

2015

भाषा

LANGUAGE

निर्धारित समय : तीन घण्टे]

[ पूर्णांक : 100

Time allowed : Three Hours]

[Maximum Marks : 100

- नोट :
- अभ्यर्थी सभी तीन प्रश्नों के उत्तर दें ।
  - प्रत्येक प्रश्न के अंक उसके सामने अंकित हैं ।
  - एक प्रश्न के सभी भागों का उत्तर अनिवार्यतः एक साथ दिया जाय ।

- Note :
- Candidates should attempt all the **three** questions.
  - Marks carried by each question are indicated at its end.
  - The parts of same question must be answered together.

भाग - 1 / PART - 1

1. Translate the following English Passage into the ordinary language spoken in courts using Devnagri Script.

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The ability of the lawyer to confuse others by the use of words has long been the subject of proverb. And yet, no matter what else may be said of him or her, the lawyer, in his or her field – even as the physician and the priest in theirs – remains the last resource of other men and women. When the wisdom of common man fails them and disaster is at hand ; when the laymen's brain is overworked till his mental fuse burns out; when the motor car of "Business" blows out its tires and piles up in the ditches of insolvency ; when the human derelict is finally tossed upon the rocks of the stormy seas of life; then the lawyer is sent for handling the situation.

Bulk of lawyers work consists in preparing documents etc. It is an open secret that the lawyer, who speaks very good English, falls short of when he writes it. The lawyer seems to loose his mastery of words when he puts his pen, instead of his tongue, to the task of expressing them in statutes, in judicial opinions or in legal documents. It is an ancient charge that the lawyer, as compared to other writers, is prolix and muddy in his literary style and is unduly given to the overuse of words.

It may be truly said that the form and style of our written laws make up of a chief cause for complaint against the language of the lawyer. For laws, like the poor, are not always with us, they are above us and around us and almost reach within us. They must be read and obeyed – and therefore understood – by laymen as well as lawyers ; since ignorance of the law excuses no man. For obvious reasons therefore, laws should be as clear and simple as possible. Yet, strangely enough, it is in this matter of writing laws that the lawyer often reaches and surpasses the limits of human capacity.

The chief fault of lawyers is certainly that of prolixity. Webster defines “prolix” as “extending to great length”, and then in a note he says: “prolixity is one of the worst qualities of style.” There are, of course, deep and subtle reasons for the prolixity of what lawyers write reasons which lawyers do not generally realize or understand. They lie chiefly in two ever-present factors : a constant and inherent complexity of subject matter, and an urge towards guarded and cautious language. It may be from experience, it may be from instinct – but the lawyer uses his pen as if it were an old – fashioned musket ; he is always afraid of the “kick” when the thing goes off. Lawyers who are intellectually honest will recognize this tendency toward prolixity in their own experience, and will constantly be on their guard against it.

Another chief defect in the writing of lawyers is the fact that they prefer to go round a subject with their words rather than straight to it. In their use of language they prefer a steam shovel rather than a spade – and then they neglect to cast away the rubbish.

It may be admitted – indeed it must not only be admitted but asserted – that the lawyer’s problem in writing is a difficult one. Whether he has to write a statute, a deed, a will or what not, the lawyer must do more than the average writer. A lawyer must so word his document that it will be impossible to misconstrue it. The average writer does not have this problem ; he need only write for the average reader. In other words, he so writes that his words ought not to be misconstrued ; but the lawyer must so write that his words cannot be misconstrued. To put the matter another way, the average writer may expect good faith – that is, an honest intention to get at the meaning of what is written – from his reader. The lawyer, on the other hand, must anticipate bad faith on the part of many of his readers and must guard against it.

