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The following Law, enacted by the Parliament, has got consent of the President on 7 December 2004, is being published for the information of public:-

Act No. 29 of 2004

The Law framed to amend and to consolidate Births and Deaths Registration

WHEREAS it is expedient to amend and consolidate the existing law regarding Birth and Death Registration:

It is here by enacted as follows:-

CHAPTER-1
Preliminary

1. Short title Commencement-

- (1) This Act shall be named "The Births and Deaths Registration Act, 2004".
- (2) This Act shall come into force on the date, as the Government shall fix by Gazette notification.

2. Definitions-

Unless there is anything repugnant in the subject or context, in this act:-

- (a) "Guardian" means guardian as defined in "The Guardians and Wards Act, 1890 (Act VIII of 1890)";

- (b) "Union Parishad" means any Union Parishad as defined in Local Government (Union Parishad) Ordinance, 1983(Ord. No. LI of 1983);
- (c) "Ward" means ward of any City Corporation or Paurashava or Union Parishad.
- (d) "Commissioner" means commissioner of any city corporation or paurashava.
- (e) "Cantonment" means any cantonment declared under the Cantonments Act, 1924 (Act II of 1924);
- (f) "Birth or Death Certificate" means extract of information written in the register book under this act, certified by the registrar;
- (g) "Birth" means living birth of a person;
- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "Registrar" means any person appointed under section 4 of this Act;
- (j) "Registration" means registering a person's birth or death in the register;
- (k) "Register" means register book of any person's birth and death;
- (l) "Paurashava" means any Paurashava (Municipality) declared under the Paurashava Ordinance, 1977(Ord.No. XXVI of 1977);
- (m) "Administrator" means any administrator under the Paurashava Ordinance,1977(Ord.No. XXVI of 1977);
- (n) "Person" means any Bangladeshi or any foreigner living in Bangladesh and also any refugee taking shelter in Bangladesh;
- (o) "Death" means permanent disappearance of life of a person.
- (p) "Member" means member of any Union Parishad.
- (q) "Government" means Local Government Division under the Ministry of Local Government, Rural Development and Co-operative;
- (r) "City Corporation" means Dhaka,Chittagong, Khulna, Rajshahi, Barisal and Sylhet City Corporation; and shall also includes any city corporation established under any law;

3. Overriding Other Laws –

Notwithstanding anything contained in any other law, after this act come into force, births and deaths of any person has to be registered according to the provisions of this Act.

CHAPTER-2

Registrar and registration

4. Registrar-

For the purpose of birth and death registration, the following persons shall act as Registrars -

- (a) in the case of a person born, died or resides permanently in the jurisdiction of a city corporation, the Mayor of the concerned city corporation or any officer or commissioner delegated by him (on his behalf);
- (b) in the case of a person born, died or resides permanently in the jurisdiction of a Paurashava, the Chairman of the concerned Paurashava or any officer or commissioner delegated by him (on his behalf);

- (c) in the case of a person born, died or resides permanently in the jurisdiction of a Union Parishad, the Chairman of the concerned Union Parishad or any officer or Member delegated by him (on his behalf);
- (d) in the case of a person born, died or resides permanently in the jurisdiction of a cantonment board, the President of the concerned cantonment board or any officer delegated by him (on his behalf);
- (e) in the case of births and deaths of any Bangladeshi abroad, Ambassador of Bangladesh in the concerned country or any officer delegated by him (on his behalf);

5. Registration-

- (1) The Registrar shall enter all information of births and deaths in the register irrespective of race, religion, caste, clan or sex.
- (2) All information of births and deaths are required to be presented before the Registrar for the registration within certain period of time and in prescribed process.
- (3) At the time of presenting the information of births and deaths under this Act, there shall be a declaration on behalf of the informant that all information presented by him are true and such births or deaths have not ever been registered elsewhere.

6. Duty of Registrar-

The Registrar shall have the following duties-

- (a) to register births and deaths of all the persons;
- (b) to collect necessary data and print or collect forms, registers, certificates for registration;
- (c) to preserve the records and register books related to registration;
- (d) to issue births or deaths certificate;
- (e) any other duties prescribed by rules.

7. Power of Registrar-

- (1) The registrar can inquire for verifying the authenticity of information for registration by himself or through any other delegated person;
- (2) The registrar can issue notice with the instruction for providing birth and death information to parents or son or daughter or guardian or any other prescribed person in case a birth or death is not registered on time.
- (3) The registrar or any person delegated by him (on his behalf) can call for the register book or issue notice to any person for his/her statement for the sake of investigation the any matters under sub-section (1);

8. Persons Responsible for giving information of births and deaths.-

- (1) The father or mother or guardian or the prescribed persons shall be liable to provide information related to birth of child to the Registrar within 45 (forty five) days of the child's birth.

- (2) The son or daughter or guardian or the prescribed person of the deceased shall be liable to provide, information related to death of the person to the Registrar within 30 (thirty) days of the death.

9. Duty of Certain Officer or Staff-

- (1) The following persons can provide information to the Registrar for registration of births and death-
 - (a) Member and Secretary of Union Parishad;
 - (b) Village Police;
 - (c) Commissioner of City Corporation or Paurashava;
 - (d) Health and family welfare worker appointed in the Union parishad, Paurashava, city corporation or cantonment board;
 - (e) Field worker appointed by the Non-Government Organisation (NGO) in the health and family welfare sector;
 - (f) For birth or death taking place in government or non-government hospitals or clinics or maternity centre or in any other institutions, the medical officer in charge of such institutions or a physician or any other officer delegated (on his behalf);
 - (g) Care-taker of any grave yard or crematorium ;
 - (h) Any other officer or staff appointed by the Registrar;
 - (i) In case of birth or death inside a jail, the jail super or any person delegated by him (on his behalf);
 - (j) In the case of any dead body or any abandoned child found in the public place, the officer-in-charge of the concerned police station of such public place ;
 - (k) Any other prescribed person or institution.
- (2) If any person provides birth and death information to the prescribed person under sub-section (1), the prescribed person will take necessary actions for registration or provide necessary assistance to informant for registration.

10. Name of Child-

Name of the child should fix before birth registration.

But with the condition, birth of any child may be registered if the child is not given any name, the parent or guardian of such child shall provide the name of the child to the registrar within 45 days of this registration.

11. Issuance of birth and death certificate-

On the basis of an applicant's prayer, the Registrar shall issue a birth or death certificate for a prescribed fee and due process.

12. Inquiry for information regarding registration-

- (1) A person can apply to the Registrar with prescribed fee for any information or extract from birth and death register;

Provided that, information relating to cause of any death can not be mentioned in the extract given under sub-section (1).

- (2) All information or extract issued under sub-section (1) are required to be certified by the Registrar and such information or extract shall be admissible as evidence.

13. Delayed Registration-

If birth and death are not registered within the stipulated time mentioned in the section 8, the birth and deaths can be registered later-on with payment of late fee and following the prescribed process.

Provided that in case of birth and death that took place before promulgation of this law, shall be allowed to be registered without late fee within two years of this law coming into force.

CHAPTER-3

Maintenance of register, correction and monitoring

14. Preservation of Records:-

- (1) The registrars shall preserve and maintain the register books in prescribed format and system and such register shall be deemed to be permanent record.
- (2) The registrar shall be responsible for the destruction and loss of the register.
- (3) Despite the register book, the information relating to births and deaths may be preserved, in a prescribed system.

15. Correction of Register:-

- (1) If any wrong data is recorded in the register, one can apply for correction of the error with prescribed fee.
- (2) If the application submitted under sub-section (1) is proved to the satisfaction, the registrar will correct the error and put signature in the corrected place with date.

16. Supervision and Inspection:-

The Registrar's office, the registers and other registration related activities shall be supervised and inspected by such authority delegated by the government. .

17. **Reporting:-**

The Government may, at any time according to the requirement, call for information or reports on births and deaths registration from the registrar, and registrar is compelled to furnish that report accordingly.

CHAPTER-4
Miscellaneous

18. **Evidential Value of Birth or Death Certificate-**

(1) The birth or death certificate issued under this Act shall be deemed to be one of the primary evidences of age, birth or death related information of a person to any office or court or school-college, government and non-government organisation.

(2) All records and registers relating to the registration of births or deaths shall be deemed to be public document as understood by the terminology 'Public Document' in The Evidence Act 1872 (Act I of 1872).

(3) Notwithstanding anything contained in any other law for the time being in force, the birth or death certificate shall be used to prove the age of a person in the following cases:-

- (a) Issuance of passport ;
- (b) Registration of marriage;
- (c) Admission into educational institutions ;
- (d) Appointment in government or non-government organisation ;
- (e) Issuance of driving license ;
- (f) Preparation of voter list ;
- (g) Land registration and
- (h) Other cases as prescribed by rule.

(4) Notwithstanding anything-contained in sub-section (3), any educational institution can admit students without birth certificate, and in that case it shall be necessary to submit the birth certificate to the educational institute within 45 (forty five) days from the date of such admission.

(5) A birth or death certificate issued under any other law immediately before the enforcement of this Act may also be used for the purpose of sub-act (3).

19. **Public Servant:-**

The Registrar shall be deemed to be public servants as understood by the terminology 'Public Servant' in section 21 in the Penal Code, 1860 (Act XLV of 1860).

20. Appeal:-

- (1) Person aggrieved by the order of the Registrar may appeal to the following person within 30 (thirty) days from the date of such order.
 - (a) To Upazila Nirbahi Officer, as against the order of Chairman of Union Parishad or the delegated person;
 - (b) To District Magistrate, as against the order of Chairman of Paurashava or administrator or the delegated person;
 - (c) To District Magistrate, as against the order of President of Cantonment Board or the delegated person.
 - (d) To District Magistrate, as against the order of Mayor of City Corporation or commissioner or the delegated person;
 - (e) To the Secretary, Local Government Division, as against the order of High Commissioner or the delegated official.

21. Penalty:-

If any person or registrar breach the articles under this Act or any rule made there under this Act, shall be punished with a fine up to Taka 500.00 (five hundred) or 2 months imprisonment or both.

22. Cognisance:-

Any aggrieved person or registrar may submit complaint to the Magistrate's Court for non-compliance of duties under this Act.

23. Rule Making Power:-

The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

24. Repeal and Saving:-

- (1) The Births and Deaths Registration Act, 1873(Bengal Act IV of 1873) is hereby repealed.
- (2) The birth and death registration part of 'The Births, Deaths and Marriages Registration Act, 1886 (Bengal Act VI of 1886) is hereby repealed.
- (3) Despite such annulment in sub-section (1) & (2), anything done or action taken under the repealed acts shall be deemed to have been done or taken under this Act.

Khondoker Fazlur Rahman
Secretary