

Enforcement of Urdu as official Language; Article 251 of the Constitution of Islamic Republic of Pakistan, 1973

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Abstract

Every language has its own importance and essence, in same way some languages are of constitutional importance almost in all civic walks of life, and the national language of every state is mostly declared to be the official language which is to be used for formal and official communication. Hence after independence, based on “Two Nation Theory” had declared that we have a different culture than those of our counterpart India , resultantly Urdu as a medium of communication {franka lingua} was declared by the first constitution of Pakistan, 1956 and then Constitution of 1962 and finally the provisions were inserted into the Constitution of Islamic Republic of Pakistan 1973, under Article , 251, thereby It was declared that Urdu would shell be the official, language for communication in every sphere of life. However this dream could proved to be more fruitful, than it was aimed to be, the reasons behind were that being a Colony of England, English language had a very deep impact in the minds of citizens of Pakistan, since independence and this language was promoted by new generation, resultantly the nation slowly and gradually went away as enunciated U/A 251 of constitution adopting Urdu as official Language. This remained mere a provision not effective at all, and remain silent for many decades. This Research is aimed that what are drawbacks of adopting Urdu as our National and official language, to be adopted in all formal and official communication. This matter become more important when a historic and mark verdict was passed by Supreme Court of Pakistan, whereby all official / public departments were directed to adopt the Urdu language as official and formal language. Still the said verdict of apex court could not be enforced in letter and spirits of the Judgment. This research will find out the facts /information/evidence based on various sources or origin which would be sorted out through various methods of research from social sciences whereby samples of respondents would be communicated and then draw an opinion / information about the causes or restraints in the way of adopting the same judgment as directed by the Apex Court of Islamic Republic of Pakistan.

Keywords: Urdu, Language, Lingua Franca

Introduction

Urdu has its origin in various cultural transactions took over hand to hand from generation to generation and is the product of mixed cultural dealings amongst the civilizations of came over to subcontinent from time to time. Resultantly a sort of language originated had a mixture of words

that has given rise to a medium of communication amongst the inhabitants from various blood streams of subcontinent, such a medium of communication is ordinarily known as “Lingua Franca”. This transaction of people from various civilization came across each other and they transferred linguistics traits among themselves, this journey started when few Tribes from Ancient civilization of Sumerians around 4000 B.C. from Mesopotamia traveled across various lands and finally reached around 2500.B.C. at Indus Valley, they inhabited around the Indus River and there almost 1400 cities existed at that time, what language they spoke is a mystery, the region where Pakistan is located in South Asian Peninsula whereof many generations from various civilization migrated, movement of people and their interaction is part and parcel of historic evolution of a nation, a nation consists of variety of genetic mutation inherited from generation to generation, having its own traits and qualities (Ahmad & Gul, 2023; Bukhari et al., 2023; Gul & Khilji, 2021). Language is main source of communication in every day social life, Language is that mode which consists of various symbolic interaction among the members of a community, and it makes a solid ground for cultural growth, hence Language is part of Culture. The term language can be defined as “A system of Symbols that allows communication among members of a culture” (Stolley; Stolley). The language has its essence in two ways, it is the source of thinking as well as source of expression, the strongest logical thinking in a nation and its expression creates a strongest literature and a society rich in literature will have a rich system of institutions, resultantly relationship of citizens are maintained with institutions representing the state. Hence a communication takes place between the public and institutions, and it needs a system of communication. The formal language is composition of rich literature of a society that expresses the command of society and state or government by virtue of their public as well as their institutions (Ahmad et al., 2024a). The welfare of ordinary citizens are being protected in a very decent, admirable and appreciated mechanism. A nation very rich in civic norms represents its strongest linguistic literature. Urdu is termed as “lashkari language” and it is stated that It is a mixture of more than 70 languages, the reason behind is very simple that that subcontinent had remained a region where people from various cultures moved for purpose of adopting inhabitation, trade of goods, invasions, climatic changes etc, this created a forum of interaction between people of various languages and cultures, hence a language sprang out of this and it was URDU, which is not a native language rather created language of such interactions.

Urdu has words from Sanskrit, Persian, Arabic, and Turkish and even now a day’s one can observe the insertion of English words in it. After independence of Pakistan and division of subcontinent into two sovereign states, i.e. The Pakistan and India was basically based upon ideology of differences of culture, mainly of non-material culture, as Nation in Pakistan mostly Urdu was spoken and the Indian Nation was focus upon ancient scriptures of Hinduism / Sanskrit. Their ways of livelihood was also different which gave rise to two nation theory. There ideological differences culminated in the emergence of Pakistan hence an Ideological on map of globe emerged as Pakistan (Ahmad et al., 2024b; Gul et al., 2022). Every constitution of Pakistan from constitution of 1956, 1962, then interim constitution of 1971 and finally the constitution of 1973 declared Urdu as “official Language” and it is the ideological expression of the Nation. However during British era and its dominance over subcontinent Urdu was dominated by English, and the official language at that time was “Persian”. The British, replaced “Persian” with “English”, that orphan got shelter in a big canvas of Urdu and It adopted Persian into itself as a child. Urdu became a matter of essence for Muslims in subcontinent mainly for those who were converted from various religions into Islam. The Muslims of the subcontinent were not from a single race, therefor they required a medium of communication among themselves and the language of Urdu provided a bridge of communication between various races of Muslims of Subcontinent (Gul et al., 2021c). As we know that English prevailed in all commonwealth countries, and in the colonies of Britain,

hence as an International Language it dominated the minds of local people for centuries, and English was given priority over Urdu therefore Pakistan also adopted Urdu. Thus when the Urdu was replaced by the English in official terms, therefore slowly and gradually it almost vanished from the screen and replaced by English in all institutions, including the Court of Law, Parliament and Executive offices in Pakistan.

The linguistic change affected the behavior of Nation's cultural evolution, the new generation adopted almost European or Modern form of cultural attitudes. And it alarmed, the ideological aspects of creation of the state, hence was presumed by some quarters of their society to persuade the minds of authorities for replacing English with Urdu as Official Language for the protection of Ideological foundation stones and Asian Culture of the inhabitants of Pakistan.

Research Methodology

The research methodology that has been adopted in this case is based on quantitative mechanism of research, whereof the data is collected from senior lawyers and judges of court. They are using both languages frequently in the Court premises for litigation and drafting purpose. They are inquired about the stated issues and were given a set of questionnaires regarding enforcement of Urdu as Formal Language and the Court of Law is the best site where most of the communication is taken place on day to day basis between the Executive authorities and the general public. It is tried to find out the facts that are existing in minds of general public what could have been the obstacles behind for non-implementation of the decision of Supreme Court of Pakistan for adopting Urdu as Official language. Data is collected through applying snowball sampling technique where respondents (literate lawyers from Balochistan Bar Association and judges) were inquired after careful categorization at three different stages of sampling.

Sampling A

A set of ten questions were placed before general public mostly literate class from Balochistan Bar Association, inquired about the issue under research, A set of fifty respondents were chosen for this very purpose at 1st stage. The listed lawyers were respondents to the set of 10 questions, whereof the results could have to be collected in view of their personal experience and opinion and finally it could give a clue whether the statement problem (hypothetical) is conceded by their experience or not.

Data Analysis

Inference

The results inferred from above mentioned question from respondents, indicating that lawyers are using both languages frequently in the Court premises for litigation and drafting purpose. They communicate in both languages, however the question is not indicating the response, whether the standard of language Urdu is used as it has to be used in the court or it is been spoken as if ordinary public do in the routine activity. This issue is not yet been solved through question, because Urdu language is highly rich with personalized and Arabic essence of literature. Hence the quality of documentation as used in the Urdu language from Court orders to decrees and summons, to pleadings, must have been be further studied in later research by other scholars, therefore it needs a survey analysis. The respondents could not elaborate the style of communication that needs to be adopted at a literary level or it has to be on general aspects.

The respondents revealed the fact that both languages English and Urdu are used as medium of communication between litigants, lawyers and the Judges. Documentations are drafted in both languages, however it is not yet clear whether the standard of Urdu that is used as a court language

is meeting with that caliber which could have been identified to be highly literary or it is used as a colloquial method of communication as in general public. The experience of lawyers and respondents did not clear the fact, and the questionnaire needs to be updated hence it could bring the factual points more clearly. That would help us to understand the problems and causes that are hindering in way of implementation of the decision of Supreme Court and causes that are prevailing be removed so that Urdu as a National language could be adopted by body and spirit as it needs ought to be.

The Data received and analyzed in the light of response of the respondents, shows clearly that English as an International Language is more formal and more in use than Native Language, however comparing the ratio of use to Urdu as comparing English is not that much high as it ought have to be, the reasons behind this fact needs to be scrutinized in the light of more questions that were put the to the respondents. English has prevailed and favored by public, officials, educated class more than Urdu. The publications of books , are based on the number of publisher and writers, the fact which revealed by question from respondents is indicating that the number of writers and publisher in English language is more prevailing in the field of law hence Urdu writers are very rare. This is a critical point for further analysis that standard of education from primary to secondary and high to graduation is focused on English medium more than Urdu. The general public are having no interest into learning Urdu as a literary language, then question arises how one could be excelled in the formal use of Urdu either in Court or in other official departments.

Hence the government has to think and manage to organize forums whereof the general public is taken into confidence by creating zeal in them for loving and learning the language of Urdu and its importance. The Lawyers who are most literate persons of a society, when were asked about which medium of communication is more convenient to them, during proceedings in the court, they responded in favor of English more than Urdu.

The fact is revealing very critical and alarming issue that we are at verge of not preserving our national language, we might lose its essence as per sprit and soul. English has got its root very strong in court's formal proceedings, documentations are drafted in English, lawyers use to communicate presiding officers of the court in English, and feel themselves in more comfortable position with English language rather Urdu. Urdu is technically more complicated and more sophisticated. The respondents in a vast number gave positive response in favor of option (a), it is clearly revealing that English is read, understand and spoken frequently in literate class of the country, particularly in the Court of Law. Hence Urdu is having no proper use as it ought to be. The fault again is indicating to be existing in the educational system, and interest of the writers in Urdu literature and its publication. The free access to Urdu language could be availed through rapid production of publications and free access to the individual readers of the society.

Urdu is though understood, written and spoken in general public, however the respondents indicating by above query that most of these are using English to write, and communicate to the court of law. Hence matter is again indicating that there is no emphasis on Urdu and its publications, the general public is having less access to the literature of Urdu language could be promoted and in the end it could be made formal to be communicated officially to the Court of law and other public offices. The respondents indicated through their negative response to the above query, that implementation of Urdu as formal language might increase their burden of understanding the medium of communication in terms of writing, submitting, and communicating to the officials, hence respondents shown their lack of interest in the change or shift of medium of communication from one medium to another.

Urdu as it was rich in use in past decades, has lost its power of communication formally as it ought to be. The reasons behind it are political, economic and social change in the modern globalization that is rapidly reshaping the entire system of governance in any corner of the world. The fact is indicating the response of respondents against the statement that is being asked. Respondents are part of court proceedings, and they feel if the entire set up of Judicial system is converted from English to Urdu, might cause problem in the proceedings of the judicial system. Urdu as per response of the respondents seems difficult language to them and that needs to be updated from gross root level in educational system rather directly changing the formal communication into Urdu at Judicial level. Respondents seems not comfortable with use of Urdu legal dictionary in daily use, is clearly showing interests of lawyer more in English Language as formal medium of communication than Urdu. The hypothesis as stated in Problem statement is being verified by this first set of questionnaires.

Sampling B

For reaching at right conclusion, the second sample is chosen from very literate and executive class who are performing their functions in capacity of Judicial Officers at District Quetta. As we are concerned with issues that are creating hindrance in the way of implementation of the Judgement of the Honorable Supreme Court of Pakistan, whereof it was directed to all departments of governments including courts to adopt Urdu as formal language for communication within institutions and with public, hence Urdu would be enforced as Official language all across the country. Data is collected from 12 literate and executive class of judiciary, having adroit experience and years of service, including 6 judicial magistrates and 6 civil judges from Quetta district.

The listed respondents were chosen as sample B for collection of response in relevancy to the questions regarding enforcement of Urdu as Formal Language and the Court of Law is the best site where most of the communication is taken place on day to day basis between the Executive authorities and the general public. The same of Questions that were put to the respondents for inference and opinion are prescribed in detail as under:

Data Analysis for Sample B

Inference

The respondents gave mix response indicating, the use of both languages frequently in Court proceedings. However the question could not elaborate the indication of respondents regarding use of verbal or written format of language. Therefore, it needs to be analyzed in the light of survey analysis of the documentations that are filed. However the sole reliance could not be kept only upon the response of the respondents there might be several factors that could not let respondents to respond clear to the question. These factors might ranges from economic, political and psychological factors inflicting the several public and the respondents as well.

The indication about factor of understanding the literature in Urdu language in the form of documentations and instruments filed, submitted by litigants or communicated by official among themselves, is responded in almost negative sense, which clearly shows lack of understanding of Urdu language used in the court of law. However the format needs to be analyzed which is under use whether it meets the standard of language in use during formal communication or court proceedings, through survey analysis on later stage and has to be compared with record of documentations and instruments used to be written in urdu language before 1980s. This negative response indicates critical issue of educational standard adopted in our system, whereof the general public is not provided sufficient knowledge, or literature in Urdu language that could meet the

needs of time and make it possible that the Judgment of Honorable Supreme Court could be adopted and enforced. The data revealed the fact that judgment of the Honorable Supreme court about enforcement of Urdu language as formal and official language for ensurance of constitutional supremacy seems to be possible. Because the data shows English language is more applicable in Courts than Urdu and it is being used more in last two decades or more and the new generation seems to be alien to the use of Urdu language in terms of its literary and official capacity.

The data is revealing fact negative fact that literature in the shape of books, dictionaries and other materials are not provided in Urdu language and the libraries are equipped with books and other literature more in English than National language. However few of them seems under duress that they are impliedly shedding the factor and giving a positive response that might be because of the fear of superior judiciary or their influence that needs to be scrutinized as well later stage of research. The books, pleadings, dictionaries and citations available in the chambers of judicial officers are being indicated to be mostly drafted and published in English language and on the other hand Urdu literature seems rarely available to them. This factor is critical in showing that there is no interest of government or its any department on promotion and development of Urdu language to be understood, as per body and soul and has to be adopted by general public, officials, in government departments, instructions and courts of law. The experience of judicial officers as sample B. indicates a vast experience of service majority of them has served for more than ten years, but never been provided with training of use of Urdu language as court language in official capacity, this factor indicates the wastage of resources and role of judicial academies. The judicial officers has to be provided time to time trainings in the use of Urdu national language as formal way of communication in the judicial proceedings and the role is bestowed to the Judicial Academies. The factor is indicating that presently Judicial Academies are only limited to use of financial resources, and this factor could be more analyzed by observing the training courses, the output provided by academies in last two decades through survey analysis of the role of judicial academies and higher judiciary.

Negative response, not in favour of enforcement of Urdu as a possibility to be implemented. The response indicates more use of English language than Urdu and even the response is clearly showing lack of interest of general public and officials in understanding, writing, reading and communicating in National Language formally. The question was put to respondents from Sample B, for extracting the fact of use of other languages. As Pakistan is a multiethnic country, the law literacy rate and an unequal standard of education is supporting the use of multi languages in the court during trials. The respondents gave mixed response, some of them agree , majority partially agree , is indicating suppression of expression of the judicial officers, either from fear of higher judiciary or some other factor that needs to be surveyed by regularly vesting and observing course of proceedings, would prove the hypothetical presumption.

The administrative staff of the court is the backbone in the judicial proceedings. Their support makes the trial courts easy in disposing of the cases. The question about capability of administrative staff of the trial courts in understanding and use of Urdu as formal language is responded by the judicial officers almost negative, indicating their lack of knowledge of Urdu language and its formal use. The issue is again critical and very big stigma in the implementation of Judgment of the Honorable Supreme court of Pakistan, to use National Language as formal language. The inference could be better understood by further analyzing the administrative side of the judiciary by visiting and surveying educational and technical qualifications of the staff members and their role in judicial process. The data clearly extracted from respondents shows that persons from sample B, have been equipped with education in English medium more than Urdu.

Hence their skill is not that much sufficient to understand, write, read and communicate Urdu language as formal communicative mood of correspondence in day to day judicial affairs.

This factor needs to be analyzed and corresponded by analyzing a sample that must have to be taken from schools students.

Sample C

Sample C for data collection and detailed analysis were chosen from important part of administration of justice that is civil/criminal litigants in civil courts or criminal courts of law. The 19 respondents are chosen in this connection who are in litigation and having experience for adoption of Urdu as communication, its advantages and disadvantages of being formally applied or not.

The respondents when were into query about the medium of communication whether they are competent enough in speaking, writing and understanding the issue under research i.e. Urdu language, majority of them gave positive response. However few of them responded “no” yet the question is not clear and could not extract about the standard of the Urdu that they could write, read or understanding, i.e. typical classical Urdu language, being used a medium of communication between the litigants and their lawyers towards Court of Law. Hence the strong prevalence of local languages, which result in complex society where the people use to communicate in Urdu but not at that standard which is being required officially. They do use communicating with each other in a very simple form of communication gestures and verbal utterance regardless of the standardized Urdu. The respondents were asked to respond on second query, whereof they linked themselves positively with previous question, and majority of them responded yes. However the standard of urdu which they use to write and communicate to the court needs to be analyzed through survey analysis, that would most probably reveal the standard of Urdu adopted by people in Pakistan and would through light upon major issues for its draw backs creating restraints in the way of enforcement of Urdu as official Language in the light of judgement of the honorable supreme court of Pakistan.

The above question was a direct query from respondents about the factual position of the official communication in the court proceedings, whether documents or instruments are written in English language. Upon which respondents shown totally contrary position to the earlier questions about understanding of Urdu, by nullifying the fact that such documents are hardly reduced into written form by officials into Urdu Medium, rather most of such documents are written in English language and witnessed the same while depositing the same in the court, of law in legal proceedings. This factor has brought the evidence on record that court that officials mostly in formal language are unaware of Urdu or its drafting, rather It seems to them as an alien language. This factor is proving the hypothesis of poor educational system and lack of efficient Urdu literature to the general public.

The respondents once again responded positively about verbal communication is more influenced by use of Urdu language, officials frequently use Urdu as a medium of communication to the public. However the standard of Urdu language is not yet being clear, which once again needs another source of data collection mechanism i.e. interviews from respondents, it would need more time and space hence could be carried out by researchers. Hence it would make the issue more clearly with its causes and methods of promoting Urdu language for making it suitable to be enforced accordingly. The response obtained for the above mentioned query has revealed the fact that litigants are divide equally regarding opinion of counsel’s expertise in using Urdu as Formal Language in the Court proceedings. This information is based upon the experience of lawyers, those who are practicing for long periods, such as, for least 20 years or more are experienced in

using Urdu as formal language. However those lawyers/counsels, who are having command in English more than Urdu, are being shown as not having expertise in the Use of Urdu as Formal Language. This difference needs to be further elaborated by further research through survey analysis hence this information could be matched indifferently.

The respondents for this quarry about their learning medium of education, has revealed the fact through their positive response, most of them have not acquired basic education in Urdu Medium Language. Whereas, somehow respondents also gave negative response, but the fact is not clear about the level of their learning in Urdu Medium , that could be cleared through the syllabus of the concerned school, and level of teaching and education of the teachers whether the education is meeting with that required standard of Urdu Language and its use in formal sense. Here another question arises, that Urdu is a product of many languages, frequently influenced by Persian and Arabic vocabulary hence the question arises, that before learning Urdu, how could and how much grip of respondents on Persian and Arabic Languages. That fact needs to be further scrutinized through research, and would make the matter to be understood more conveniently towards specific cause of the non-enforcement of Urdu as official language in body and sprit and specifically in the light of judgment of the Honorable Supreme Court of Pakistan.

Majority of the respondents or residents of Quetta city and locals hence they frequently use to communicate in local languages. The response is showing how much they are used to talk and communicate in local languages, even in the court of law, to the counsels and judges during trails /proceedings. This response is negating the earlier response whereof they showing equal ratio of positive and negative response. Hence it is crystal clear that the respondents are not used to talk or write in Urdu as formal language, indicating lack of interest in Urdu due to insufficient facilitation of Urdu medium education at basic level. The response shows clear agreement of the respondents by positive response that majority of presiding officers use to communicate in local languages more than Urdu formal language. However some of the respondents shown hesitation in clearly giving response, but could be inferred in support of same positive factor provided by respondents with agreement to the statement of query. The reasons and causes why presiding officers use to talk in local languages in the court during proceedings needs to be probed in further research on same subject.

The response factor in aforementioned query is negative, respondents think that litigants are not totally alien to Urdu language, however the standard of Urdu they use required to understood, in terms of speaking, writing is a question mark too. As stated earlier and is clearly indicating its use to be linked with basic education system of the country. This question could be further analyzed if the sample of respondents are included from schools and colleges throughout province hence it would make the issue to be more visible on canvas of the research. The respondents from general public gave positive response to the above query, in contrast to the judgment of Honorable Supreme Court of Pakistan. They think English has to be used as formal language more than Urdu in formal matters particularly in court proceedings. The reasons and causes of same is the prevalence of English over any other local or national language in the country. Hence the matter needs to be surveyed briefly in forthcoming phases of the research by other scholars.

Results and Discussion

The results and discussion is based from comparative analysis of response factor of the samples for data collection, literature review and comparative analysis of the Judgment of Supreme Court of Pakistan in Constitutional Petition NO.56 of 2003. Order passed by Honorable Judges lead by Justice Jawad S.Khawaja, in the aforementioned case u/a 184 (3) , this very specific article of the constitution is emphasizing over an issue of public importance could be raised under original

jurisdiction of the supreme court, hence in the order passed the Honorable Supreme Court, it is admitted that the issue is related and effecting every citizen of the country.[1] However, in the said order there is no discussion on the other local languages and English as well, is also that important for public as Urdu (Gul et al., 2020; Zhou et al., 2022)

The poets of eastern countries especially of subcontinent used to declare Urdu as a language of worth than any other language in their poetry [2]. Through detailed study of response factors collected from various sources based on sample mechanism, divided into categories , revealed the fact that Urdu's non enforcement as per judgment of Honorable Supreme Court of Pakistan is not possible as per body and spirit as enshrined in the relevant articles of Constitution of Islamic Republic of Pakistan. There are few reasons which are lack of literacy, substandard of education, non-appropriate curriculum, and less interest of the youth into urdu language, has made it almost impossible (Gul et al., 2023; Shah Bukhari et al., 2022). However, Urdu could be enforced as an official language in all departments including judiciary, if immediate steps are taken to the extent of providing forum for literature growth and increasing the interest of the public by providing educational reforms in present academic activities across the country (Tufail et al., 2024).

The officials are to be provided training in learning and applying Urdu as formal language in their official works in day to day's affairs. There is a need of adopting an uniform policy all across country, by consultation with experts in Urdu language, from federal to provincial, from provincial to District levels, so that the ordinary public from kids to adults could be facilitated with opportunities of learning Urdu at door steps, free of cost, so that steps taken in this line could safe guard the rich heritage of urdu present in the region particular in Pakistan.

Conclusion

The status and challenges of the Urdu language in Pakistan, highlighting its official recognition and the issues surrounding its implementation. Urdu has been recognized as the official language of Pakistan, as stated in Article 251 of the 1973 Constitution. However, its usage is primarily oral, with English dominating written communication. This inconsistency raises concerns about the nation's commitment to enforcing Urdu as an official language. The Supreme Court has intervened, urging the implementation of Urdu, yet there has been little progress. The education system poses a significant barrier, as there is a societal belief that proficiency in English equates to intelligence. This has led to a proliferation of English-medium private schools, while government schools are neglected, creating a divide in education. The lack of a unified approach to education hampers efforts to promote Urdu. Despite being spoken across Pakistan's provinces, there is a lack of serious attention from both the federal and provincial governments regarding the implementation of Urdu. The integration of English words into everyday Urdu communication further complicates the situation, indicating a shift away from pure Urdu usage.

Moreover, the modern reliance on technology and social media has diminished creative Urdu literature, resulting in fewer people reading Urdu books. The absence of a robust official Urdu vocabulary is another obstacle, particularly in legal contexts where stakeholders prefer English. To transition to Urdu in courts, quality Urdu legal materials must be developed. To address these challenges, collaboration among the executive, legislature, and intellectuals is essential. A cohesive policy for implementing Urdu as the national language is needed, along with equalizing the education system across private and government schools. Emphasis should be placed on nurturing Urdu literature and classical works to revitalize the language.

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