

The Bangladesh Passport Order, 1973 (President's Order).

(PRESIDENT'S ORDER NO. 9 OF 1973)

WHEREAS it is expedient to provide for the issue of passports and travel documents to regulate, in the public interest, the departure from Bangladesh of citizens of Bangladesh and other persons and for matters incidental or ancillary thereto;

NOW, THEREFORE, in pursuance of paragraph 3 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh, 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 Passport Order, 1973.
(2) It extends to the whole of Bangladesh and applies to all citizens of Bangladesh.
(3) It shall come into force at once.
2. In this Order, unless there is anything repugnant in the subject or context,-
 - (a) "departure", with its grammatical variations and cognate expressions, means departure from Bangladesh by water, land or air;
 - (b) "Government" means the Government of the People's Republic of Bangladesh;
 - (c) "passport" means a passport issued or deemed to have been issued under this Order;
 - (d) "passport authority" means an officer or authority empowered under rules made under this Order to issue passports or travel documents;
 - (e) "prescribed" means prescribed by rules made under this Order;

(f) “travel document” means a travel document issued or deemed to have been issued under this Order.

3. No person shall depart or attempt to depart from Bangladesh unless he holds a valid passport or travel document.

4. (1) The classes of passports and travel documents, the conditions subject to which and the forms in which a passport or a travel document shall be issued or renewed and the period for which a passport or a travel document shall be issued or renewed shall be as may be prescribed.

(2) A passport or a travel document issued under this Order shall at all time remain the property of the Government.

5. (1) An application for the issue of a passport or travel document, for visiting such foreign country or countries as may be specified in the application, shall be made to the passport authority in such form, containing such particulars and accompanied by such fee, if any, as may be prescribed.

(2) On receipt of an application, the passport authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the provisions of this Order, by order in writing issue passport or travel document, as the case may be, or refuse to issue passport or travel document or restrict the number of countries to be endorsed upon such passport or travel document.

6. Subject to the provisions of this Order, the passport authority-

(1) may refuse to issue a passport or travel document on any one or more of the following grounds-

(a) that the applicant is not a citizen of Bangladesh;

(b) that the applicant was convicted under the Bangladesh Collaborators (Special Tribunal) Order, 1972 (P.O. No. 8 of 1972);

(c) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in Bangladesh for any offence involving moral turpitude, and sentenced in respect thereof to imprisonment for not less than two years;

(d) that the applicant was convicted or is reasonably suspected of smuggling of currency, drugs, arms, trafficking in women and slaves, foreign currency, passports or of indulging in illegal dealings involving foreign exchange, trade or commerce;

(e) that the applicant is evading or likely to evade appearance in any pending proceedings against him in a criminal court in Bangladesh or that an order prohibiting the departure from Bangladesh of the applicant has been made by any such court;

(f) that the applicant was previously deported from abroad on account of his undesirable activity;

(g) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(h) that the applicant is likely to become destitute and his repatriation would be a charge on public funds;

(i) that the application has been made for a minor, suspected of being taken out of Bangladesh against an order of the court or against the wishes of the legal guardian;

(j) that the applicant is suffering from such mental or physical deficiency which renders him incapable of taking care of himself unless accompanied by legal guardian or an authorised person; and

(2) shall refuse to issue a passport or travel document on any one or more of the following grounds-

(a) that the applicant, in the opinion of the Government, is likely to engage outside Bangladesh in activities prejudicial to the sovereignty, integrity or

security of Bangladesh;

(b) that the applicant, in the opinion of the Government, is reasonably suspected of evading or attempting to evade the duty to render any service which, under any law, he is required to render in the public interest;

(c) that the issue of a passport or travel document to the applicant, in the opinion of the Government, will not be in the public interest.

7. (1) The passport authority may vary or cancel the endorsement on a passport or travel document or the conditions, other than the prescribed conditions, subject to which a passport or travel document is issued and may, for that purpose, require the holder of a passport or travel document, by notice in writing, to deliver up such passport or travel document to it within such time as may be specified in such notice.

(2) The passport authority may impound or cause to be impounded or revoke a passport or travel document,-

(a) if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof;

(b) if the passport or travel document was obtained by suppression of material facts;

(c) if the passport authority deems it necessary to do so in the interest of sovereignty, integrity or security of Bangladesh, or in the public interest;

(d) if the holder of the passport or travel document has, at any time after the issue of the passport or travel document, been convicted by a court in Bangladesh for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years or if the holder of the passport or travel document has been convicted under the Bangladesh Collaborators (Special Tribunal) Order, 1972 (P.O. No. 8 of 1972);

(e) if an order has been passed by any court in Bangladesh prohibiting the departure of the holder of the passport or travel document from Bangladesh

and requiring the passport authority to impound or cause to be impounded or revoke such passport or travel document;

(f) if any of the conditions of the passport or travel document has been contravened;

(g) if the holder of the passport or travel document has failed to comply with a notice under clause (1) requiring him to deliver up the same.

(3) The passport authority may also revoke a passport or travel document on the application of the holder thereof.

(4) Where the passport authority makes an order under clause (2) of Article 5 refusing to issue passport or travel document or restricting the number of countries to be endorsed upon such passport or travel document, or makes an order varying or cancelling the endorsements on, or varying the conditions of, a passport or travel document under clause (1), or makes an order impounding or revoking a passport or travel document under clause (2), of this Article, it shall record in writing a brief statement of the reasons for making such order and furnish to the person concerned on demand a copy of the same:

Provided that the passport authority may refuse in the interest of the sovereignty, integrity or security of Bangladesh, or in the public interest to furnish such a copy.

8. (1) A court convicting the holder of a passport or travel document of any offence under this Order or the rules made thereunder may also revoke the passport or travel document:

Provided that if the conviction is set aside on appeal or otherwise the revocation shall become void.

(2) An order of revocation under clause (1) may also be made by the Supreme Court when exercising its powers of appeal or revision.

9. On the revocation of a passport or travel document under this Order the holder thereof shall, without delay, surrender the passport or travel document, if the same has not already been impounded, to the authority by whom it has been revoked or to such other authority as may be specified in the order of revocation.

10. Any person aggrieved by an order of the passport authority under clause (2) of Article 5 or clauses (1) and (2) of Article 7 may prefer an appeal against that order to such authority, hereinafter referred to as the appellate authority, and within such period and in such manner as may be prescribed:

Provided that no appeal shall lie against any order made by the Government.

11. (1) Whoever-

(a) contravenes the provisions of Article 3; or

(b) knowingly furnishes any false information or suppresses any material fact with a view to obtaining a passport or travel document under this Order or without lawful authority alters or attempts to alter or causes to alter the entries made in a passport or travel document; or

(c) fails to produce for inspection his passport or travel document (whether issued under this Order or not) when called upon to do so by the prescribed authority; or

(d) knowingly uses a passport or travel document issued to another person; or

(e) knowingly allows another person to use a passport or travel document issued to him,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Taka two thousand, or with both.

(2) Whoever abets any offence punishable under clause (1) shall be liable to punishment provided in that clause for that offence.

(3) Whoever contravenes any condition of a passport or travel document or any provision of this Order or any rule made thereunder for which no punishment is provided elsewhere in this Order shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka five hundred, or with both.

12. (1) Any officer of customs empowered in this behalf by a general or special order of the Government ¹[or any officer of the Bangladesh Bureau of Anti-Corruption not below the rank of an Assistant Inspector or any officer of police] not below the rank of a Sub-Inspector may search any place and seize any passport or travel document from any person or arrest such person without warrant if a reasonable suspicion exists that he has committed any offence punishable under Article 11.

(2) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to search and seizure and arrest shall, so far as may be, apply to search and seizure and arrest under this Article.

13. No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done under this Order.

14. Upon the issue of a notification by the Government that a foreign country is –

(a) a country which is committing external aggression against Bangladesh; or

(b) a country assisting the country committing external aggression against Bangladesh; or

(c) a country where armed hostilities are in progress; or

(d) a country to which travel must be restricted in the public interest because such travel would seriously impair the conduct of foreign affairs of the Government, a passport or travel document for travel through or visiting such country shall cease to be valid for such travel or visit unless in any case a special endorsement in that behalf is made by the prescribed authority.

15. Notwithstanding anything contained in the foregoing provisions relating to issue of a passport or travel document, the Government may issue, or cause to be issued, a passport or travel document to a person who is not a citizen of Bangladesh if the Government is of the opinion that it is necessary so to do in the public interest.

16. The Government may, by notification in the official Gazette, direct that any power or function which may be exercised or performed by it under this Order, in relation to such matters and subject to such conditions, if any, as it may specify in the notification, be exercised or performed-

(a) by such officer or authority subordinate to the Government; or

(b) in any foreign country in which there is no diplomatic mission of Bangladesh, by such foreign Consular Officer, as may be specified in the notification.

17. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Order.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the appointment, jurisdiction, control and functions of passport authorities;

- (b) the form and particulars of application for the issue or renewal of a passport or travel document or for endorsement on a passport or travel document and where the application is for the renewal, the time which it shall be made;
- (c) the period for which passports and travel documents shall continue in force;
- (d) the form in which and the conditions subject to which the different classes of passports and travel documents may be issued, renewed or varied;
- (e) the fees payable in respect of any application for the issue or renewal of a passport or travel document or for varying any endorsement or making a fresh endorsement on passport or a travel document and the fees payable in respect of any appeal under this Order;
- (f) the appointment of appellate authorities under Article 10, the jurisdiction of, and the procedure which may be followed by, such appellate authorities;
- (g) the services (including the issue of a duplicate passport or travel document lost, damaged or destroyed) which may be rendered in relation to a passport or travel document and the fees therefore;
- (h) any other matter which is to be or may be prescribed or in respect of which this Order makes no provision or makes insufficient provision and provision is, in the opinion of the Government, necessary for the proper implementation of the Order.

18. (1) Every passport and every travel document issued by or under the authority of the Government before the commencement of this Order and in force immediately before such commencement shall be deemed to have been issued under this Order and shall, subject to the provisions of this Order, continue in force-

- (a) for the unexpired portion of the period for which such passport or travel document had been issued; or

(b) for a period of five years from such commencement, whichever is less.

¹ The words “or any officer of the Bangladesh Bureau of Anti-Corruption not below the rank of an Assistant Inspector or any officer of police” were substituted for the words “and any officer of police” by section 2 of the Bangladesh Passport (Amendment) Ordinance, 1975 (Ordinance No. LV of 1975)

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