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Problems and Strategies to Maneuver Issues in Translation in the Subject of Law: An Analytical Study

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ARTICLE DETAILS	ABSTRACT
History: <i>Accepted 12 March 2019</i> <i>Available online 30 June 2019</i>	<p>This article is an endeavor to spotlight the problems and difficulties in the process of translation of a text that is purely relevant to the field of law. Furthermore, this study also discusses strategies to counter hindrances in the process of translation of legal text and the viability of product or result (translated text from original text) produced after translation. For the purpose of this study, some translations have been selected to analyses the flaws in translations of statutory laws and Shari'ah sources. This research paper finds that for an effective an accurate translation, the translation practitioner needs expertise in source and target languages. Moreover, proficiency in the understanding of law filed is also required. Translation of meaning of the text is appreciated in the field of translation studies. At the end of this research paper, besides pointing out the translation problems in the field of law, some recommendations have been made to develop a viable strategy to handle translation problems. The researchers believe that the recommendations made as a result of this research paper, if implemented, could provide considerable strategies to resolve translation problems in the field of law.</p>
Keywords: Translation Studies, Law, Shari'ah, Problems, Strategies	
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1. Introduction

This research article aims to explore translation problems with special reference to the studies of law and it also provides the strategies to maneuver the problems of translation of the legal rules provided in statutory laws enunciated in Pakistan. Pakistan, being the colony of Britishers, inherited many laws from Britain which are primarily available in English language. Moreover, legal rules incorporated in manuals of fiqh, which represent Shari'ah viewpoint on various legal issues are, available in Arabic language. The primary sources of law, State law and Shari'ah law are in English and Arabic languages respectively.

Urdu is the national language of Pakistan and common man knows Urdu language. For better understanding of laws, there is an emergent need to translate the statutory laws and also the Shari'ah law in national language that is Urdu. To this end, some endeavors have been made in recent time and literature from statutory law and Shari'ah law has been translated in Urdu language. Unfortunately, the work done is lacking in various aspects and the original meaning of the laws has been lost because literal translation does not depict the true and real intention of the legislatures. This study finds that besides expertise in languages that are English, Arabic and Urdu respectively, one must also be a law graduate so that translated work can contribute significantly to the existing literature in law and help in better understanding of law by different fractions of society.

The rule of the nature is that every person communicates in his mother language. The primary and foremost function of the language is to provide feasible communication of ideas from one person to another. As the world has become a global village, the importance of translation in communication cannot be denied and is hence, inevitable. Owing to its importance, translation has appeared as a profession and discipline in recent decades.

Every field of knowledge is having its specific language. For instance, medicine is an independent field of knowledge carrying its own language that is not easily understood by the people of other professions. Similarly the law too has its own language usually called as legal language. Law is required to be understood, as it consists of legal rules relevant to daily routine matters, not only by people from legal profession but also by other people belonging to different professions. However, text pertaining to law is not easily comprehensible out of its own community.

This research aims at shedding light on the strategies adopted by the translators in order to cope with the problems they encounter while translating. Strategies employ solutions that would be resorted to, to encounter problems faced by translator while doing translation.

Statement of the Problem/Thesis Statement

Statutory and Shari'ah laws are in English and Arabic languages respectively. The national language of Pakistan is Urdu. Therefore, there is always a need to translate the statutory and Shari'ah law in Urdu language so that the legal rules can be understood and obeyed. Translation is a creative art. Therefore, it needs special skill and knowledge. In the present scenario, when translation appears as an independent field of knowledge, there is a dire need to study the current trends, problems and strategies to handle the issues; in translation of texts related to statutory and Shari'ah law.

Research Question

In the light of above thesis statement, the following questions can be put forward for the purpose of this study:

- What are the problems in translating the texts pertaining to statutory and Shari'ah law in Pakistan?
- What strategies can be employed to address the issues regarding translation of legal rules from statutory law and also from the manuals of *fiqh*?

2. Research Methodology

This study adopts qualitative research methodology. It is a descriptive and analytical research

substantially based on library materials. Primary and secondary data both have been thoroughly examined for the purpose of this study. It is an analytical study of translations of different statutory laws of Pakistan. The main sources for the collection of data and relevant material for this study were academic libraries. Books, research articles, thesis, conference papers, reports of national and international organizations and also unpublished materials have been used in this research work.

3. Meaning of Translation

In order to analyse properly the issues related to translation, it is imperative to define the term 'translation' first.

Katharine Reiss (2000) defined translation as a "bilingual mediated process of communication, which ordinarily aims at the production of a target language text that is functionally equivalent to a source language text" (p. 160). Hence, Translation is a bilingual communication. Translation involves linguistic recognition or competency and understanding. Salah Basmallah (2007) rightly pointed out towards this viewpoint of understanding when he said, "translation results from an understanding of a source text (the original) from its reading, and thus from its interpretation" (p. 118). This means that one cannot translate what he cannot understand.

It is an admitted fact that language and civilization go hand in hand. Therefore, the key for bilingual or bicultural communication is translation. Peter Newmark (1981) rightly said, "the more the translator understands the linguistic meaning and the referential (socio-cultural) meaning the more easily he can translate 'transfer' it to the target language" (p. 134). Therefore, translation serves as an important source of research relevant to cross-cultural studies. Cultural familiarity by the translator with the source text would create the same impact on the target reader as the source text did with the source text reader.

Thus, translation is a creative art and its practitioner should be equipped with the skill of translation both in terms of language, source language and target language, as well as culture. Translation practitioner understands the meaning of the source text and works on finding the most appropriate expression in the target language. The following steps are involved in a translation process or activity:

- Translation practitioner conducts research the subject-matter in detail and finds the appropriate terms in both, source and target, languages.
- Translation practitioner comprehends the source text in detail and analyzed it.
- Translation practitioner interprets and assimilates the source text.
- Translation practitioner transfers the source language into the target language.
- Translation practitioner, at next stage, re-writes the target text in the target language.
- Translation practitioner then re-interprets and re-translates the translated text into source language to check the level of equivalence between source and target text and accuracy of translation.
- At the end, translation practitioner re-reads the translated text (target text) to verify its veracity and synchronization with the source text (Valeria Petrocchi, 2014, p. 102).

This factual reality about the relationship between the original and translated text cannot be denied, overlooked and unnoticed. The relationship between an original text and its translation is the relationship between a work and its execution in another substance (Lauren G. Leighton, 1990, p. 447). In addition to above, translation is a statement about the source text and its content that constitutes an

interpretation of the source text (Maria Tymoczko, 2006, p. 448).

4. Significance of Translation as Profession & as Discipline

Translation industry emerges as a huge industry and according to a recent estimate around 2,50,000 people around the globe are working as freelancer translators. Unlike doctors and lawyers, translators do not need a formal degree and qualification to practice. In some of the states, translation appears as a strong and appealing profession that it gives rise to strong professional associations of translators and interpreters. Establishment of such associations ensures quality and reliability of service (The Translation Profession, n.d). Some famous and renowned organizations or associations include, American Translators Association¹, Northern California Translators Association², National Association of Judiciary Interpreters and Translators³, California Court Interpreters Association⁴ and The American Association of Language Specialists⁵.

Daniel Gouadec (2007) argued in his book titled *Translation as a Profession*, “Translators are in fact experts in multilingual multimedia communication engineering” (p. 396). People around the world now-a-days adopt translation as a profession and career. A translator needs an excellent skill in his native or near-native language along with at least one more language, knowledge of other cultures; and interpersonal skills. Moreover, he must be a good writer in his mother language.

Translation is an important source of cross-cultural research. With the passage of time, translation appears as an art and as an ethical, political and ideological creative activity rather than as a mechanical linguistic exercise. Now, translation has been conceived of as a process of intercultural transference (Maria Tymoczko, 2006, p. 443). The act of translation enhances communicative competence which consequently helps in overcoming cross cultural problems (Valeria Petrocchi, 2014, p. 100). Translation activity equips the translator with expertise both in source and target languages respectively as the process of translation involves brainstorming. The translator starts analysis of the text, both source and target, automatically while passing through the process of translation that ultimately enhances his analytical and critical approach (Valeria Petrocchi, 2014, p. 101). Hence, translation enhances language competency of the translator besides communication competence.

Translation in itself is a contribution to a research. Most of the researchers working on translation do not report the issues they face during translation and during the process of establishing equivalence between the translation and original text as well as the strategies they developed and adopted to deal with these issues effectively (Amnah Khalid, 2014, p. 369).

Translation activity is not an easy task as it seems to the people. Anyone who has attempted to translate either from English to Urdu, Arabic to English or Arabic to Urdu faced difficulties and even fluent bilingual speakers could not do translation in one go (Wendy Bishop and David Starkey, 2006, p. 186).

To become a good and effective translator, one must possess the skills mentioned hereafter and competencies that include professionalism, team work, good reading and writing skills, revising and

¹ American Translators Association can be reached at www.atanet.org.

² Northern California Translators Association can be reached at www.ncta.org.

³ National Association of Judiciary Interpreters and Translators can be reached at www.najit.org.

⁴ California Court Interpreters Association can be reached at www.ccia.org.

⁵ The American Association of Language Specialists can be reached at www.taals.net.

proofreading skills, capacity to adapt new services like transcription, copy-writing and post-editing, general knowledge, inquisitiveness along with cultural awareness. Moreover, the translation practitioner must attain proficiency in IT knowledge and skill as translation is IT-driven profession in the modern era.

5. Translation Problems & Strategies with Reference to Studies Pertaining to Law

Pakistan, being the colony of Britishers, inherited many laws from Britain which are primarily available in English language. Moreover, legal rules incorporated in manuals of fiqh, which represent Shari'ah viewpoint on various legal issues are, available in Arabic language. The primary sources of law, State law and Shari'ah law are in English and Arabic languages respectively. Urdu is the national language of Pakistan and common man knows Urdu language. For better understanding of laws, there is an emergent need to translate the statutory laws and also the Shari'ah law in national language that is Urdu.

Keeping in view the above stated fact, legal rules need to be translated from English and Arabic languages respectively to Urdu language. For the purpose of this research work, source text is legal rules incorporated in statutes and in manuals of fiqh available in English and Arabic languages respectively and translated text is mere reproduction of those legal rules in Urdu language. Source text is an original contribution to the field of knowledge, therefore amounts to primary source. While, translated text is secondary contribution to the field of knowledge, therefore amounts to secondary source. Translated text, beyond any doubt, enhances the number of readers of the original text. It opens the avenues of understanding and offers more and more interpretation. For the purpose of this research work we are concerned with translation from English and Arabic into Urdu.

The translator must have a sound background in linguistics as well as in law field to produce effective translated text. The translator is translating from a second language, English and Arabic respectively, into his mother language, Urdu. The translator must have gained proficiency in English and Arabic languages respectively. He must be trained to become a competent translator. In addition to the above, he must take into consideration, while translating the source text, lexical and cultural backgrounds.

Furthermore, the one who is translating legal text must also be proficient not only in English, Arabic and Urdu languages but also possess expertise in Shari'ah (Islamic Law) and Statutory law (State Law). In translation activity the problems emerge from disparity in encyclopedic knowledge, grammatical and lexical structures of two different languages (Gerd Wotjak, n.d).

6. Analytical Study of Translated Work in the Field of Shari'ah & Law

Before going into the detailed analytical study of the translated work, some translations have been selected for the purpose of this research article, in the field of law. Below is the overview of some of the translated works in the field of law. Some translation practitioners did translation of the statutory laws of Pakistan. Some of the translated works regarding enactments of the legislature is mentioned below. Arbitration Act, 1940, Translated by Khaleeq al-Zaman, Revised by Ameen Al-Zaman, 5th edition, (Karachi: Maktabah Faridi, 1981).

- Land Acquisition Act, 1894, Translated by M.A. Malik, (Lahore: PLD Publishers).
- The Easements Act, 1882, Translated by Sardar Muhammad Iqbal Khan Mokhal, (Lahore: PLD Publishers, n.d).
- Guardian and Ward Act, 1890 Translated by Raja Syed Akbar Khan, 1st edition, (Lahore: PLD Publisher, 1991).

- Translation of The Civil Procedure Code, (Lahore: Kausar Law Books Publishers, n.d).
- Translation of The Criminal Procedure Code, (Lahore: Shaan Law Books Publishers, n.d).
- Translation of The Qanoon-e-Shahadat Order, 1984 (Lahore: Mansoor Book House, n.d).
- The Pakistan Penal Code, Translated by M. Ashraf Baig, Revised by Muhammad Ashraf Malik (Lahore: Muhammad Sulman Qureshi and Sons Law Publishers, 2002).
- The Transfer of Property Act, 1882, Translated by Syed Izhar Haider Rizvi, 6th edition, (Karachi: Maktabah Faridi, 1982).
- The Transfer of Property Act, 1882, Translated by Chaudhary Sageer Ahmad, (Lahore: Mansoor Book House, n.d).
- The Contract Act, 1872, Translated by Zameer Al-Din Ahmad Suharwardi, (Karachi: Maktabah Faridi: 1981).
- The Punjab Pre-emption Act, 1991 Translated by Inam Al-Haq Mian, (Lahore: Mansoor Book House).
- Land Revenue Act, 1967, Translated by Inam Al-Haq Mian, (Lahore: Mansoor Book House, n.d).
- Negotiable Instruments Act, 1990, Translated by Khaleeq AL-Zaman, Revised by Ameen AL-Zaman, 4th edition, (Karachi: Maktaba Faridi, 1981).
- Trust Act, Translated by Turab Ahmad, 2nd edition, (Karachi: Maktaba Faridi, 1976).
- The Partnership Act, 1932, Translated by Luqman Baig, 2nd edition, (Karachi: Maaktaba Faridi, 1981).
- The Sale of Goods Act, 1930, Translated by Luqman Baig, (Karachi: Maktabah Faridi, 1981).
- Court Fees Act, 1899, Translated by Raja Syed Akbar Khan, (Lahore: PLD Publishers, n.d).
- Stamp Act, Translated by Raja Syed Akbar Khan, 1st edition, (Lahore: PLD Publishers, 1992).
- Limitation Act, 1908, Translated by Rafeeq Yaar Khan Yusufi, 4th edition, (Karachi: Maktabah Faridi, 1982).
- The Succession Act, Translated by M. A. Malik, (Lahore: PLD Publishers, n.d).
- The Specific Relief Act, 1887, Translated by Khaleeq al-Zaman, Revised by Ameen Al-Zaman, 5th edition, (Karachi: Maktabah Faridi, 1982).
- The Constitution of Pakistan, 1973, Translated by Zahid Hussain Anjum, (Lahore: Mansoor Book House, 2014).
- The Constitution of United States of America, Translated by Sagheer Ahmad Khan, (Lahore: Mansoor Book House, n.d).
- The Constitution of British, Translated by Ali Muhammad Shaheen, 2nd edition (Karachi: Maktabah Faridi, 1982).
- The Hadood Laws (Islamic Laws), 1979, Translated by Inam Al-Haq Mian, (Lahore: Mansoor Book House, n.d).

Above and beyond enactments or Acts, some other writings relevant to the fundamental principles of law, which did not emerge all of a sudden but the journey of emergence of such principles is extended over a long span of time, are also translated by some renowned translation practitioners. A few of such translations are listed below:

- D. F. Mulla, Principles of Muhamaddan Law, Translated by Muhammad Umer Usman, (Lahore: Mansoor Book House).
- Sir John Salmond, Jurisprudence, Translated by Raja Syed Akbar Khan, 1st edition, (Lahore: PLD Publisher, 1999).
- Constitutional History of Pakistan 1909 to 1972 with Important Constitutional judgments, Arranged by Zahid Hussain Anjum, (Lahore: Mansoor Book House, n.d).

- Law of Conveyancing, Translated by Bina Lal, Revised by Hari Lal Waarsi, 4th edition, (Lahore: Pak Book Publishers, n.d).
- Legal Drafting, Translated by M. Inayat-ul-Allah, (Lahore: All Pakistan Legal Publishers, n.d).

Keeping in view the importance of literature on law studies, some endeavors have been made to write the law in Urdu language also. A few of such writings have been listed below:

- Syed Izhar Haider Rizvi, Law of Tort, 5th edition (Karachi: Maktabah Faridi, 1988).
- Astafa Hussain, Muhammadan Law, (Lahore: Kausar Brothers, n.d).
- Zameer Al-Din Suharwardi, Company Law, 4th edition, (Karachi: Maktabah Faridi, 1981).
- Muhammad Sultan Siddique, Principles of Islamic Laws and Islamic jurisprudence, 3rd edition, (Rawalpindi: Federal Law House, 1992).
- Maulana Muneeb Al-Rehman, Islamic Jurisprudence, (Karachi: Maktabah Faridi, 1980).
- Masood al-Hassan Khan Sabri, General Principles of Criminal Law, (Lahore: Mansoor Book House, n.d).
- Dr. Mian Moeen Al-Din and Dr. Mian Zahoor Al-Din, Medical Jurisprudence, (Lahore: Umer Khurram Publishers, n.d).
- International Law: Important conceptions and Islamic International Law, Translated by Muhammad Abdul Rasheed, 15th edition, (Karachi: Maktabah Faridi, 1960).
- Muhammad Iqbal Khan, International Law, (Lahore: n.p, n.d).
- Syed Abid Hussain Rizvi, Jurisprudence, (Lahore: Mansoor Book House, n.d).
- Syed Izhaar Haider Rizvi, Jurisprudence, 5th edition, (Karachi: Maktabah Faridi, 1982).
- Legal Ethics, Translated by Malik Irshad Ahmad, (Lahore: Mansoor Book House, n.d).

Some of the translated work in the field of Law is selected below, for the purpose of this research work, to conduct critical analysis in order to spotlight the deficiencies in the translated works and to suggest the conduct to fill the deficiencies.

The legislative enactments are the primary source of legal rules. State law is available in English language. There is always a dire need to translate the statutes in Urdu language. As listed above, some endeavors have been made in this regard. Certainly, immense effort has been made in translating Specific Relief Act, 1887, Transfer of Property Act, 1882, Trust Act, Sale of Goods Act, 1930, Partnership Act, 1932 and Contract Act 1872 by Khaleeq Al-Zaman, Chaudhary Sagheer Ahmad, Turab Ahmad, Luqman Baig, Zameer Ahmad Suharwardi respectively where special attention has been given to idiomatic translation and word to word translation is avoided that plays a significant role in imparting the same meaning to the reader as the original text does. Out of the ordinary notice, important terms have also been given in English language to make the translated target text clearer and obvious. Moreover, Explanatory information is also provided in footnotes to enhance the authenticity of the translated text.

In addition to above, Constitution of Pakistan, 1973 is the foremost enactment of the Islamic Republic of Pakistan. It serves as a backbone of the legal framework in Pakistan. For a student, who is pursuing law degree, it is very essential to learn the basics of the Constitution of Pakistan, 1973. Original draft is available in English language. For better understanding of layman people, it is translated in mother tongue Urdu language. Among those endeavors, most important and significant translation of Constitution of Pakistan, 1973 is made by Ali Muhammad Shaheen and Zahid Hussain Anjum respectively. The plain reading of both the translations give an impression to the reader that translation by Zahid Hussain Anjum is much better than translation by Ali Muhammad Shaheen in many aspects like imparting

accurate meaning, use of idiomatic phrases, grammatically correct, stylistically effective and perfect formatting. On the other hand, translation by Ali Muhammad Shaheen apparently lacks effective formatting. Moreover, it fails in grasping the attention of the reader.

Muhammadan law by Sir Abdul Rahim is another important source book for the law knowing persons as it consists of legal rules with respect to Muslim Personal law. Though Muhammadan Law is written in the format of a statute, but it is neither a formal Act made by the parliament nor accepted by the Parliament. Besides that, the importance of this book is inevitable. Original draft is in English language. Muhammad Umer Usman and Astafa Hussain, both of them, wrote book titled, Muhammadan Law in Urdu language based on Muhammadan law by Sir Abdul Rahim. Muhammadan Law by Astafa Hussain provides important references, from primary source i.e. classical books, to the reader. Both the authors, Muhammad Umer Usman and Astafa Hussain, did not translate word by word and instead translated the general meaning of the original text which gave the impression to the reader that literal translation was strongly avoided by both authors deliberately that contributed to the beauty of the translation.

Some of the Translated endeavors in the field of Sharī‘ah are mentioned below.

- Ibn Ḥajar Al-‘Asqalānī, Abū Al-Faḍal Aḥmad Bin Alī Bin Muhammad Bin Aḥmad. *Balūgh Al-Marām min Adillah Al-Aḥkām*. 7th ed. Rīyāḍ: Dār Al-Falaq, n.d. This book is translated by Maulana Abdur Rahman Kailani. 1st ed. Islamabad: Sharī‘ah Academy International Islamic University Islamabad, 1998.
- Ibn Rushd Al-Ḥāfid, Abū Al-Walīd Muhammad Bin Aḥmad. *Bidāyah al-Mujtahid wa Nihāyah Al-Muqtasid*. 4 Vols. Cairo: Dār Al-Ḥadīth, 2004. This book is translated by Imran Ahsan Khan Nyazee.
- Ibn-Humām, Kamāl Al-Dīn Muhammad Ibn Humām Al-Dīn ‘Abd al-Wāḥid Ibn ‘Abd al-Ḥāmīd Ibn Al-Sīwāsī Al-’Iskandarī. *Al-Fatāwā Al-Hindīyyah*. Translated by Syed Ameer Ali. 30 vols. Karachi: Dār Al-Ishā‘t, 1989.
- Jaṣāṣ, Abū Bakr Aḥmad ibn ‘Alī. *Aḥkām Al-Qurān*. Translated by ‘Abd Al-Qayyūm. Islamabad: Sharī‘ah Academy, 1999.
- Jazīrī, Abdur Rahmān Bin Muhammad ‘Iwāḍ. *Al-Fiqh ‘alā Al-Madhāhib Al-Arba‘ah*. 5 vols. 2nd ed. Cairo: Dār Al-Kutab Al-‘Ilmīyyah, 2003. This book is translated by Manzur Ahsan Abbassi. 5 vols. Lahore: ‘Ulamā Academy, 1973.
- Kāsānī, ‘Alā Al-Dīn Abū Bakar Bin Mas‘ūd Bin Aḥmad. *Badā’i‘ Al-Sanā’i‘ fi Tartīb Al-Sharā’i‘*. 7 vols. 2nd ed. Beirut: Dār Al-Kutab Al-‘Arabī, 1974. This book is translated by Abdul Wahid. 7. vols. 1st ed. Lahore: Research Cell Diyal Singh Trust Library, 1991. in addition to above, this book is also translated by Mehmood Al-Hassan Arif. 7 Vols. 1st ed. Lahore: Research Cell Diyal Singh Trust Library, 1997.
- Marghinānī, Abī Al-Hassan ‘Alī Abī Bakar Bin ‘Abdul Jalīl. *Al-Hidāyah Sharh Bidāyah Al-Mubtadī*. 8 vols. n.p: Al-Maktabah Al-Islāmīyah, n.d. This book is translated by Charles Hamilton. 2 vols. Lahore: Premier Book House, 1982.
- Nawawī, Abū Zakarīyyā Muḥyī Al-Dīn Yaḥyā Bin Sharf. *Minhāj Al-Ṭālibīn wa ‘Umdah Al-Muftīn fi Al-Fiqh*. 1st ed. n.p: Dār Al-Fikr, 2005. This book is translated by E. C Howard. Lahore: Law Publishing Co., 1977.
- Hussain Ḥāmid Ḥassān, *Usul al-Fiqh*, Islamabad: Dār Al-Sidq, 2003. This book is translated by Nyazee, Imran Ahsan Khan. *Islamic Jurisprudence*. Pakistan: International Institute of Islamic Thought, 2000.

- Abū 'Ishāq 'Ibrāhīm Bin Mūsā Al-Ghanātī Al-Shātabī, *Al-Muwāfiqāt fī Usūl Al-Sharī'ah*. 7 vols. Cairo: n.d. This book is translated by Maulāna 'Abdur Rahmān Kailānī. 4 vols. 1st ed. Lahore: Diyāl Singh Trust Library, 2006.
- Dr. Wahbah Zuhylī, *Al-Fiqh Al-'Islāmī Wa 'Adillatuhū*. 10 vols. 1st ed. Damishq: Dar Al-Fikr. n.d. Urdu translation of this book by Maulana Muhammad Yūsūf Tanūlī is also available.
- Dr. Abdul Kareem Zaidan, *Al-Wajīz fī Usul Al-Fiqh*, Translated by a group of people, (Lahore: Maktabah Rehmaniah, n.d).
- Dr. Hussain Ḥāmid Ḥassān, An Introduction to the Study of Islamic Law, translated by Dr. Aḥmad Ḥassan published by Islamic Research Institute press of International Islamic University Islamabad.
- Muhammad Bin Isma'īl Bin Salah Bin Muhammad Al-Ḥasnī Al-Ṣun'ā'ī, *Subal Al-Salām*, Vols. 2, translated by Maulana Abdur Rehman Kailani, Revised by Syed Maroof Shah Sherazi, Vols. 4, 1st edition, (Islamabad: Sharī'ah Academy, International Islamic University Islamabad, 1998).
- Sir Abdur Rahim, The Principles of Muhammadan Jurisprudence, translated by Maulvi Masood Ali, (Lahore: Irfan Law Book House, n.d).
- El-Gamal, Mahmoud A. *Financial Transactions in Islamic Jurisprudence*. Revised by Muhammad S. Eissa. 2 vols. Damascus: Dār Al-Fikr, 2002. This book is a translation of a part of the book, *Al-Fiqh Al-'Islāmī Wa 'Adillatuhū*, by Dr. Wahbah Zuhylī. Mahmoud A. El-Gamal translated only financial transactions and not the whole book.
- El-Gamal, Mahmoud A. *Islamic Finance: Law, Economics and Practice*. NewYork: Cambridge University Press, 2006. This book is a source book for those who want to grasp the Islamic finance law but unable to understand Arabic language. This book is written in English language and it attracts a number of readers.

Inspite of the fact that translations have been made of the Sharī'ah source books, some efforts have also been made to reproduce Sharī'ah in native language, Urdu. Few glimpses are given below:

- Prof. Dr. Mehmood Ahmad Ghazi, Dr. Justice ® Munir Ahmad Mughal, Prof. Dr. Muhammad Yusuf Farooqi, Dr. Mehmood Al-Hassan Arif, Dr. Mian Muhammad Siddique, Dr. Sajida Muhammad Hussain But, Prof. Dr. Muhammad Zia-ul-Haq, Dr. Muhammad Saad Siddique, Dr. Irfan Khalid Dhillon and Mufti Muhammad Mujahid, An Introduction to Islamic Jurisprudence, Compiled and Arranged by Dr. Irfan Khalid Dhillon, 2nd edition, Vols. 3 (Islamabad: Sharī'ah Academy, International Islamic University, 2012).
- Dr. Shehzad Iqbal Shaam, An Introduction to Islamic Law, Revised by Justice Dr. Fida Muhammad Khan, Prof. dr. Ahmad Hassan, Prof. Dr. Mehmood Ahmad Ghazi, Dr. Muhammad Mian Siddique, 2nd edition, Vols. 2 (Islamabad: Sharī'ah Academy, International Islamic University, 2009).

In proceeding paragraphs, some of the translated work in the field of Sharī'ah has been selected for analysis for the purpose of this research article.

Zuhylī, Wahbah. *Al-Fiqh Al-'Islāmī Wa 'Adillatuhū*. 10 vols. 1st ed. Damishq: Dar Al-Fikr. n.d. Urdu translation of this book by Maulana Muhammad Yūsūf Tanūlī is also available which, in factual reality is a literal translation of this book. Oftenly the author of Urdu translation of this book did not pay attention to the translation of meaning of opinions which creates ambiguity in opinions of Muslim Jurists on legal issues and original book in Arabic language is required to be consulted to explore the real and true opinion of any Muslim jurist quoted in original book. English translation of this book is also available in which only financial transactions have been translated in English language. Translation should not be a copy of an imitation, but an artistic work preserving the original meaning of the source content and must produce

the same impression on the reader as the source text does.

Hussain Hāmid Ḥassān wrote a book titled, *Usul al-Fiq.*. This book is translated by Imran Ahsan Khan Nyazee and the book is titled as, *Islamic Jurisprudence*. Imran Ahsan Khan Nyazee also translated two other books, *Hidāyyah* and *Bidāyah Al-Mujtahid wa Nihāyyah Al-Muqtaṣid*. The splendid book *Hidāyyah* is also translated by Hamilton that is a well-known book among the readers of Sharī‘ah in English language. The simple reading of both the translations of *Hidāyyah* by Imran Ahsan Khan Nyazee and Hamilton respectively points towards the difference between literal and idiomatic translations. The more the translator knows about the subject, the easier it will be to produce translated text that put the same impression on the reader as the original or source text does. This fact is true, with reference to the writings available on law by Imran Ahsan Khan Nyazee because he is equally proficient in languages, English, Arabic and Urdu, as well as in law. Therefore, the writings of Imran Ahsan Khan Nyazee, either translations or original work, serve as source books for persons seeking knowledge of Sharī‘ah and law.

Al-Fiqh ‘alā Al-Madhāhib Al-Arba‘ah is a splendid book by Abdur Rahmān Bin Muhammad ‘Iwād Al-Jazīrī. This book is a source book comprising of opinions of four Sunni Schools of thought along with references from Classical books. This book is translated by Manzur Ahsan Abbassi in 5 Volumes published by ‘Ulamā Academy Lahore in 1973. Manzur Ahsan Abbassi developed a strong equivalence between source and target text languages. Establishment of strong equivalence between source and target text languages makes the translation worth-reading book.

Badā’i‘ Al-Sanā’i‘ fi Tartīb Al-Sharā’i‘ is a magnificent book of Ḥanafī school of thought. This book is translated by Abdul Wahid and that is published by Research Cell Diyal Singh Trust Library Lahore in 1991 in 7 Volumes. In addition to above, this book is also translated by Mehmood Al-Hassan Arif Research Cell Diyal Singh Trust Library Lahore in 1997 in 7 Volumes. Both the translations lack in perfect formatting, stylistically effectiveness. While reading the translations, misunderstanding of source text can also be recognized.

Problems in translating legal text entail morpho-syntactical errors, lexical errors, punctuation, too free translation, too literal translation, style errors and misunderstanding of source text. In a nutshell, a good translation must be accurate (same meaning), idiomatic, grammatically correct, stylistically effective and perfect formatting (Julie E. Johnson, n.d).

7. Conclusion and Recommendations

It can be concluded that, in recent decades, translation as a profession and discipline appears to be indispensable that demands skill, honesty and modesty. To produce effective translation, the translation practitioner must identify and report the problems encountered in translation activity. Furthermore, the translation practitioner must also comply with the well-developed strategies employed to overcome them.

This study finds that in present scenario the translation appears to be an independent field and therefore, need special skill and knowledge. The translation of text pertaining to law field, furthermore, requires the knowledge of the law as well so that literal translation may be avoided and meaning of translation can be conducted. Proficiency in languages, English, Arabic and Urdu, and proficiency in Sharī‘ah and law both are desirable evenly to produce the accurate target texts regarding legal rules.

This research paper argues that the establishment of equivalence between original and translated

text is necessary element to do translation effectively. Translation equivalence may only be achieved when the translator gets the message transpired by the source text accurately. The researchers strongly advocate the idiomatic translation of source text language into target text language instead of literal translation methodology. Moreover, the researchers recommend that culture of both source and target text languages must also be taken into account by the translation practitioner.

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