



**RESEARCH PAPER**

**The Chameleon Modal: A Descriptive Analysis of *Shall* in Urdu Translation of English Laws**

Sarwat Sohail<sup>1</sup> Dr. Ghulam Ali<sup>2</sup> Dr. Muhammad Afzal Butt<sup>3</sup>

1. MPhil Scholar, Centre for Languages and Translation Studies, UOG Gujrat, Punjab, Pakistan
2. Chairman, Centre for Languages and Translation Studies, UOG Gujrat, Punjab, Pakistan
3. Associate Professor/Chairperson Department of Urdu, GC Women University Sialkot, Punjab, Pakistan

**DOI**

[http://doi.org/10.47205/plhr.2020\(4-I\)1.2](http://doi.org/10.47205/plhr.2020(4-I)1.2)

**PAPER INFO**

**ABSTRACT**

**Received:**

January 05, 2020

**Accepted:**

June 15, 2020

**Online:**

June 30, 2020

**Keywords:**

Auxiliary,  
Legal text,  
Modal verbs,  
Translation

**Corresponding Author**

sarwatsohail7@gmail.com

This paper focuses on descriptive analysis of a legal text and its translation. Specifically, it focuses the frequency and use of modal verb shall in legal text in English and its translation in Urdu. Ambiguity inherent in the meanings of English modal verbs and the way they are translated into Urdu, create many issues to be investigated. May, might, must, will, shall, should, would, can and could, nine modal verbs are commonly considered modal auxiliary verbs in English grammar. Legal Language is a register, it is formal language used by the social institution of Justice and Administration. Terms and expression are used in different ways in legal register than in simple English. Modal verbs make the pivot of the sense of whole of the sentence and the function of verb determines the function conveyed in a sentence. For the purpose of research, Punjab laws and their translation is accessed from the Punjab Codes. Variety in the meanings of modal verbs and their frequent occurrence in legal text invoke curiosity and research. Shall, generally a deontic/root modal is the most frequent of modals in legal text and is used in variety of meanings. Research also shows the important role played by these verbs in legal texts

**Introduction**

Translation of legal text is in fact a kind of documentary translation. In this connection we need to have a look at following suggestions. Mahmoud Ordudari (2010) in his article "Translation Procedures, strategies and methods has enumerated points of view of translation expert evaluators, he refers that Venuti (1998) indicates that translation strategies involve the basic tasks of choosing the foreign text to be translated and developing a method to translate it. (p. 240). He employs the concepts

of domesticating and foreignizing to refer to translation strategies. At another place he has quoted, Newmark (1988) who tells the difference between translation methods and translation procedures. He writes, & quot; while translation methods relate to whole texts, translation procedures are used for sentences and the smaller units of language.. He goes on to refer to the following methods of translation:

**Word-for-word translation**, in which the SL word order is preserved and the words are translated singly by their most common meanings, out of context.

**Literal translation**, in which the SL grammatical constructions are converted to their nearest TL equivalents, but the lexical words are again translated singly, out of context.

**Faithful translation** attempts to produce the precise contextual meaning of the original within the constraints of the TL grammatical structures. As all these approaches and methods, clearly focus meaning, sense and context. So we also dig out that the most useful translation strategy should be sense and context not word for word (Newark, p.81).

Selection and use of strategy depends on the genre and the purpose of translation. As for as legal translation is concerned word for word translation is not required, rather sense is to be conveyed essentially. Legal language is used to convey functions so the meanings are more important than mere words. Modal verbs are the pivot point of the whole research so we need to define and describe these verbs to see the complexity they create in their usage. Modal verbs are one of grammatical categories, exclusively English. These are one of the kinds of verbs, used as auxiliaries but convey multiple meanings determined by the context in which they are used.

### Literature Review

Shall is generally used with first person pronoun, both singular and plural to show future tense. Will has predominantly replaced it in general use. Use of shall has been a distinctive linguistic feature of legal register. Pelíšková, (2006), refers Quirk et al 's (1985) point of view "Shall is used to express the simple future with the first person, its use with other persons is old-fashioned and is used quite rarely in currently spoken general English." (p.12). Its use is generally restricted to prediction and volition both used only with 1<sup>st</sup>Personsubject. The former one is a substitute for the future use of will - According to the opinion polls, I shall win quite easily. The latter one is again a substitution for will after the personal pronouns I, we. In Urdu language, future verb GA is the equivalent of both shall and will. Maulvi Abdul Haq (2013) in his book *Qwaid e Urdu*, describes verb and its types in Urdu language.

He also has told of the combination of different dummy verbs with auxiliary GA to convey different senses. For example he tells that HO GA not only gives the meaning of future tense, it also gives the sense of present tense. It helps to interpret

translation of shall into HO GA, as giving different senses including present tense. GA seems to behave here like modal verb as it also conveys the sense of present and present perfect. It is seen through the Urdu translation of Punjab laws. Shall translated as GA is used in the sense of will and must and even in the meaning of should. May and can, also have an equivalent SAKTA HA, only used in the meaning of possibility or ability, by using present tense verb. Should and ought to have an equivalent CHAHIAI, to show different levels of obligation and retain ambiguity in its use in Urdu. CHAHIAI shows the intriguing characteristic of English modal verbs should, must and ought to. Many other verbs are translated and are attached directly with GA.

Bowker and Pearson report that a special purpose corpus focuses on a particular aspect of language. It usually relates to the language for special purposes or it may refer to a particular language variety. It can be the study of one genre or register. In addition, it may relate to a language used by certain demographic group or a specific text type.

### **Material and Methods**

The frequencies of all the modal verbs in this text are detected and the most frequent of the shall is selected for detail description. In this corpus occurrences of the verbs have been seen by using software AntPConc.. Urdu translation of the most frequent of English modal auxiliary verbs especially shall is picked in parallel corpora. Different extracts have been selected, along with their parallel translation, from the legal text to exhibit different senses conveyed by *shall* in particular contexts, as per its ambiguous nature. Its Urdu translations have been explored to as regards the equivalents and analysing their translations in absence of equivalents. Different patterns in translation of frequent modal verb, shall in the selected corpus are explored. Its ambiguities and translations are found out. The frequencies in translation perspective with reference to English – Urdu language pair are explained. AntPConc helps to sort out particular modal verb from parallel files, to take the frequency of that particular verb in ST and its translation in parallel file in TT. Its collocation here can help describing the context, it is used in. following are the screen shots of KWIC produced Main tools are finding and describing, the modal verbs are traced, the frequency is checked and the sense of the modals in the particular context is described. Descriptive analysis supports the use of both the qualitative and quantitative paradigms in the same research. This work will also be at the advantage of using both the ways to analyse data.

### **Results and Discussion**

#### **Usage of Shall in the Punjab Laws**

Results produced after thorough analysis show that among 4940 modal verbs, shall occur 2991 times. Thus make 60.5% of the whole of this verb category. Modal verbs play pivotal role in communicating the whole sense of the action that used to be a command. The reason is that laws and rules are made to be obeyed in

order to set a disciplined society. These laws and rules are to be ordered, directed or prohibited. These verbs convey whether there is possibility, permission, volition, or prohibition or any other state or function to convey.

Source translation (ST) is highly formal document; no other connotations are there but ambiguity of modal verb shall. It is a questionable, problematic factor in this register. Different strategies are used to translate modal shall.

In Target Translation (TT), the translation of these modal verbs is traced accordingly in parallel corpora. GA is commonly found as equivalent of shall and will and mentions future time in Urdu generally. Although modals are exclusively English and this category is not found in Urdu yet in legal text GA seems to behave like a modal.

Dummy verbs are used with GA to resolve ambiguity to some extent. They also fulfil the syntactic requirement of Urdu. HO GA/GI, KAREY GA/GI, JAEY GA/GI are frequently and regularly occurring patterns in Urdu translation of modal shall. GA although not defined generally as modal in Urdu grammar yet it seems to convey the sense of present tense also, in Urdu legal text.

No superfluous word can be found in this formal text and even punctuation marks have meaning according to their placement. In this case of sensitivity, ambiguity of modal verb is highly meaningful. It requires care and expertise for its interpretation and translation. Descriptive analysis of modals and their translation in a way shows how the problem of ambiguity in the process of translation is resolved. Frequency of shall and its translations is shown in Table 2. Extracts from Acts and Ordinances have been picked out to show and analyse modals along with their translations.

Study of ST shows that modal verb shall is used in multiple meanings and also serve as stylistic markers in the legal Register. Study of TT shows that shall one of the most frequent of the modals have been replaced with many combinations of different dummy verbs with future tense verb GA. Three regular patterns in the translation of shall are quite visible in TT. There are also other less frequent combinations in the translation of shall.

### **Various Meanings of *shall* and its Translations**

Shall is frequently used but not in fixed, one lexical meaning. It conveys more than one sense and also adds the flavour of a separate register to the whole text. It changes its colour all through the corpus and gives almost all the shades of its meanings. It is used as both epistemic and deontic modal and has the capacity to express command. Command is conveyed in the form of order, direction, permission, compulsion, obligation and volition. Along with its meanings the researcher needs to analyse how these meanings are conveyed in Urdu. Let's have a look at this phenomenon.

## **Command**

Extract from the Punjab laws text presents the role of shall as is used in the sense of command. For example:

“The Government shall appoint a District Public Prosecutor in each district who shall be the officer in charge of the prosecution in the district within the meanings of the Code.”

حکومت ہر ضلع میں ایک ڈسٹرکٹ پبلک پراسیکیوٹر کا تقرر کرے گی جو ضابطہ کے مفہوم میں ضلع میں استغاثہ کا انچارج افسر ہو گا۔

“If the Committee finds the Commissioner guilty of any of the charges mentioned insubsection (8), the Government shall remove the Commissioner.”

اگر کمیٹی کمشنر کو ذیلی سیکشن (8) میں مذکور کسی الزام کا مرتکب پاتی ہے تو حکومت کمشنر کو ہٹا دے گی۔

Use of shall in the above given extracts shows the sense of command, an order. English grammar does not need/ allow gender specification in the use of shall whereas Urdu language shows gender specification so it uses GA or GI. The sense of command can further be elaborated by following examples from the corpus of Punjab Laws:

## **Obligation**

Commands exist in shades in their functionality in legal text. Some functions are obligatory others are mandatory. Laws convey volition, power and direction. The sense of Command is conveyed through modal verbs, mostly shall. In legal drafting, the acceptable use of “shall” is imposing obligation. Its obligatory sense is traced in the following examples from the selected legal text:

“A member shall be liable to be removed by the Controlling Authority if he,—“

رکن کنٹرولنگ اتھارٹی کی جانب سے ہٹائے جانے کا مستوجب ہو گا۔

Urdu words /verbs HO GA. KAREY GA, JAEY GA and other miscellaneous uses exhibit the tone of authority and resolve ambiguity of shall found in ST.

## **Mandatory Sense**

Rules are defined and basic, compulsory, mandatory sense is also conveyed by the use of shall and its translation KAREY GA. “If a person commences to keep a motor vehicle for use, he shall pay the tax before the expiration of twenty one days from the day when he commences to keep the motor vehicle for.”

اگر کوئی شخص اپنے استعمال کے لیے موثر گاڑی رکھنے کا آغاز کرے تو وہ موثر گاڑی کے استعمال کے آغاز کو اکیس دن گزرنے سے پہلے ٹیکس ادا کرے گا۔

### Power Function

Shall carries the sense of power function and is translated as KAREY GA  
“The Commission shall take measures and devise a strategy to counter sale of drugs without prescription”

کمیشن تجویز کردہ نسخے کے بغیر ادویات کی فروخت کو روکنے کے لیے اقدامات کرے گا اور حکمت عملی وضع کرے گا۔

### Directory Sense

“Amendment in Act I of 1972 - In the Punjab Finance Act, 1972 (I of 1972), section 9 shall be omitted”.

1972 میں ترمیم۔ پنجاب مالیات { ایکٹ } 1972، 1) (1972) کا سیکشن 9 حذف کر دیا جائے I ایکٹ

گا۔

Above given examples confirms Veronica Peliskova’s (2006) point that categorization of the modal verbs into epistemic and deontic seems inefficient as shall has a number of meanings, with only slight but very effective differences. It is used almost exclusively in legal documents to express deontic modality/root modality, to show the obligatory consequence of a legal decision rather than to express pure future.

### Volition

The rules of grammar have been followed in both the languages, in TT verb GA is used with every clause whereas in ST, its syntax does not allow to repeat shall again and again in one complex sentence. *Shall* conveys the sense of authority and power. Generally known as volition through modality is noted in this extract: “Removal of a member - (1) A member shall be liable to be removed by the Controlling Authority if he,”

-رکن کی برطرفی - رکن کنٹرولنگ اتھارٹی کی جانب سے ہٹائے جانے کا مستوجب ہو گا،

### Order

“Warning to first offender - It shall be lawful for Head of District Police or any other officer authorized by him not below the rank of Inspector, to request the relevant court to issue in lieu of prosecution, a warning in writing to the accused in relation to first commission of any offence mentioned in Articles 138 to 140”:

پہلی بار قانون توڑنے والے کو تنبیہ - ضلعی پولیس آفیسر یا اس کی جانب سے مجاز افسر، جو عہدے میں انسپکٹر سے کم نہ ہو، کے لیے یہ جائز ہو گا کہ وہ متعلقہ عدالت، آرٹیکل 138 140 میں مذکور کسی بھی

جُرم کا پہلی مرتبہ ارتکاب کرنے والے ملزم کو استغاثہ کے بجائے تحریری طور پر تنبیہ جاری کرنے کی درخواست کرے

### Prohibition

In most cases the negation usually applies to the situation expressed in the proposition. Modality also serves the function of prohibition as sometimes for the purpose of generalization, as in the following example: sentence starts with No:

"Limitation - No Court shall take cognizance of any offence against the Ordinance or any rule made there under unless complaint thereof has been made to the Inspector of Factories within six months of the date on which the offence is alleged to have been committed."

میعاد۔ کوئی عدالت آرڈیننس یا اس کے تحت وضع کردہ قواعد کے خلاف کسی جُرم کی سماعت نہیں کرے گی جب تک کہ اس کی شکایت جُرم کے مبینہ ارتکاب کی تاریخ سے چھ ماہ کے اندر فیکٹریوں کے انسپکٹر کو جمع نہ کروائی گئی ہو۔

### Shall as Future Tense

Word shall is also used in simple future to display the promise to be acted upon in future. It shows an oath or a promise that will be kept in future. "I\_\_\_\_\_do hereby swear/solemnly affirm that I shall be faithful and bear true allegiance to Pakistan and to the Constitution of the Islamic Republic of Pakistan; that as member of the Police I shall honestly, impartially and truly serve the people without fear, favour or affection, malice or ill-will; that I will to the best of my ability, skill and knowledge discharge, according to law, such functions and duties as may be entrusted to me as a member of the police and in such a manner as to uphold and protect the dignity and rights of the citizens; that I shall abide by the principles contained in the Code of Conduct for police officers".

میں \_\_\_\_\_قسم کھاتا ہوں /حلفاً اقرار کرتا ہوں کہ میں پاکستان اور اسلامی جمہوریہ پاکستان کے آئین کا وفادار اور فرمانبردار رہوں گا؛ یہ کہ پولیس کے رکن کے طور پر میں ایمانداری سے، غیر جانبداری سے اور کسی خوف، طرف داری یا کسی لگاؤ، عداوت یا بغض کے بغیر لوگوں کی حقیقی طور پر خدمت کروں گا یہ کہ میں اپنی بہترین قابلیت، مہارت اور علم کے ساتھ پولیس کے رکن کے طور پر مجھے سونپے گئے ایسے افعال اور فرائض قانون کے مطابق اور ایسے انداز میں سر انجام دوں گا جو شہریوں کی عزت اور حقوق کو برقرار اور محفوظ رکھے؛ یہ کہ میں پولیس افسران کے لیے وضع کردہ ضابطہ اخلاق میں درج اصولوں کا پابند رہوں گا۔

### Declaration

Shall be is in Declaration mode in the following excerpt: "No person shall be deemed to be a tenant or to have any right or title in the land allotted to him until such a written order has been passed and he has taken possession of the land with the permission of the Collector. After possession has been so taken, the grant shall be held subject to the conditions declared applicable there.

کسی بھی شخص کو اسے الاٹ کی گئی اراضی کا تحریری حکم جاری کیے جانے اور کلکٹر کی اجازت سے اراضی کا کرنے تک کسی اراضی کا مزارع یا اس میں کوئی حق یا استحقاق رکھنے والا نہیں سمجھا جائے گا۔ اور یوں قبضہ حاصل کرنے کے بعد گرانٹ اُس پر قابل اطلاق واضح کردہ شرائط کے تحت ہو گی۔

## Entitlement

“The Collector shall determine the capital gain through calculating difference in valuation at the time of acquisition and sale on the basis of valuation table notified by the Collector of the district under section 27-A of the Stamp Act, 1899 (II of 1899) or the recorded value in the transfer deed, whichever is higher.”

کلکٹر حصول اور فروخت کے وقت مالیت کے اندازہ کا فرق نکال کر سرمایہ پر منافع {کپیٹل گین} کا (II) تعین کرے گا۔ یہ تعین وہ اس تخمینہ جاتی ٹیبل جس کا نوٹیفیکیشن ضلع کے کلکٹر نے سٹیپ ایکٹ، 1899 کے تحت جاری کیا ہو یا معاہدہ انتقال میں درج شدہ مالیت، ان دونوں میں سے جو بھی زیادہ ہو، کی بنیاد پر کرے گا

We can see that shall convey all its possible meanings in Punjab Laws. Its translation is not one and fixed, GA only rather the combinations of dummy verbs and GA present the best solutions according to the context. At many occasions shall is used in the sense of must, will, may, has an entitlement to. Frequency of Translations of Shall

When Shall occurs with be, most of the time it is translated as HO GA, but does not so happen always. When shall come with main verb and an action is attributed to the subject shall is translated as KAREY GA, in active voice form. Third regular pattern of Urdu translation JAEY GA shows the meaning of shall be shows passive voice condition of the verb. It would not be HO GA rather it would be JAEY GA.

Along with these three frequent patterns there are also other verbs attached with GA. These occurrences are very rare, few and far between, and used with transitive verb like; “hold, grant, revoke, remove, decide, renew, call, appoint, keep, establish, submit, conduct, communicate, impose, meet, ensure, apply, be, preclude, exceed, act, vacate, so on and so on, each to tell about the action to be done and to be maintained.

RAKHEY GA/GI رکھے گا/گی

NAHIN KAREY GA/ NAHIN KAREY GI /نہیں کرے گی ہینک

KAHLAEY GA/GI کہلانے گا/گی

BNAEY GA/GI /گی

DAEY GA/GI /گی

HOON GI/GAEY / ہوں گی

DAEN GI/ GAEY / دیں گی



سکے گا/سکے گی SAKEY GA/ SAKEY GI replace occasionally both shall and may. In this research Table 1 has given the clear picture that 'shall' is the most frequent modal verb in the legal text, 2991 out of 4940 occurrences. 'Shall' has always an equivalent 'GA' in Urdu, generally GA verb is present as an equivalent to both shall and will in simple English for future tense. Although modals make a grammatical category in English exclusively, yet in a way GA can be referred as a modal in Urdu, because it also gives many senses other than a single verb to present future tense in legal text. It gives the sense of order, obligation, direction, volition, entitlement, mandatory sense, description of rules, shows existence or composition of different boards/ working committees, gives the sense of permanently perpetuating process etc. Another point to be noted here in table 2 is that GA does not excitingly there to convey the full meaning of shall. Its ambiguities are resolved using other dummy verbs like 'HO', 'KAREY', 'JAEY', 'HOON' along with GA to convey exact meaning. In Urdu translation three kinds of patterns have been traced. Researcher has seen while studying the corpora that shall is virulently active in the whole text and some patterns are seen regularly existing in it.

Example		
ST	TT	Translation Description
<p><b>Constitution of a Board-</b></p> <p>(1) A Board <u>shall</u> consist of the following members, namely: -</p> <p>(2) The names of the nominated members <u>shall</u> be notified in the official Gazette.</p> <p>(3) The term of Office of members, other than <i>ex-officio</i> members, <u>shall</u> be three years.</p> <p>(4) No member appointed by virtue of his office <u>shall</u> continue to be a member if he ceases to hold that office.</p> <p>(5) When a person ceases to be a member of a Board, he <u>shall</u> cease to be a member of any committee of which he may be a member. "</p>	<p>(1) بورڈ کی تشکیل - مندرجہ ذیل اراکین پر مشتمل ہو گا، یعنی:-</p> <p>(2) نامزد اراکین کے نام سرکاری گزٹ میں نوٹیفائی کیے جائیں گے۔</p> <p>(3) ماسوائے اراکین بلحاظ عہدہ، اراکین کی مدت عہدہ تین سال ہو گی۔</p> <p>(4) اپنے عہدہ کی وجہ سے مقرر کیا جانے والا رکن اپنا عہدہ چھوڑنے پر رکن نہیں رہے گا۔</p> <p>(5) جب ایک شخص بورڈ کا رکن نہیں رہتا تو وہ کسی بھی کمیٹی کا رکن نہیں رہے گا جس کا وہ رکن</p>	<p>Exhibits constitution of a Board and States rules of its structure. <i>Shall</i> has the meaning of <i>is to be included</i>. <i>Shall</i> can also be used to state rules that will work whenever and wherever the board will be established. Various meanings of <i>shall</i> are exhibited in these rules of construction of board. These meanings are derived according to the context in which shall is used.</p>

In this excerpt different combinations of Urdu dummy verbs and GA are used. It depends on the syntactic rules of Urdu. *Shall cease to be* is translated as NAHIN RAHEY GA. Sense is conveyed. Word to word translation is not the right strategy here.

## Conclusion

In this study it is found out that shall is the most frequently used modals in the legal text of Punjab Laws, with all the potentialities of its meanings. It not only simply plays as auxiliary verb but also displays multiple senses and conveys the function to be performed. It adjusts its meanings according to the context. Their basic function is to express mood. It is said that shall, adds into the authoritative mode of the legal text. Modal verb shall consciously and intentionally use in legal language makes it more formal and sacred. Its use presents the Power function of the legal text. Its major function in the corpus is to "Command". It is mostly used to express the meanings of volition, prohibition possibility or permission. It is also used to convey other meanings as verb like present, present perfect and future time. Numerous occurrences of shall exhibit the authoritative mood of this legal text. This modal verb expresses orders, commands, directions, suggestions and instructions for future actions. Shall out numbers may and establish the factor of power and authority as the essence of this text because may is permissive and polite and shall is more powerful and authoritative. So the use of shall in this legal text helps maintaining the controlling force of these laws. Description of translation also depicts that one-word equivalent is not enough for it all the time. GA is there to translate shall but many dummy verbs come ahead to help conveying what is the intended meaning of shall in that particular sentence in legal language as is presented through extracts from the ST. Shall help maintaining the formality, fixity and sanctity of this register. Legal translation requires skilled professional, trained persons in this field. They need to be aware of all the constraints posed by legal language. The translators of legal English should look for pragmatic equivalence of concepts rather than for semantic equivalence of individual words. *Shall* is also used in the meanings of will and must.

## **References**

Haq, M. A. (2013). *Qwaid Urdu*. Lahore: Lahore Academy.

Ordudari, M. (2013). *Translation procedures, strategies and Methods*.

Peliskova. (2006). *Introduction to the Notion of Modality*. Czechoslovakia.

Quirk, R. e. (1985). *A Comprehensive Grammar of the English Language* . New York: Longman.

Venuti. (1998). *Translation Procedures, Strategies and Methods*. The translation Studies Reader.