

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(LAW DIVISION)

NOTIFICATION

No.1038-Pub.-15th December, 1972-The following Order made by the President, on the advice of the prime Minister of the People's Republic of Bangladesh on the 15th December, 1972, is hereby published for general information.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
Ministry of Law and Parliamentary Affairs
(Law Division)

President's Order No. 149 of 1972

THE BANGLADESH CITIZENSHIP (TEMPORARY PROVISIONS)ORDER, 1972.

WHEREAS it is expedient to make temporary provisions regarding citizenship of Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :-

1. (1) This Order may be called the Bangladesh Citizenship (Temporary Provisions) Order, 1972.
(2) It shall come into force at once and shall be deemed to have taken effect on the 26th day of March, 1971.
2. Notwithstanding anything contained in any other law, on the commencement of this Order, every person shall be deemed to be a citizen of Bangladesh -
 - (i) who or whose father or grandfather was born in the territories now comprised in Bangladesh and who was a permanent resident to such territories on the 25th day of March, 1971, and continues to be so resident, or
 - (ii) who was a permanent resident of the territories now comprised in Bangladesh on the 25th day of March, 1971 and continues to be so resident and is not otherwise disqualified for being a citizen by or under any law for the time being in force;

Provided that if any person is a permanent resident of the territories now comprised in Bangladesh or his dependent is, in the course of his employment or for the pursuit of his studies, residing in a country which was at war with, or engaged in military operations against Bangladesh and is being prevented from returning to Bangladesh, such person, or his dependents, shall be deemed to continue to be resident in Bangladesh.

2A. A person to whom Article 2 would have ordinarily applied but for his residence in the United Kingdom shall be deemed to continue to be permanent resident in Bangladesh within the meaning of that Article:

Provided that the Government may notify, in the official Gazette, any person or categories of persons in whom this Article shall not apply.

2B. (1) Notwithstanding anything contained in Article 2 or in any other law for the time being in force, a person shall not, except as provided in clause (2), qualify himself to be a citizen of Bangladesh if he -

- (i) owes, affirms or acknowledges, expressly or by conduct, allegiance to a foreign state, or
- (ii) is notified under the provision to Article 2A;

Provided that a citizen of Bangladesh shall not, merely by reason of being a citizen or acquiring citizenship of a state specified in or under clause (2), cease to be a citizen of Bangladesh.

(2) The Government may grant citizenship of Bangladesh to any person who is a citizen of any state of Europe, North America or Australia or any other state, which the Government may, by notification in the official Gazette, specify in this behalf.

3. In case of doubt as to whether a person is qualified to be deemed to be a citizen of Bangladesh under Article 2 of this Order, the question shall be decided by the Government, which decision shall be final.

4. The Government may, upon an application made to it in this behalf, in the manner prescribed, grant citizenship to any person.

5. The Government may make rules for carrying out the purpose of this Order.

ABU SAYEED CHOWDHURY

President of the people's
Republic of Bangladesh.

N. AHMED,
Joint Secretary

Dacca,
The 15th December, 1972.

Published in the Bangladesh Gazette Extraordinary dated (27.7.78)

Ministry of Home Affairs
Immigration Branch-III

NOTIFICATION

Dhaka, the 27th July, 1978

No.S.R.O.214-L/78-In exercise of the powers conferred by Article 5 of the Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P.O.No.149 of 1972), the Government is pleased to make the following rules, namely:-

BANGLADESH CITIZENSHIP (TEMPORARY PROVISIONS) RULES, 1978

1. Short title - These rules may be called the Bangladesh Citizenship (Temporary provisions) Rules, 1978.

2. Definitions - In these rules, unless there is anything repugnant in the subject or context, -

- (a) "Article" means an Article of the order;
- (b) "Form" means a Form annexed to these rules; and
- (c) "Order" means the Bangladesh Citizenship (Temporary Provisions) Order, 1972 (P>O>No.149 of 1972).

3. Application for citizenship under Article 2B - (1) Any persons seeking citizenship of Bangladesh under clause (2) of Article 2B shall apply to the Government in Form A, in duplicate, and in the manner hereinafter provided, namely:-

- (a) if the applicant is a person temporarily residing in Bangladesh, the application shall be submitted direct to the Government, and if the applicant is a person residing outside Bangladesh, the application shall be submitted to the Government through the Bangladesh Diplomatic Mission or Consulate in that country or where there is no Bangladesh Mission or Consulate in that country, to a Bangladesh Mission or Consulate in the country nearest to that country;
- (b) every application shall be accompanied by an affidavit affirming the truth of the statement made before a Magistrate of the First Class or a Notary Public and four copies of passport size photograph of the applicant duly attested by a Class I Gazetted Officer of a Magistrate of the First Class or a Notary Public.

or

(2) The Government or a Mission or Consulate to which an application has been submitted under sub-rule(1) may call for such further information as may be deemed necessary including the following :-

- (a) the place and date of birth of the applicant in the territory now comprised in Bangladesh;

- (b) when he left the territory and with what travel documents;
- (c) when he acquired his present citizenship;
- (d) his knowledge of Bengali language;
- (e) his special qualifications, if any;
- (f) his income and its source, and whether he is regularly sending remittance to Bangladesh or not;
- (g) particulars of his properties in Bangladesh, if any;
- (h) particulars of the members of his family residing in Bangladesh, if any;
- (i) any disabilities to which citizens of Bangladesh are subject in the country of the applicant.

4. Application for citizenship under Article 4. - (1) Any Person-seeking citizenship of Bangladesh under Article 4 shall apply in Form B in duplicate, and in the same manner as provided in clause (a) and (b) of sub-rule (1) of rule 3:

Provided that an application under this rule may not be entertained unless the applicant has, by an affidavit, renounced his status as the citizen of another country and has abandoned his domicile of origin:

Provided further that an application shall be considered for grant of citizenship -

- (a) If the applicant is a foreign woman and married to a Bangladeshi and has resided in Bangladesh ordinarily for a period of 2 years; or
- (b) If the applicant does not fall within clause (a), has resided in Bangladesh ordinarily for a period of 5 years.

(2) The Government or a Mission or a Consulate to which an application has been submitted under sub-rule (1) may call for such further information as may be deemed necessary including the following :-

- (a) the national status of the applicant;
- (b) his knowledge of Bengali language;
- (c) his special qualifications, if any;
- (d) his income and its source; and
- (e) any disabilities to which citizens of Bangladesh are subject in the country of the applicant.

(3) In case the applicant under sub-rule(1) is a foreign national and wife of a citizen of Bangladesh, the application shall be accompanied by the following additional documents; namely :-

- (i)documentary evidence to the effect that her husband is a citizen of Bangladesh;
- (ii)her marriage certificate;
- (iii)if her husband is a person in the service of the People's Republic of Bangladesh or of any local authority

or nationalized enterprise in Bangladesh, a 'No Objection Certificate' from his employer to his marriage with a foreign national.

(5) Forwarding of application by Mission, etc. on receipt of application under rules 3 and 4, a Mission or, as the case may be, a Consulate shall, together with the information as may be called for under sub-rule (2) of rule 3 or, as the case may be, sub-rule(2) of rule 4, forward the application for consideration of the Government. While forwarding the application the Mission or Consulate may make such observations about the character and antecedents of the applicant as it may consider necessary.

(6) Verification of character and antecedents. - With regard to applications submitted to Government direct and also with regard to applications; submitted under rule 3 and 4, the Government may take such steps as may be necessary to satisfy itself as to the character and antecedents of the applicant before it finally disposes of the application.

(7) Grant of Citizenship - The Government may, after being satisfied about the correctness of the statements and information furnished by the applicant as required under these rules and also after being satisfied that the applicant is not disqualified for being a citizen of Bangladesh by or under any law for the time being in force, grant citizenship of Bangladesh to the applicant and issue a certificate of citizenship in Form C or, as the case may be, in Form D.

(8) Appeal - Any person aggrieved by an order made under the Bangladesh Citizenship (Temporary Provisions) Order, 1972 may, within a period of 30 days from the date of receipt of order prefer an appeal to Government. Before making an order on such an appeal, the appellant shall be given an opportunity of being heard.

(9) Cancellation of citizenship - The Government, if it has reasons to believe that an applicant for citizenship has knowingly furnished any false information or suppressed any material fact or abetted the commission of any such offence with a view to obtaining a certificate of citizenship or without lawful authority alters or, causes to alter the entries made therein, may, at any time, after making such enquiry as it deems fit and giving the person affected an opportunity of being heard, cancel his citizenship granted under rule 7 and punish him with imprisonment for a term which may extend to three months or with fine which may extend to Taka two thousand or with both.

(10) Duplicate copy of citizenship certificate - (1) A person to whom a certificate of citizenship has been granted may, if his certificate is lost, damaged or burnt, or if he wishes to get his certificate of citizenship replaced by a certificate of citizenship with changed name or other particulars, apply in Form E, in duplicate, to the Government.

(2) Every such application duly attested by a Magistrate of the First Class or a Notary Public shall be accompanied by four copies of passport size photographs of the applicant duly attested by a Class I Gazetted Officer or a Magistrate of the First Class or a Notary Public.

(3) The Government may pass such orders on the application as it deems fit.

10A. Application for confirmation of citizenship - (1) Any person seeking confirmation of citizenship of Bangladesh shall apply to the Government in Form F, in duplicate, and in the manner as provided in sub-rule (1) of rule 3.

(2) No application shall be considered unless -

(a) It is attested by a Class I Gazetted Officer or a Notary Public or by the First Secretary or an officer of equal status of the Bangladesh Mission concerned; and

(b) The affidavit accompanying the application contains a declaration of allegiance of the applicant to Bangladesh.

(3) The Government or the Mission or Consulate to which an application has been submitted under this rule may call for such further information or documents as are not available in, or as the case may be, submitted with, the application.

(4) On receipt of the application direct or through the Mission or Consulate to which it was submitted, the Government shall take decision after necessary enquiries under Article 3 as to whether the applicant is deemed to be a citizen within the scope of Article 2 and if the applicant is found to be such a citizen, he shall be issued a certificate of confirmation of citizenship in Form G.

11. Fee for citizenship application - (1) An application for citizenship under rules 3 (and 4 or for confirmation of citizenship under rule 10A) shall be accompanied with a fee of Taka one hundred only or of foreign currency of equal value.

(2) An application for duplicate citizenship certificate under rule 10 shall be accompanied with a fee of Taka fifty only or of foreign currency of equal value.

12. Immunity - No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority for anything done in good faith of intended to be done under the Order.

By order of the President

SALAHUDDIN AHMED
Secretary.

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1. Proviso inserted by Notification No.S.R.O.164-1/85 dated 8.4.85
 2. Article 10A inserted by Notification No.S.R.O. 213-L/81 dated 12.6.81.
 3. Words in square brackets inserted for "and 4" by Ibid.