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## Urdu as an Official Language: A Constitutional Mandate Compliance and Challenges Prospectives

<sup>a</sup> Saqib Jawad, <sup>b</sup> Barkat Ali, <sup>c</sup> Muhammad Assad, <sup>d</sup> Muhammad Sohail

<sup>a</sup> Civil Judge-Islamabad, Pakistan

Email: jawadsaqibjudge@gmail.com

<sup>b</sup> Assistant Professor, Department of Law, The Islamia University of Bahawalpur, Pakistan

Email: barkatali27@gmail.com

<sup>c</sup> IPFP Fellow, HEC, Department of Law, The Islamia University of Bahawalpur, Pakistan

Email: mu.asad@iiu.edu.pk

<sup>d</sup> Civil Judge cum Judicial Magistrate Islamabad, Pakistan

Email: sohail\_jurist@hotmail.com

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### ABSTRACT

*Though Urdu language has no religious background, it is inspired by Arabic a mother-tongue of Islam. However, after its development, Urdu was exclusively attributed to be the language of Muslims of the Sub-continent. They faced many challenges for the survival of Urdu during the Movement of Independence. For the same reason, after independence, Urdu was declared to be the National Language of Pakistan. Afterward, certain bodies were established for its proper implementation as official language of the country. This aspect is recognized as constitutional obligation in term of Article 251 of Constitution, 1973. Though, the government was given sufficient time for the compliance of the same, this task could not have been accomplished despite of lapse of almost fifty years. Even, the judicial verdicts could not make the concerned institutions mindful. Instead, English is the official language of Pakistan since independence. Of course, there is difference of opinion on the matter of Official Language. Among others, the medium of education and legislation including policy papers are the major issues which are on English pattern. However, if these issues are addressed, the constitutional obligation of implementing Urdu as official language may be ensured.*

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Corresponding author's email address: jawadsaqibjudge@gmail.com

### 1. Introduction

Urdu emerged as language in Subcontinent, and has been ascribed to the Muslims of this region. It entered in Pakistan as socio-cultural legacy of Muslims at the time of independence. The

newly born state of Pakistan, no doubt was the place of multi-linguistic culture. Of course in spite of socio-cultural challenges Urdu was declared to be the National Language of Pakistan. Though Quaid-e-Azam declared it as national language, this decision suffered two different issues.

Firstly, this decision was not recognized by all sections of the Pakistani society. Some other societal groups claimed adverse as against Urdu as national language. Secondly, instead of Urdu, English was adopted as official language. However, this was done as stop-gap arrangement. It was constitutionally committed that English will be replaced with Urdu as official language within the specific time frame. (The Constitution, 1973, Article 251). In this context, certain bodies were established for its proper implementation as official language of the country.

This Scio-cultural phenomenon was recognized as constitutional obligation. (The Constitution, 1973, Article 251). Though, the government was given sufficient time for the compliance of the same, this task could not have been accomplished despite of lapse of almost fifty years. Even, the judicial verdicts could not make conscious the concerned for their national and constitutional obligation. As against it, English is the official language of Pakistan since independence. But unfortunately, no effective steps have been taken instead of constitutional obligation. So, this study attempts to explore the reasons in term of the question that “*Why Urdu could not have been implemented as an official language? Is there any chance for such implementation, and how?*”

The objective of the study undertaken is to confirm the intent and attempt of the government (legislature, executive and judicial) which proclaimed Urdu as national and official language. The study may contribute for establishing the sense of nationalism in absence of which Pakistan cannot make socio-economic and educational development. The study undertaken will also complement the existing knowledge on the issue in question as a guideline for all concerned. The study undertaken will be helpful in understanding issues, and chances for making the Urdu as official language. This study may be helpful for the policy makers and other stack holders for the practising the Urdu language as official one.

## **2. Research Methodology**

This study is of descriptive nature focusing the relevant literature either directly or indirectly concerned with the research study under taken. It employs the exploratory consideration of both sources primary as well as secondary. Such method concentrated the explanatory study with an analysis of the relevant studies. For this purpose, relevant primary sources like laws including constitution and case law and secondary source like research papers, dissertation and books are appraised.

The study of Urdu as official language related different views raises a critical appraisal of prevalent situation. This study attempts to identify the differences as well as supporting views of different scholars concerning the research topic, and finally our own views for reaching any significant viewpoint. Such pattern of research study will escort us toward the resolution of the issues, resulting from prevalent different opinions on the question in hand, and affecting the implementation of Urdu as official language.

## **3. Urdu Language: Origin and Development**

Urdu is not the native language of the Sub-Continent, and as such does not possess a longer

history as compared to other national languages. Origin of Urdu is traced back to the Muslim conquest of Sindh, especially by Muhammad Bin Qasim in 512 A.D. For the same reason, it is greatly influenced by Arabic and Persian. However, Urdu was promoted and developed more openly during the reign of Delhi Sultanate, 1206-1526 and Mughal era, 1526-1858. The golden period of Urdu is known to be the 18<sup>th</sup> and 19<sup>th</sup> centuries. During this period, Urdu poetry and prose got its momentum, and accordingly Urdu literature was developed. (Kausar *et al.*, 2015, 1-8).

While Urdu was in progress as identified above, Persian was the official language, whereas Turkic and Arabic were also popular particularly among Muslims. Turkic was the mother-tongue of many rulers of the Sub-continent, while Arabic was used because religious aspect was attached to it. At that time, Northern part of India, i.e. Delhi was known as the centre for knowledge, and accordingly different people of scholarship gathered there.

With the interaction among local people, Persian, Arabic and Turkic, a new language was emerged which was named as Hindustani and its Persian form was named as Urdu. For this background of Hindi and Urdu some similarities have emerged in these languages. It is also believed that both languages had a common origin. (Jabeen, 2010). Though Urdu became more popular than Hindi in Mughal period, but it could not succeed in getting the status of official language.

#### **4. National Polarization on National Language Issue**

After the creation of Pakistan, though there was a nation-wide desire to declare and implement a national language. However, controversy began when this demand was raised on regional and ethnic basis. The issue was debated thoroughly amongst the ruling elite and intellectual circles of Pakistan. Urdu speaking population, particularly the people who migrated from India, demanded Urdu to be the national language of Pakistan. They contended that Urdu was the main language during the independence movement, and is also known to be the language of Muslims. Therefore, it should be implemented as national language of Pakistan. (Bughio, 2020).

However, there have been other voices as well. Some people, including Aga Khan, desired Arabic to be the national language. They supported their stance with the argument that Arabic is not only the language of *Quran* and *Hadith* rather all the Muslims are familiar with it on the basis of their religious practices. According to such group Urdu has no good signs as it is attached with the period of downfall of Muslims. On the other side, they argued the case of Arabic as the national language which would assist in establishing ideal relations with the Arab world unlike Urdu. They finally strongly contended that Arabic would unite the Muslim world, unlike Urdu, which would further divide them.

The Bengali surfaced with a view that Bengali is a language which is spoken by majority of people i.e. 56%, therefore, it should be implemented as a national language. While some political leaders opined that all five indigenous native languages should be declared as national languages. However, they greed that English should be continued to be the official language until an indigenous language is enabled to replace it. They suggested that since Urdu did not have a developed body of literature and was not capable to be the official language, English should be continued to be the official language until Urdu fulfils the demands of official correspondence of government. (Bughio, 2020).

However, Quaid-e-Azam was clear in his mind to implement Urdu as the national language of

Pakistan. On 24 March 1948, being the Governor General of Pakistan, he delivered a speech at Dhaka University, where he stated in categorical words that, *“In my personal opinion, Pakistan’s official language, which will become a source of communication between its different provinces, can only be one and that is Urdu.”* (Jabeen, 2020). In this regard, he also asserted, *“Let me make it clear that the National Language of Pakistan is going to be Urdu and no other language. Without one state language no nation can remain tied up solidly together.”* (Bangash, 2016).

However, after a long debate, apart from Urdu being recognized as a national language of Pakistan, English was decided and implemented as a language for official correspondence. (Bughio, 2020). It was also asserted that measures should be taken to replace English with Urdu as official language by the passage of time. On the other hand, as such no significant steps have been taken at public level. However, several individuals and organizations are making their endeavours for implementation of Urdu as official language of the country.

Dr. Sharif Nizami, a chemist by profession, and a national language activist has established an organization namely ‘Pakistan Qaumi ZabanTehreek’. This organization held ‘Urdu Conference’ at Islamabad. In this conference issues regarding implementation of Urdu as official language were debated and the same gave rise to the filing of the petition before the Supreme Court. (Bughio, 2020). Another festival ‘The 3rd Mother Languages Literature Festival’ was held by the Indus Cultural Forum in 2016.

At this occasion speakers stressed on formulating a policy to adopt all mother languages of Pakistan as national languages along with Urdu. The speakers also asked the parliamentarians to draft a bill in this regard and get it approved from the Parliament.

The seminars and discussions have been continuously conducted to view the impacts of making Urdu as the official language. ‘The Department of English Language and Literature, The University of Management and Technology Lahore’ convened one such discussion. A Seminar was held on 14<sup>th</sup> November, 2015 under the title of ‘Urdu as the Official Language in Pakistan: Challenges, Implications and Prospects’. Scholars from all over the country discussed various aspects of implementing Urdu as the official language, its implications, policy, and planning. (Garcia, 2015).

This festival was primarily organized by ‘the Indus Cultural Forum’ in 2016. This is a private and voluntary organization working on literature, culture, and *lok virsa*. This was also encouraged by Strengthening Participatory Organisation one of the leading Pakistani rights-based Civil Society Organizations. Afterward, it was arranged in 2018. This time it was sponsored by ‘Sindh government’s Department of Culture, Tourism & Antiquities, the Foundation Open Society Institute, Lok Virsa and Heinrich Boll Stiftung’. (Shah, 2018).

## **5. Issue of Official Language**

Language is the basic tool of learning. Policies regarding implementation of national and official languages of the country directly affected the education system. A language teaching policy was formulated during the first educational conference held at Karachi on 27 November to 1st December 1947. Same policy is being followed till date. The main aim of the conference was to implement Urdu as the official language of Pakistan and make its learning compulsory in schools. However, on the other side ironically Urdu was not being followed as a medium of instruction in various parts of the country except, Punjab, NWFP (present Khyber Pakhtton khwa (KPK)),

Baluchistan and in certain parts of Kashmir.

In Sindh, particularly the territory which after independence was included in Pakistan, Sindhi was the medium of instruction in schools. However, the position was changed after independence as a large number of people called as Mohajirs migrated from different parts of India and settled in cities particularly Karachi. Therefore, Urdu speaking people increased and they also demanded schools and educational institutions in Urdu and English medium in Sindh. Apart from Sindhi, Gujrati medium schools were also present, but with the passage of time, Sindhi and Gujrati schools decreased, whereas that of Urdu and English medium increased. (Rahman, 1998.)

Urdu was though recognized as a language at later stage, and prior to that certain local languages were in field being spoken by a large number of people. However, soon Urdu made its place leaving behind other languages. This process has been termed '*ashrafization*' by a Dutch anthropologist namely Oskar Verkaaik in his book '*Migrants and Militants: Fun and Violence in Urban Pakistan*' published in 2004. He defined '*ashrafization*' as a "long-term process of making Urdu the language of cosmopolitanism and distinction". (Ali, 2017)

Although, Urdu was declared as the national language of Pakistan in 1948 after the historic declaration by Quaid-e-Azam, but it also became a big challenge for successive governments, and constitution making bodies of the country. However, despite of several movements and legal measures in favour of making Urdu as the official language of the country, however, the purpose could not have been achieved. (Ali, 2017).

## **6. Disagreement on Medium of Instruction**

Another aspect is division over the medium of education. Private institutes are generally imparting education in English medium, unlike government institutes which follow Urdu medium. Graduates of English medium, mostly of private institutes get better opportunities. Thus, creating a gap between the rich and poor just on ground of paying capacity which the former has and the latter is devoid of. In this regard, Rahman, Tariq, points out this division that "*All the products of English schools, even those that are English-medium only in name, agree in regarding themselves as an elite ... with regard to talent and knowledge*". (Rahman, 2005).

In this context, the majority of the population is lacking in education. Among others, lack of uniform of syllabus is the main reason. No decision could have been taken in this regard despite of serious concerns of various segments. Rather 18<sup>th</sup> Constitutional Amendment in Constitution, 1973 has further aggravated the situation. Provinces have been given authority to take decision over syllabus and medium of instruction. Since Federal Government failed to formulate a uniform and coherent policy, the Provinces cannot formulate such policy in a situation which is devoid of the cooperation due to regional, ethnic, social, and political differences. (Rahman, 2005)

After independence, an advisory board was established. In its first meeting held in 1948, the board resolved that mother tongue should be the medium of instruction at primary level. Apart from the board, various other institutions were established for developing tools and new techniques, terminologies and translation of various works into Urdu to adopt it as official language of the country.

However, it is observed that since independence, various segments of society are creating

hurdles in adopting Urdu as medium of instruction and official language. For instance, one group of people argues that English is modern, primary and internationally spoken language. They are of the view that without learning English, we cannot excel in international markets, and cannot communicate with the rest of the world. They further argue that our Urdu language confines our scope and vision and brings orthodoxy. The translating something into Urdu is more difficult than English. Young generation, especially children and teenagers find it easy to use English. Pakistan is multi lingual country, and adopting Urdu as official language would create confusion and unrest among different regions and ethnicities. (Khalique, 2006).

However, these objections can be responded that many nations, including China, Japan, and Turkey, have proved that a nation can prosper without English. In these countries, official communications at international level are permitted and practiced in local languages. Furthermore, it may be questioned that if a mother language of a generation is difficult to be comprehended then how they can learn a foreign language without difficulty. Therefore, all these objections seem to be baseless and a lame excuse to implement our national language as official language.

Lastly, as a new hope and a token of appreciation, it should be mentioned that a remarkable step has been taken by the current government of Punjab as its Chief Minister has announced that his government will take up Urdu as the medium of instruction in his province w. e. f. 2020. He stated that precious time of students and teachers is wasted in translation instead of comprehension. Due to English medium of instruction students fail instead of learning anything for their career. This decision is said to be based on survey conducted from teachers, students, and parents in twenty-two districts of Punjab. Out of a sample, 85% favoured Urdu instead of English, as a medium of instruction. He clarified that English will also be taught as a language. (Web Desk, 2019).

Such step of the Government of Punjab merits appreciation. Majority population of Pakistan in general and that of Punjab in particular resides in remote and rural areas. If Urdu language is followed as medium of instruction, the literacy rate can be enhanced. However, for the said purpose, pre-condition is that everyone has to bear in mind that every language is a language and there is no superiority for speaking a particular language, even if it is English.

## **7. Constitutional Mandate for Official Language**

The first main attempt for making Urdu as the official language was the insertion of Article 251 in the Constitution of 1973. The provisions of this Article confirm that “*The National language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.*” (Article 251 (1)). However for the time being “*the English language may be used for official purposes until arrangements are made for its replacement by Urdu.*” (The Constitution, 1973, Article 251 (2)). The said Article explains further that, “*Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the teaching, promotion and use of a provincial language in addition to the national language.*” (The Constitution, 1973, Article 251 (3)). However, despite of this clear constitutional mandate no effective measures have been taken since early the early history for promoting the Urdu as national and official language.

## **8. Legislative Approach for National Language**

Instead of taking measures for declaring Urdu as official language, the parliamentarian

indulged in promoting the local languages. In 2010, a bill for declaring ‘Balochi, Punjabi, Pashto, Sindhi, Shina, and Seraiki’ as national languages along with Urdu was tabled before the National Assembly. This bill was debated in detail in National Assembly. The linguists and educationists of all the major languages were consulted and deliberations were made in detail. However, the same was rejected primarily on the ground that it contradicts Article 251 of the Constitution, 1973. (Ali, 2017). While rejecting this bill, historical remarks were passed by Special Secretary, Ministry of law, Justice (Rt.) Raza Khan, that “*the country had already suffered the East Pakistan tragedy in 1971 as a result of the decision to declare both Urdu and Bengali as national languages.*” (Torwali, 2014).

This step was untimely, and hasty action of the lawmakers. The declaring all regional languages as national languages, apart from subversion of constitution, would have further divided the people and country. No doubt, it’s the fundamental right of any community of “*having a distinct language, script or culture to preserve and promote the same...*” (The Constitution, 1973, Article 28). But it is always subject to law, and particularly subject to Article 251 of the Constitution, 1973. (The Constitution, 1973, Article 28).

### **9. Executive Policies on National Language**

Implementing Article 251 is not just a matter of obeying the Constitution and the responsibility of the legislature to make the laws in this regard, it has real practical importance for public at large. (*Muhammad v Government*, 2015, Para, 16). It’s the constitutional obligation of the executive branch of the government both at federal and provincial level to take the measures for ensuring the status of Urdu as official language. In this regard, reference may be made to a highly relevant historical facts. In 1972, the provincial government in Balochistan and North West Frontier Province (now KPK) led took some concrete steps for introducing Urdu as official language in these Provinces. It is evident that as a result of these efforts, and available human and financial resources of both provincial governments were optimized. (*Muhammad v Government*, 2015, Para, 16). Once again in 2004, the government in KPK did introduce the National language for official and other purposes. (*Muhammad v Government*, 2015, Para, 16).

In 2015, the then Prime Minister, approved the implementation of Urdu as official language even before the judgment passed by the Supreme Court. The cabinet secretariat issued a memo on 6<sup>th</sup> July, 2015, which directed all the ministries, divisions and departments to translate their paper work and necessary documents in Urdu. The memo also stated that all the state functionaries shall make their speeches in Urdu even outside Pakistan. But the irony of the matter is that the then Prime Minister did not follow the said directive of his own government during his subsequent foreign visits. (Ali, 2017).

### **10. Judicial Insight**

Till today various petitions have been filed before the apex court of Pakistan for the implementation of Urdu as official language. However, such petitions and orders passed therein by the apex court could not change the mind-set and behaviour of government functionaries in this regard. Among those the judgement in case of *Muhammad v. Government* (2015) is worth mentioning. However, the response of the government was so thoughtless that the Supreme Court on a hearing remarked, that “*During the course of this year alone, these petitions have come up for hearing before this Court eighteen times. However, despite the time the Court dedicated to this crucial issue, no substantial progress was made.*” (*Muhammad v Government*, 2015).

This delay is observed on the part of government as on 12.05.2015, Mr. Abdul Rashid Awan, DAG for the Federation, clearly submitted to the Court that *“in spite of his best efforts the Secretary Cabinet and the Secretary Information, Government of Pakistan, and other concerned functionaries were not paying any heed to the Constitutional imperative in Article 251.”* (Muhammad v Government. 2015). Even the reports submitted to the Court have been found unsatisfactory, and no significant actions have been taken concerning the implementation of Article 251, till today. (Muhammad v Government, 2015).

Non-observance of law, and particularly the constitutional provisions demonstrates the absence of Rule of law leading to the lawlessness in the society. This situation has been arisen in the context of non-declaring the Urdu as an official language. In this context Supreme Court’s remarks in a case are significant that *“it would ... be for the representatives of the people and for all thinking people to determine if the absence of the rule of law within the upper echelons and formal structures of the State has, in a significant way, generated the lawlessness which so permeates our society today. The lack of interest shown by the Government to the constitutional command contained in Article 251 directly feeds into the lawlessness that prevails in our society.”* (Sindh v. Federation, 2009, 1242).

The Supreme Court finally concluded that nobody is thoughtful on the issue of the official language. Authorities concerned could not have made genuine efforts for the implementation of the constitutional mandate. Therefore the Court as a last resort held in case that *“Therefore, bearing in mind the constitutional commands in Articles 5 and 251... noting the inaction and failure of successive governments to implement this important provision...”* (Muhammad v Government. 2015). The Court did assert for the implementation of the provisions of Article 251 with full force... with in the time-lines given in letter dated 06.07.2015 by the Government itself... Governments should make the consensuses for uniformity in the ‘Rasmulkhat’ for the National language... the laws... the judgments concerning Public Interest Litigation and enunciating principle of law in terms of Article 189 must be translated in Urdu...Pleadings in government departments should be submitted in Urdu. Laws and judgements translated should be published in line with Article 251 of the Constitution... the violations of the constitutional provisions of Article 251, must be compensated. (Muhammad v Government, 2015). Subsequently courts started directing for the translation of their verdicts into Urdu. In this context, Mr. Justice .Mushir Alam, may be referred who directed for the translation of the judgment delivered by him in a case that *“It would be appropriate to translate this judgment into Urdu for its wider dissemination as it contains matters of public importance.”*(Civil, 2018, Para No. 37).

The said judgment was historical and unique in nature as it intended to ensure people’s fundamental right in term of implementation of Urdu as official language. (The Constitution, 1973, Article, 28). But unfortunately even after passing of this judgement, no serious heed is paid to the issue. So much so that the then government was seen so much reluctant to implement the judgment that two contempt of court petitions were filed against the then Prime Minister, for not notifying Urdu as the official language. The petitions were fixed before a three member bench of the Supreme Court, headed by Justice Mushir Alam on January 28, 2018 but subsequent political turmoil could not bring anything positive.( Correspondent, 2016).

Apart from that another petition was filed before the Lahore High Court, whereupon the court directed the Federal Public Service Commission (FPSC) to conduct future examinations of

Central Superior Services in Urdu Language. The decision was primarily based upon the *supra* judgement of the Supreme Court. The petition was filed by a candidate of the said competitive examination. He primarily claimed that FPSC advertisement regarding holding of examination was misleading as to the fact that in which language the same would be conducted. He further claimed that previously the examination used to be conducted in English but after the judgment of the Supreme Court in 2015, it ought to be conducted in Urdu. But the said advertisement was silent in this regard. Therefore, he prayed that FPSC should be ordered to conduct future examinations in Urdu. However, it was later observed that no heed was paid even to this decision of the High Court and medium of CSS examinations was not changed. (Maneha 2017). Against said order, an appeal was preferred by the commission on the ground that order cannot be complied with due to time constraint. Another bench of the same High Court set aside the earlier order on 29<sup>th</sup> March, 2017. (Ali, 2017).

Another petition was filed before Peshawar High Court in 2017 by a senior lawyer. In this petition, bench of the Court comprising Mr. Justice Yahya Afridi and Mr. Justice Ikramullah Khan issued a notice to Khyber Pakhtunkhwa Government through Chief Secretary and to the Federal Government through Secretary Ministry of Law, Justice and Parliamentary Affairs to explain as to why Urdu was not being implemented. (Amin, 2017.) However, the final result of said petition is yet unknown. Even if any final order has been passed, Urdu has not been implemented as official language in KPK.

Therefore, it is evident that initially, fifteen years' time period was given in the Constitution, 1973 (Article 251(1)) for making all arrangements to implement Urdu as administrative and official language. But despite of lapse of almost fifty years after promulgation of the said constitution, no such arrangements have been made. English continues to be the language in making the laws, and formulating the policies of all kinds. For all types of official matters, and the development of the new technology, the English language is being used and concentrated. Thus, this practice has made the process of implementation of Urdu as official language more difficult. (Ali, 2017).

## **11. Conclusion and Suggestions**

After going through the above-mentioned aspects and discussion for implementing Urdu as official language of Pakistan, we can infer that there is no agreement among the government functionaries and proponents of this moment. Even if the government functionaries pretend themselves to agree under their constitutional obligation, they have not taken any step in this regard to show their intention to fulfil this constitutional and legal obligation. This obligation existed since independence, when Urdu was declared as national language and an advisory board was established to take steps for implementing it as official language of Pakistan. However, no concrete steps were taken at administrative level and those in power, seem reluctant to take any step in this regard for one reason or the other. Enforcement of this constitutional obligation, though requires a thorough exercise and hard work, but is not impossible. During last decade, we have seen judicial activism for implementing Urdu as national language. Even the Supreme Court made the matter clear in its judgment in 2015 but almost five years have passed and we have not seen any positive step to implement the judgement of the apex court. Therefore, academia, constitutionalists, and general public are suggested to come forward to realize the government functionaries to fulfil this obligation, and if needed, to invoke all the legal remedies to get the judgment of 2015 implemented by the apex court of Pakistan.

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