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Changing Language and Interpretation of Law

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Every single day there comes a new word that carries its particular meaning but it is mostly a mixture of some other words i.e. a scenario, Culture, or maybe a trend. As the changing time keeps moving, it brings some changes with it and we have started accepting different Cultures, Languages, and so on. It can be called a Global Policy. Approximately 5,366 words have been added to the Language in the past 7.5 years, or about 715 words per year. According to GLM estimate, a new word is created every 98 minutes, and hundreds of words are added to English dictionaries each year.¹ Social media is fast and vast in these kinds of matters.

This Article 'Changing Language and Interpretation of Law', is all about the interpretation of various types like literal, grammatical, original, second, and personal interpretation. This topic deals with the ways of interpretation and its impact as well as with the changing Language.

Changing Language and interpretation are co-related and interrelated to each other. They cannot be separated, as a language prints its image on interpretation and interpretation also prints its image on the Language. The Study focuses on how an interpretation takes different modes in Language and how Language takes different modes in an interpretation. It also describes the journey of Language and interpretation in the course of time and development. From the Stone Age to the modern, scientific world, Language and interpretation have changed.

¹ David Crystal, *The Cambridge Encyclopedia of the English Language* (3rd edn, CUP 2018)

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INTRODUCTION

This study also suggests the importance and role of interpretation and Language. Also, how the interpretation and Language change from fact to fact, case to case also by age to age, group to group, field to field, profession to profession, and Law to Law. The study also focuses on the role of humans and Artificial Intelligence (AI) in the world of interpretation, Language, and Law. It also shows some of the facts that humans cannot be replaced with AI.² The study has contained various aspects of the learning Language, understating of it, and others.

This study deals with the various aspects of Language and Interpretation with the changing times, Cultures, and trends. It gives an ordinary as well as a specific idea about how far Language and Interpretation can go and how it impacts the case, facts, and circumstances.

This study has included some of the basic examples of Language and Interpretation with some of the examples of the Cases and Judgments from India and the World. It also includes the role of media and how it impacts the language or makes the language change. This is all included in this study as to how the word was invented and how it developed over time. It has tried to cover various things like Language, Literature (especially English), society, some brain research, and how does brain thinks and processes in making a new word. It also covers how the brain processes thoughts and implements them in the interpretation of any language, any word, any term, or any facts of the case or circumstances.

Every human thinks differently as his/her brain processes in a different manner. As per the Study, the left side of the human brain is for information and databases and it stores information and other things.

² RADJ-TECH, 'The Role of Artificial Intelligence in Interpretation and Translation' (*LinkedIn*, 25 September 2023) <<https://www.linkedin.com/pulse/role-artificial-intelligence-interpretation-translation-radj-tech>> accessed 15 March 2024

On the other hand, the right side of the human brain is of creativity and imagination and things similar to it. So, in interpreting language or any other thing, our right brain gets on the top while reading or describing the information of any kind, here, in law Bare Act, our left brain processes, as it stores the information, data, data of the information based on our readings of various topics or the Acts, Statutes, Orders and so.

Bare Acts, Statutes, and the Orders of the Governmental bodies and Judiciary plays an important role in the Language and Interpretation. These particular things contain a particular law or order that covers a particular area, group, community, profession, and so on. The study has tried to make the idea simpler and clearer to understand what exactly Language and Interpretation are. It is all based on basic understating and simple terms.

DEVELOPMENT AND SCOPE OF LANGUAGE

Some linguists and biologists have proposed Homo erectus, an early human species which evolved nearly 2 million years ago in Africa. Although empirical verification is not possible, there is circumstantial evidence that homo erectus invented words.³ Later on, still dates, words, and Language are getting developed or created. Words are also created by sounds, or mixing of two words (whether it be a suffix or prefix). Early humans, who were hunter-gatherers were used to communicate either by sound or by pictures drawn on cave walls. The best example of this is The Bhimbetka cave⁴ in Madhya Pradesh, India.

There is no proper date or year at exactly when humans created words but at least the capacity for it is probably at least 150,000 to 200,000 years old. This means, that, Language is still developing on various bases like Culture, profession, Country, society group, and so on. Language itself can be interpreted as a group or combination of 'meaningful sounds' to communicate and understand others.

³ Herbert S. Terrace, 'Which Human Ancestor Invented Words?' (*Psychology Today*, 12 May 2020) <<https://www.psychologytoday.com/us/blog/the-origin-words/202005/which-human-ancestor-invented-words>> accessed 15 March 2024

⁴ 'Bhimbetka Cave Painting' (*Smart History*, 2016) <<https://smarthistory.org/bhimbetka-cave-paintings/>> accessed 15 March 2024

Language has changed from the day of its invention till date, it is changing. Language does not only help in having a conversation with, but it also helps to keep records and all. If we trace back to the Stone Age (which probably began about 2.6 million years ago and lasted until 3,300 B.C. when the Bronze Age began) the invention of writing was a great step forward. Knowledge could now be passed forward from one generation to another. Writing was also needed for keeping records by the traders as well as by the people who were looking after law and order in the villages, towns, and cities.

The invention of Language not only helped in writing and keeping records but also made humans get into a new state and helped to change and develop the World. As Literature flourished so did society in various things from private/personal to social and from social to global. Without the Language, it was almost impossible for the humans to get this much developed. Just because of the Language, we have come this forward and we are looking forward to get develop day by day. The Language and its interpretation and new inventions in it are ways from the dark to the light. E.g. if there was no Language and interpretation, how are we supposed to express our thoughts and inventions? Modern science was born with the Renaissance and from it various scientists (before and after) invented various theories and inventions. If they were not recorded, we would have been in the dark about such theories and inventions.

As per the above paragraphs, we can easily understand that the scope of the Language is vast and it changes. Language is a thing that can be turned easily to change the meaning, tone, and views. From which new things take place, things get clear or complicated as the case may be.

The Geographical Discoveries: The Geographical discoveries and attacks of territories also played a crucial role in changing Language. It brought their Culture and Language of their own and it intermingled with other Cultures and Languages.

The various expansions were also factors in the changing Language as it transported one Language to the other territory with the Language there. A good example of all the above can be the Colonies. With the Colonies, the culture of Europe spread to Asia, Africa, and other parts of the World rapidly, and the Culture, Laws, rules, and Languages spread along with it to the

World. Migration is also one kind of factor for this kind of change. With migration, not only the person but his/her Culture, tradition, Language, attitude, point of view, and knowledge also gets migrated.

Neologism: Neologism is another aspect of Language and its interpretation. Neologisms are usually introduced when it is found that a specific notion is lacking a term, when the existing vocabulary lacks detail, or when a speaker is unaware of the existing vocabulary. The law, Governmental bodies, and technology have a relatively high acquiring neologisms.⁵ The judiciary is also at the top in these kinds of matters. Words also can be interpreted positively and negatively, as they vary from person to person, attitude, knowledge, and point of view.

LANGUAGE AND ASSIGNING MEANING TO IT

‘You can never understand one language until you understand at least two.’⁶

- Geoffrey Willans

Language and assigning meaning to it varies from person to person, age, profession, level of understanding, and sense.

Stress on Words: Stress in interpretation is like we assign meaning to something as per our needs and fulfill that need in one or simple sentence as per our need and (case may be) we assign meaning to it. It can be like if there is a sentence e.g.

1. You are the one who has to decide and
2. You are the one who has to decide.

In both the sentences above, the stress is on different words which completely changes the meaning of the sentence. In just one simple sentence, stress is given in two different words where, in the first sentence the decision is focused and in the second sentence, a person has been

⁵ Adam Zeidan, ‘Neologism’ (*Britannica*, 21 July 2023) <<https://www.britannica.com/topic/neologism>> accessed 15 March 2024

⁶ ‘Our top 20 quotes about language learning’ (*Learn A Language*) <<https://www.lcs-school.com/post/our-20-top-quotes-about-language-learning>> accessed 15 March 2024

focused. So, this manner of stress, which can be given to different words in one sentence completely changes the meaning and interpretation.

Different Word Same Meaning: This is the case where the word is different in pronunciation, spelling, and accent, but it means the same e.g. Lift in the UK and Elevator in the US (a machine in a large building that is used for carrying people or goods from one floor to another) means the same but still it has different words in two different Countries. This solely depends on what exactly the matter or sentence is.

Same Word Different Meaning: In these types of cases, the word, pronunciation, and accent remain the same just the meaning changes e.g.

1. Lift (n) means a machine also

while Lift (n) means a free car ride also.⁷

2. Couch (n) means a long seat, often with a back and arms, for sitting or lying on while Couch (v) also means to express a thought, idea, etc. in the way mentioned.⁸

Opening a Word: Opening a word with the exact intention as is expected by the author in the text is changing now, well getting the exact meaning as per the author's expectations is not rocket science but the changed scenario around us makes a difference like e.g. a 4 to a 5-year-old kid will take the different meaning of a word (any word) while an adult will take different and the old person will take a different meaning. As no one is wrong here all are correct but what changes here is, their knowledge and point of view towards that word or a thing.

So, while interpreting the Law, we, in general, have to focus on the group (age, men, women, and community and so) we are dealing with. If we talk about alternatives then the alternative is always an alternative even if it carries the same meaning or is a bit similar to it. Same with the synonyms too. A synonym is a word, morpheme, or phrase that has the exact meaning, or a very similar meaning, to another word. E.g. happy joyful, cheery, and contented. But it still differs as

⁷ 'lift' (Cambridge Dictionary) <https://www.google.com/search?q=what+is+a+lift&hl=en_US&pli=1> accessed 15 March 2024

⁸ *Ibid*

where we use or put the word changes the meaning. Like sometimes we alternatively use 'alright' and 'ok' but as per the situation it changes as it always carries its own literal and personal or psychological meaning (well it purely depends on the scene, characters, etc.) like, 'yeah, alright' conveys different meaning while 'ok' also conveys a different meaning.

Not only words but toning also plays a crucial role in interpretation. Saying any word silently, angrily, violently, or peacefully (in the sense of asking a question or giving an answer to it) always hits differently.

Idioms⁹ and Phrases¹⁰: Idioms and Phrases never bring out the literal, natural, original, or grammatical meaning. They always have hidden or second meanings. E.g. 'Beating around the bush' does not mean that someone is beating around the bush, but it means that the person is avoiding speaking with you about something directly. The second example can be 'Break a leg' it does not mean break your leg but it means to wish someone good luck.

On the other hand, Phrases work the same. A Phrase is a group of words that works together in a sentence but does not contain a subject or a verb. Often phrases are used for descriptions of people, things, or events. E.g. 'Break the Ice' means to start a conversation or make people feel comfortable.

Bare Acts and Interpretation: Bare Acts conveys the pure and literal meaning of any word, but when it comes to an argument and judgment, the word takes different shapes or can be turned in various literal angles. Like the Act never changes but there are always two sides of the parties, applicant/plaintiff and respondent so if there is a matter of let's say Sec 302¹¹ which is punishment for murder an Advocate from the side of the victim will interpret it in another way than of the Advocate from the side of the criminal.

⁹ Emma, '20 English Idioms that everyone should know' (*Education First*) <<https://www.ef.com/wwen/blog/language/20-english-idioms-that-everyone-should-know/>> accessed 15 March 2024

¹⁰ 'What is a phrase?' (*Walden University*) <<https://academicanswers.waldenu.edu/faq/72826>> accessed 15 March 2024

¹¹ Indian Penal Code 1860, s 302

The general rule of the interpretation is that statutes must prima facie be given this ordinary meaning. If the words are clear and free from ambiguity there is no need to refer to other means of interpretation. But if the words are vague and ambiguous then internal aid may be sought for interpretation.¹²

THE RULE OF LITERAL CONSTRUCTION

The rule of literal construction is considered to be the first principle of interpretation. According to this rule, the words of an enactment are to be given their ordinary and natural meaning, and if such meaning is clear and unambiguous, effect should be given to a provision of a Statute whatever may be the consequences. This rule can be easily understood under the following heading:

Natural and Grammatical: The words of a Statute are first understood in their natural and ordinary or popular sense unless that leads to some absurdity or unless there is something in the context, or the object of the Statute to suggest the contrary. In the words of Lord Atkinson, 'In the construction of Statutes, their words must be interpreted in their ordinary grammatical sense unless there be something in the context, or in the object of the Statute in which they occur or in the circumstances in which they are used to show that they were used in a special sense different from their ordinary grammatical sense.'

The Supreme Court of India held in the case of *Kanai Lal sur v Paramnidhi Sadhukaran*¹³, that the words used in the material provisions of the statute must be interpreted in their plain grammatical meaning and it is only when such words are capable of two constructions that the question of giving effect to the policy or object of the Act can legitimately arise.¹⁴

Explanation: Every word apart from having natural, ordinary, or popular meaning, often has a secondary meaning too which may be e.g. either technical or scientific. In the words of Justice Frank Furter, 'After all, legislation, when not expressed in technical terms, is addressed to the

¹² Dr. Avtar Singh, *Introduction to Interpretation of Statutes* (1st edn, Wadhwa and Company Law Publisher 2001)

¹³ *Kanai Lal sur v Paramnidhi Sadhukaran* AIR 1957 SC 907

¹⁴ Singh (n 12)

common run of men and is, therefore, to be understood according to the sense of the thing, as the ordinary man has a right to rely on ordinary words addressed.¹⁵

Exact Meaning Preferred to Case Meaning: Lord Heward CJ while ascribing to the word 'contiguous' its exact meaning, i.e. 'touching', in preference to its loose meaning i.e., 'neighbouring' observed, 'It ought to be the rule, and we are glad to think that it is the rule, that words are used in an Act of Parliament correctly and exactly and not loosely and inexactly. Upon those who assert that the rule has been broken, the burden of establishing their proposition lies heavily and they can discharge it only by pointing to something in the context which goes to show that the loose and inexact meaning must be preferred.'¹⁶ Every word has a secondary meaning too. Therefore, in applying the above-stated rule one should be careful not to mix up the secondary meaning with the loose meaning.¹⁷

Technical words in Technical Sense: Technical words are understood in the technical sense only. When a word acquires a particular meaning in the trade or commercial circles that meaning becomes the popular meaning in the context and, therefore, that should normally be accepted. As the Law/Statute/Order changes so does the interpretation.¹⁸

THE RED BULL CASE

This case¹⁹ can be considered the literal interpretation. In which a man, Benjamin Careathers (Plaintiff) took the matter or a Tagline seriously. As the Tagline of the famous energy drink, 'Red Bull' is 'Red Bull gives you Wings', the plaintiff took the matter seriously and filed a suit against the Brand/Company for not getting actual wings. As a result, the Company had agreed to pay a substantial \$ 13 million to settle a proposed class action lawsuit alleging false advertisement.

¹⁵ *Ibid* 28

¹⁶ *Ibid* 29

¹⁷ *Ibid*

¹⁸ Singh (n 12) 30

¹⁹ *BENJAMIN CAREATHERS v RED BULL NORTH AMERICA INC.; DAVID WOLF et al. v RED BULL GMBH et al.* 13 Civ 0369 (KPF)

A similar case is of the 'footlong sandwich' of 'Subway' in this, a man filed a suit against Subway that a 'footlong sandwich' is not a 'footlong' and it lacks an inch. Later, he did not continue the suit. Here, this is just an example of how long an interpretation can go.

ROLE OF AI AND HUMANS IN INTERPRETATION AND LANGUAGE

'Learning another language is not only learning different words for the same things but learning another way to think about things.'²⁰

- Flora Lewis

Artificial Intelligence (AI) generally takes the literal meaning while humans stick to the all-psychological aspects of a particular word and assign meaning to it. As a sentence changes, the meaning of a particular word changes. AI is way too forward and smarter than humans but AI cannot replace Humans. As humans have other knowledge of things and the ability to understand things thoroughly, humans can interpret or assign meaning to a particular thing or word in the matter it should be assigned.

AI is a tool that just translates the content word for word but when we translate anything using an AI translator it does not give us the proper translation or interpretation that we are looking for. It just gives us the word-to-word meaning of the word in another Language which is not fully useful to assign meaning or it cannot be fully interpreted.

Human professionals play a crucial role in interpreting and assigning meaning to a particular context as they are aware or well-known or have knowledge about the Culture, and tradition, and humans also can understand context and skills in handling idiomatic expression. No doubt that AI is playing a big role in the world of Language and Interpretation but, it is not about replacing humans at any time. But, here, we can say that AI is still the best tool to understand the material and context in other Languages that we are not native to.

Human Language: Human Language is completely different from all the other species of animals in the World. Human Language allows the speaker to express his/her thoughts,

²⁰ Our top 20 quotes about language learning (n 6)

emotions, feelings, problems, and logic in a very detailed and clear way. Human Language contains words rather than sounds. Still, some of the sounds (made by animals) have words in human Language e.g. the sound dog makes is 'woof woof' or 'bow wow' and the word for it is 'bark'. Though barking represents many things, it is the primary way of communication for dogs.

Human Language has an endless capacity to make new words, and sentences and a capacity to combine words to make new ones. Every Language has its basic alphabet, with this limited alphabet we have several combinations which we call 'words'. Let's take English Language, it has 26 Alphabets in it and just by using 26 alphabets and their various combinations we are living, studying, getting into the professional world, and all the other activities of our. In short, we are surviving on the combination of just 26 alphabets and that's all.

At this point, between humans and AI regarding Language and its interpretation, humans can dive deep into the ocean of Language and Interpretation which AI cannot.

Language, Interpretation, and Brain: The brain creates and processes thoughts and feelings so the brain interprets the Language as with what it goes with like either with thoughts or emotions.²¹ Everything that happens around us is what we create and make, so whatever exists here, in law, interpretation is crucial and as everyone's brain functions differently, everyone interprets everything as per their thoughts and feelings.

Interpretation simply means, any combination of 26 alphabets that is chosen by us. Logic also plays an important role in interpretation. The environment and inputs around us are different and according to it we make or get things done. So, if, here, I say, 'Interpretation', a Lawyer will bring out different meanings for it while on the other hand, a layman or any other person from any profession will bring out its meaning as by his understanding, knowledge, and point of view.

²¹ Margaret Semrud-Clikeman, 'Research in Brain Function and Learning' (*American Psychological Association*, 2010) <<https://www.apa.org/education-career/k12/brain-function>> accessed 15 March 2024

Every case has a different facts and circumstances. Sometimes they can be similar to each other but not exactly as it is or the same. But, the law remains the same. No matter what the facts of the case are, the Bare Act does not change, it just gets interpreted and by it, it gets amended (if any need arises). Interpretation also mostly depends on the punctuation marks at different places in a sentence rather than how it was supposed to be placed will bring out different meanings. Same with the toning at what word I am implying stress will completely bring out a different meaning. But in general, near about 70 to 80 % of interpretation is literal and the same for both the speaker and receiver. The remaining 20 to 30 % solely depends on the facts, circumstances, and environment. Interpretation also means the summary of our understanding regarding a particular matter.

CONCLUSION

'A language is not just words. It's a culture, a tradition, a unification of a community, a whole history that created what a community is. It's all embodied in a language.'²²

- Noam Chomsky

From the above discussion, we can understand that language, interpretation, and society are co-related and interrelated to each other. Language plays various roles in various places in all its unique ways. It is said that Language and Literature a mirrors of society which is very much true when we see the development and scope of language in various places.

Interpretation is drawn from different views, but it must not be wrong at all. It must be in the way of logic, knowledge, need, and good faith. The new times and new trends are so much interrelated and co-related to each other. The trend on social media, whether it be a word or sentence, always gives us a new word or meaning or a phrase to something or someone.

The brains of Humans and the animals and Robots (chip as brain), all work differently. There is no exact date or year of the evolution of Language, but over time, we have developed the Language, interpreted it in various ways, and even discovered or invented new words. As the

²² Our top 20 quotes about language learning (n 6)

time changes, so does the Language and Interpretation. With the moving time, we cannot stick to the one meaning and one word to get things done and clear. We have to move on with the Language and Trends. Social media, television, and some other sources give us new words. Sometimes, even an old word from any book or manuscript suddenly becomes a trend and gets popular. So, there is no exact date and year of the Language evolution but we can say that with time it changes.

Idioms and Phrases are old ones, but they will always be new to some Language, people, cultures, and so on. These are the traditional things in every Culture and Country. The above discussion suggests that Language is changing and interpretation of it is becoming vast day by day. It will never get old as every new day, will bring something new with it.