

## Challenges and Opportunities of English and Urdu contest: Language Planning and the Implementation of Article 251 in Pakistan

Ayaz Ahmad \*

Liaqat Iqbal †

Irfan Ullah ‡

p- ISSN: 2708-2458

Vol. V, No. III (Summer 2020)

e- ISSN: 2708-2466

Pages: 77 – 87

L- ISSN: 2708-2458

DOI: 10.31703/glsr.2020[V-III].10

URL: [http://dx.doi.org/10.31703/glsr.2020\[V-III\].10](http://dx.doi.org/10.31703/glsr.2020[V-III].10)

**Abstract:** *Immediately after independence in 1947, Urdu became the national language of Pakistan. The constitution of 1973 promised the realization of this goal in Article 251. This paper analyses the causes of its lack of implementation with the help of textual analysis of archival sources. A historical overview of the introduction and domination of the English language in South Asia through colonial machinery explains the reasons for ambivalence about English and Urdu language to be entrenched in the colonial legacy and anticolonial nationalism. The lack of capacity and will combines with the forces for globalism in enhancing the position of the English language in Pakistan. Further, the association of English and Urdu with the existing class division has reduced the debate about language policy to rhetorical postures. The paper proposes a reconsideration of the historical top-down formation of language policy and planning and its replacement with a renewed bottom-up approach where diversity in Pakistan is accessed as a resource instead of treating it as a problem.*

**Key Words:** English language planning, Article 251, the national language, official language, Pakistan, Constitutional development and language, language rights

### Introduction

The language question was a fundamental issue faced by the nascent state of Pakistan in 1947. The multilingual character of her population appeared as a challenge for the incumbent government that was in search of unifying grounds so the aspired Pakistani nation can be formed from the diverse ethnolinguistic elements. The constitutional process had this objective at its heart, and the first constitution affirmed it by declaring Urdu as the national language, declaring it as the unifying symbol of the Pakistani nation. Subsequently, the following constitutions kept this article intact. However, the issue of implementation of this article did not satisfy the policymakers when they were drafting the constitution of 1973; therefore, they added to article 251 with the aim of ensuring implementation in the stipulated period of 15 years. The debate about its lack of implementation divides Pakistani society as some support its implementation while others oppose it. The evolution of various domains related to governance produced the tension between developing national identity and solving the existential challenge of efficiency. Balancing these forces pose a language policy and planning challenge in Pakistan. The paper explores the genesis, implication and prospects of language policy planning in this context. This paper is divided into three parts, so the themes raised here in the introduction are expanded and sufficiently explored. The first part discusses the methodology of this study. The second part reviews literature, so the problem of language policy planning in constitutional development and constitutionalism is rationalized from an academic perspective. The last part discusses the article and its implementation from the perspective of language policy and planning.

### Methodology

Language policy and planning has emerged as an independent field in the 21st century where policy and planning of language are explored from diverse perspectives. The scope of language policy and planning includes an understanding of the diverse issues and factors. However, a contrast exists in the macro and micro perspectives as the former studies tend to simultaneously overview multiple domains while the later perspective tends to examine a domain or specific factor(s) therein. Though both mutually

\* Lecturer, Department of English, Abdul Wali Khan University Mardan, KP, Pakistan.

† Assistant Professor, Department of English, Abdul Wali Khan University Mardan, KP, Pakistan.

Email: [liaqatiqbal@gmail.com](mailto:liaqatiqbal@gmail.com)

‡ Assistant Professor, Department of English, Abdul Wali Khan University Mardan, KP, Pakistan.

reinforce each other and it is common practice in the literature on language policy and planning to extrapolate from micro to macro and vice versa. The current study leans in the direction of a macro perspective; however, illustration and discussion include a micro perspective as well, giving the depth and breadth of the topic. The theoretical construct has two parts. One concerns the policy aspect of language, where the nature of constitutional development is considered as the deterministic force that sets the rule of the game for the creation of political contestation. The second part of the construct focuses on planning as it reviews the management of language, which facilitates or resist the implementation of Article 251, the 1973 constitution of the Islamic Republic of Pakistan. This construct demands a qualitative approach to the data, which in the current paper include primary (policy documents such as a constitution) and secondary sources. Critical analysis of contents in policy and planning documents/texts are used to identify the enablers and hurdles for article 251 implementation. In the light of the theoretical construct, the paper examines:

What language policy and planning aspirations determined the course of constitutional development and emergence of Article 251 (1973 Constitution of Pakistan)?

Can we implement Article 251 (1973 Constitution of Pakistan) in letter and spirit? If yes, then how and, if no, then why?

How learning from the article 251 (1973 constitution of Pakistan) implementation experience can be used for improvement in Pakistan's existing approach to language policy and planning.

The primary data for this study are the texts of the Islamic Republic of Pakistan Constitution, 1973 and the Supreme Court of Pakistan's verdict in Constitution Petition No.56 of 2003 and Constitution Petition No. 112 of 2012 filed by Mr. Kowkab Iqbal and Mr. Mehmood Akhtar Naqvi respectively. Using textual analysis guided by a purposive approach to statutory interpretation in conjunction with the descriptive and normative analysis, this study finds the answer to the above-mentioned questions.

Before addressing these questions, the relevant literature is explored to establish the necessary grounds for discussion of the problem at hand and the theoretical framework mentioned in this section.

## **Literature Review**

It is an established fact that language is inextricably related to the sociopolitical and economic rights of the people who speak it. The study of language initially ignored this key aspect when the field of linguistics became a permanent component of modern higher education and research.

At the beginning of the twentieth century, the study of language, i.e. linguistics-focused exclusively on phonology, morphology and syntax. The study of sociological aspects was therefore ignored. However, developments in the study of language expanded the focus of linguistics to include political and social aspects of language (Coulmas, 1998). Laycock (1990) argues that the instrumentalist interpretation of language use, considering as a means of achieving certain ends, became the reasons to investigate language policies and planning (Laycock & Mulhhauser, 1990). The scholarly studies work by Haugen, Fishman, Ferguson, Shiffman, Ricento, Phillipson, Spolsky etc. firmly established the veracity of language policy and planning as an interdisciplinary field, and they consider language intimately related to political, social, economic and cultural processes (Ferguson, 2006; Fishman, Ferguson, & Dasgupta, 1968; Haugen, 1966; Phillipson, 2006; Ricento, 2006; Schiffman, 1996; Spolsky, 2005). Due to the extensive scope of language policy and planning, both policy and planning are interpreted in different ways, ranging from a merely contextualized description of a language and its use to the effects of various interventions in language and its use. However, policies are normally considered the formalized products, while planning focus on the processes of change in language and its use (Phillipson & Skutnabb-Kangas, 1996). Spolsky (2009) proposes "language management" as an inclusive term that covers policy and planning.

Rahman (1998) conceives the connection between languages and politics work through the lens of power. In his approach, power is equated with a monopoly of tangible or intangible material interests. Language speakers contest the power by promoting the domination of their languages. The language of the powerful elite, therefore, trumps the less powerful languages. The second-ranking language groups attempt to challenge this position, and this gives rise to various conflicts. The elite attempt to maintain the status quo dominance of their language. The proto elite, a group that is comparable in political power, challenge this status quo. The contest of the elite and proto elite can emerge in different form as the elite defend the status quo for their language while the proto-elite attack the status quo in the hope of displacing the elite. The elite defends the status quo by making their supported language more entrenched in various functions of the state and society such as media, official business, education, commerce, technology, education, information, entertainment and culture. The elite attempts to

maintain their superiority and dominance through language in such a way that they always monopolize the best and the best of resources and power. Therefore, they do not allow equal access to the learning and use to the non-elite by investing in stratified education and discriminatory access to language use where the best language resources and access are kept away from the reach of non-elite. The proto-elite is partly co-opted in this process; therefore, the proto-elite, while challenging the elite position through attempting to downgrade the elite backed language, themselves engage in the dominance of their language over the languages of non-elite. So, the contest for power operate at many layers; the position of English as lingua franca (ELF) make it superior to languages at the national level, especially in developing states. The position of national identity allows a language at national language to dominate the sub-national languages. The regional languages may play a similar divisive role at a regional level. So the language of the least politically empowered people remains always at the fringes. The marginalized people in a polity find their language to be a disadvantage, so they shift to the languages that help them push against this process of marginalization. They often push against marginalization by going for the best and often prefer an international and national language, so they get leverage against the dominance of regional languages (Ahmad, 2016). The languages group in a hierarchy of power, wherein the position of higher-order languages are often challenged by the languages (through their speakers) that stand lower in a hierarchy.

The contest of domination produces recurrent and structural forms which become a language domain. The domain of language use often corresponds to a social, political and economic process or institutions as we find in these processes. Therefore, domains of language help us in understanding not only the causal factors in language policy and planning but also the effects of language policy and planning on speakers of the languages, especially when these languages shape the distribution of power there (Ahmad & Khan, 2016).

The domain of government and its subdomains such as legislative, executive and judiciary often work in a top-down or bottom-up manner. The top-down orientation abounds in the developing states (like Pakistan), while the bottom-up line plays a key role in developed Western democracies in Europe and North America (Liddicoat & Baldauf, 2008; Sallabank, 2013; Spolsky, 2005). The developing states with a centralizing administration aim at consolidation of the state through language policy and planning, so the elite in such states actively participates in designing language policy and planning in top-down. Constitutional development as a process of formalizing the functions of states and their institutions become the central piece in both bottom-up and top-down language policy and planning. By determining the rights of its citizens, it may recognize or omit ethnolinguistic identity, thereby making such identity and its promotion legitimate or illegitimate. While the legitimate ethnolinguistic identities are rewarded in the state, the illegitimate ethnolinguistic identities are allowed to be eliminated through the coercive power of the state (Sachs, June 1994; Tove Skutnabb-Kangas, Phillipson, & Rannut, 1995). Therefore, declaring a language national language legitimizes rewarding its speakers within the state, and the prohibition of ethnolinguistic identities in forming political alliance penalizes other languages in a multilingual state.

The balancing of the power of languages in a multilingual state poses a challenge to policy makers as they often consider multilingualism a challenge to efficiency (Brohy, T-Guri, & du Plessis, 2013). In such context, the ideal condition for efficiency is taken to be a state where all people speak the same language. Multilingual states who promote one national language normally consider provision for the linguistic rights wastage of resources (T. Skutnabb-Kangas, 2008). Willis (2014) considers the constitution as the formalization of the social contract between people through which they voluntarily limit their sovereign powers or will. Constitution, in this way, provides "self-imposed limits on majority decision making in order for all people to exercise their popular sovereignty equally" (Wallis, 2014, p. 20).

Interpretation of constitutional text is normally considered a highly specialized task that is again performed by the apex courts in many states. The text of the constitution is interpreted in the light of the historical and contemporary social, political and legal context. Dean of Harvard Law School, John F. Manning (2013), writing on the power of the Supreme Court of United States of America, opines it to have the role of interpreter of law. The exercise of this power is also performed by the Senate through its power of making of law. Supreme Court has the power of "Judicial Review" to determine the compatibility of these laws with the constitution. His opinion says that two positions can be adopted by the Supreme Court in making such a decision. Either the court defers to Senate in all matter and looks it for guidance as to the "Necessary and Proper Clause" in constitution dictates or to assume the role of the neutral arbiter and decide in refining the rules within the context of the constitution. The Supreme Court, in practice, gives a "second guess" of Congress's judgments. The spirit of federalism and

separation of power among other principles of “new structuralism and new textualism” (Manning, 2013). However, some scholars such as Michael Perry warn against the over-riding separation of powers and, therefore, believe that Supreme Court (or any constitutional court by implication) should not rule against the constitutionality of any law (even if they are stupid) as the legislative is the representative of the popular will (Perry, 2009). The interpretation of the constitutional text is, therefore, more focused when the various constitutional decision of the apex court are studied in the historical context of legal doctrine, political legitimacy and ethical consideration of human rights (Cross, 2009). A purposive approach to the interpretation of statutory laws is commonly used in courts where the contextual factors are taken into account to determine the spirit and intentions of constitutional laws. The purposive approach itself required to be descriptive and normative. The description provides an essential description of the institution and procedures required for its application, while the normative aspects refer this description to a norm in identifying the adequacy of the statutes in achieving the known purpose (Kelley, 2009). The following discussion first establishes the historical context to glean a purpose for language-related constitutional provision, then it moves to the interpretation of constitutional provision as a manifestation of that purpose, and finally, its unfolding in the verdict of the apex court in the constitutional writ petition are analyzed to understand practicality from a language policy and planning perspective.

### Implementation of Article 251: Historical Background of English Language

This part of the paper allows reconstruction of British India and the colonial rule, whence the English language was introduced in South Asia, and then in its daughter states, i.e. India, Pakistan, Bangladesh and Sri Lanka. The discussion determines whether the colonial masters needed the English language or the local population sought it as means of integrating well in the colonial rule.

Tariq Rahman has provided a detailed review of British rulers’ use of the English language as the means of perpetuating their imperialistic hold on British India. He considers this practice as *linguistic imperialism* that is as a form of domination for the speakers of a language over the speakers of another language enacted through concentration of power for the speakers in a domain of language use. The global colonial practice suppressed the local indigenous language and concentrated only on the promotion of the language of rulers. The Spanish colonialists promoted Spanish; British colonialist did the same for the English language in North America, Africa, Asia and Australia. When the colonial settlers could not eliminate the local languages, they made a rule of the social, political and economic game that favored the language of settlers over the languages of local peoples. Both Anglicists and Orientalists in British India, when pleaded the promotion of English or local languages, argued the “consolidation” of the British empire would result by implementing their proposals (Rahman, 1998). Warren Hastings (1774- 1785) was the early British orientalist in India. He promoted the vernaculars in India and tried to earn legitimacy for the British rule by co-opting the local cultures and languages in education and local governance (Forrest, 1892, p. 13). The British orientalist in administration feared that the introduction of the English language in the administration would anger the local people; however, when the local themselves showed eagerness to learn the English language, the argument lost its force. When Hasting was replaced by Lord Cornwallis, he attempted to westernize India and promoted the view of Anglicists. In British India, advancement of career was dependent on learning English, which incentivized learning of English. The Anglicist were thereby heartened to adopt a more aggressive stance for the promotion of English language use in administration. The widely known assertions of Macaulay in his Minutes of 2nd February 1835 endorsed the Anglicist views (Rahman, 1998). Lord T.B. Macaulay argued that higher education could not be imparted in vernaculars. The obvious choice was the English language. Among a number of arguments, he considered knowledge in vernaculars to be simply stories and superstitions. He claimed that the most learned work in vernaculars could not compete with a textbook in a British school. His often repeated judgment was, “....A single shelf of a good European library was worth the whole native literature of India and Arabia” (Rahman, 2004, p. 78).

The history of this controversy in the education domain is documented as the problem of choosing the local vs the English language since 1781 by Syed Mahmood in “*A History of English Education in India 1781-1893*”. He takes a detailed view of the English language policy and planning through the overview of various sources such as official minutes and dispatches, the proceedings of parliament and statistics. He considers the beginning of this controversy in 1838 when Sir Charles E. Trevelyan started this debate by publishing a paper where the arguments of using English or oriental languages are reviewed. Though the matter had been decided by Macaulay in his *Minutes of 2nd February 1835*, declaring English to be the most suitable for the people and rulers of British India. During the period covered in the publication, a number of essays and other publications elaborate on the effects of the

official use English language on the interests of local people. The system, while favored non-Muslims, resulted in Muslims being marginalized. He considers the general advancement and welfare of Indian Muslims was based on getting an English education. He proposes that the removal of restrictions on the participation of Muslim in government jobs, economic and political marginalization played a key role in the acquisition of English education among them. He cites the General Census Report of 1891, where the number of English language literate was approximately 12 million, of whom half a million were Muslim. He cites official documents where the English language is considered a superior medium of instruction as compared to local languages in communicating Western knowledge. He quotes Charles Grants, "The first communication, and the instrument of introducing the rest, must be the English language; this a key which will open to them a world of ideas, and policy alone might have impelled us, long since, to put it into their hands. To introduce the language of the conquerors seems to be an obvious means of assimilating a conquered people." While Muslims introduced Persian in India, the British rule must introduce English and reduce Persian, so the Indian population will remain loyal to the British rule (Mahmood, 1895, pp. i-12).

As discussed above, the underrepresentation of Muslims in education and government jobs was observed in the Muslim leadership. The division between the Muslim minority and the Hindu majority further deepened when Muslims started to use Arabic scripted Urdu, and Hindi Movement's leadership advocated the use of Devanagari scripted Hindi. In the current region of UP, the controversy was hotly debated, and it became one of the key points in shaping Indian Muslim nationalism. When the movement for independence became stronger in the middle of the twentieth century, Urdu was increasingly used as a symbol of separation between Muslims and Hindus. So, while the movement for independence was marching forward, English was used by many of the advocates of resistance to colonialism as the symbol of servility and Urdu was used as a symbol of independence (Rahman, 1998).

### Early Constitutions and Language Problem

Pakistan a multilingual state with 74 languages; all languages have a living population. Out of these, sixty-six are local while 8 are exochthonous languages. Seven languages have institutional recognition, and eleven languages are in danger. Out of endangered languages, two are threatened with extinction (Simons & Fennig, 2018). The end of colonial rule resulted in the creation of Pakistan, wherein the legacy of Hindi-Urdu controversy and the domination of English created a political reality that shaped the policies and constitutional discourse for the time to come. Choudhury, while reviewing the development of the first constitution (1956), highlights the tension between the two wings of Pakistan separated by a hostile adversary. His analysis concludes that the first constitution failed to deliver because of the failure of policymakers to rise above self-centred interests and pursuit of corrupt political course by politicians. He agrees with General Ayub that a managed democracy was the best solution for the constitution crisis after the failure of the constitution of 1956 (Choudhury, 1959).

The Islamic Republic of Pakistan Constitution, 1956, being the first constitution, deals with the status of languages in article 19 and article 214. Article 19 states, "Any section of citizens having a distinct language, script or culture shall have the right to preserve the same." Then in Article 214 it adds, "(1) The state languages of Pakistan shall be Urdu and Bengali: Provided that the period of twenty years from the Constitution Day, English shall continue to be used for all official purposes for which it was used in Pakistan immediately before the Constitution Day, and parliament may by Act provide for the use of English after the expiration of the said period of twenty years, for such purposes as may be specified in that Act. (2) On the expiration ten years from the Constitution Day, the President shall appoint a Commission to make recommendations for the replacement of English. (3) Nothing in this Article shall prevent a Provincial Government from replacing English by either of the State languages for use in that Province before the expiration of the said period of twenty years." The first of the two articles allowed distinct regional language speakers the right to protect and promote their languages. The language of the article does not recognize the fact that speakers of these languages usually belonged to the marginalized backward segment. The article did not provide any constitutional guarantees binding state to ensure the promotion of such languages. Article 214 makes the first effort to assign two individual languages to the national identity construct. However, it made a note of the then language policy and planning context, where the English language immediate replacement with any two or both of the proclaimed State languages would have catastrophic effects on running day to day affairs of the state. Thus a deadline of twenty years appeared a safe period in which the transition from English to Urdu would have taken place. This article provides a procedural clause by asking the state to constitute a commission to make a further recommendation for achieving the statutory obligation of the state. The last clause is very interesting as it allows provinces to implement either Bengali or Urdu in running their

administrative affairs. While the Eastern wing of Pakistan was predominantly Bengali speakers, the clause gave them the advantage to implement it. The Western wing was multilingual, and Urdu was known to a very small segment of *Muhajirs*. So, Urdu, like English, was alien to the majority, and the period of 20 years was thought to be enough to promote Urdu in Pakistan on such a scale that it would be able to replace English easily. Further, the constitution allowed the parliament the flexibility to extend the period of twenty years on expiration, if needed. This part of the article was significant to avoid a constitutional crisis in case the statutorily mandated deadline did not yield desirable outcomes. Soon after its promulgation, the constitution was abrogated in 1958, and martial law was imposed. 1962 saw the inauguration of the new constitution. Article 14 of the constitution mirrored article 19 of the 1956 constitution. Similarly, Article 215 of this constitution repeats the essence of article 214 of the previous constitution. The repetition of the language status-related parts in the two constitutions shows that the approach of the political elite to the formation of Pakistan as a nation through language policy did not change. This constitution also became redundant in 1970 due to mass agitation and insurgency that caused Pakistan to lose half of its people and territory in 1971. The constitution of 1973 became the most successful of the three constitutions promulgated and abrogated.

While Pakistan is a multilingual state, the successive constitutions focused only on one (the current constitution) or two (the constitutions of 1956 and 1962). The constitutions, though, provide indirect and weak support to other languages, which are not recognized in the constitution; however, the neglect presents an attitude of viewing multilingualism as a problem whose solution is sought in promoting the subtractive language policy and planning. Search for a new unifying identity and attempts to construct one by emphasizing a subtractive language policy and planning.

### Article 251: Challenges and Opportunities

Constitution of Islamic Republic of Pakistan, 1973, Ch. 4, Art. 251 states, “[1] 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. [2] Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu. [3] 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.” Similarly, in Art. 28 of the same constitution, it is stated, “Subject to Article 251 any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.” Further, Art. 31 Cl. 2(a) states, “The state shall endeavor, as respects the Muslims of Pakistan, to make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran.” The Ch. 4, Art. 244 states, “An oath required to be made by a person under the Constitution shall [preferably be made in Urdu or] a language that is understood by that person.” (“The Constitution of Islamic Republic of Pakistan, 1973,” 1973).

The current constitution recognizes it makes some remarkable improvement over the earlier constitutions because it empowers the provincial assemblies to decide status planning of the languages spoken by its population. However, it resembles earlier constitutions when it allows a timeline for the government to take steps for implementation of the Urdu language, and it does not disrupt the existing status of the English language. As earlier discussed in this paper, the purposive approach to the interpretation makes us focus on the desire of the political elite who framed the constitution were constrained by the political history of secession and loss of half of the territory and population of Pakistan. Integration of population in the remaining part of Pakistan was urgently felt, and the provision may be seen as the outcome of realizing this desire (Ahmad & Khan, 2017; Rahman, 1998).

However, unlike the context of earlier constitutions where the integration of population through allotment of two languages, the national status was taken for granted, the bitter lesson of secession alarmed the political elite to be cautious in shaping the identity construction. Therefore, if the wordings of Article 31 resemble Article 14 in the Pakistan Constitution, 1962 and Article 19 Pakistan Constitution, 1956 and Article 251 resembles Article 215 (Pakistan Constitution, 1962) and Article 214 (Pakistan Constitution, 1956), the political will for implementation gained strength over the past 45 years. Unlike earlier constitutions, this constitution has added the Arabic language as a means of adding relation with the Arabic speaking Muslim world in the post-1971 Pakistan identity mix. Further, both of the earlier constitutions did not remain promulgated for long, and they were soon abrogated. However, the constitution of 1973, though it remained suspended two times, was revived again. It has now remained promulgated for more than three decades, which has provided it with an opportunity to shape institutions and politics in Pakistan. If the deadline of 20 years and 10 years in earlier

constitutions appears a ruse for not doing enough for replacement of the legacy of colonial times with Urdu, that played a significant role in shaping the movement for independence of Pakistan. The deadline has become a consistent part of language policy and planning debate in academic, social and political think tanks. Therefore, the language-related provision in the current constitution, especially Article 251, provides some opportunities while it has to deal with emergent challenges in the twenty-first century.

Besides the long period of remaining promulgated and having started to shape the discourse of identity in Pakistan, the balance between provinces and center in promotion of regional and national languages is increasingly achieved, especially in the form of the 18th amendment (Ahmad & Khan, 2017). The separation of resources and power in this amendment is likely to ameliorate the tensions that were caused by the sense of deprivation among the speakers of the regional languages. The establishment of the National Language Promotion Department is a direct outcome of Article 251. With sufficient resources, the department can realize Article 251. The advancement in computational and information technology present the opportunity of doing more with fewer resources, especially in the field of translations, language standardization and cultivation. The 21st century if brings opportunities has also introduced challenges that are affecting language policy and planning almost in every polity. The process of globalization and the need for insanely fast track modernization has established the position of English as an international language. The scholarship still remains divided if the fusion of English with globalization is a threat or an opportunity. While experts like Phillipson (2006) see it as a threat, others (Spolsky, 2005) doubt this alarmist approach and consider that complexity of language policy and planning does not allow one to measure all language policy and planning contexts with one yardstick of linguicism. For Pakistan, where the process of modernization and globalization is increasingly becoming dependent on the English language, especially in education, its replacement becomes harder as the English language has been promoted in government schools to bring them at par with superior quality private schools. The increasing complexity of political, social and economics of the twenty-first century are making the desired effects through top-down approaches untenable. The history of failures in getting desired effects in the top-down policies in Pakistan, Bangladesh and Sri Lanka (Mansoor, 2004) and in Afghanistan (Ahmad, 2016).

In the face of these challenges, we examine the verdict of the Supreme Court in Constitutional Petitions No. 56 of 2003 and 112 of 2012.

### **The Supreme Court Judgment on Petitions Regarding Implementation of Article 251**

In one petition, Mr Kowkab Iqbal pleaded, "the State and the Government are deliberately not implementing Article 251 of the constitution, and on account of the non-implementation of this provision, a societal and linguistic divide has been created in society." The Supreme Court, while commenting on the submission quoted from an earlier decision that is in Urdu language and raises the following points:

1. The judges often intensely realize that most of the people do not know the English language; often, lawyers lack good command of English to represent their clients.
2. The effect of this lack makes simple legal issues appear complicated
3. Conversing in the national or provincial language is a human and constitutional right
4. The masses who do not know English are estranged from the government
5. A small minority who know English rule the country
6. This is a threat to our national solidarity
7. The Supreme Court has established a translation section to translate the court's decision into simple and comprehensible language
8. The court orders to promote Urdu as the Official language and Provincial languages. The court, in its verdict, also referred to the proposals of the National Language Promotion Department in 1981:

### **Recommendations for Promotion of Urdu in Offices**

1. The President to order gradual transition to the use of Urdu in offices
2. By the end of 1981, the official reports, summaries and drafts to be made in Urdu
3. By the end of 1982, three-quarter work for the transition to Urdu in offices will be complete, the government is advised to invest in Urdu typewriter
4. By the end of 1983, all summaries of cabinet division will be made in Urdu, and Federal Secretariat will perform all tasks in Urdu.

## Recommendations for promotion of Urdu in Education

1. After 1984, intermediate and professional education will be imparted in Urdu medium
  2. After 1984, BSc, MSc, BE, MA, MCom, MEd, BBA, LLM exams will be conducted in Urdu.
  3. After 1987, MSc and MBA exams will also be conducted in Urdu
  4. It is also recommended to establish a model Urdu school in each division of the country.
- Workshops may be arranged for the promotion of the Urdu language. All PhD dissertation shall be translated into Urdu language, and it shall be mandatory to provide the abstract of all dissertation in Urdu. Further, English medium education shall be discouraged.

## Conduct of Competitive Examinations in Urdu

1. Practical Urdu shall be a compulsory paper in competitive exams with 50 marks
  2. Option subject of Urdu literature shall be introduced bearing 200 marks
  3. Urdu is to immediately replace the English language and all papers to be in the Urdu language.
- Court also cited measures by Cabinet Secretariat that included the following measures:
1. All federal departments will translate their policies into Urdu within three months
  2. All federal departments will translate their laws into Urdu within three months
  3. All federal departments will provide an Urdu form along with English within the next three months
  4. All public signposts shall be in Urdu and English language
  5. Passport, Income Tax, AGPR, Auditor General of Pakistan, WAPDA, Sui Gas, Election Commission of Pakistan, Driving License, Utility Bills and all documents to be provided in Urdu, and Passport to be in English and Urdu
  6. All federal department will transfer their website into the Urdu language within three months
  7. All road signs along national roads shall be in Urdu along with the English language
  8. All official ceremonies to be held in the Urdu language
  9. The President and all official representatives shall make addresses in international forums and events in Urdu
  10. In the implementation of Urdu, the National Language Promotion Department will be given a central position and barriers in the realization of this objective will be removed.

The court summarized the situation in offices where the officials are not comfortable with the use of the English language. It disrupts efficiency in offices, and the official work can be done in a better way by using the Urdu language.

The verdict spans 12 pages. The court thus made in its verdict the following significant language planning for promotion of national language:

1. Standardization of orthographies
2. Translation of official documents into Urdu
3. Vitalization of statutory, regulatory and oversight bodies
4. Cultivation of Urdu language by making the medium of competitive examinations
5. Judgments in courts cases related to the public interest to be translated into Urdu
6. Government offices to correspond preferably in Urdu
7. If in future someone suffers due to non-implementation of this decision, the complainant shall be entitled to submit for civil rights
8. Domain specification focusing on domains of power such as government, education and language landscaping.

This verdict includes procedural details as well as provide a revitalization of the institution that is responsible for promoting the Urdu language. As noted earlier in this paper, the shift of the whole population from one language to another has historically failed in the subcontinent. The oversight and regulatory body that is ordered in the verdict is required to have a ground level presence, at least in every neighbourhood. Therefore, the verdict has limited its scope to key and mostly symbolic aspects. The top-down approach is given preference which the experience of language policy researchers show is the least effective approach. The linguistic diversity is expanded to Provincial languages; however, the most threatened languages are ignored. The promotion of any dominant language further marginalizes the weaker languages further. The preservation of all languages is protected in the constitution of Pakistan; therefore, the promotion and replacement of official languages can become an opportunity to start a discussion about the rights of minority cultures and languages.

## Conclusion

Based on the discussion on the constitution development in Pakistan and the search for identity



formation through determining national and regional languages, we can conclude the centrality of language policy and planning. The policies in Pakistan, especially when it comes to constitutional development, remains the privilege of the political elite and have traditionally looked to language planning from the top-down perspective. The bottom-up dimension of grass-root consultation has not been pursued. The development in technology and gaining political maturity create opportunity for policymakers to promote improvement in language policy and planning, especially the one that focuses on language rights. In this context, it is essential to consider multilingualism in Pakistan as a resource rather than a problem to be eliminated through laws where linguistic diversity is suppressed, and monolingualism is promoted. Though a sign of colonialism, English language planning is to be pursued in making it a resource that is equally available to all. A language policy and planning that promotes discrimination, class distinction and domination is the one to be avoided. Pakistan's constitutional development has not yet attained maturity, and from its current direction, it is hoped that more language-related rights, especially that minorities and marginalized groups, will be incorporated.

## References

- Ahmad, A. (2016). *Role of English in Afghan Language Policy Planning with its Impact on National Integration (2001-2010)*. (Ph.D.), University of Peshawar, Peshawar.
- Ahmad, A., & Khan, A. (2016). Integration Through Language in the Pak-Afghan Borderland: The interplay of past legacies, present realities and future scenarios. *Central Asia Journal*, 79(winter), 33-51.
- Ahmad, A., & Khan, A. (2017). Provincial Autonomy and Devolution of Language Policy in Pakistan: Retrospect and Prospect. *Dialogue*, 12(4), 361-378.
- Brohy, C., T-Guri, J., & du Plessis, T. (2013). *Law, Language and the Multilingual State: Proceedings of the 12th International Conference of the International Academy of Linguistic Law*. Bloemfontein: Conference RAP.
- Choudhury, G. W. (1959). *Constitutional Development in Pakistan*. London: Institute of Pacific Relation and Longmans Green and Co.
- Coulmas, F. (Ed.). (1998). *The Handbook of Sociolinguistics*. Oxford: Blackwell
- Cross, F. B. (2009). *The Theory and Practice of Statutory Interpretation*. California: Stanford University Press.
- Ferguson, G. (2006). *Language Planning and Education*. Edinburgh: Edinburgh University Press.
- Fishman, J. A., Ferguson, C. A., & Dasgupta, J. (1968). *Language problems of developing nations*. New York: John Wiley & Sons, Inc.
- Forrest, G. (1892). *The Administration of Warren Hastings, 1772-1785*. Calcutta, India: Office of the Superintendent of Government Print.
- Haugen, E. (1966). *Language Conflicts and Language Planning: The Case of Modern Norwegian*. Harvard University Press.
- Kelley, P. J. (2009). Theories of Legislation and Statutory Interpretation: Natural Law and the Intention of the Legislation. *Washington University Jurisprudence Review*, 1(1), 97-138.
- Laycock, D. C., & Mulhllhausler, P. (1990). *Language Engineering: Special Languages*. London: Routledge.
- Liddicoat, A. J., & Baldauf, R., B. Jr. (2008). Language Planning in Local Contexts: Agents, Contexts and Interactions. In A. J. Liddicoat & R. Baldauf, B. Jr. (Eds.), *Language Planning & Policy: Language Planning in Local Contexts*. Clevedon: Multilingual Matters Ltd.
- Mahmood, S. (1895). *A History of English Education in India: Its rise development, progress, present condition and prospects being a narrative of the various phases of Educational policy and measures adopted under the British Rule from its beginning to the present period, (1781-1893)*. Calcutta: M A O College Aligarh.
- Manning, F. J. (2013). The Means of Constitutional Power. *Harvard Law Review*, 128(1), 1-84.
- Mansoor, S. (Ed.). (2004). *Language Policy Planning & Practice: A Southasian Perspective*. Karachi: Aga Khan University/ Oxford University Press.
- Perry, M. J. (2009). *Constitutional Rights, Moral Controversy, and the Supreme Court*. Cambridge, UK: Cambridge University Press.
- Phillipson, R. (2006). Language Policy and Linguistic Imperialism. In T. Ricento (Ed.), *An Introduction to Language Policy: Theory and Method*. Malden: Blackwell Publishing Ltd.
- Phillipson, R., & Skutnabb-Kangas, T. (1996). English Only Worldwide or Language Ecology? *TESOL Quarterly*, 30(3), 429-452.
- Rahman, T. (1998). *Language and Politics in Pakistan*. Karachi: Oxford University Press.
- Rahman, T. (2004). *Language and Education: Selected Documents (1780-2003)*. Islamabad, Pakistan: National Institute of Pakistan Studies.
- Ricento, T. (Ed.). (2006). *An Introduction to Language Policy: Theory and Method*. Malden: Blackwell Publishing Ltd.
- Sachs, A. (June 1994). Language Rights in the New Constitution. Cape Town, South Africa: South African Constitution Studies Centre.
- Sallabank, J. (2013). *Attitudes to Endangered Languages: Identities and Policies*. Cambridge, UK: Cambridge University Press.
- Schiffman, H., F. (1996). *Linguistic Culture and Language Policy*. New York: Routledge.
- Simons, G. F., & Fennig, C. D. (Eds.). (2018). *Ethnologue: Languages of Pakistan* (21st Edition ed.). Dallas, Texas: SIL International.
- Skutnabb-Kangas, T. (2008). *Linguistic Genocide in Education, Or Worldwide Diversity and Human Rights?* New York, NY: Routledge.
- Skutnabb-Kangas, T., Phillipson, R., & Rannut, M. (1995). *Linguistic Human Rights: Overcoming Linguistic Discrimination*. Mouton De Gruyter.

Spolsky, B. (2005). *Language Policy*. Paper presented at the 4th International Symposium on Bilingualism, Somerville, MA.

Spolsky, B. (2009). *Language Management*. Cambridge: Cambridge University Press.

The Constitution of Islamic Republic of Pakistan, 1973 (1973).

Wallis, J. (2014). *Constitution Making during State Building*. New York, NY: Cambridge University Press.