

THE CONTROL OF ENTRY ACT, 1952

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THE CONTROL OF ENTRY ACT, 1952

ACT NO. LV OF 1952

[14th December, 1952]

An Act to make better provision for controlling the entry of Indian citizens into Bangladesh.*

WHEREAS it is expedient to make better provision for controlling the entry of Indian citizens into Bangladesh;

It is hereby enacted as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the ¹[* * *] ²[Control of Entry] Act, 1952.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-

- (a) “enter” means enter by water, land or air;
- (b) “passport” means a passport issued or renewed by or under the authority of a person duly empowered to issue or renew it and satisfying the conditions prescribed relating to the class of passports to which it belongs;
- (c) “visa” means a visa duly endorsed by an authority empowered in this behalf by or under the authority of the Government on a passport valid and in force;

* Throughout this Act, unless otherwise provided, the words “Bangladesh”, “Government” and “Taka” were substituted for the words “Pakistan”, “Central Government” and “rupees” respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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).

² The words “Control of Entry” were substituted for the brackets and words “(Control of Entry)” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹[* * *]

- (e) “Indian citizen” means a person who is or is deemed to be a citizen of India under the law for the time being in force in India;
- (f) “Bangladesh citizen” means a person who is or is deemed to be a citizen of Bangladesh under the law for the time being in force in Bangladesh;
- (g) “officer” means an officer or an employee of the Government ²[* * *].

³[3. No Indian citizen shall enter any part of Bangladesh unless he is in possession of a passport with a visa authorising the entry.] Control of entry

4. Whoever contravenes ⁴[the provision of section 3 shall] be punished with imprisonment which may extend to one year, or with a fine which may extend to one thousand Taka, or with both. Penalty

5. Any person who for the purpose of obtaining a passport or a visa ⁵[* * *] makes a statement which he knows to be untrue or does not believe to be true, or makes use of a statement which he knows to be untrue or has reason to believe to be untrue shall be punished with imprisonment which may extend to one year or with a fine which may extend to one thousand Taka or with both. False information

¹ Clause (d) was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “or of a Provincial Government or of an Acceding State” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ Section 3 was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁴ The words and figure “the provision of section 3 shall” were substituted for the words and commas “any of the provisions of section 3 shall, for every such contravention,” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

⁵ The words “or of claiming an exemption under any of the provisions of this Act or of the rules made thereunder” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Power to arrest

6. (1) Any police officer, customs officer, or other officer empowered in this behalf by a general or special order of the Government ¹[* * *] or under a rule made under this Act, may arrest without a warrant any person whom such officer reasonably suspects of having contravened ²[the provision] of section 3.

(2) An officer making an arrest under this section shall, without unnecessary delay, take the person arrested or cause him to be taken before a competent Magistrate having jurisdiction in the place where the arrest is made, or to the officer-in-charge of a police station within whose jurisdiction the arrest is made; and the provisions of the Code of Criminal Procedure, 1898 ³[* * *] shall, so far as may be, apply in respect of such arrested person.

Power to
remove from
Bangladesh

7. (1) The Government may order any person who is not a citizen of Bangladesh convicted under section 4 or section 5 to remove himself from Bangladesh within the time specified in the order.

(2) If such person refuses or fails so to remove himself within the specified time,-

- (a) he shall be punished with imprisonment which may extend to one year or with a fine which may extend to one thousand Taka or with both, and
- (b) he may be removed from Bangladesh under the order of the Government, who may use all such means as may, in the circumstances, be necessary to effect the removal.

¹ The words “or of a Provincial Government or of the Government of an Acceding State” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “the provision” were substituted for the words “any of the provisions” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The commas and words “, or, when the arrest is made in a State, of the corresponding law for the time being in force in that State,” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

(3) [Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

8. (1) The Government may, by notification in the *official Gazette*, make rules to carry into effect the purposes of this Act. Power to make rules

(2) Without prejudice to the generality of the foregoing power, the rules may provide for,-

- (a) the different types of visas which may be granted;
- (b) the authorisation or appointment of persons by whom visas may be granted, varied, extended and cancelled;
- (c) the charges and fees payable for obtaining application forms and visas and the extension of visas;
- (d) the conditions and restrictions which may be imposed under this Act on the holder of a passport;
- (e) the exemptions which may be granted, with or without conditions, to any person or class of persons in respect of any provision of this Act or the rules made thereunder;
- (f) the conditions and restrictions which Indian citizens may be required to comply with;
- (g) the alteration or modification of or exemption from any condition or restriction imposed under a visa on the holder of a passport after his entry into Bangladesh;
- (h) the fixing and notification of check-posts and routes; and
- (i) the procedure for registering and reporting to the police required under the rules for certain categories of visa holders.

(3) Rules made under this section may provide that any contravention thereof or of any order issued thereunder shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand Taka, or with both.

Delegation of powers

9. The Government may by order direct that any power conferred on it under this Act may in such circumstances and under such conditions, if any, as may be specified in the order, be exercised by any officer or authority subordinate to it or specified by it.

Protection of persons acting under this Act

10. No prosecution, suit or other legal proceeding shall be commenced against any person in respect of anything done or purporting to be done in exercise of the powers conferred by or under this Act, except with the sanction of the Government¹[* * *].

11. *[Repeal of Ordinance X of 1952 and savings.- Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]*

¹ The words “or the Provincial Government or the Government of the State concerned” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).