

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
THE LAW COMMISSION

REPORT

**Subject: A report by the Law Commission recommending that authentic texts of authorised translation in English of original Bengali texts of laws be made.**

The Law Commission (hereinafter referred to as the Commission) takes note of the fact that since after passing of the Bangla Bhasia Prochalan Ain, 1987, ( Act No. 1 of 1987), Bangla language is being widely used as the official language in official transactions at all levels barring a few exceptions. The importance and necessity of Bangla language as the mother tongue of the people of Bangladesh can not be overemphasised in respect of spreading education and literacy. The Commission quite appreciates this position.

2. While in full appreciation of the position stated above, the Commission is of the view that in certain media English may suitably be used side by side with Bangla and the Constitution of Bangladesh shall not be an obstacle in that respect. The Commission further believes that rather such use of English side by side with Bangla shall be consistent with the letters and spirit of the Constitution in view of Article 153. Article 153 is quoted below for ready reference.

"153. (1) *The Constitution may be cited as the Constitution of the People's Republic of Bangladesh and shall come into force on the sixteenth day of December, 1972, in this Constitution referred to as the commencement of this Constitution.*

(2) *There shall be an authentic text of this Constitution in Bengali, and an authentic text of an authorised translation in English, both of which shall be certified as such by the Speaker of the Constituent Assembly.*

(3) *A text certified in accordance with clause (2) shall be conclusive evidence of the provisions of this Constitution :*

*Provided that in the event of conflict between the Bengali and the English text, the Bengali text shall prevail"*

3. Since article 153 provides for keeping an authentic text of an authorised translation in English of the Bengali text of the Constitution, and since the Constitution is the supreme law of the Republic, it may be appropriate that all other laws subordinate to the Constitution should have similar authentic texts of authorised translation in English side by side with the original texts in Bengali.

4. The Commission, while considering the matter, further takes into account certain present-day realities. The concept of Free Market Economy has been widely introduced and accepted round the world. As a result of that, inter state trade and commerce, imports and exports have considerably increased. The underdeveloped and developing countries are dependent on developed countries. They need foreign investment and joint ventures in the areas of trade, commerce, industries etc.

5. Bangladesh as a developing country is dependent on foreign investment. She also needs to transact trade and commerce, exports and imports with foreign countries on competitive basis. There are always laws, rules and regulations related to trade, commerce, investment, exports, imports, industries, banking etc. All such laws, rules and regulations are now being enacted or framed in Bengali. But Bengali has hardly any use in the area of inter-state trade, commerce, investment etc. If provision is made for keeping authorised translation in English of all such laws, rules and regulations that may be immensely conducive to the promotion and patronization of present-day concept of Free Market Economy. The prospective foreign investors may feel easy and comfortable

understand Bangladesh laws, if authentic English texts thereof on concerned subjects are available and, as such, encouraged to invest in Bangladesh.

6. There are, of course, English translations of such laws. But such translations are mostly done unofficially and privately having no legal sanction or authenticity behind them. It is also not desirable that such unofficial translations be allowed to be used as authentic ones. The Commission is, therefore, of the view that if provision is made or introduced for making authentic texts of authorised translation in English of the original Bengali texts of laws, then, apart from being consonant with the letter and spirit of article 3 of the Constitution, it will serve useful purposes in promoting and patronizing trade, commerce, investment, industrialisation etc. in the country.

### RECOMMENDATION.

7. In view of the reasons stated above, the Law Commission recommends that provision be made or introduced for keeping authentic texts of authorised translation in English of the original Bengali texts of all such laws as may be deemed necessary by the government.

14 May, 1998.

*K. Hossain*  
14/5/98

(Mr. Justice Kemal Uddin Hossain)  
Chairman.

*A. Rahman*  
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(Mr. Justice Amin-Ur- Rahman Khan)  
Member.

*N. Ahmed*

(Mr. Justice Naimuddin Ahmed)  
Member.

14/5/98