LEGAL ENGLISH USED IN INDIAN LAW SYSTEM: A STUDY OF SYNTACTIC COMPLEXITY IN INDIAN ACTS

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Abstract

There are a number of countries that have English as a language of apex court, India is one of them. English, in India, crept into Indian education system as a subject with great effort of Lord Macaulay but dynamically it changed its status. It started its journey as foreign language, then it acquired the status of second language and now it is official language of Supreme Court of India. It would be interesting how far English used in India in legal documents still shares the same linguistic features established by the British.

The present study investigates the syntactic features of Indian Acts. Studies conducted so far on legal English consensually attribute an adjective to legal English: complex. The present study aims to investigate the area where this complexity lie and would also justify the reason for its complexity. It would highlight those syntactical areas which contribute to its complexity. The present paper is divided into three sections, the first deals with definition of major concepts used in the paper such as stylistics, register, genre, and legal English. The second section presents analysis of sentences from Acts. The third and final section discusses the result of findings and gives substantiating conclusion to generalise those findings on Acts. The research will employ triangulation method for analysis and interpretation of data. The genres chosen for the study is Acts therefore, the present study does not generalize the findings of the research on all the genres of law but only on Acts.

Keywords: Stylistics, Register, Legal English, Complexity, Syntactic features
1. Introduction to Stylistics, Register and Genre

In the late sixties and early seventies, with the introduction of the concept of language description used in different texts, stylistic analysis came into existence. Stylistics is an essential branch of Applied Linguistics but it has always caused confusion and controversy due to its elusive nature and lack of framework. There are many difficulties related to its definition, approaches, and theories of interpretation. As far as matter of defining stylistics is concerned, it is difficult to single out one definition. Traditionally, stylistics was associated to linguistic analysis of fictional texts. It was introduced in literature as an alternative of practical criticism as literary criticism rests solely on the subjective interpretation of texts. New approaches of interpretation of texts are expanding its periphery. Psychological and statistical analysis of texts have introduced cognitive and corpus linguistics respectively.

In recent years, stylistic studies have not only expanded its width but also its depth. Linguists have a started finding out reasons underneath the surface of linguistic features. Stylistic analysis of non-literary texts is popularly known as ‘register analysis’. Register analysis is study of language variety according to uses in different occupations. Crystal (1991: 295) describes register as “a variety of language defined according to its use in social situations, e.g. a register of scientific, religious, formal English.” Bhatia (1991) views generalizing register features on all the genres of the particular register. He points out that labelling occupational variety such as scientific, medical, legal or even newspaper English is quite feasible but in reality such terms can be misleading as they represent the features of overall occupational variety while there is variation in genre conventions addresser-addressee relationships and communicative purpose.

Linguists feel that register analysis gives much generalized features of the text of a particular field and every text has many sub-texts. Every sub-text has its own linguistic features which may be different from overall registral features, for example, general registral features of newspaper may vary when analysed on the basis of genre. This fact must also be taken into consideration that report on accident would be different from editorial article in terms of linguistic features. In a way, every register is comprised of many genres and to have deep analysis of text it should not be studied on the basis of genres. There are many theories of genre propounded by Martin (1984), Devitt (2004), Eggins (1994), Bhatia (2004), Freedman and
Medway (1994), Berkenknotter and Huckin (1995), Swales (1990) which have given different stress to text.

The present paper focuses on syntactic features of legal English used in ‘Indian Acts’. Following the new trend of stylistics, this study does not confine legal register to a few generalized linguistic features rather it examines Indian Acts intensely to come up with some representative syntactic features of genre of Acts. It is necessary here to make the distinction between legal English and legalese clear for the better understanding of legal register. Legal English is formal academic English with some technical law jargon. It is used in Legal literature, legal textbooks, and correspondence: office memoranda, judicial opinions, and client letters. Although legal English is the style of English used by lawyers and other legal professionals in the course of their work, yet every text of legal genre is not written in the same manner. The correspondence on legal matters between companies is not done using legalese. These correspondences are done in formal Standard English with some technical legal terms. Undoubtedly, legal written English is formal but as far as its nearness to Standard English is concerned it deviates from norms at several syntactical spots.

Legalese is characterized by long complex sentences full of nominalizations, passives, oddly inserted adverbials, prepositional phrases and archaic vocabulary. Legalese is a term used, often derogatorily, to refer to the unique characteristics of legal English. Legalese is typically criticized for being overly complicated, dense, repetitive, and outdated (Candlin et al. 2002). The term legalese is used to describe the language used by the lawyers and court systems around the world, and it is a separate language that is not meant to be used and or understood by the layman or the people. To a large extent, legalese can be considered to be an extreme version of formal written language or can be said ‘deviation’ from standard formal English.

2. Studies on Legal English

Studies on legal English commenced in late sixties of twentieth century. Evolution and historical development of legal English have extensively covered by Mellinkoff (1963) and Tiersma (1999). Goutal (1976) conducted his study to trace back connection between judicial
decisions and legal civilization of the country. Legal English has been analysed on different linguistic levels by many linguists. It was scrutinized at syntactic level by Gustafsson (1975). Gustafsson (1975) gave detailed description of syntactic properties of British and American legislative language in her doctoral thesis. Charrow and Charrow (1979) carried out their research on jury instruction and concluded that ‘self-embedding’ or ‘center-embedding’ create heaviness and make legal English less transparent. Hiltuman (1984) listed an account of structure and type of clausal embedding in legal English. He focuses on embedding, a syntactic property, which makes legal English complicated. Gotti (2001) presented insights into modality, Facchinetti (2001) conducted research on if-conditionals. Bhatia (2004) gave his views on legal written discourse in academic, professional and institutional contexts. Mackinlay (2004) analysed 600 sentences from UK and EU legislative material to examine syntactic discontinuity as a major reason for incomprehensibility of legal text. He gave detail description of syntactic discontinuity. Gocheco (2011) investigates verb group in legal provision and explain how verb phrase could be continent which can make reading and understanding of legal text easy. Lehto (2012) studied diachronic changes in subordinate clauses. Subordinate clauses used in the genre of Early Modern English legal texts reveals that subordination in statutes vary during the sixteenth century but became more constant/stable in the seventeenth century.

Social scientists, anthropologists, political scientists, and many linguists as Carlen (1976), Charrow and Charrow (1979), O’ Barr (1981) criticized archaic, convoluted and heavy use of language.

3. Methodology of the present study

In stylistic study, investigation is executed on the following levels: phonological, morphological, lexical, semantic, syntactic and graphological but the present research concentrates mainly on syntactic levels. The detail investigation of all the levels, no doubt, would have made research exhaustive and extensive but would not have been able to make the research deep. Therefore, the present research is attempt is to present intensive study of syntactic features of legal English used in Indian statues.
The present research is a mix method research involving both qualitative and quantitative methodologies of research. Previous studies have made it evident that ‘complexity’ is a remarkable stylistic feature of legal English. Some studies justify its complexity and some oppose and demand for simplification. To investigate syntactical features of legal English, sentences from genre of Acts were selected through systematic random sampling technique from official website of Supreme Court namely: http://indiacode.nic.in/ and were analysed on syntax theory of Phrase Structure grammar demonstrated in Bakshi (2000) and Quirk et al .(1985) by using parsing tree diagram. The research has attempted to answer the following questions:

- To what extent, these features are similar to or different to formal Standard English?
- Does the research prove that legal English used in Acts is complex and if yes, what sort of complexity is it?
- What linguistic patterns are most commonly used, and what is their distribution?

For sentence analysis, the corpus of 300 sentences and for noun phrase analysis is 60 sentences taken from eleven Acts ranging from year 2000 to 2007 namely:

- The Indian Christian Marriage Act 1872
- Parsi Marriage Act, 1936
- The Hindu Marriage Act, 1955
- Companies Act, 1956
- Copyright Rule 1957
- The Dowry Prohibition Act 1961
- Maternity Benefit Act, 1961
- The Cine Workers and Cinema Theatre Workers,1984
- Cable Television Networks 1995
- The Information Technology Act, 2000.
- Right to Information Act, 2005

As the present study is concerned with syntactic features of legal English and does not include discourse features, so selection of topic of Acts has not affected result of the findings.
Crystal and Davy (1969), Mellinkoff (1963), Trosberg (1997), Gustafsson (1975) highlight complexity of legal language in their works and declare it ‘complex’. Complexity in the language used in Acts has been marked on the following syntactic parameters:

- Length of sentences
- Number of complex sentences
- Horizontal relation of subordinate clauses
- High frequency of complex sentences
- Left branching of subordinate clauses
- Coordinated embedded clauses
- Syntactic discontinuity
- Self-embedding
- Complex noun phrases
- High frequency of adverbial clauses and phrases and their unusual positions
- Complex preposition

4. Analysis and Interpretation of Acts

4.1 Syntactic Features

4.1.1. Complexity

The language of law is language of arguments and justice; it cannot bear the tag of being complex without justifying the accusation levied on it. In terms of legal language it is important to make two issues clear: what we mean by complexity here and what elements create complexity.

There could be two types of complexity in legal texts: linguistic and non-linguistic. Non-linguistic complexity or legal (procedure) complexity is equally important to understand and make texts readable but here matter of discussion is linguistic complexity. Linguistic complexity is directly related to readability and comprehension. To understand the text without any syntactical and lexical difficulty is a sign of comprehensibility but when reader faces problems in this regard it is due to complexity at these two levels. Complexity and comprehensibility are
reversely proportionate to each other. It is quite challenging to trade off complexity and comprehensibility. Some linguists attached complexity to sentence structure (Masson and Waldron 1994) and other to vocabulary (Tanner 2010). Legal English is widely known for complexity at both the levels: syntactic and lexical. Gustafsson (n.d.) relates lexical complexity to semantic difficulties and refers it ‘conceptual’ complexity where in spite of knowing meaning of the particular word, word cannot be understood in lack of knowledge of legal principles.

In the present study elements of complexity has been measured at sentence level on the following parameters: sentence length, structure of sentence and organization of sentence components:

4.1.1.1 Sentence length

Table 1: Sentence length of Acts (words per sentence)

<table>
<thead>
<tr>
<th>Total no. of Sentences</th>
<th>Minimum word</th>
<th>Maximum word</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Mode</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>7.00</td>
<td>404.00</td>
<td>71.3333</td>
<td>54.31706</td>
<td>53.00</td>
</tr>
</tbody>
</table>

The above Table 1 exhibits that an average sentence length in Acts is 71.33 words long and the longest sentence of Acts is 404 words and shortest 7 words. Sentences with 53 words have occurred most of the time. The average sentence length (71.33) is higher than any other register. Barber (1962 in Bhatia 1993) notified average sentence length in scientific English is 27.6 words and Gustafsson (n.d.) informed in journalism 20 to 21 words long. Davies and Vlachopolous (in Gibbons et al.2004) reported sentence length 74.3, 187 words per sentence respectively in different studies on legal language. Praksham (in Gibbons 2004) conducted his study on Indian Evidence Act and reported average sentence length of 93 words. Tessuto’s (2008) study on statutes also confirmed lengthy sentences, a prominent feature of legal English.
Tessuto (2008) reported average sentence length ranging from 15 to 90 words. Very few simple sentences were reported in his studies, most of the sentences were complex.

The above statistical data reveals that average sentence length in Acts is much more than sentence length of general English sentences. Cutts (2009) observes the average sentence length in general formal English is 15-20 words. Sentences are longer in legal English than an average sentence in general English.

Researches of Psycholinguistic have disclosed the fact that long sentences put adverse effect on readability and comprehensibility. Miller (in Tanner 2000) noted that the short-term memory can hold about seven unrelated units of information at any one time before it fails. It follows that the short-memory has to process long syntactically complex sentences which likely to contain too much information. Reformers and plain English supporters demand for improvement in this area of legal language. At the same time, many experts support its traditional form. Traditionalists held that in legal English sentences are long because it is required to make texts clear and precise. If simple and short sentences do not cover all the necessary guidelines of law, it is not appreciated in law. Law expert generally do not compromise on complexity to bring linguistic clarity. Gustafsson (n.d.) finds the use of lengthy sentence just a habit of adhering to old traditional system of drafting documents.

The long sentence has tradition in English legal language. In the early days of legislation and jurisdiction the drafting of all legal documents was in the hands of a small number of professional lawyers and scribes, as the majority of people were illiterate. The handling of the case in court was crucially dependent on the form of plea. For the benefit of those drafting the pleas and other documents special form-book were published, and these books were then copied by generation after generation of lawyers. This practice gave birth to the tradition which among other things, demands that all relevant information pertaining to the same case has to be presented in one paragraph consisting of only one sentence. The more detailed and accurate description became, the longer the sentence grew.

(Gustafsson n.d.:26)
Legal English sentences become lengthy due to establishing unambiguity, all-inclusiveness, and precision in documents (Bhatia 1993; Crystal and Davy 1969). They become long and odd in comparison to general English.

Tiersma (2006) lists out number of reasons for retaining old age characteristics. The first reason, he thinks is that the lawyers are more comfortable and safer to adhere to the well-known forms. Another reason is influenced by professional tactics of lawyers. Lawyers prefer their clients to remain totally dependable on their services. Originally lawyers used to charge for drafting documents on the basis of length of document. Lawyers sought out many ways to lengthen the documents. There were many ways to lengthen. One easy way for a lawyer to increase the length of a document was by employing ‘recitals’.

Therefore, the discussion on sentence length concludes that longer sentences are of course the reason of incomprehensibility in legal English as no other genre uses such long sentences. So readers do not encounter lengthy sentences elsewhere.

4.1.1.2 Horizontal relation of subordinate clauses

Sentences in Acts are long because instead of constituting a new sentence from several same types of subordinate clauses attached to a single main clause, all the subordinate clauses occur in a sentence in horizontal relation. For example:

*Any marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:*

*(a) that the marriage has not been consummated owing to the impotency of the respondent; or*

*(b) that the marriage is in contravention of the condition specified in clause (ii) of Section 5; or*
(c) that the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner was required under Section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978, the consent of such guardian was obtained by force or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent; or

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.

The Hindu Marriage Act

In above sentence all *that*-clauses are directly subordinate clauses of single main clauses. The syntactic analysis of these types of sentences is difficult task. *That-clauses* in above example have neither occurred in hierarchical relation with one another nor embedded in one another rather they are at parallel or horizontal relation with one another. A reader has to pay equal attention on all the clauses equally because no one is superordinate of next clause rather share equal relation with main clause. Their representation can be in the following manner:

![Fig 1: visual representation of subordinating clauses sharing horizontal relation](image-url)

4.1.1.3. Frequency of complex sentences
The sentences have been found longer in Acts as most of the sentences have more than two clauses and majority of the sentences in Acts are complex. Figure 2 and table 2 below substantiate this fact:

![Figure 2: Frequency sentences type in Acts](image)

**Table 2: Frequency of complex sentences in Acts and in judgments**

<table>
<thead>
<tr>
<th>Type of sentence</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple</td>
<td>10</td>
<td>3.3</td>
</tr>
<tr>
<td>Complex</td>
<td>282</td>
<td>94%</td>
</tr>
<tr>
<td>Compound</td>
<td>8</td>
<td>2.7</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100.0</td>
</tr>
</tbody>
</table>

It is evident in the above Table-2 that frequency of complex is 282 in Acts. This frequency of complex sentences is the highest in comparison to simple (10) and compound sentences (8).
4.1.1.4. Number of subordinate clauses in a complex sentence

Table- 3 Number of subordinate clauses in Acts

<table>
<thead>
<tr>
<th>Descriptive Statistics</th>
<th>N</th>
<th>Range</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Sum</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of sub cl</td>
<td>300</td>
<td>19.00</td>
<td>.00</td>
<td>19.00</td>
<td>1236.00</td>
<td>4.1200</td>
<td>3.39470</td>
</tr>
<tr>
<td>Ncl</td>
<td>300</td>
<td>4.00</td>
<td>.00</td>
<td>4.00</td>
<td>124.00</td>
<td>.4133</td>
<td>.76448</td>
</tr>
<tr>
<td>Rel cl</td>
<td>300</td>
<td>7.00</td>
<td>.00</td>
<td>7.00</td>
<td>201.00</td>
<td>.6700</td>
<td>1.09167</td>
</tr>
<tr>
<td>Adv F cl</td>
<td>217</td>
<td>7.00</td>
<td>1.00</td>
<td>8.00</td>
<td>479.00</td>
<td>2.2074</td>
<td>1.51790</td>
</tr>
<tr>
<td>Adv NF cl</td>
<td>148</td>
<td>12.00</td>
<td>1.00</td>
<td>13.00</td>
<td>274.00</td>
<td>1.8514</td>
<td>1.42076</td>
</tr>
<tr>
<td>Reduced Rel cl</td>
<td>300</td>
<td>5.00</td>
<td>.00</td>
<td>5.00</td>
<td>148.00</td>
<td>.4933</td>
<td>.78230</td>
</tr>
<tr>
<td>Verbless cl</td>
<td>10</td>
<td>1.00</td>
<td>1.00</td>
<td>2.00</td>
<td>12.00</td>
<td>1.2000</td>
<td>.42164</td>
</tr>
<tr>
<td>Nominal Rel cl</td>
<td>3</td>
<td>.00</td>
<td>1.00</td>
<td>1.00</td>
<td>0.00</td>
<td>1.0000</td>
<td>.00000</td>
</tr>
<tr>
<td>Valid N (listwise)</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fig 3 Number of Subordinate Clauses in Acts

It can be estimated from the above Table 3 that approximately \((679/282=2.40)\) three subordinate clauses per complex sentences are used in Acts. Apart from three subordinate clauses per sentence, the range, maximum and minimum frequency of their occurrence also draw our
attention to noticeable fact that there are instances of 19 subordinate clauses in a sentence. During the present study, instances of 16, 15, 14 subordinate clauses in Acts were found. The maximum frequency of adverbial and relative clauses indicates the elements that lengthen complex sentences.

4.1.1.5. **Position of subordinate clauses**

After sentence length and more number of complex sentences, position of subordinate clauses is another element that causes complexity in legal English. Quirk et al. (1985) define three positions of subordinate clauses; initially, medially and at the end of superordinate clause. Initial and medial positions refer to beginning of superordinate clause. The technical terms used for initial, medial and final position are left-branching, nesting, and right branching, respectively. When subordinate clauses occur at the beginning of superordinate clause, they are known as left-branching. The embedding of clauses in left-branching is limited to two degrees. Left-branching is more prominent feature in noun phrases than clauses.

Right-branching takes place when subordinate clauses are placed after superordinate clauses. In every type of writing, right-branching is commonly used. It is easiest to comprehend. When a subordinate clause is placed in between superordinate clause it is called nesting. “Nesting or medial branching creates the most awkwardness, if nested clause is long and is itself complex. It also violates the principle of end-weight” (Quirk et al. 1985: 1037)

**Initial:** *When you’re ready, we’ll go to my parents’ place.* (Left branching)  
**Medial:** *We’ll go, when you’re ready, to my parents’ place.* (Nesting)  
**Final:** *We’ll go to my parents’ place when you’re ready.* (Right branching)  

(Quirk et al., 1985: 1037)

In standard formal English left branching and nesting are not frequent rather they are avoided for maintaining the principle of end-weight. In the present study, there are 86 instances of left-branching in Acts data. In English there is a preference for placing long, complex, "heavy" constituents towards the end of the clause, because in this position they seem easier to
understand or process. Legal English deviate from general English in this norm and violates the rule of end-weight by exerting more weight on left side of the sentence.

Example-

\[
\{ \text{Adv cl F} \ (\text{If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement}}^{\text{Red Rel cl}} \ (\text{made by or on behalf of the Government of India or participates in any way in the profit thereof}) \text{ or in any benefit or emolument}}^{\text{Net}} \ (\text{arising therefrom otherwise than as a member})\text{and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (/), be deemed to be guilty of misbehaviour.}\}
\]

(Companies Act 1956)

Levin and Garrett (1990) tested a hypothesis whether left-branching sentences are more formal than right-branching and center-embedding (or nesting). Their hypothesis proved positive. In their research, they found left-branching sentences more formal. Justifying the findings, they state:

Many theories of parsing claim that left-branching sentences (LB) are more difficult to produce and to understand than right-branching (RB) sentences. The reasons are variously thought to lie either in their load on memory required to process LB forms or the perceptual demands that LB sentences make.

(Levin and Garrett 1990: 511)

Gustafsson (n.d.) also reports the same reason in his article. Legal English uses highly formal sentences structure. There are considerable numbers of left-branching sentences found in Acts. Tessuto (2008) remarks on disadvantage of left-branching:

while the majority of legal writers have advocated for the elements in a legislative sentence to be arranged as case/condition + legal subject+ legal action (e.g. Coode 1976; Thring 1902), variation in syntax of legislative texts has led linguists scholars to speak in terms of ‘right-branching’ (where conditional clauses are positioned initially) as opposed obviously to ‘left-branching’. In syntax this
means that a case description constitutes a subordinate adverbial clause linked to another hypotactically, and leads to very long, complex sentences. Hence the reader often cannot absorb the content of the provision; at least on a first reading.’ (Tessuto 2008: 7)

Lehto (2012:16) states that ‘the place where subordinated clauses are positioned in sentence also affect legibility since final subordination is usually more readable than initial or middle subordination.’

In most of case where subordinate clauses have occurred at the left side of the main clauses, we find that subordinate clauses occurring on the left are adverbial clauses beginning with ‘if”, ‘where’ and ‘when’. Bhatia (1993: 110) finds it reasonable for case description in the form of adverbial clauses at initial position because there are a few legislative statements of universal application so drafters place them initially to have more focus on these statements. In this way, delaying of subject is done intentionally.

*Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.*

(Right to Information Act 2005)

4.1.1.6. Coordinated embedded clauses

As it is already known fact that ‘embedding gives rise to the theoretical possibility of grammatical units having indefinite length’ (Quirk et al. 1985: 44) and if embedded clauses are coordinated, it create a deadly combination of length and complexity of structure. Legal documents are full of these sorts of instances. Subordinate clauses are increased in the sentence in two ways: one way is combined them with subordinate conjunctions and another way is to joint them with coordinate conjunction if clauses are of equal rank. If a subordinate clause
embedded in another subordinate clause is combined with coordinate conjunction, it grows unnecessary complication and creates interruption in the flow of sentence. In the below example, consecutive four clauses: that-clause, relative clause and two adverbial clauses are embedded in one another and the second adverbial clause is coordinated with or. in this type of embedding sentence becomes remarkably complex.

For the removal of doubts it is hereby declared that no commission shall be paid under clause (a) of sub-section (1) to any person on shares or debentures which are not offered to the public for subscription.

Provided that where a person has subscribed or agreed to subscribe under clause (a) of subsection for any shares in, or debentures of, the company and before the issue of the prospectus or statement in lieu thereof any other person or persons has or have subscribed for any or all of those shares or debentures and that fact together with the aggregate amount of commission payable under this section in respect of such subscription is disclosed in such prospectus or statement, then, the company may pay commission, to the first-mentioned person in respect of such subscription.)

(Companies Act 1956)

4.1.1.7. Majority of complex noun phrases

Table -4 Noun Phrase in Acts

<table>
<thead>
<tr>
<th></th>
<th>Acts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total No. of NP</td>
<td>221</td>
</tr>
<tr>
<td>Simple NP</td>
<td>35</td>
</tr>
<tr>
<td>Complex NP</td>
<td>186</td>
</tr>
<tr>
<td>Pre-modifiers</td>
<td>214</td>
</tr>
<tr>
<td>Post-modifiers</td>
<td>172</td>
</tr>
</tbody>
</table>

The above Table 4 shows high propensity for complex noun phrases. Out of 221 noun phrase in the data of 60 sentences has only 35 simple noun phrases (noun without its modifiers)
while there 186 complex noun phrases. The high frequency of pre-modifiers indicates towards the fact that left-branching is common practice even in phrases. Apart from it; this is interesting to see that maximum range of pre-modifiers goes to 21 pre-modifiers in a sentence. Mean score which points towards occurrence of at least 3 noun phrases in a sentence consolidates Williams’s (2005) remark that ‘Legal documents tend to ‘nony’ rather than ‘verby’. Table 5 shows which pre-modifier and post-modifier play prominent role in intensifying complexity in the texts. The study discovered that articles are major pre-modifier while in prepositional phrases have the highest frequency as post-modifiers. It also shows high frequency of complex noun phrases.

4.1.1.8. Syntactic discontinuity

There are 149 instances of syntactic discontinuity in Acts in the present study. Syntactic discontinuity is an outcome of an intentional and rational effort of structuring legislative writing. It occurs if two elements which would normally be situated beside each other in the sentence structure are formally separated by another expression or clause being inserted in between them. As a result of this, the two elements, which are both semantically and structurally related, may end up distanced from each other in the structure of the sentence and the close semantic or structural relation between them may become less obvious. There is no doubt that to a certain extent syntactic discontinuity contributes to a greater complexity of the text and makes greater demands on the interpreter. Gibbons (1994) does not victimize complicated sentence structure (linguistic complexity) only factor of complexity rather he finds it one of the factors. As complexity is being associated to communication, Gibbons (1994: 287) lists out four sources of communication difficulty: specialized text structures and procedures used in the law, the extreme writeness of many legal documents, and technicality of legal discourse, power disparity and hyper formality.

Incidents of Syntactic discontinuity are at phrase and clause levels are abundant in legal English. Syntactic discontinuity is created in the text by using prepositional phrases, adverbial clauses and non-finite verb –ing. In the below example, we can see the subject The appropriate Government has been separated with its corresponding verb update and publish on by insertion of prepositional phrase.
The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section

(2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—

(a) the objects of this Act;

Right to Information Act 2005

Syntactic discontinuity is more common in formal language than in informal language. In general English syntactic discontinuity appears to be a marginal feature of the syntax, in legislative writing it is one of the central syntactic features of the text. Tessuto (2008: 12) affirms that syntactic discontinuity idiosyncratically characterizes English legislative writing.

4.1.1.9. Self-embedding:

The medial subordination of one constituent within another constituent of the same kind is called self-embedding (Quirk et al, 1985: 1040). One layer of self-embedding is quite comprehensible but more than one layer makes comprehension difficult. In legal English, there are number of example of one layer of self-embedding. Self-embedding is more complex than multiple center-embedding of different clause types (Karlsson 2006). Relative clauses and that-noun clause functioning as complement is employed for self-embedding. The problem of comprehensibility arises when another subordinate clause is combined within self-embedding and creates a wide gap between subject of superordinate clause and verb.

The directions$^{Net}$ (that may be given under this sub-section) may include a direction$^{Net}$ (that one member of the company present in person or on proxy shall be deemed to constitute a meeting.)

(Companies Act 1956)

4.1.1.10. Complex and archaic prepositional phrases
The most common stressed aspect characterizing legal language is the frequent use of prepositional phrases. In terms of the use of complex prepositions in formal document, according to Quirk et al. (1985:304) stated that “Legal English is notable for complex prepositions, the following being among those found mainly in legalistic or bureaucratic usage: in case of, in default of, in lieu of, on pain of, in respect of” “One-word prepositions are called simple prepositions while two-word or three-word sequences are known as compound prepositions. A preposition is a word which generally comes before a noun or a noun phrase which is the object of the preposition. A preposition along with noun or noun phrases makes a prepositional phrase. Prepositional phrases have syntactic functions of post nominal modifier of noun in a noun phrase, adverbial and complement of an adjective. Quirk et al. (1985) propose one more category of prepositional phrases: complex prepositions. They suggest subdivision of it as two- and three- word sequence. ‘In two-word sequence, the first word (which usually is relatively stressed) is an adverb, adjective, or conjunction, and second word is simple preposition (usually for, from, of, to, or with).’ The sequence of three-word is preposition + noun + preposition. (Quirk et al. 1985: 669)

The most ubiquitous feature of legal language is complex prepositional phrases. They have highest frequency of occurrence in all type of legal documents especially in Statutes or Acts. Legislation in English has more complicated and longer sentences to some extent because of large number of complex prepositions. Their high frequency is not alone responsible for the complexity but also their unstable position in the sentence. Mostly prepositional phrases are functioning as modifiers of nominal constituent in the present findings.

Vedralova”(2008) concluded in his study of preposition in legislative text that sentence in legal texts are longer due to complex prepositions. Another observation he made that legal English uses more complex prepositions than literary texts. Prepositions such as in conformity with, in line with, in accordance with, accordance with, according to, pursuant to, in relation to, with regards to convey reference. Preposition like for the purpose of, with a view of, by means of, on the basis of denote references.
Bhatia (1998) figures out the reason of high frequency of prepositional phrases. Bhatia logically illustrates that complex prepositions are used to signal textual authority in the legal text. Bhatia analysed the British Housing Act 1980 to investigate the reason for it usage. It is a kind of intertextual device used in the legal text (Bhatia ibid). Following Bhatia similar type of examples were tried to find out in the present study and number of example were easily spotted due to its high frequency.

a) *It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section) (1) to provide as much information suomotutu the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Actto obtain information.*

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4.1.1.11. High frequency of finite adverbials clauses and phrases and their unusual positioning in the sentence

Adverbs are traditionally categorized as one of parts of speech in English grammar whose primary function is to modify verbs, adjectives, and adverbs. But other parts of speech also perform the same functions. In order to avoid confusion and to be more precise, Quirk et al. (1985) used the term “adverbial” to refer to all the elements of the clause performing the action of an adverb.

**Table -5 Descriptive Statistics of adverbial clauses**

<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>Range</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Sum</th>
<th>Mean</th>
<th>Std. Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>AdvF cl</td>
<td>217</td>
<td>7.00</td>
<td>1.00</td>
<td>8.00</td>
<td>479.00</td>
<td>2.2074</td>
<td>1.51790</td>
</tr>
<tr>
<td>AdvNF cl</td>
<td>148</td>
<td>12.00</td>
<td>1.00</td>
<td>13.00</td>
<td>274.00</td>
<td>1.8514</td>
<td>1.42076</td>
</tr>
<tr>
<td>Valid (listwise)</td>
<td>116</td>
<td></td>
<td></td>
<td></td>
<td>50.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Adverbial is fairly mobile sentence element in English (Gustafsson n.d.). Number of adverbial phrases and clauses in legal English is relatively high as legal English believes in pooling in all the factors and issues affecting the matter in question. For this purpose, ‘adverbials are placed where they will serve the demands of unambiguity’ (Crystal and Davy 1969:203). Charrow and Charrow (1982) consider it quite absurd insertion of adverbial in the sentence and call it “misplaced phrases”.

The high frequency of adverbial clauses is considered to be one of the characteristic features underwriting complexity of written legal language. Adverbial finite clauses are used to refer time, place, condition, concession, manner, contrast, and purpose (Bakshi 2000: 271-280). In finite adverbial clauses, subordinate conjunctions are used to create relation between matrix and subordinate clauses. The realization of non-finite adverbial clauses takes place in form of participle and infinitive. In the Table 5, it can be seen that frequency of adverbial clauses is higher than other clauses; in fact they have highest frequency. As shown in Table 5, When we compare adverbial finite and non-finite clauses, we find that finite adverbial clauses are higher than non-finite clauses in terms of their frequency (F=479, NF= 274) and percentage (72.3, NF= 50.7).

Here are the examples of adverbial clause which have exclusive feature of legal writing. The particular types of adverbial which have become distinctive feature of Acts are conditional and temporal adverbial finite clauses. These adverbial constructions are an essential part of legislative provisions, as their function is to establish the scope of application of legislative rules. Kurzon (1985:269) cites locative role of adverbial clauses and phrases beginning with Where... and without...:

This adverbial clause or phrase, often called 'case' in legal textbooks, sets down the circumstances in which the rule, the contents of the main clause, is to be applied (what is called in the Logic of Action 'the conditions of application'). Proviso is one of the components of Acts. It begins with conditional clauses beginning with provided. There are 112 conditional clauses beginning with if, 56 beginning with provided and 31 beginning with unless.

4.1.1.12. Position of adverbial clauses
The occurrence of adverbial phrases can be seen in every possible place in the sentence. They can be seen before subject, after subject, between subject and verb, between auxiliary and main verbs, after main verb and after conjunctions. In the present study, most of the instances found of adverbial insertion between auxiliary and main verb. Placing them after main verb can create more scope for misunderstanding. Adverbial clauses and phrases in all ways contribute greatly in making legal English distinctive. Besides their frequency, their position is also noticeable feature. It is placed at unusual places in the sentences where adverbial are normally not placed. They are inserted in between helping verb and main verb, at some places they are placed just after the conjunctions.

*Before taking any decision under sub-section (/), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 1.*

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Kurzon (1985) offers two reasons for positioning of adverbial clause and phrases. The first reason is clarity of word order which makes reading comprehension easier and another meaning of clarity is clarity of interpretation of Acts in court. The second reason is linguistic factors as historical tradition, theme and iconicity.

The Renton Committee (in Kurzon1985:270) locates the area of complexity in legal texts. The Renton Committee mentions positioning of adverbial clause and phrases before subject and between subject and main verb decreases clarity. Many pieces of psycholinguistic research (Bever 1970) have proved that positioning of adverbial clause before subject is technically called ‘left-branching’ puts extra exertion on the memory. It has been decribed as ‘scene-setter’ by Kurzon (1985)

…the adverbial sets the scene for the subsequently mentioned event. In the case of legislative sentences, the initial adverbial clause or phrase sets the scene by laying down the circumstances for the application of the rule in the main clause. The circumstances in which the rule is to be applied may be divided into two types: (I) time and (2) text. By time, I mean that some event must take place before the rule comes into operation… By
text, I mean reference to another statute or to another section of the same statute…

Kurzon (1985:274)

This rationale is the result analysis of text by categorising its part into theme and rheme. Theme functions as link with previous text.

**Conclusion**

The stylistic features of Acts extracted out from the present study are: long, complex sentences with multiple embedding of clauses and phrases, Middle English syntactic structure, considerable number of adverbial clauses, and high frequency of non-finite verb forms, syntactic discontinuity etc. Complexity in Acts was found on both clausal and phrasal levels. Complexity of legal English has been major issue of discussion throughout this paper because it is one of the hurdles in the basic principle of communication. ‘It is least communicative among all the variety of language (Crystal and Davy 1969:193). ‘Communication difficulties’ (Gibbons 1994: 286) arise due to complexity of legal English. In discussion of complexity, researcher feels that complexity of legal English is not only due to language alone rather there are some other reasons as understanding of legal principles and process too responsible for complexity of the legal language. Therefore, the present study reveals that there are two layers of complexity in legal language. On the surface level, linguistic components as sentence structure creates complexity and at the deeper level, legal concept are responsible for conceptual complexity.
References:


Paulina M., Gocheco. 2011. An analysis of verb groups in legal discourse: implications for teaching English for specific purposes. De La Salle University, Manila,


