

The Place of English Language in the Field of Law

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I. Introduction:

The English came to India as tradesmen, then as missionaries who usurped the land and kept Indians as captives for nearly more than 150 years. It is history that India was one of the colonized countries in the list of commonwealth nations. The language and manners of the English people created an indelible impact in the field of education. The historical fact that the British ruled over us remains un-changed. Even after decolonization it is undeniable that the English Language and the English Law has become inalienable from our soil. Interestingly their Law and Language were some of the forceful weapons used by them to subject the Indians.

Today, in this technologically advanced times, when every field, aims to have a global achievement, English Language is the only bridge connecting peoples and nations. We all agree that Law is the cement of a society and any change takes place essentially through this medium. Civilization comes into vogue only when there is perfect law and order.

II. Usage of English Language:

The usage of English Language by the Law Teachers has become an important aspect in training the Law graduates into professionals. Language competencies are very essential for the law teacher so as to pass on the skills to the students to help them sail smoothly in their profession. The responsibility of the teacher is very great, for the teacher not only infuses the nuances of the Law but also instructs the importance of delivering or pleading or the ability to speak. When the students are exposed to good language, the quality of education becomes certainly better. This will in turn have an impact on the "quality of Justice" which is the ultimate goal of all Courts of Law. Such society would definitely be a paradise. This answers to the query why English occupies a place in the curriculum of Law or Legal Studies, Like in any other field, it is now recognized by the experts in this field that a good grounding in English is a necessary qualification for a prospective lawyer. Though English is taught as a second language, it is still considered a foreign language. Looking at the newer and wider horizons in this expanding universe, English is the only language that enjoys the privilege of being the medium of communication. In this respect it is not fair to subject it as a 'foreign language' any more.

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Teachers in all fields are expected to update themselves and keep abreast of the current trends, demands and needs of the students, keeping in mind the needs of the employers. Eligible graduates are recruited even within the college campus in the present times. This is a boon or a blessing the present generation of graduates, irrespective of their branch are gifted with.

When we turn to the professional fields, it is interesting to note that 'English' is once again the vehicle transporting the graduates from college to corporate/industry. Only the knowledge of 'English' or the usage of the language makes the difference. Today, the visiting employers do not welcome professional graduates with 80% or above. They expect that the IQ (Intelligent Quotient) level of the students should match with their EQ (Emotional Quotient) level. Such a candidate is given a job opportunity immediately. EQ requires a coating or polishing, which is done only with the usage of English Language or communicative skills. These skills are termed as the 'employability skills' or even 'life skills'.

III. Law and English:

Looking at the schools of Law, which breeds Law professionals in par with the International Schools, it is no doubt that English as a subject forms part of the curriculum. The choice of texts has a direct bearing on legal matters. W.Shakespeare, A. Chekhov, B. Shaw, B. Russell, O'Henry, M. K. Gandhi, Joseph W. Planck etc., are some of the greatest writers whose style and treasure of creativity are part of the syllabus, to enable the law graduates to acquire a taste for rich thinking and good writing. The young lawyer is also exposed to adequate practice of the language through the sections on vocabulary, usage, comprehension, speech practice, and composition. We understand that English Language is like the Janus's head. It is believed language and literature are the two faces of a head, like the two sides of a coin. A choice of the texts and grammar/linguistic components are thus made to enhance the level of the young lawyer. Through some of literary pieces, the student is taught the best ways of speaking and writing. To substantiate the above view, and to reinstate the fact that the course of law is not studied in isolation. Let us look at Joseph W. Planck's article, "The Law Is A Jealous Mistress". He cites a quotation from Hon. Merrill E. Otis, a learned judge, who holds that;

"To say that he is learned in the law who has committed some or many of its rules to memory, who knows not history and philosophy and science and literature and jurisprudence is to give a poverty stricken meaning to an opulent, ancient phrase".
(p.212)

This paper makes an attempt to state that law does not exist loose. It is interrelated to other fields of human interest. As English is one of subjects prescribed, it is necessary to see that English includes knowledge of Communication skills which is the buzzword today. It is definitely the 'Visa' to

success. It includes acquiring soft skills also. Communication skills include acquiring the four basic skills; listening, speaking, reading and writing (LSRW). In this regard, it is noteworthy to mention that law schools are equipped with a language lab, which is used a lingua-phone lab. Here the students learn pronunciation, spelling, vocabulary etc., there is a stress on correct pronunciation and to a young lawyer, whose profession includes arguing and pleading before the court, it is but imperative that the language used is a correct one. Training in the language lab using the linguaphone goes a long Wray in enabling the candidate gain confidence, which is a 'ticket' in this journey of life. It is a common belief that those equipped with these life skills are the "fittest among the survivals".

The teacher of law is also responsible to instill in the minds of young lawyers, Soft Skills that help the student's carve a niche for themselves in this competitive world. It is like an awakening that takes place in the lives of the aspiring students. By soft skills, the law graduates are taught presentation skills, speaking simple and communicative English with an economy of words with an aim to achieve the target.

Why should English be the medium of lawyers and the language used in the court of Law? This is aptly justified by S.P.Sathe's statement in his article "Language of the Law" thus:

"Although no one can dispute the proposition that laws and lawyers must speak the native language, the fact remains that due to diversity of languages and non-acceptance of any one of the Indian languages as a link language, English continues to be the authentic legal language in India. The decisions of courts have to be written in English, since appeals against them lie to the higher courts. Although proceedings in the trial courts are now held in regional language, records are maintained in English". (P.221). Bhatnagar, Law and Language.

The above statement clearly makes reason why English language occupies an unshakeable place in Indian Courts. A Law graduate has to therefore tune his/her knowledge of English to suit the needs of the Profession. Language is important to convey the law or the rule of the Court. Language serves two purposes thus: First it helps to frame the statement of a rule or code of law and secondly, language is used to argue, convince and persuade/negotiate as the case deserves. Speaking skills and writing/drafting skills are equally important as listening and reading particularly in this field.

In business circles negotiation plays an important role. In courts persuasion makes/shapes the case into desired results. Quality judgments come out of effective persuasive skills of the lawyers and judges, within the court premises. Therefore law graduates have to be taught the importance of English Language to steer through the path of the courts. The teacher, through the text, helps the students of law understand and appreciate the piece of work and develop their language proficiencies. At the same time, the students should be instructed on the common mistakes Indian are prone to do in the use of English language, for e.g.:

Wrong expressions leading to lack of communications;
 Use of outdated Idioms and Phrases
 Regional Language expressions/transliterated
 Use of bombastic or verbose language.

The enthusiastic lawyer in his eagerness to impress the Judges on the one hand and on the other hand, his clients, who may not always be literate or educated, tries to make use of a verbose language. This does not serve the purpose of communication. As there seems to be less clarity resulting in frustration of legal objectives through twisted interpretations and misleading arguments.

To cite a few examples:

Erroneous use of expressions or construction of sentences arising from the influence of regional languages:

The following sentence uses the word "Shortly" instead of the word "in short" resulting in confusion:

The facts of this case shortly are that the defendant No.1 had pledged with the plaintiff's Bank £90,000 stock of Bombay Gas Company contained in Stock Certificate No.235 and £7,008 in Oriental Trading Company Private Limited. (All India Reporter 1980 Calcutta 119).

The following passage from the same case is an example of a very long and complicated sentence, which will confuse anybody:

From the Notice of Motion it would appear that the petitioner before me is asking for an order that the claims of the plaintiffs in Bombay and Delhi suits to be determined by this Hon'ble Court and be declared that the plaintiff Bank of Tokyo is entitled to proceed against the stocks and shares held by the Receiver to the exclusion and/or in priority to those of the plaintiffs in Delhi and Bombay Suits and the same to be sold and entitling the plaintiff herein to appropriate the sale proceeds in pro tan to satisfaction of the decree passed in Bank's favour on 29th May 1978.

Indian legal writing is characterized by verbosity and rhetoric. The following passages give evidence of such verbosity as well as the heavy use of Jargon.

"My Concurrence with the argumentation and conclusion contained in the judgment of my learned brother Bhagwati J. is sufficient to regard this supplementary, in one sense, a mere redundance, But in another sense not, where the vires of a law, which arms the Central Executive with wide powers of potentially imperiling some of the life-giving liberties of the people in pluralist system like ours, is under challenge;..... And their testament is our asset". (All India Reporter 1978 S.C.651)

Verbosity of Indian Judgments has been criticized by Seervai. While criticizing the Judgments of one of the Judges of the Supreme Court he says: (Seervai, Constitutional Law, P.1877).

They are a model of how English ought not to be written.

The following are the specimens of incorrect and bad English. The authors are lectures or readers in universities or practicing lawyers.

Such marriage s.11 of the Hindu Marriage Act declares to be null and void. [The Bombay Law Reporter (June-July 1981) p.331.]

It is clear that correct usage of language is very important in this field, which is considered a house of justice or a place equal to dwelling of gods. There is a sacredness or divinity attached to the activities of this field. Any wrong Judgment cannot be pardoned or entertained. To deliver quality judgments. Language acts as a vehicle for justice to travel from the law people to the common people. The common man looks up to a lawyer as a serious patient would look up to a surgeon, as a humble devotee would surrender and took up to god for deliverance of justice.

IV. Conclusion:

Language is mainly used for communication. Young lawyers need to communicate a lot, for they have to persuade and negotiate. Pleasing manners, good presentation and right usage of language are the secrets of the trade, which are taught in law schools. Grammar and vocabulary help the law graduate to talk fluently and currently. "Brevity is the soul of Wit". Economy of words, which M.Gandhi advocated and practiced, is the clothing that would suit the lawyer and this profession. The length of the arguments should not exceed the life of the complainant. The right usage of Language is in itself a solution to various issues – pending for a long period of time. English Language is no more a foreign language. We have with it and help our livelihood. Let's be grateful to the language, which is a succor and savior. To conclude it is not an exaggeration to say that language is the weapon which guards us from the external threats.

References:

1. Bhatnagar R.P., *Law and Language*, Macmillan India Limited., New Delhi, 1985
2. Glanville Williams, *Learning the law*, Sweet & Maxwell Ltd., London, 1982.