

### The West Bengal Official Language Act, 1961

Act 24 of 1961

### **Keyword(s):**

Official Language, Bengali, Legislation

Amendments appended: 4 of 2018, 5 of 2018, 7 of 2019

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## West Bengal Act XXIV of 1961<sup>1</sup> 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.

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

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

<sup>1</sup>For Statement of Objects and Reasons, see the Calcuta 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.

<sup>2</sup>26th 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.

"Substituted for the words "two years" by s. 2 of the West Bengal Official Language (Amendment) 4 of 1963 (West Ben Act YVIII of 1963)

Short title and extent.

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

### (Sections 3, 3A.)

Bengali language to be used in Bills, etc.

- 3. With effect from such date<sup>1</sup> 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).

\*Use of Nepali language in rules, regulations,

- <sup>2</sup>3A. Notwithstanding anything contained in section 3, with effect from such date<sup>3</sup> 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.

<sup>&</sup>lt;sup>1</sup>See foot-note 2 on p. 373, ante.

<sup>&</sup>lt;sup>2</sup>Section 3A was inserted by s, 2 of the West Bengal Official Language (Amendment) Act, 1973 (West Ben, Act XXXIX of 1973).

<sup>&</sup>lt;sup>3</sup>1st March, 1974, vide nonfication No. 3136-LP.R., dated the 28th February, 1974, published in the Calcutta Gozette, Extraordinary, dated the 28th February, 1974, Part I,

#### XXIV of 1961.]

### (Sections 4-6.)

- <sup>1</sup>4. Notwithstanding—(a) the appointment of any day under section 2 or section 3 <sup>2</sup>[or section 3A] for the coming into operation of the provisions thereof, or
- (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.
- <sup>3</sup>5. A translation in the Bengali language or the Nepali language, published under the authority of the Governor in the *Official Gazette*,—
  - (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 Govrnment 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.

- <sup>3</sup>6. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (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.

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

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

Power to make rules.

<sup>&#</sup>x27;Section 4 was added by s, 2 of the West Bengal Official Language (Amendment) Act. 1964 (West Ben, Act XIX of 1964).

These 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).

<sup>\*</sup>Sections 5 and 6 were inserted by s. 2 of the West Bengal Official Language (Amendment)

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PART III—Acts of the West Bengal Legislature.

## GOVERNMENT OF WEST BENGAL LAW DEPARTMENT

Legislative

### **NOTIFICATION**

No. 452-L.— 5th April, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

## West Bengal Act IV of 2018

# THE WEST BENGAL OFFICIAL LANGUAGE (AMENDMENT) ACT, 2018.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 5th April, 2018.]

An Act to amend the West Bengal Official Language Act, 1961.

Whereas it is expedient to amend the West Bengal Official Language Act, 1961, for the purposes and in the manner hereinafter appearing;

West Ben. Act XXIV of 1961.

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

Short title and commencement,

- 1. (1) This Act may be called the West Bengal Official Language (Amendment) Act, 2018.
- (2) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

# The West Bengal Official Language (Amendment) Act, 2018.

### (Sections 2-5.)

Amendment of section 2 in West Ben. Act XXIV of 1961. 2. In section 2 of the West Bengal Official Language Act, 1961 (hereinafter referred to as the principal Act), in clause (aa), after the words "Punjabi speaking people", the words "or Kurukh speaking people" shall be inserted and for the words "and the Punjabi Language", the words "the Punjabi Language and the Kurukh Language" shall be substituted.

Insertion of new section after section 3B.

3. After section 3B of the principal Act, the following section shall be inserted:—

"Use of Kurukh Language in rules and regulations,

3C. Notwithstanding anything contained in section 3, section 3A and section 3B, with effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf,

the Kurukh Language may, in addition to the Bengali Language, the Nepali Language, the Urdu Language, the Hindi Language, the Santhali Language, the Oriya Language and the Punjabi Language, be used for such—

- (a) rules, regulations and by-laws made by the State Government under the Constitution of India or any law made by the Parliament or the Legislature of West Bengal;
- (b) notifications or order issued by the State Government under the Constitution of India or any law made by the Parliament or the Legislature of West Bengal;
- (c) petitions and applications and replies thereof, in public offices;
- (d) documents received by public offices;
- (e) important Government advertisement, announcement to be published; and
- (f) important signposts to be exhibited,

as to apply in the Districts or Sub-division or Block or Municipality, as the case may be, where the population of *Kurukh* speaking people exceeds ten *per cent* as a whole or part of the District like Sub-division or Block, as may be notified by the State Government:

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

Explanation.— For the purpose of 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."

Amendment of section 4.

4. In section 4 of the principal Act, for the words, figure and letter "or section 3B", the words, figures and letters "or section 3B or section 3C" shall be substituted.

Amendment of section 5.

5. In section 5 of the principal Act, for the words "or the Punjabi Language", the words "or the Punjabi Language or the Kurukh Language" shall be substituted.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI, Secy. to the Govt. of West Bengal, Law Department. The



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PART III—Acts of the West Bengal Legislature.

## GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

### **NOTIFICATION**

No. 453-L.— 5th April, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

### West Bengal Act V of 2018

## THE WEST BENGAL OFFICIAL LANGUAGE (SECOND AMENDMENT) ACT, 2018.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 5th April, 2018.]

An Act to amend the West Bengal Official Language Act, 1961.

WHEREAS it is expedient to amend the West Bengal Official Language Act, 1961, for the purposes and in the manner hereinafter appearing;

West Ben. Act XXIV of 1961.

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

Short title and commencement.

- 1. (1) This Act may be called the West Bengal Official Language (Second Amendment) Act, 2018.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

# The West Bengal Official Language (Second Amendment) Act, 2018.

### (Sections 2-4.)

Amendment of section 2 of West Ben. Act XXIV of 1961.

- 2. In section 2 of the West Bengal Official Language Act, 1961 (hereinaster referred to as the principal Act), in clause (aa),—
  - (1) for the words "Urdu speaking people", the words "Urdu speaking people or Kamtapuri speaking people or Rajbanshi speaking people or Kurmali speaking people" shall be substituted;
  - (2) for the words "the Urdu Language", the words "the Urdu Language, the Kamtapuri Language, the Rajbanshi Language, the Kurmali Language" shall be substituted.

Insertion of new section after section 3A.

3. After section 3A of the principal Act, the following section shall be inserted:—

"Use of Kamtapuri, Rajbanshi and Kurmali Languages in rules and regulations, etc. 3AA. Notwithstanding anything contained in section 3, section 3A and section 3B, with effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf, the Kamtapuri, Rajbanshi and Kurmali Languages may, in addition to the Bengali Language, the Nepali Language, the Urdu

Language, the Hindi Language, the Santhali Language, the Oriya Language and the Punjabi Language, be used for such—

- (a) rules, regulations and by-laws made by the State Government under the Constitution of India or any law made by the Parliament or the Legislature of West Bengal;
- (b) notifications or order issued by the State Government under the Constitution of India or any law made by the Parliament or the Legislature of West Bengal;
- (c) petitions and applications and replies thereof, in public offices;
- (d) documents received by public offices;
- (e) important Government advertisement, announcement to be published; and
- (f) important signposts to be exhibited,

as to apply in the Districts or Sub-division or Block or Municipality, as the case may be, where the population of Kamtapuri speaking people, Rajbanshi speaking people and Kurmali speaking people exceeds ten *per cent* as a whole or part of the District like Sub-division or Block, as may be notified by the State Government:

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

Explanation.—For the purpose of 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."

**4.** In section 4 of the principal Act, for the words, figure and letter "or section 3A", the words, figures and letters "or section 3A or section 3AA" shall be substituted.

Amendment of section 4.

The West Bengal Official Language (Second Amendment) Act, 2018.

(Section 5.)

Amendment of section 5.

5. In section 5 of the principal Act, for the words "or the Nepali language", the words "or the Nepali language or the Kamtapuri language or the Rajbanshi language or the Kurmali language" shall be substituted.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI, Secy. to the Govt. of West Bengal, Law Department.