

THE CITIZENSHIP ACT, 1951**CONTENTS**

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SCHEDULE

THE CITIZENSHIP ACT, 1951

ACT NO. II OF 1951

[13th April, 1951]

An Act to provide for Bangladesh citizenship. * ^

WHEREAS it is expedient to make provision for citizenship of Bangladesh;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the ¹[* * *] Citizenship Act, 1951.

(2) It shall come into force at once.

Definitions

2. In this Act-

“alien” means a person who is not a citizen of Bangladesh or a Commonwealth citizen;

“Indo-Pakistan sub-continent” means India as defined in the Government of India Act, 1935, as originally enacted;

“minor” means, notwithstanding anything in the Majority Act, 1875, any person who has not completed the age of twenty-one years;

“prescribed” means prescribed by rules made under this Act;

“Commonwealth citizen” means a person who has the status of a Commonwealth citizen under the British Nationality Act, 1948;

* Throughout this Act, the word “Bangladesh” was substituted for the word “Pakistan” by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

^ Throughout this Act, the word “Government” was substituted for the words “Central Government” by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

¹ The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

“British protected person” means a person who has the status of a British protected person for the purposes of the British Nationality Act, 1948.

3. At the commencement of this Act every person shall be deemed to be a citizen of Bangladesh-

Citizenship at the date of commencement of this Act

- (a) who or any of whose parents or grandparents was born in the territory now included in Bangladesh and who after the fourteenth day of August, 1947, has not been permanently resident in any country outside Bangladesh; or
- (b) who or any of whose parents or grandparents was born in the territories included in India on the thirty-first day of March, 1937, and who, except in the case of a person who was in the service of Bangladesh or of any Government or Administration in Bangladesh at the commencement of this Act, has or had his domicile within the meaning of Part II of the Succession Act, 1925, as in force at the commencement of this Act, in Bangladesh or in the territories now included in Bangladesh; or
- (c) who is a person naturalised as a British subject in Bangladesh; and who, if before the date of the commencement of this Act he has acquired the citizenship of any foreign State, has before that date renounced the same by depositing a declaration in writing to that effect with an authority appointed or empowered to receive it; or
- (d) who before the commencement of this Act migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories with the intension of residing permanently in those territories.

4. Every person born in Bangladesh after the commencement of this Act shall be a citizen of Bangladesh by birth:

Citizenship by birth

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth-

- (a) his father possesses such immunity from suit and legal process as is accorded to an envoy of an external sovereign power accredited in Bangladesh and is not a citizen of Bangladesh ; or

- (b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

Citizenship by descent

5. Subject to the provisions of section 3 a person born after the commencement of this Act, shall be a citizen of Bangladesh by descent if his ¹[father or mother] is a citizen of Bangladesh at the time of his birth:

Provided that if the ² [father or mother] of such person is a citizen of Bangladesh by descent only, that person shall not be a citizen of Bangladesh by virtue of this section unless-

- (a) that person's birth having occurred in a country outside Bangladesh the birth is registered at a Bangladesh Consulate or Mission in that country, or where there is no Bangladesh Consulate or Mission in that country at the prescribed Consulate or Mission or at a Bangladesh Consulate or Mission in the country nearest to that country; or
- (b) that person's ²[father or mother] is, at the time of the birth, in the service of any Government in Bangladesh.

Citizenship by migration

6. (1) The Government may, upon his obtaining a certificate of domicile under this Act, register as a citizen of Bangladesh by migration any person who after the commencement of this Act and before the first day of January, 1952, has migrated to the territories now included in Bangladesh from any territory in the Indo-Pakistan sub-continent outside those territories, with the intention of residing permanently in those territories:

Provided that the Government may, by general or special order, exempt any person or class of persons from obtaining a certificate of domicile required under this sub-section.

(2) Registration granted under the preceding sub-section shall include, besides the person himself, his wife, if any, unless his marriage with her has been dissolved, and any minor child of his dependent whether wholly or partially upon him.

¹ The words "father or mother" were substituted for the word "father" by section 2 of The Citizenship (Amendment) Act, 2009 (Act. No. XVII of 2009) (with effect from 31st December, 2008).

7. Notwithstanding anything in sections 3, 4 and 6, a person who has after the first day of March, 1947, migrated from the territories now included in Bangladesh to the territories now included in India shall not be a citizen of Bangladesh under the provisions of these sections:

Persons migrating from the territories of Bangladesh

Provided that nothing in this section shall apply to a person who, after having so migrated to the territories now included in India has returned to the territories now included in Bangladesh under a permit for resettlement or permanent return issued by or under the authority of any law for the time being in force.

8. The Government may, upon application made to it in this behalf, register as a citizen of Bangladesh any person who, or whose father or whose father's father, was born in the Indo-Pakistan sub-continent and who is ordinarily resident in a country outside Bangladesh at the commencement of this Act, if he has, unless exempted by the Government in this behalf, obtained a certificate of domicile:

Rights of citizenship of certain persons resident abroad

Provided that a certificate of domicile shall not be required in the case of any such person who is out of Bangladesh under the protection of a Bangladesh passport, or in the case of any such person whose father or whose father's father is at the commencement of this Act residing in Bangladesh or becomes, before the aforesaid application is made, a citizen of Bangladesh.

9. The Government may, upon an application made to it in that behalf by any person who has been granted a certificate of naturalisation under the Naturalisation Act, 1926, register that person as a citizen of Bangladesh by naturalisation:

Citizenship by naturalisation

Provided that the Government may register any person as a citizen of Bangladesh without his having obtained a certificate of naturalisation as aforesaid.

10. (1) Any woman who by reason of her marriage to a British subject before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Bangladesh, be a citizen of Bangladesh.

Married women

(2) Subject to the provisions of sub-section (1) and sub-section (4) a woman who has been married to a citizen of Bangladesh or to a person who but for his death would have been a citizen of Bangladesh under sections 3, 4 or 5 shall be entitled, on making application therefore to the Government in the prescribed manner, and, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Bangladesh whether or not she has completed twenty-one years of her age and is of full capacity.

(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Bangladesh under the provisions of sub-section (1) of section 6 (whether he migrated as provided in that sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if she is an alien, to her obtaining the certificate and taking the oath therein mentioned.

(4) A person who has ceased to be a citizen of Bangladesh under section 14 or who has been deprived of citizenship of Bangladesh under this Act shall not be entitled to be registered as a citizen thereof under this section but may be so registered with the previous consent of the Government.

Registration of minors

11. (1) The Government may, upon application to it in this behalf made in the prescribed manner by a parent or guardian of a minor child of a citizen of Bangladesh, register the child as a citizen of Bangladesh.

(2) The Government may, in such circumstances as it thinks fit, register any minor as a citizen of Bangladesh.

Citizenship by registration to begin on date of registration

12. Any person registered as a citizen of Bangladesh shall be such a citizen from the date of his registration.

Citizenship by incorporation of territory

13. If any territory becomes a part of Bangladesh the President may, by order, specify the persons who shall be citizens of Bangladesh by reason of their connection with that territory; and those persons shall be citizens of Bangladesh from such date and upon such conditions, if any, as may be specified in the order.

14. (1) Subject to the provisions of this section if any person is a citizen of Bangladesh under the provisions of this Act, and is at the same time a citizen or national of any other country, he shall, unless he makes a declaration according to the laws of that other country renouncing his status as citizen or national thereof, cease to be a citizen of Bangladesh.

Dual citizenship or nationality not permitted

(1A) Nothing in sub-section (1) applies to a person who has not attained twenty-one years of his age.

(2) Nothing in sub-section (1) shall apply to any person who is a subject of an Acceding State so far as concerns his being a subject of that State.

15. Every person becoming a citizen of Bangladesh under this Act shall have the status of a Commonwealth citizen.

Persons becoming citizens to have the status of Commonwealth citizens

16. (1) A citizen of Bangladesh shall cease to be a citizen of Bangladesh if he is deprived of that citizenship by an order under the next following sub-sections.

Deprivation of citizenship

(2) Subject to the provisions of this section the Government may by order deprive any such citizen of his citizenship if it is satisfied that he obtained his certificate of domicile or certificate of naturalisation under the Naturalisation Act, 1926 by means of fraud, false representation or the concealment of any material fact, or if his certificate of naturalisation is revoked.

(3) Subject to the provisions of this section the Government may by order deprive any person who is a citizen of Bangladesh by naturalisation of his citizenship of Bangladesh if it is satisfied that that citizen-

- (a) has shown himself by any act or speech to be disloyal or disaffected to the Constitution of Bangladesh ; or
- (b) has, during a war in which Bangladesh is or has been engaged, unlawfully traded or communicated with the enemy or engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist the enemy in that war ; or

- (c) has within five years of being naturalised been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Government may on an application being made or on its own motion by order deprive any citizen of Bangladesh of his citizenship if it is satisfied that he has been ordinarily resident in a country outside Bangladesh for a continuous period of seven years beginning not earlier than the commencement of this Act and during that period has neither-

- (i) been at any time in the service of any Government in Bangladesh or of an international organisation of which Bangladesh has, at any time during that period been a member; nor
- (ii) registered annually in the prescribed manner at a Bangladesh Consulate or Mission or in a country where there is no Bangladesh Consulate or Mission at the prescribed Consulate or Mission or at a Bangladesh Consulate or Mission in a country nearest to the country of his residence his intention to retain Bangladesh citizenship.

(5) The Government shall not make an order depriving a person of citizenship under this section unless it is satisfied that it is in the public interest that that person should not continue to be a citizen of Bangladesh.

(6) Before making an order under this section the Government shall give the person against whom it is proposed to make the order notice in writing informing him of the grounds on which it is proposed to make the order and calling upon him to show cause why it should not be made.

(7) If it is proposed to make the order on any of the grounds specified in sub-sections (2) and (3) of this section and the person against whom it is proposed to make the order applies in the prescribed manner for an inquiry, the Government shall, and in any other case may, refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Government and of such other members appointed by the Government as it thinks proper.

17. The Government may upon an application being made to it in the prescribed manner containing the prescribed particulars grant a certificate of domicile to any person in respect of whom it is satisfied that he has ordinarily resided in Bangladesh for a period of not less than one year immediately before the making of the application, and has acquired a domicile therein.

Certificate of domicile

18. The Government may, by order notified in the *official Gazette*, direct that any power conferred upon it or duty imposed on it by this Act shall, in such circumstances, and under such conditions, if any, as may be specified in the direction, be exercised or discharged by such authority or officer as may be specified.

Delegation of powers

19. (1) Where a person with respect to whose citizenship a doubt exists, whether on a question of law or fact, makes application in that behalf to the Government, the Government may grant him a certificate that at the date of the certificate he is a citizen of Bangladesh.

Cases of doubt as to citizenship

(2) The certificate, unless it is proved to have been obtained by fraud, false representation or concealment of any material fact, shall be conclusive evidence of the fact recorded in it.

20. The Government may upon such terms and conditions as it may by general or special order specify register a Commonwealth citizen or a British protected person as a citizen of Bangladesh.

Acquisition of Bangladesh citizenship by citizens of Commonwealth countries

21. Any person who in order to obtain or prevent the doing of anything under the Act makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, shall be deemed to have committed an offence punishable under section 177 of the ¹[* * *] Penal Code.

Penalties

¹ The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (P.O. No. 48 of 1972).

Interpretation

22. (1) For the purposes of this Act a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country shall be deemed to have been born in the place in which the ship or aircraft was registered or as the case may be in that country.

(2) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father be construed as a reference to the status or description of the father at the time of the father's death; and where that death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death.

Rules

23. (1) The Government may frame rules for carrying into effect the provisions of this Act.

(2) No rule framed under this Act shall have effect unless published in the *official Gazette*.

SCHEDULE

(Form of oath or affirmation)

(See section 10)

“I (name) of (address) do hereby swear (or affirm) that I will be faithful and bear true allegiance to the Constitution of Bangladesh.”
