

# The Foreigners Act, 1946

( ACT NO. XXXI OF 1946 )

**An Act to confer upon the Government certain powers in respect of foreigners.<sup>1♣</sup>**

WHEREAS it is expedient to provide for the exercise by the Government of certain powers in respect of the entry of foreigners into Bangladesh, their presence therein and their departure therefrom;

It is hereby enacted as follows:-

**Short title  
and extent**

1. This Act may be called the Foreigners Act, 1946.
- (2) It extends to the whole of Bangladesh.

**Definitions**

2. In this Act
  - (a) "foreigner" means a person who is not a citizen of Bangladesh;
  - (b) "prescribed" means prescribed by orders made under this Act;
  - (c) "specified" means specified by direction of a prescribed authority.

**Power to  
make  
orders**

3. (1) The Government may by order make provision, either generally or with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into Bangladesh or their departure therefrom or their presence or continued presence therein.
  - (2) In particular and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner-
    - (a) shall not enter Bangladesh, or shall enter Bangladesh only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed;

(b) shall not depart from Bangladesh, or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed;

(c) shall not remain in Bangladesh or in any prescribed area therein;

(d) shall remove himself to, and remain in, such area in Bangladesh as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified-

(i) requiring him to reside in a particular place;

(ii) imposing any restrictions on his movements;

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

(iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified;

(v) requiring him to submit himself to such medical examination by such authority and at such time and place as may be prescribed or specified;

(vi) prohibiting him from association with persons of a prescribed or specified description;

(vii) prohibiting him from engaging in activities of a prescribed or specified description;

(viii) prohibiting him from using or possessing prescribed or specified articles;

(ix) otherwise regulating his conduct in any such particular as may be prescribed or specified;

(f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions;

The Foreigners Act., 1946  
(g) shall be arrested and, in the interest of the security of Bangladesh, detained or confined:

<sup>2</sup>[Provided that a person shall not be detained for a period exceeding six months unless an Advisory Board consisting of three persons appointed by the Government, of whom two shall be persons who are, or have been, or are qualified to be appointed as, Judges of the Supreme Court and the other shall be a person who is a senior officer in the service of the Republic, has, after affording him an opportunity of being heard in person, reported before the expiration of the said period of six months that there is, in its opinion, sufficient cause for such detention.]

(3) An order made under sub section (2) may make provision for such incidental and supplementary matters as may, in the opinion of the Government, be expedient or necessary for giving effect to the provisions of this Act.

<sup>3</sup>[\* \* \*]

## **Internees**

4. (1) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (g) of sub section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Government may from time to time determine.

(2) Any foreigner (hereinafter referred to as a person on parole) in respect of whom there is in force an order under clause (e) of sub section (2) of section 3 requiring him to reside at a place set apart for the residence under supervision of a number of foreigners, shall while residing therein be subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Government may from time to time by order determine.

(3) No person shall-

(a) knowingly assist an internee or a person on parole to escape from custody or the place set apart for his residence, or knowingly harbour an

(b) give an escaped internee or a person on parole any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee or the person on parole.

(4) The Government may by order provide for regulating access to, and the conduct of persons in, places in Bangladesh where internees or persons on parole are detained or restricted, as the case may be, and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees or persons on parole therein of such articles as may be prescribed.

### **Change of name**

5. (1) No foreigner who was in Bangladesh on the date on which this Act came into force shall, while in Bangladesh after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(2) Where, after the date on which this Act came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style, other than that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub section (1), be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(3) In relation to any foreigner who, not having been in Bangladesh on the date on which this Act came into force, thereafter enters Bangladesh, sub sections (1) and (2) shall have effect as if for any reference in those sub sections to the date on which this Act came into force there were substituted a reference to the date on which he first enters Bangladesh thereafter.

(4) For the purposes of this section

(a) the expression "name" includes a surname, and