

©

West Bengal Act XXIV of 1961¹
THE WEST BENGAL OFFICIAL LANGUAGE
ACT, 1961.

AMENDED

West Ben. Act XXIII of 1963.
West Ben. Act XIX of 1964.
West Ben. Act XXXIX of 1973.
West Ben. Act III of 1987.

[11th November, 1961.]

An Act to provide for the adoption of the Bengali language as the language to be used for the official purposes of the State of West Bengal including purposes of legislation.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Official Language Act, 1961.

Short title and extent.

(2) It extends to the whole of West Bengal.

2. With effect from such date,² not later than ³four years from the date of commencement of this Act, as the State Government may, by notification in the *Official Gazette*, appoint in this behalf,—

Language or languages to be used for official purposes of the State.

(a) in the three hill subdivisions of the district of Darjeeling, namely, Darjeeling, Kalimpong and Kurseong, the Bengali language and the Nepali language, and

(b) elsewhere, the Bengali language,

shall be the language or languages to be used for the official purposes of the State of West Bengal referred to in article 345 of the Constitution of India, and different dates may be appointed for different official purposes or for different areas in West Bengal:

Provided that the issue of any such notification shall be without prejudice to—

(i) the use of any language other than the Bengali language which is authorised by or under any law for the time being in force to be used for any purpose in any of the civil or criminal courts within the State of West Bengal, and

(ii) the use of the English language in the examinations conducted by the Public Service Commission, West Bengal.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 12th September, 1961, Part IVA, page 2324; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 25th September, 1961; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on the 4th October, 1961.

²26th January, 1965, vide notification No. 137 Pub., dated the 8th January, 1965, published in the *Calcutta Gazette*, dated the 21st January, 1965, Part I, p. 155.

³Substituted for the words "two years" by s. 2 of the West Bengal Official Language (Amendment) Act, 1963 (West Ben. Act XXIII of 1963).

(Sections 3, 3A.)

Bengali
language to
be used in
Bills, etc.

3. With effect from such date¹ as the State Government may, by notification in the *Official Gazette*, appoint in this behalf, the Bengali language shall be the language to be used—

- (a) in Bills introduced in, and Acts passed by, the Legislature of West Bengal, Ordinances promulgated by the Governor of West Bengal under article 213 of the Constitution of India and rules, regulations and by-laws made by the State Government under the Constitution of India or under any law made by Parliament or the Legislature of West Bengal; and
- (b) in notifications or orders issued by the State Government under the Constitution of India or under any law made by Parliament or the Legislature of West Bengal:

Provided that different dates may be appointed in respect of different matters referred to in clauses (a) and (b).

²Use of
Nepali
language
in rules,
regulations,
etc.

³3A. Notwithstanding anything contained in section 3, with effect from such date³ as the State Government may, by notification in the *Official Gazette*, appoint in this behalf, the Nepali language may, in addition to the Bengali language be used for such—

- (a) rules, regulations and by-laws made by the State Government under the Constitution of India or under any law made by Parliament or the Legislature of West Bengal, and
- (b) notifications or orders issued by the State Government under the Constitution of India or under any law made by Parliament or the Legislature of West Bengal,

as apply to the three hill subdivisions of the district of Darjeeling, namely, Darjeeling, Kalimpong and Kurseong:

Provided that different dates may be appointed in respect of different matters referred to in clause (a) or (b).

Explanation.—For the purposes of section 3 and this section the words “law made by Parliament or the Legislature of West Bengal” shall include any law made before or after the commencement of the Constitution of India by any legislature or other competent authority in the territory of India having power to make such a law.

¹See foot-note 2 on p. 373, *ante*.

²Section 3A was inserted by s. 2 of the West Bengal Official Language (Amendment) Act, 1973 (West Ben. Act XXXIX of 1973).

³1st March, 1974, *vide* notification No. 3136-I.P.R., dated the 28th February, 1974, published in the *Calcutta Gazette, Extraordinary*, dated the 28th February, 1974, Part I,

XXIV of 1961.]

(Sections 4-6.)

¹4. Notwithstanding—(a) the appointment of any day under section 2 or section 3 ²[or section 3A] for the coming into operation of the provisions thereof, or

Continuance of English language for official purposes of the State and for use in the State Legislature.

(b) the expiration of the period of fifteen years from the commencement of the Constitution, the English language may, as from the day so appointed or from the day on which such period expires, as the case may be, continued to be used—

- (i) for all official purposes of the State of West Bengal for which it was being used immediately before that day, and
- (ii) for the transaction of business in the Legislature, in addition to any language or languages specified in section 2 or section 3.

³5. A translation in the Bengali language or the Nepali language, published under the authority of the Governor in the *Official Gazette*,—

Authoritative text of Central and State Laws in Bengali and Nepali language.

- (a) of any Central Act or of any Ordinance promulgated by the President, or
- (b) of any notification, order, rule, regulation or by-law issued by the Central Government under the Constitution or under any Central Act, or
- (c) of any State Act or of any Ordinance promulgated by the Governor, or
- (d) of any notification, order, rule, regulation or by-law issued by the State Government under the Constitution or under any State Act,

shall be deemed to be the authoritative text thereof in such language.

⁴6. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

¹Section 4 was added by s. 2 of the West Bengal Official Language (Amendment) Act, 1964 (West Ben. Act XIX of 1964).

²These words, figure and letter within square the brackets were inserted by s. 3 of the West Bengal Official Language (Amendment) Act, 1973 (West Ben. Act XXXIX of 1973).

³Sections 5 and 6 were inserted by s. 2 of the West Bengal Official Language (Amendment)