimant Confession Conviction Damages Decree Deed Defamation Defendant	Deponent Detention Discharge Encumbrance Eviction Evidence Extortion Fraud Heir Homicide Intellectual Property, Intestate Investigation Judgment Jurisdiction Justice Juvenile Legacy Liability Misappropriation Mortgage Negligence Oath Overrule Ownership	Parole Partition Perjury Petition Plaintiff Pleadings Precedent Prosecute Probation Proviso Rebuttal Restitution Remand Respondent Self defence Succession Summons Testator Testimony Trial Trespass Verdict Voluntarily Warrant Will

Defining Law

Law is defined as below:

1. Introduction

The term "Law" denotes different kinds of rules and Principles. Law is an instrument which regulates human conduct/behavior. Law means Justice, Morality, Reason, Order, and Righteous from the view point of the society. Law means Statutes, Acts, Rules, Regulations, Orders, and Ordinances from point of view of legislature. Law means Rules of court, Decrees, Judgment, Orders of courts, and Injunctions from the point of view of Judges. Therefore, Law is a broader term which includes Acts, Statutes, Rules, Regulations, Orders, Ordinances, Justice, Morality, Reason, Righteous, Rules of court, Decrees, Judgment, Orders of courts, Injunctions, Tort, Jurisprudence, Legal theory, etc.

2. Meaning of Law

In old English "Lagu" i.e. law, ordinance, rule, regulation from old Norse "lagu" law collective Plural of "Lag" is layer, measure, stroke 'Literally' something laid down of fixed. The term law has different meanings in different Places/societies at different times (as it is subject to amendments). In Hindu religion law implies "Dharma" in Muhammadian religion (Islam) it is "Hukum" in Roman its "Jus", in French, its "Droit" in Arabic, Alqanoon, in Persian and Turkish, its Kunoon, in Latin its "Legam" in Philipino its "Batas" in Albanian language its "Ligj" in Czech its "Zakon" in Danish its "Lor" in Dutch its "Wet" in Italian its "Legge" and in Lithuanian its "Teise" and so on. It varies from place to place in the sense adultery is an offence in India (under section 497 of the Indian penal code, 1860) while it is no offence in America. Law differs from religion to religion in the sense personal laws viz. Hindu law, Muslim law etc. differ from one another. For instance, A Muslim can have four wives living at a time, but, a Hindu can have only one wife living at a time (Monogamy). If a Hindu male marries again during the life time of first wife he is declared guilty of the offence of bigamy and is Punishable under sec. 494. The law is subject to change with the change in society and also change in the Government/legislative through the amendments/Acts.

Generally the term law is used to mean three things: First it is used to mean "legal order". It represents the regime of adjusting relations, and ordering conduct by the systematic application of the force of organized political society. Secondly, law means the whole body of legal Percepts which exists in a politically organized society. Thirdly, law is used to mean all official control in a politically organized society. This lead to actual administration of Justice as contrasted with the authoritative material for the Guidance of Judicial action. Law in its narrowest or strict sense is the civil law or the law of the land.

3. Definitions of law:-

It is very difficult to define the term law. Many Jurists attempted to define the term law. For the Purpose of clarity, some of the definitions given by Jurists in different Periods are categorized as follows.

(1) Idealistic Definitions:

Romans and other ancient Jurists defined law in its idealistic nature. Roman Justinian's defined law in the light of its idealistic nature.

(a)Salmond: - According to salmond "the law may be defined as the body of principles recognized and applied by the state in the administration of Justice.

(b)John chipman Gray's Definition of Law:- According to Gray, "the Law of the State or of any organized body of men is composed of the rules which the courts, that is the judicial organ of the body lays down for the determination of legal rights and duties.

(ii) Positivisties definition:

(a) Austin's definition of law''

John Austin (1790-1859) An English Jurists expounded the concept of analytical positivism, making law as a command of sovereign backed by sanction. He developed logically, a structure of legal system in which he gave no Place to values, morality, idealism and Justice. According to Austin, a law, in the strict sense is a general command of the sovereign individual or the sovereign body. Issued to those in subjectivity and enforced by the physical power of the state. According to Austin "law is aggregate of rules set by men politically superior or sovereign to men as politically subject." Austin says, "A law is command which obliges a person or persons to a course of conduct.

(b) Holland's definition of law Thomas Erskine Holland, a reputed Jurist, whofollowed the Austin's concept and nature of law attempted to define law as law is a General rule of external human action enforced by a political sovereign. Holland also measures or defines law with preference to sovereign devoid of moral, ethical or ideal elements which are foreign to law and Jurisprudence.

- **John Erskine definition of law** Law is the command of a sovereign, containing a common rule of life for his subjects and obliging them to obedience.
- **Hans Kelson's definition of Law** According to Kelsan legal order is the hierarchy of the norms, every norm derive its validity from the superior norm and finally there is highest norm known as grundnorm.
- **H.L.A.Hart** According to Hart Law is the combination of primary rules of obligations and secondary rules of recognition.

Explain the Meaning of the following terms related to Law

Meaning of terms related to Law are as below:

- **Act:** Once the Bill has been passed by the legislature, it is send to the President or the Governor, as the case may be for the approval. By receiving his assent, it becomes an Act. An Act is a law which is made by the legislature like Parliament or State Legislative Assembly.

- **Bill:** A 'bill' can be considered as initial stage of an act. Bill is a proposal to make a new law. Usually, bill is in the form of a document that summaries what is the policy behind the proposed law and what is to be the proposed law. A Bill can be introduced by government itself or proposed by a member of the Parliament .The Bill is placed in the lower house of the parliament and after discussions once it has been passed, the Bill goes to the Upper house for approval. Once the bill gets passed by the upper House it is sent to the President for his assent. Finally a bill becomes a law (Act) of the land once it has been passed by the parliament and also got assent from the President.

- **Custom Law**

Custom in law is the established pattern of behavior that can be objectively verified within a particular social setting. A claim can be carried out in defense of "what has always been done and accepted by law." Related is the idea of **prescription**; a right enjoyed through long custom rather than positive law.^[1]

Customary law (also, consuetudinary or unofficial law) exists where:

- a certain legal practice is observed and
- the relevant actors consider it to be law (opinio juris).

Most customary laws deal with standards of community that have been long-established in a given locale. However the term can also apply to areas of international law where certain standards have been nearly universal in their acceptance as correct bases of action - in example, laws against piracy or slavery (see *hostis humani generis*). In many, though not all instances, customary laws will have supportive court rulings and case law that has evolved over time to give additional weight to their rule as law and also to demonstrate the trajectory of evolution (if any) in the interpretation of such law by relevant courts.

- **Morality**

Morality is the human attempt to define what is right and wrong about our actions and thoughts, and what is good and bad about our being who we are.

- **Ordinance:** Ordinances are temporary laws that are circulated by the President of India on the recommendation of the Union Cabinet. They can only be delivered when the Parliament is not in session. They enable the Indian government to take immediate legislative action.

At times, when the legislature of the Union is not in session and there is a need to make a legislation (Act] in emergency. In such cases, the government refers a proposal to the President or Governor, and if they approve of them, it becomes an Ordinance. Legally, an ordinance is the equal to Act. It can be seen as a temporary law till its expiry or till it is repealed or it is approved by the legislature.

- **Precedent**

In general English, the term precedent means, 'A previous instance or case which is, or may be taken as an example of rule for subsequent cases, or by which some similar act or circumstances may be supported or justified.'

According to Gray. 'A precedent covers everything said or done, which furnishes a rule for subsequent practice.'

According to Keeton. 'A judicial precedent is judicial to which authority has in some measure been attached.'

According to Salmond. In loose sense it includes merely reported case law which may be cited & followed by courts. In strict sense, that case law which not only has a great binding authority but must also be followed.

According to Bentham precedents are 'Judge made Law.'

According to Austin precedents are 'Judiciary's Law.'

In general in the judicial field, it means the guidance or authority of past decisions for future cases. Only such decisions as lay down some new rule or principle are called judicial precedents. The application of such judicial decisions is governed by different principles in different legal systems. These principles are called 'Doctrine of Precedent'. For this case to be held, first such precedents must be reported, maybe cited and may probably be followed by courts. Secondly, the precedent under certain circumstances must be followed.

Thus it can be inferred that precedents are:

- Guidance or authority of past decisions for future cases.

- Precedents must be reported, maybe cited and may probably be followed by courts.
- Precedents must have opinio-juris.
- These must be followed widely for a long time and must not violate any existing statute law.
- **Rule is defined as below:**
 - Rule is a authoritative statement of what to do or not to do in a specific situation, issued by an appropriate person or body. It clarifies, demarcates, or interprets a law or policy.
 - Statement that establishes a principle or standard, and serves as a norm for guiding or mandating action or conduct. Rules may be divided into four general categories:

- Folklore: Unpublished rules that are conveyed by behavior and are implicitly understood.
 - Guidelines: Commonly published and recommended practices that allow some discretion with their interpretation and use.
 - Mandates: Published commands that may not be ignored in any circumstance and whose violation is punished
- **Statute is defined as below:**
Statute is a formally drafted and written law adopted by both chambers or houses of a legislature. Statutes are enacted usually by voting following an open discussion, and signed thereafter by the head of State and included in the country's statute book. Also called act of parliament, or just act.

Explain the Nature of Law

Nature of Law is as explained below:

This question has occupied center stage Jurisprudence and philosophy of law in the modern era, and has been the central occupation of contemporary analytic jurisprudence. This entry in the legal theory Lexicon aims to give an overview of the "what is law" debate.

Historically, the answer to the question, "what is Law" is thought to have two competing answers. The classical answer is provided by natural law theory which is frequently characterized as asserting that there is an essential relationship between law and morality and Justice.

The modern answer is provided by legal positivism, which as developed by John Austin, asserted that law is the command of the sovereign backed by the threat of punishment.

Contemporary debates over the nature of law focus on a revised set of positions legal positivism is represented by Analytical legal positivists, like H.L.A Hart Joseph raza and Jules Coleman.

The natural law tradition is defined by John Punis and a new position, interpretivism is represented by the work of the late Ronald Dworkin. In some ways, the title of this lexicon entry is misleading because of focus on the "what is law" question as it has been approached by contemporary legal philosophers.

There are other important perspectives on the nature of law that focus on law's functions rather than the meaning of the concept for criteria of legal validity. For example, the sociological tradition includes important work on the nature of law by Max Weber and Niklas Lahumann. These issues are discussed by Brian Tamanaha in a very clear way.

This lexicon entry maps the territory of the "what is Law"? Controversy, and provides introductory sketches of the major positions as always, the lexicon is written for law students.

There are two kinds of law. One is based on **Justice**. The other is based on control. The predominant form in use today, and which has the greater ancient heritage, is the latter. Basically, what the vast majority of individuals view as law today is a bastardization of the Golden Rule: "Dem wid de gold, makes de rules." It is the law of control, of raw power, of "might making right". It is retribution, instead of restoration.

Law at its most fundamental level is a means by which individuals and groups with wildly different agendas, goals, and aspirations can function in a tolerant, cooperative, and/or competitive environment. Just as there is no reason to dismiss law [and order?] merely because of its grotesque misuse by those with the power to use it as a manipulative and enslaving tool -- there is also no reason to assume that the latter is the only viable form of law. The law of control is not the law which at a fundamental level is what one desires.

Explain the Classification of Laws

- Municipal Law
- International Law
- Public Laws and Private Laws
- Civil and Criminal laws

The Classification of Laws is as follows:

1. Introduction

Etymological meaning of classification is "the process of putting something into category" or the basic cognitive process of arranging into classes or categories. For a proper and logical understanding of law its classification becomes necessary. As it elucidates the way of systematic logical structure of the legal order. It explicates the inter relation of rules and their effect to each other. It analysis the law that intern is helpful in codification of laws it is an arrangement of rules in a concise and systematic way.

2. Original and Meaning of the Classification of Law

Notion of classification is very old. Classification was first made by Roman Jurists. The ancient Hindu Jurists also laid down eighteen titles or heads of "Vyavahara" civil law. The distinguished civil and criminal law and classified crime law under various heads. There are two limitations in classification of law first; any classification will have only a relative value and no universal principle or rules can be laid down for it. With the onward march of time, old rule changed their nature and the field of application and new rules based on different Principles come into existence. Therefore, a new classification becomes necessary. Roman Jurist analyzed law in old times but that classification is Vague to present world.

Second, any classification made keeping in view the law of a Particular community or nation is not applicable to the law of any other Community or nation.

For Example; if one commits a breach of promise to marry, in English law, it falls under contract, but in French law it falls under delict.

So, it's not possible to discuss the classifications given by various Jurists, only a General Classification shall be given which has been adopted by most of Jurists of the modern times.

3. Classification of Law

- (1) International Law, and
- (2) Municipal or National law

International law:- The Present form of international law is of recent origin some earlier Jurist were of the view that the international law is not law as it lacked many elements which law should have. Austin and his supporters were of this view. Some says international law is law and it is superior to the municipal law Kelson supports this view.

What is International Law?

The legal Process that concerns legal relations among nations is called international law. Belief and experience some form international law dates from at least the days of the Roman Empire.

The united nation is are of the Primary mechanism that articulate and create international law.

The major sources of international law are multilateral Treaties, international custom and such General Principles as are recognized by civilized nations. According to some Jurists international law may be divided into two classes.

- (1) Public international law, and
- (2) Private international law

(1) Public international law is that body of rules which govern the conduct and relations of States with other, really speaking; the term international law is used for this class of law.

(2) Private international law means those rules and Principles according to which the cases having foreign element are decided for example, if a contract is made between an Indian and Pakistani and it is to be performed the rule and Principles on which the rights and liabilities of the Parties would be determined would be called Private international law. This class of law is called "Conflict of laws" also. After knowing the field of application of this class of law, it is clear that the adjective "international" is wrongly given to it because it applies to individuals and not to States and these rules and Principles (called Private international law) vary from State to State and thus lacked uniformity. This class of law is enforced by municipal courts which administer municipal law and not international law, so, such a law does not possess the characteristics of international law.

In modern times this class of law has gained much importance and every States has made rules for its administration. Therefore, it must be properly classified. It is submitted that it should be given the name "Conflict of Laws" and not private international law and should be treated as a branch of municipal Private law and should be classified as such.

4. The Municipal law, Law of land. Civil law, or law applied within a State is divided into two classes:

- (A) PUBLIC LAW**
- (B) PRIVATE LAW**

A) PUBLIC LAW:- The State activities are largely regulated by Public law. It determines and regulates the organization and functioning of the State and determines the relation of the State with the subject, public law may be divided into three classes:-

- (A) Constitutional law
- (B) Administrative law and
- (C) Criminal law

(A) Constitutional law:- By constitutional law is meant that law which determines the nature of the State and the Structure of the Government. It is above and superior to the Ordinary law of the land. Constitutional law is the basic law or fundamental law of the State. The constitutional law may be written as in India or unwritten as in England. In modern times there is tendency to adopt written constitution.

(B) Administrative Law:- Administrative law deals with the structures powers and the functions of organs of the administration, the limits of their Powers, the methods and Procedures followed by them in exercising their powers and functions; the methods by which their power are controlled including the legal remedies available to a person against them when his rights are infringed by their operation.

(C) Criminal law:- Criminal law defines offences and prescribes punishment for them. Its aim is the prevention of and punishment for offences. Criminal law is necessary for the maintenance of order and peace within the State. In civilized societies crime is considered to be wrong not only against the individual (who has been wronged) but a wrong against the society. Therefore, the State initiates the proceedings against the offender, and thus it is always a party in criminal cases. This is why the criminal law is considered as a branch of public law.

(D) Private Law: - This branch of law regulates and governs the relations of citizens with each other. The parties in such cases are private individuals and the State through its judicial organ adjudicates the matters in dispute between them. In these cases the State takes the position of only an arbiter. But it does not mean that the State regulates all the conducts and relations of the citizens but regulates only such of them as are of public importance and these relations (which State regulates) constitute the civil rights of the citizens. The major part of municipal law consists of this branch of law but in Totalitarian States the public law regulates the major part of the social life. In the Classification of private law there is great difficulty. Different Jurists have given different classification, a very General classification is as follows:-

1. The law of Persons
2. The law of Property
3. The law of obligations
4. The conflict of laws

The law of obligations is divided into three classes,

- (i) Contract
- (ii) Quasi contract, and
- (iii) Tort

The classification is only substantive law. The procedural law and Evidence are also the branches of the Private law.

LAW

STATE LAW/NATIONAL LAW

INTERNATIONAL LAW

PUBLIC LAW

PRIVATE LAW

CONSTITUTIONAL LAW ADMINISTRATIVE LAW CRIMINAL LAW

LAW OF PERSON LAW OF PROPERTY LAW OF OBLIGATIONS

**CONFLICT
OF LAWS**

CONTRACT

QUASI-CONTRACT

TORT

Interpreting Law and Role of Language in Interpretation (Use of " definitions, meanings of words, literal meaning and contextual meaning

(Refer to Porritts and Spencer (Asia) Ltd v. State of Haryana 1979 SCC (1) 82 and Duport Steels v. Sirs, (1980)1 All ER 529, (1980) ICR 161)

Interpretation of Law is as explained below:

Porritts & Spencer (Asia) Ltd. A vs State Of Haryana on 6 September. 1978

ACT: Punjab General Sales Tax Act, 1948, Item 30 of Schedule 'B' of the Act-Whether 'dryer felts fall within the category of "all varieties of cotton, woollen or silken textiles."

HEAD NOTE:

The 'any felts' manufactured by the appellant assessee were held by the assessing authorities to be not 'textiles' within the meaning of Item 30 of Schedule 'B' of the Punjab General Sales Tax Act, 1948 and thereafter, on appeal the Tribunal and on reference the High Court also confirmed this view. Allowing the appeal by special leave, the Court

HELD:

1. 'Dryer felts' are 'textiles' within the meaning of that expression in Item 30 of Schedule 'B' to the Punjab General Sales Tax Act, 1948. [551 E]
2. In a taxing statute words of every day use must be construed not in their scientific or technical sense but as understood in common parlance, meaning "that sense which people conversant with the subject-matter with which the statute is dealing would attribute to it." [548 A, F]

Where a word has a scientific or technical meaning and also an ordinary meaning according to common parlance, it is in the latter sense that in a taxing statute the word must be held to have been used, unless contrary intention is clearly expressed by the Legislature. The reason is that the Legislature does not

suppose our merchants to be 'naturalists, or geologists, or botanists'. In the instant case the word 'textiles' is not sought by the assessee to be given a scientific in preference to its popular meaning. It has only one meaning namely a woven fabric and that is the meaning or technical meaning which it bears in ordinary parlance. [550 E-G].

3. The concept of 'textiles' is not a static concept. It has, having regard to newly developing materials, methods techniques and processes, a continually expanding content and new kinds of fabric may be invented which may legitimately, without doing any violence to the language be regarded as textiles [550 H]

The word 'textiles' is derived from Latin 'texere' which means 'to weave' and it means woven fabric. When yarn, whether cotton, silk, woollen rayon, nylon or of any other

description or made out of any other material is woven into a fabric, what comes into being is a 'textile' and is known as such. Whatever be 546 the mode of weaving employed, woven fabric would be 'textile'. What is necessary is no more than meaning of yarn and weaving would mean binding or putting together by some process so as to form a fabric. A textile need not be of any particular size or strength or weight, the use to which it may be put is also immaterial and does not bear on its character as a textile. The fact that the 'dryer felts' are used only as absorbents of moisture in the process of manufacture in a paper manufacturing unit, cannot militate against 'dryer felts' falling within category of textiles, if otherwise they satisfy the description of textiles. The Customs, Tariff Act, 1975 refers to textile fabrics in this sense.

b. **Statutory interpretation in Duport Steels v. Sirs. (1980)1 All ER 529. (1980) ICR161**

Lord Diplock:

"Parliament makes the laws, the judiciary interpret them. When Parliament legislates to remedy what the majority of its members at the time perceive to be a defect or a lacuna in the existing law (whether it be the written law enacted by existing statutes or the unwritten common law as it has been expounded by the judges in decided cases), the role of the judiciary is confined to ascertaining from the words that Parliament has approved as expressing its intention what that intention was, and to giving effect to it. Where the meaning of the statutory words is plain and unambiguous it is not for the judges to invent fancied ambiguities as an excuse for failing to give effect to its plain meaning because they themselves consider that the consequences of doing so would be inexpedient, or even unjust or immoral. In controversial matters such as are involved in industrial relations there is room for differences of opinion as to what is expedient, what is just and what is morally justifiable. Under our Constitution it is Parliament's opinion on these matters that is paramount."

"If this be the case it is for Parliament, not for the judiciary, to decide whether any changes should be made to the law as stated in the Act."

Lord Scarman:

'If Parliament says one thing but means another, it is not, under the historic principles of the common law, for the courts to correct it...We are to be governed not by Parliament's intentions but by Parliament's enactments'.

The Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws-Legal Terms (75)

No.	Legal Terms	Etymology	Significance	Meaning	Usage
1	Abduction			taking someone away by force,	
2	Abatement			cancelling a writ or action; stopping a nuisance; reducing the payments to creditors in proportion, if there is not enough money to pay them in full; or reducing the bequests in a will, in proportion, when there is not enough money to pay them in full.	
3	Abscond			when a person fails to present themselves before the court when required, such as when they have been released on bail and not returned to court	
4	Accomplice			someone who helps another person to commit a crime.	
5	Accused			the person charged with a criminal offence.	
6	Acquittal			the court's decision that a person is innocent of the crime they were charged with.	
7	Adoption			the system which people use to become parents, even though they are not the child's natural parents.	
8	Admission			one side in a case agreeing that something the other side has alleged is true.	
9	Affidavit			a written statement which is sworn to be true by the person signing it. It is sworn before someone authorised by the court.	
10	Alibi			a claim that a person was elsewhere when a crime was committed. If someone is accused of a crime their alibi is: <ul style="list-style-type: none"> • evidence that the person was somewhere else when the crime was committed; or • an attempt to prove that the person was somewhere 	

				else when the crime was committed.	
11	Alimony				
12	Amendment			the process of altering or amending a law or document (such as a constitution) by parliamentary or constitutional procedure, rights that were granted by amendment of the Constitution	The addition of the 1 4 th & 15 th Amendments to the India Constitution caused a divided reaction

13	Appeal			asking a court to overturn a lower court's decision. If the decision of a court is disputed it may be possible to ask a higher court to consider the case again by lodging an appeal.	
14	Approver			when a person fails to present themselves before the court when required, such as when they have been released on bail and not returned to court	
15	Bail			to pay, or promise to pay, an amount of money so that an accused person is not put in prison before the trial. If the accused person does not appear at the trial, the court can keep the money put up for bail.	
16	Bankrupt			someone who has had a bankruptcy order	
17	Chargesheet			the document on which a police officer records details of the accusation against a suspect.	
18	Claimant			the person making a claim	
19	Confession				
20	Conviction			being found guilty of a criminal offence.	
21	Damages			<p>The money awarded by a court to</p> <p>a claimant as ompensation or imposed as a punishment for a financial loss or injury to person, property or rights.</p> <p>Damages are distinguishable from costs, which are the expenses incurred as a result of bringing a lawsuit and which the court may order the losing party to pay.</p> <p>Damages also differ from the verdict, which is the final decision issued by a jury. See also COMPENSATORY</p>	<p>Mary hired Tom to fix her toilet. The work Tom did caused flooding and ruined Mary's carpet. The judge awarded Mary damages to cover the cost of fixing the toilet and replacing the carpet.</p>

			DAMAGES, PUNITIVE DAMAGES.	
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23	Deed	Middle English dede from Old English ded, ded, akin to german tat Old Dutch deds: Old Norse dath, Gothic deds: for indo European base		a legal document which commits the person signing it to something.	
24	Defamation			making a statement, either orally or in writing, which damages someone's reputation.	
25	Defendant	Middle English defendaunt from Old French defendant, present participle of defendre		a person defending a court action which has been taken against them.	When a divorce is granted, the defendant is not permitted to marry other than the plaintiff for three years, unless the plaintiff dies.
26	Deponent	Classical Latin deponens, present participle of deponere, to lay down, set down:		a person who swears on oath that a statement is correct.	
27	Detention	Middle English detencioun from Old French defention from Classical Latin detentiō from dete		Detention is defined as the state of being confined or delayed somewhere, or kept after school for punishment	The place of detention of political prisoners.

		ntus, past participle of detinere:			
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28	Discharge			release from: • a commitment such as a debt; • a contract because it has finished or the parties agree to end it; or • a punishment for a crime.	
29	Encumbrance	From Old French <i>encumbrance</i> , from <i>encombrer</i> .		encumbrance is a burden or hindrance, or a claim attached to a piece of property or other asset by a lender until the loan is paid in full.	encumbrance of the port and consequent diversion of a certain amount of trade elsewhere
30	Eviction				
31	Evidence			Evidence is defined as something that gives proof or leads to a conclusion	All the evidence points to an accident.
32	Extortion	Middle English <i>extorcoun</i> from Old French <i>extorcion</i> from Ecclesiastical Late Latin <i>extorsio</i> from Classical Latin <i>extortus</i>		Extortion is defined as the practice of trying to get something through force, threats or blackmail	Having been convicted of extortion, he committed suicide
33	Fraud			fraud is something said or done in a dishonest way to trick people voluntarily of fraud and violence	It seems to have begun in really agreements; but for these the unscrupulous greed of the traders soon substituted methods
34	Heir	Middle English from Anglo-Norman		heir is a person who is legally entitled to inherit something upon death, or someone who inherits	Alex was the reluctant heir to an enormous amount of

35	Homicide	from Latin <i>homicida</i>		something and then carries on the legacy or tradition. The killing of one human being by another. Homicide is broader in scope than murder.	land and money. Justifiable homicide is the killing of a human excused by the law as necessary, such as in the case of self-defense; vehicular homicide is the killing of another by operation of a motor vehicle
36	Intellectual Property			Any product of someone's intellect that has commercial value: copyrights, patents, trademarks and trade secrets.	
37	Intestate	Middle English from Old French <i>intestat</i> from Latin <i>intestatus</i> <i>in-</i> not; see in- ¹ . <i>testatus</i> to make a will		One who dies without a legal will.	If the husband dies intestate, leaving no descendants and no paternal or maternal kindred, the whole of his estate goes to his widow absolutely.
38	Investigation			investigation is careful research or examination	An investigation proved that to be the case.
39	Judgment			a decision by a court.	
40	Jurisdiction			is: • the territory in which a court can operate; • the power it has to deal with particular cases; or • the power it has to issue orders.	
41	Justice			is: • the territory in which a court can operate; • the power it has to deal with	

42	Juvenile			<p>particular cases; or • the power it has to issue orders.</p> <p>juvenile is something having to do with children or young people.</p>	<p>There is also an increase in juvenile delinquency. Murad died in 1595, leaving to his successor a legacy of war and anarchy</p>
43	Legacy			<p>Legacy means an older style or system.</p>	
44	Liability			<p>Liability is defined as the state of being responsible for something or something that someone is responsible for</p>	<p>A defect of title or undisclosed liability would invalidate the sale at any time.</p>
45	Misappropriation			<p><i>Wrong, often corrupt use:</i></p>	<p>They must not think to screen misappropriation of public money by getting partisans to pass new laws about state-debtors.</p>

46	Mortgage			Mortgage is a loan taken to purchase property and guaranteed by the same property.	They were originally of the nature of mortgage bonds on the national lands.
47	Negligence			negligence is carelessness or not paying attention, causing someone or something to be at risk of being harmed.	The ambassadors remarked his negligence, and his ministers complained of it.
48	Oath			The definition of an oath is a sworn or solemn promise.	The oath I took to you and Jule I now take to her.
49	Overrule			To overrule is to veto something or to use your authority to make a different decision than others have made or suggested.	About the same time were instituted the deputies on mission in the provinces, who could overrule any local authority, and who corresponded regularly with the Committee.
50	Ownership			Ownership is the legal right to possess something.	A man takes ownership of his deeds and acts responsibly.
51	Parole			Parole is the early release of a prisoner or a state of supervision that occurs after someone has been released from incarceration.	Prisoners released upon parole are carefully supervised by state agents.
52	Partition			a partition is a structure or item that divides something, such as a room, into parts.	Naturally nothing more was heard of the partition of Portugal.
53	Perjury			Perjury is knowingly telling a lie or breaking an oath	By this act of perjury a verdict of " guilty " was

					procured from the jury.
54	Petition			a petition is a formal written request to a superior by a number of people for a specific purpose.	The plea was included in a petition to the first parliament of Charles II.
55	Plaintiff			a plaintiff is someone who brings a lawsuit against someone into court.	In the case of a lawsuit the plaintiff preferred his own plea.
56	Pleadings				
57	Precedent				
58	Prosecute				
59	Probation				
60	Proviso				
61	Rebuttal				
62	Restitution				
63	Remand				
64	Respondent				
65	Self defence				
66	Succession				
67	Summons				
68	Testator				
69	Testimony				
70	Trial				
71	Trespass				
72	Verdict			The opinion of a jury, or a judge where there is no jury, on the factual issues of a case	The jury returned a verdict of not guilty.
73	Voluntarily				
74	Warrant			Most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. An affidavit seeking a warrant must establish probable cause by detailing the facts upon which the request is based	the judge issued a warrant for the respondent's arrest after he failed to appear for the civil protection order hearing
75	Will			A will or testament is a legal document by which a person, the testator, expresses their wishes as to how their property is to be distributed at death, and names one or more persons, the executor, to manage the estate until its final distribution	

Module 5 : Foreign Terminology in Law

1.	Use of foreign terms in legal English- the origin of law and reasons for their use
2.	Foreign Words (30)
3.	Legal Maxims f 151

Explaining the use of foreign terms in legal English - the origin of law and reasons for their use

Use of foreign terms in legal English

Many foreign - mainly Latin - words remain in use in the legal English used today. In many cases these words represent important legal ideas. Try the exercise below.

Here is a list of foreign language words often used in law.

- **a la carte [French]**
adj., adv. with a separate price for each item, printed on the menu; basically it is used to refer to the menu, as opposed to, say, a buffet
Estonian cable operator Elion, an unit of the operator Eesti Telekom, has modified its Smart TV offer on an a-la-carte basis
- **alfresco [Italian]**
adj., adv. open air; outdoors
Brighten up the alfresco area using mosaic tiles to create murals and feature walls
- **alma mater [Latin]**
n. any institution one has graduated from; in other words, one's old school or university
Wolmer's coach Vassell Reynolds will be going up against his **alma mater** and coaches who were once his schoolmates
- **avant-garde [French]**
an artist or group associated with the use of new techniques in their field
The happy convergence of **avant-garde** art and revolutionary politics is a Utopian dream nowhere more celebrated than in the creative foment of the Russian Revolution.
- **Blitzkrieg [German]**
n. rapid, intensive attack, originally used to describe sudden military offensives
The Yemen war planned as a **blitzkrieg** by the Arab coalition has turned into a dragged-out war drawing resources from the coalition.
- **bona fide [Latin]**
adj. authentic, genuine, in good faith

We were targeted across Bo'ness, Bonnybridge and Stenhousemir by callous thieves pretending to be **bona fide** workmen.

- **c'est la vie [French]**
that's life; such is life
I don't let the little things bring me down, I just say '**C'est la vie!**' and keep giving life my best.
- **curriculum vitae (CV) [Latin]**
n. resume, i.e., outline of one's educational and professional qualifications, made for job applications
Although video resumes are not a replacement for the regular curriculum vitae (CV), many recruiters use them as a tool to gauge the candidate.
- **de facto [Latin]**
adv. in reality, actually.
Serbia has "**de facto**" accepted the existence of Kosovo but nationalist sentiment is preventing formal recognition.
adj. existing whether legally recognised or not
The Asian Development Bank has recommended the Cook Islands recognise **de-facto** relationships, as part of advancing gender equality.
- **deja vu [French]**
the sensation of having previously experienced something that one is experiencing
For investors, this may be **deja vu**, considering the way tariffs on voice calls and realisations for telecom service providers crashed five years ago, impacting the sector's profitability amid high debt.
- **doppelganger [German]**
an apparition or double of a living person.
A man met his **doppelganger** on a flight - and took a selfie to celebrate the bizarre moment
- **en route [French]**
adv. on the way
Harry Belafonte, the activist and performer, was **en route** to receiving an honor at the Four Seasons Restaurant when he fell ill.
- **ergo [Latin]**
conj. therefore; consequently
There are lots of people cheering for me at every event I go to; **ergo** the polls are wrong and I am winning.
- **ex officio [Latin]**
adv. and adj. by virtue of one's position or status (literally 'out of duty')
In 1866, the Salem Municipal Council was formed with the then Collector Charles Norman Pochin appointed as **ex officio** chairman.
- **faux pas [French]**
social blunder

Kim disclosed her beauty **faux pas** while delivering a speech at the inaugural InStyle awards in LA.

- **fiasco [Italian]**
total failure
Norwegian media on Friday blasted a Justin Bieber concert in Oslo as a "**fiasco**" after the Canadian pop star walked off the stage.
- **guerrilla [Spanish]**
a member of an irregular army operating in a territory under the control of a hostile force, i.e the enemy; their warfare is generally hit-and-run, employing sudden attacks and sabotages because they are fewer in number
Deep in the Colombian jungle, **guerillas** from the Fare (the Revolutionary Armed Forces of Colombia) plan and execute violent terrorist tactics.
- **klutz [Yiddish]**
a clumsy person
She's a comical blend of insane athlete and pathetic **klutz**.
- **lingua franca [Italian]**
common language
This has been a rather remarkable evolution: Rodriguez, a noted baseball transgressor, working for one of baseball's network partners, talking to a national audience in the **lingua franca** of baseball before and after each postseason game.
- **nee [French]**
adj. born; used for the maiden name of a married woman Kareena Khan **nee** Kapoor
- **par excellence [French]**
adj. the best at something
It took over half a century for Manorama to rise to the level of a historic comedienne **par excellence** and become a household name.
- **per capita [Latin]**
adj., adv. per person
Estimated US **per capita** consumption of fish and shellfish was 14.6 pounds in 2014, up marginally from the 14.5 pounds consumed in 2013.
- **per se [Latin]**
adv. in itself
The film is also edited differently, and is not Hollywood **per se**.
- **prima donna [Italian]**
temperamental entertainer
The **prima donna** IT guru spends much of the team meeting time boasting of his knowledge, while demeaning that of his peers.

- **Realpolitik [German]**
opportunistic politics that concerns itself with ground realities, with self-advancement as the sole driving principle
I no longer think of the former secretary of State as the heartless grandmaster of **realpolitik**.
- **status quo [Latin]**
the existing state of things
The High Court on Saturday ordered to maintain **status quo** with regard to the two acres of land, situated on Platform Road.
- **tabula rasa [Latin]**
blank slate
But the real hero of Makari's tale is WilJis' student John Locke, who argued that the mind is a **tabula rasa** on which ideas are inscribed.
- **terra firma [Latin]**
hard, firm ground
Offensive coordinator George Godsey kept his offense planted on the **terra firma** for all of 13 plays, only three of which gained as many as 5 yards.
- **vis-a-vis [French]**
adv., adj. face-to-face
The US dollar rate vis a vis the Kuwaiti dinar dropped to KD 0.302 but the euro rose to KD 0.333, in Sunday's trades.
- **Zeitgeist [German]**
the intellectual outlook or spirit characteristic of a particular time period or generation
Street demonstrations and protest movements as cultural memes have hit the **Zeitgeist** like a buzzy new Netflix series this season.

The Common Latin Legal terms and usage:

Term or phrase	Literal translation	Definition and use
a fortiori	form stronger	An a fortiori argument is an "argument from a stronger reason", meaning that, because one fact is true, a second (related and included) fact must also be true.
a mensa et thoro	from table and bed	Divorce a mensa et thoro indicates legal separation without legal divorce.
a posteriori	from later	an argument derived for subsequent event.
a priori	from earlier	an argument derived for previous event.
a quo	from which	Regarding a court below in an appeal, either a court of first instance or an appellate court, known as the court a quo.
ab extra	from outside	Concerning a case, a person may have received some funding from a 3rd party. This funding may have been considered ab extra.
ab initio	from the beginning	"Commonly used referring to the time a contract, statute, marriage, or deed become legal, e.g The couple was covered ab initio by her health policy." [1]
absque hoc	without this	"Presenting the negative portion of a plea when pleading at common law by way of a special traverse." [1]
actori incumbit onus probatio	on the plaintiff rests the proving	The burden of proof falls to the plaintiff, claimant, or petitioner according to Roman law.
actus reus	guilty act	Part of what prove criminal liability (with mens rea).
ad coelum	to the sky	Abbreviated from Cuius est solum eius est usque ad coelum et ad infernos which translates to "[for] whoever owns [the] soil, [it] is his all the way [up] to Heaven and [down] to Hell." The principle that the owner of a parcel of land also owns the air above and the ground below the parcel.
ad colligenda bona	to collect the goods	
ad hoc	for this	Generally signifies a solution designed for a specific problem or task, non – generalizable, and not intended to be able to be adapted to other purposes.
ad hominem	at the person	Attacking an opponent's character rather than answering his argument.

ad idem ad infinitum ad litem	to the same thing to infinity for the case	in agreement. To continue forever. Describes those designated to represent parties deemed incapable of representing themselves, such as a child or incapacitated adult.
ad quod damnum	according to the harm	Used in tort law. Implies that the reward or penalty ought to correspond to the damage suffered or inflicted.
ad valorem	according to value	
adjournment sine die	adjournment without a day	When an assembly adjourns without setting a date for its next meeting.
affidavit	he has sworn	A formal statement of fact.
alter ego	another I	A second identity living within a person.
amicus curiae	friend of the court	A person who offers information to a court regarding a case before it.
animus contrahendi	contractual intent	Intention to contract.
animus nocendi	intention to harm	The subjective state of mind of the author of a crime, with reference to the exact knowledge of illegal content of his behaviour, and of its possible consequences.
animus possidendi	Intention to possess	"In order to claim possessory rights, an individual must establish physical control of the res and the intention to possess (i.e. animus possidendi)"[2]
animus revertendi	intention to return	"Wild animals, such as bees and homing pigeons, that by habit go 'home' to their possessor. Used when discussing ferae naturae."[2]
ante	before	
(in) arguendo Audi alteram partem	for the sake of argument hear the other side	Refers to the idea that one cannot be fairly judged unless the cases for and against them have been heard.
bona fide	in good faith	Implies sincere good intention regardless of outcome.
bona vacantia Cedit quaestio	ownerless goods the question falls	Indicates that a settlement to a dispute or issue has been reached, and the issue is now resolved.
Casus belli	case of war	The justification for acts of war.
casus fortuitus	fortuitous event	Force majeure, specifically a man-made inevitable accident (e.g. riots, strikes, civil war); ex: When H.M.S. Bounty was destroyed by Hurricane Sandy, October 29, 2012, casus fortuitus would describe the H.M.S. Bounty being at the wrong place when Hurricane Sandy-came up the coast.HMS Bounty Sinks Compare vis major (see below).
Caveat	May he beware	When used by itself, refers to a

Caveat emptor	Let the buyer beware	qualification, or warning In addition to the general warning, also refers to a legal doctrine wherein a buyer could not get relief from a seller for defects present on property which rendered it unfit for use.
Certiorari	to be appraised	A type of writ seeking judicial review.
Ceteris paribus	with other things the same	More commonly rendered in English as "All other things being equal. "
Cogitationis poenam nemo patitur	Nobody suffers punishment for mere intent	
communio bonorum	community of property	The aggregate of marital property under a community property matrimonial regime.
compensatio morae	balance of delay	Delay in payment or performance on the part of both the debtor and the creditor
compos mentis	having command of mind	Of sound mind. Also used in the negative "Non compos mentis", meaning "Not of sound mine ".
Conditio sine qua non	A condition without which it could not be	An indispensable and essential action, condition, or ingredient.
consensus ad idem	agreement to the same	Meeting of the minds, mutual assent, or concurrence of wills. Parties must be of one mind and their promises must relate to the same subject or object [3] Also consensus in idem.
consensus facit legem	consensus makes the law	Stipulates that when two or more persons arrive at a good faith agreement, the law will insist on that agreement being carried out.
consuetude pro lege servatur	Custom is held as law	Where no laws apply to a given situation, the customs of the place and time will have the force of law.
contra	against	Used in case citations to indicate that the cited source directly contradicts the point being made.
contra bonos mores	against good morals	Contracts so made are generally illegal and unenforceable.
contra legem	against the law	Used when a court or tribunal hands down a decision that is contrary to the laws of the governing state.
Contradictio in adjecto	contradiction in itself	A contradiction in terms.
contra proferentem	against the one bringing forth	Used in contract law to stipulate that an ambiguous term in a contract shall be interpreted against the interests of the party that insisted upon the term's inclusion. Prevents the intentional additions of ambiguous terminology from being exploited by the party who insisted on its inclusion.
coram non iudice	before one who is not a	Refers to a legal proceeding without a

	judge	judge, or with a judge who does not have proper jurisdiction.
corpus delicti	body of the crime	A person cannot be convicted of a crime, unless it can be proven that the crime was even committed.
corpus juris	body of law	The complete collection of laws of a particular jurisdiction or court.
corpus juris civilis	body of civil law	The complete collection of civil laws of a particular jurisdiction or court. Also sometimes used to refer to the Code of Justinian.
corpus juris gentium	body of the law of nations	The complete collection of international law.
corpus juris secundum		An encyclopedia of US law drawn from US Federal and State court decisions.
crimen falsi cui bono	crime of falsifying as a benefit to whom?	Forgery. Suggests that the perpetrator(s) of a crime can often be found by investigating those who would have benefited financially from the crime, even if it is not immediately obvious.
cuius est solum eius est usque ad coelum et ad inferos de bonis asportatis	For whoever owns the soil, it is theirs up to Heaven and down to Hell carrying goods away	Used in reference to the rights of property owners to the air above, and land below, their property. Specifies that larceny was taking place in addition to any other I crime named. E.g. "trespass de bonis asportatis".
debellatio	warring down	Complete annihilation of a warring party, bringing about the end of the conflict.
de bonis non administratis	of goods not administered	Assets of an estate remaining after the death (or removal) of the designated estate administrator. An "administrator de bonis non administratis" will then be appointed to dispose of these goods.
de die in diem	from day to day	Generally refers to a type of labor in which the worker is paid fully at the completion of each day's work
de facto	in fact	Literally "from fact"; often used to mean something that is true in practice, but has not been officially instituted or endorsed. "For all Intents purposes" Cf de jure.
de futuro de integro	concerning the future concerning the whole	At a future date. Often used to mean "start it all over", in the context of "repeat de integro".
de jure	according to law	Literally "from law"; something that is established in law, whether or not it is true in general practice. Cf. de facto.
de lege ferenda	of the law as it should	Used in the context of "how the law

	be	should be", such as for posed legislation.
de lege lata	of the law as it is	Concerning the law as it exists, without consideration of how things should be.
delegatus non potest delegare	That which has been delegated cannot delegate [further]	
de minimis	about the smallest things	Various legal areas concerning small amounts or small degrees.
de minimis non curat lex	The law does not concern itself with the smallest [things]	There must be a minimal level of substance or impact in order to bring a legal action.
de mortuis nil nisi bonum	Of the dead, [speak] nothing unless good	Social convention that it is inappropriate to speak ill of the recently deceased, even if they were an enemy.
de novo	anew	Often used in the context of "trial de novo" - a new trial ordered when the previous one failed to reach a conclusion.
deorum injuriae diis curae dictum	The gods take care of injuries to the gods (thing) said	Blasphemy is a crime against the State, rather than against God. A statement given some weight or consideration due to the respect given the person making it.
doli incapax	incapable of guilt	Presumption that young children or persons with diminished mental capacity cannot form the intent to commit a crime.
dolus specialis	Specific deceit	Heavily used in the context of genocide in international law.
domitae naturae	tame by nature	Tame or domesticated animal. Also called mansuetae naturae. Opposite of ferae naturae (below)
donatio mortis causa	deathbed gift	Gift causa mortis; "The donor, contemplating imminent death, declares words of present gifting and delivers the gift to the donee or someone who clearly takes possession on behalf of the donee. The gift becomes effective at death but remains revocable until that time." [2]
dramatis personae	persons of the drama	
dubia in meliorem partem interpretari debent duces tecum	Doubtful things should be interpreted in the best way bring with you	Often spoken as "to give the benefit of the doubt" A "subpoena duces tecum" is a summons to produce physical evidence for a trial.
ei incumbit probatio qui dicit ejsdem generis	Proof lies on him who asserts. of the same class	The concept that one is innocent until proven guilty. Known as a "canon of construction", it states that when a limited list of specific things also includes a more

		general class, that the scope of that more general class shall be limited to other items more like the specific items in the list.
erga omnes	by the name	
erga omnes	towards all	Refers to rights or obligations that are owed towards all.
ergo	therefore	
erratum	having been made in error	
et al.	and others	Abbreviation of et alii, meaning "and others".
et cetra	and other things	Generally used in the sense of "and so forth"
et seq.	and the following things	Abbreviation of et sequens, meaning "and the following ones". Used in citations to indicate that the cited portion extends to the page following the cited page.
et uxor	and wife	Usually used instead of naming a man's wife as a party in a case.
et vir	and husband	Usually used instead of naming a woman's husband as a party in a case.
ex aequo et bono	of equity and [the] good	Usually defined as "what is right and good." Used to describe the power of a judge or arbiter to consider only what is fair and good for the specific case, and not necessarily what the law may require. in courts, usually only done if all parties agree.
ex ante	of before	Essentially meaning "before the event", usually used when forecasting future events.
ex cathedra	from the chair	Where chair refers to authority or position. Authority derived from one's position.
ex concessis	from what has been conceded already	Often used in a "guilt by association" context.
ex delicto	from a transgression	The consequence of a crime or tort.
ex facie	on the face	If a contract is blatantly and obviously incorrect or illegal, it can be considered void ex facie without any further analysis or arguments.
ex fida bona	good business norms	Something done voluntarily and with no expectation of a legal liability arising there from.
ex gratia	by favor	
ex injuria jus non oritur	Law does not arise from injustice.	A principle in international law that unjust acts cannot create laws.
ex officio	from the office	Something done or realized by the fact of holding an office or position.
ex parte	from [for] one	A decision reached, or case brought, by or for one party without the other party being present.
ex post	from after	Based on knowledge of the past.

ex post facto	from a thing done afterward	Commonly said as "after the fact."
ex post facto law		A retroactive law. E.g. a law that makes illegal an act that was not illegal when it was done.
expressio unius est exclusio alterius	The express mention of one thing excludes all others.	When items are listed, anything not explicitly stated is assumed to not be included.
ex proprio motu	by [one's] own motion	Commonly spoken as "by one's own accord."
ex rel	[arising] out of the narration [of the relator]	Abbreviation of ex relatione. Used when the government brings a case that arises from the information conveyed to it by a third party ("relator").
ex turpi causa non oritur actio	From a dishonorable cause an action does not arise.	A party cannot bring a legal action for consequences of his own illegal act.
exempli gratia	for the sake of example	Usually abbreviated "e.g.".
ex tunc	from then	Term used in contract law to specify terms that are voided or confirmed in effect from the execution of the contract Cf. ex nunc.
ex nunc	from now on	Term used in contract law to specify terms that are voided or confirmed in effect only in the future and not prior to the contract, or its adjudication. Cf. ex tunc.
extant	existing	Refers to things that are currently existing at a given point, rather than things that are no longer so.
factum	deed	1. an assured statement made; 2. completion of a will and all its parts to make it valid and legal; 3). book of facts and law presented in a Canadian court
facio ut facias	I do, that you may do	A type of contract wherein one party agrees to do work for the other, in order that the second party can then perform some work for the first in exchange.
favor contractus	favor of the contract	A concept in treaty law that prefers the maintaining of a contract over letting it expire for purely procedural reasons.
felo de se	felon of himself	A suicide. This archaic term stems from English common law, where suicide was legally a felony, thus a person who committed suicide was treated as a felon for purposes of estate disposal.
ferae naturae	wild animals by nature	Wild animals residing on unowned property do not belong to any party in a dispute on the land. Opposite of domitae naturae (above).

fiat	Let it be done.	A warrant issued by a judge for some legal proceedings.
Fiat justitia et pereat mundus	Let there be justice, though the world perish.	Often used as a motto, notably by Ferdinand I, Holy Roman Emperor.
fiat justitia ruat caelum fieri facias	Let justice be done though the heavens fall. May you cause to be done.	Also sometimes a motto, a legal maxim that justice must be done regardless of the result otherwise. A writ ordering the local law enforcement to ensure that damages awarded by the court are properly recovered. A writ of execution.
fortis attachiamen- um, validior praesumptionem	strong attachment, the stronger presumption	When determining whether a chattel is a fixture: "size doesn't matter, how much or degree chattel is attached to 'land' and to 'what'"
forum non conveniens	disagreeable forum	A concept wherein a court refuses to hear a particular matter, citing a more appropriate forum for the issue to be decided.
fructus industriales	industrial fruits	Emblements; in property law, a co-owner profiting from her or his fructus industriales is solely responsible for any losses that may occur. ^[2] (vs. fructus naturales, see below).
fructus naturales	natural fruits	Vegetation naturally growing from old roots (as pasturage) or from trees (as timber or fruit) (vs. fructus industriales, see above).
fumus boni Juris	smoke of a good right	Refers to having a sufficient legal basis to bring legal action.
functus officio	having performed his office	A person, court, statute, or legal document that has no legal authority, because its original legal purpose has been fulfilled.
generalia specialibus non derogant	The general does not detract from the specific.	Specifies that a certain matter of law be covered by the most specific laws pertaining, in the event that broader laws conflict with the specific one.
gravamen	things weighing down	The basic element or complaint of a lawsuit.
guardian ad litem	guardian for the case	An independent party appointed in family law disputes to represent parties that cannot represent themselves, such as minors, developmentally disabled, or elderly.
habeas corpus	May you have the body.	A writ used to challenge the legality of detention. Orders the detaining party to "have the (living) body" of the detained brought before the court where the detention will be investigated.
hostis humani generis i.e.	enemy of the human race that is	A party considered to be the enemy of all nations, such as maritime pirates. Abbreviation of id est, meaning "that

ibid.	in the same place	is", in the sense of restating something that may not have been clear. Abbreviation of ibidem, meaning "in the same place. Used when citing sources, to indicate the cited source came from the identical location as the preceding one.
idem	the same	Used in citations to indicate the cited source came from the same source as the preceding one, though not necessarily the same or location. Cf. ibid.
ignorantia juris non excusat	Ignorance of the law does not excuse.	A principle that states that not having knowledge of a law is not an excuse for breaking it.
imprimatur	Let it be printed.	An authorization for a document to be printed. Used in the context of approval by a religious body or other censoring authority.
In absentia	in absence	A legal proceeding conducted without the presence of one party is said to be conducted in absentia, e.g., trial in absentia or being sentenced absentia.
In articulo mortis	at the moment of death	Often used in probate law, as well as for testimony in the sense of a dying declaration.
In camera	in the chamber	Conducted in private, or in secret. The opposite of in open court.
In curia	in court	Conducted in open court. The opposite of in camera.
In esse	in existence	Actually existing in reality. Opposite of in posse.
In extenso	in the extended	In extended form, or at full length. Often used to refer to, publication of documents, where it means the full unabridged document is published.
In extremis	in the extreme	In extreme circumstances. Often used to refer to "at the point of death."
In flagrante delicto	in blazing offense	Caught in the actual act of committing a crime. Often used as a euphemism for couple caught in the act of sexual intercourse, though it technically refers to being "caught in the act" of any misdeed.
In forma pauperis	in the manner of a pauper	Someone unable to afford the costs associated with a legal proceeding. As this will not be a barrier to seeking justice, such persons are given in forma pauperis status (usually abbreviated IFP], wherein most costs are waived or substantially reduced.
In futuro	in the future	Refers to things to come, or things that may occur later but are not so now. As in in future debts, i.e. debts which become due and payable in the future.
In haec verba	in these words	Used when including text in a

		complaint verbatim, where its appearance in that form is germane to the case, or is required to be included.
In limine	at the threshold	A motion to a judge in a case that is heard and considered outside the presence of the jury.
In loco parentis	in the place of a parent	Used to refer to a person or entity assuming the normal parental responsibilities for a minor. This can be used in transfers of legal guardianship, or in the case of schools or other institutions that act in the place of the parents on a day-to-day basis.
In mitius	in the milder	A type of retroactive law that decriminalizes offenses committed in the past. Also known as an amnesty law.
In omnibus	in all	Used to mean "in every respect." Something applying to every aspect of situation.
In_pari delicto	in equal offense	Used When both parties to a case are equally at fault.
In pari materia	in the same matter	Refers to a situation where a law or statute may be ambiguous, and similar laws applying to the matter are used to interpret the vague one.
In personam	in person	Used in the context of "directed at this particular person", refers to a judgments or subpoena directed at a specific named individual. Cf. in/em.
In prope In prope persona	in full on one's own person	One who represents themselves in court without the [official] assistance of an attorney
In propria persona	in one's own proper person	Alternate form of in prope persona. One who represents themselves in court without the [official] assistance of an attorney
In re	in the matter [of]	Used in the title of a decision or comment to identify the matter they are related to; usually used for a case where the proceeding is in rem or quasi in rem and not in personam (e.g. probate or bankrupt estate, guardianship, application for laying out a public highway) and occasionally for an ex pane proceeding (e.g. application for a writ of habeas corpus).
In rem	about a thing	Used in the context of a case against property, as opposed to a particular person. See also in rem jurisdiction. Cf in personam
In situ	in position	Often used in the context of decisions or rulings about a property or thing "left in place ", after the case as it was before.
In solidum	for the whole	Jointly and severally; where a group

		of persons share liability for a debt, such as co-signers to a loan, the debtor can sue a single party in solidum, that is, to recover the entire amount owed.
In terrorem	in order to frighten	A warning or threat to sue, made in the hopes of convincing the other party to take action to avoid a lawsuit
per eunam	through the court	A decision delivered by a multi-judge panel, such as an appellate court, in which the decision is said to be authored by the court itself, instead of situations where those individual judges supporting the decision are named.
Per incunam_	by their neglect	A judgement given without reference to precedent.
per minas	through threats	Used as a defense, when illegal acts were performed under duress.
per proxima amici	by or through the next friend	Employed when an adult brings suit on behalf of a minor, who was unable to maintain an action on his own behalf at common law.
per quod	by which	Used in legal documents in the same sense as "whereby". A per ' quod statement is typically used to show that specific acts had consequences which form the basis for the legal action.
per se	by itself	Something that is, as a matter of law.
per stirpes	by branch	An estate of a decedent is distributed per stirpes, if each branch of the family is to receive an equal share of an estate.
periculum in mora	danger in delay	A condition given to support requests for urgent action, such as a protective order or restraining order.
persona non grata	unwelcome person	A person who is officially considered unwelcome by a host country in which they are residing in a diplomatic capacity. The person is typically expelled to their home country.
posse comitatus	power of the county	A body of armed citizens pressed into service by legal authority, to keep the peace or pursue a fugitive.
post mortem	after death	Refers to an autopsy, or as a qualification as to when some event occurred.
post mortem auctoris	after the author's death	Used in reference to intellectual property rights, which usually are based around the author's lifetime
praetor peregrinus	magistrate of foreigners	The Roman praetor (magistrate) responsible for matters involving non-Romans.

prima facie	at first face	A matter that appears to be sufficiently based in the evidence as to be considered true.
prior tempore potior iure	earlier in time, stronger in law	(1) A legal principle that older laws take precedence over newer ones. Another name for this principle is lex posterior. (2) (Scots law, civil law), usually translated as "prior in time, superior in right", the principle that someone who registers (a security interest) earlier therefore ranks higher than other creditors.
prius quam exaudias ne iudices probatio vincit praesumptionem	Before you hear, do not judge. Proof overcomes presumption.	
bro bono	for good	Professional work done for free.
pro bono publico	for the public good	
pro forma	as a matter of form	Things done as formalities.
pro hac vice	for this turn	Refers to a lawyer who is allowed to participate (only) in a specific case, despite being in a jurisdiction in which he has not been generally admitted.
pro per	abbreviation of propria persona, meaning "one's own person from the rate	Representing oneself, without counsel. Also known as pro se representation.
pro rata		A calculation adjusted based on a proportional value relevant to the calculation. An example would be a tenant being charged a portion of a month's rent based on having lived there less than a full month. The amount charged would be proportional to the time occupied.
quo warranto	by what warrant	A request made to someone exercising some power, to show by what legal right they are exercising that power. A type of writ.
quoad hoc	as to this	Used to mean "with respect to" some named thing, such as when stating what the law is in regards to that named thing.
quod est necessarium est licitum	What is necessary is lawful.	
R	Rex or Regina	King or Queen. In British cases, will see R v Freeman meaning Regina against Freeman. Changes with King or Queen on throne at time.
ratio decidendi	reason for the decision	The point in a legal proceeding, or the legal precedent so involved, which led to the final decision being what it was.
ratio scripta	written reason	The popular opinion of Roman law,

rationae soli	by reason of the soil	held by those in the Medieval period. "Certain rights may arise by virtue of ownership of the soil upon which wild animals are found." [2]
rebus sic stantibus	things thus standing	A qualification in a treaty or contract, that allows for nullification in the event fundamental circumstances change.
reddendo singula singulis	referring solely to the last	The canon of construction that in a list of items containing a qualifying phrase at the end, the qualifier refers only to the last item in the list.
res	thing, matter, issue, affair	
res communis	common to all .	property constructs like airspace and water rights are said to be res communis - that is, a thing common to all, and that could not be the subject of ownership. With airspace, the difficulty has been to identify where the fee simple holder's rights to the heavens end. Water is a bit more defined - it is common until captured. [2]
res gestae	things done	Differing meaning depending on what type of law is involved. May refer to the complete act of a felony, from start to finish, or may refer to statements given that may be exempt from hearsay rules.
res ipsa loquitur	The thing speaks for itself.	used in tort law when there is no proof of what caused the harm, but it is most likely only the thing that could have caused the harm.
res judicata	a matter judged	A matter that has been finally adjudicated, meaning no further appeals or legal actions by the involved parties is now possible.
res nullius	nobody's thing	Ownerless property or goods. Such property or goods are able and subject to being owned by anybody.
res publica	public affair	All things subject to concern by the citizenry. The root of the word republic.
res publica christiana respondeat superior	Christian public affair Let the master answer.	All things of concern to the worldwide body of Christianity. A concept that the master (e.g. employer) is responsible for the actions of his subordinates (e.g. employees).
restitutio in integrum	total reinstatement	(1) Restoration of something, such as a building or damaged property, to its original condition. (2) In contract law, when considering breach of contract and remedies, to restore a party to an

rex non potest peccare salus populi suprema lex esto	The king can do no wrong. The good of the people shall be the supreme law.	original position(3) Used to describe the basis for sovereign immunity. Used variously as a motto, a reminder, or a notion of how the law and governments in general should be.
scandalum magnatum	scandal of the magnates	Defamation against a peer in British law. Now repealed as a specific offense.
scienter	knowingly	Used when offenses or torts were committed with the full awareness of the one so committing
scire facias	Let them know.	A writ, directing local officials to officially inform a party of official proceedings concerning them.
scire fed	I have made known.	The official response of the official serving a writ of scire facias, informing the court that the writ has been properly delivered.
Secundum form am statuti	According to the form of the statute	
Se defendendo	self-defense	The act of defending one's own person or property, or the well-being or property of another.
seriatim	in series	Describes the process in which the court hears assorted matters in a specific order. Also refers to an occasion where a multiple-judge panel will issue individual opinions from the members, rather than a single ruling from the entire panel.
sic utere tuo I utalienum non laedas	Use your property so as not to injure that of your neighbours.	While an individual is entitled to the use and enjoyment of one's estate, the right is not without limits. Restrictions can give rise to tort actions include trespass, negligence, strict liability, and nuisance.[2]
sine die	without day	Used when the court is adjourning without specifying a date to reconvene. See also adjournment sine die.
status quo non	without which, nothing	Refers to some essential event or action, without which there can be no specified consequence.
situs	the place	Used to refer to laws specific to the location where specific property exists, or where an offense or tort was committed.
solutio indebiti	performance of something not due	Undue performance or payment, obliging the enricher (accipiens) to return the undue payment or compensate the impoverisher (solvens) for the undue performance
stare decisis	to stand by (things)	The obligation of a judge to stand by

status quo status quo ante statu quo	decided the state in which	a prior precedent. In contract law, in a case of innocent representation, the injured party is entitled to be replaced in statu quo. Note the common usage is status quo from the Latin status quo ante, the "state in which before" or "the state of affairs that existed previously." [3]
stratum	a covering, from neuter past participle of sternere, to spread	1] In property law, condominiums has said to occupy stratum many stories about the ground.[2] 2] Stratum can also be a societal level made up of individuals with similar status of social, cultural or economic nature. 3) Stratum can refer to classification in an organized system along the lones of layers, levels, divisions, or similar grouping.
sua sponte	of its own accord	Some action taken by the public prosecutor or another official body, without the prompting of a plaintiff or another party. (compare ex proprio motu, ex mero motu which are used for courtsj
sub judice submodo	under the judge subject to modification	Refers to a matter currently being considered by the court Term in contract law that allows limited modifications to a contract after the original form has been agreed to by all parties.
sub nomine	under the name	Abbreviated sub nom.; used in case citations to indicate that the official name of a case changed during the proceedings, usually after appeal (e.g., rev'd sub nom. and aff'd sub nom.)
sub silentio	under silence	A ruling, order, or other court action made without specifically stating the ruling, order, or action. The effect of the ruling or action is implied by related and subsequent actions, but not specifically stated.
subpoena	under penalty	A writ compelling testimony, the production of evidence, or some other action, under peanly for failure to do so.
vinculum juris	the chains of the law	Something which is legally binding.
vis major	greater or superior force	Force majeure , specifically events over which no humans have control, and so cannot be held responsible. Equivalent to an "Act of God". Compare casus fortuitus (see above).
viz.	abbreviation of videlicet	Namely.

volenti non fit injuria	Injury is not done to the willing.	Notion that a person cannot bring a claim against another for injury, if said person willingly placed themselves in a situation where they knew injury could result.
vigilantibus non dormientibus aequitas f subvenit	Equity aids the vigilant, not the sleeping.	Concept that if an opposing party unreasonably delays bringing an action, that it is no longer considered just to hear their claim, due to fundamental changes in circumstance brought upon by their delay.

Q.3 Legal Maxims

Ans. 3 The Important Legal Maxims are listed below:

No.	Legal Maxim	Meaning
•	Actus curiae neminem gravabit	An act of the court shall prejudice no one.
•	Actus non facit reum, nisi mens sit rea	An act does not make a person guilty unless the mind is guilty.
•	Audi alteram partem	Let the other side be heard as well
•	Delegatus non potest delegare	A delegate cannot delegate.
•	Ex nudo pacto non oritur actio	No action arises from a contract without consideration
•	Expressio unius est exclusio alterius	Express mention of one thing excludes all others
•	Ignorantia facti excusat, ignorantia juris non excusat	Ignorance of facts excuses but ignorance of law excuses no one
•	Nemo dat quod non habet	No one gives what he does not have.
•	Noscitur a sociis	The meaning of a doubtful word can be derived from its association with other words.
•	Qui facit per alium facit per se	He who acts through another does the act himself.
•	Respondeat superior	Let the master answer
•	Res ipsa loquitur	The thing speaks for itself.
•	Ubi jus ibi remedium	Where there is a right there is a remedy.
•	Vigilantibus non dormientibus jura subveniunt	The law assists those that are vigilant with their rights and not those that sleep thereupon
•	Volenti non fit injuria	To a willing person, injury is not done.

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5	1 Volenti non fit injuria	To a willing person, injury is not done.