

National Identity Registration Act, 2010

(Act No. 3 of 2010)

[January 28, 2010]

Law for the purpose of enacting rules on registration of national identity and other related matters

Whereas it is expedient and necessary to make rules for registration of national identity and other related matters;

That is why it was legislated as follows:

Section One

Preamble

Short title and introduction

- (1) This Act shall be called National Identity Registration Act, 2010.
- (2) It shall be effective immediately.

Definition

2. Unless there is anything repugnant in the subject or context, in this Act-
 - (1) "Commission" means the Election Commission established under Article 118 of the Constitution;
 - (2) "National identity card" means the national identity card issued by the Commission to any citizen;
 - (3) "National Identification Number (NID)" means the National Identification Number provided by the Commission to the national identity card;
 - (4) "Information-data" means the data collected during the forming, amending or updating of a voter list in accordance with the Voter List Act, 2009 (Act No. 6 of 2009) for the purpose of registering national identity or one or more data collected from a citizen and the biometrics feature of the citizen will also be included in it;
 - (5) "citizen" means any citizen of Bangladesh under the prevailing law;
 - (6) "prescribed" means prescribed by rules or regulations;
 - (7) "regulation" means the regulations made under this Act;
 - (8) "Biometrics feature" means one or more of the following characteristics of a citizen, namely;
 - (a) Finger Print,

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- (b) Hand Geometry,
 - (c) Palm Print,
 - (d) Iris,
 - (e) Facial Recognition,
 - (f) DNA (Deoxyribonucleic acid),
 - (g) Signature, and
 - (h) Voice;
- (9) "Rule" means the rules made under this Act;
- (10) "Person" means a person, company, association, partnership business, statutory or other entity or their representative.

Second Two

Identity Registration, etc.

Identity Registration.

3. (1) A citizen must register his / her identity in order to obtain a national identity card.

(2) The application shall be made to the Commission in the prescribed manner for registration of identity.

(3) Whatever the other sections of this Act may have, a citizen shall ordinarily be registered at his permanent or temporary residence address for the purpose of issuing a national identity card and shall provide the national identification number according to the said address.

(4) Whatever sub-section (3) there may have, if a citizen expresses a desire, he or she may be registered at the place where he is listed as a voter for the purpose of issuing a national identity card and a national identification number shall be provided according to that address.

Issuance of National Identity Card

4. Only one national identity card can be issued to a citizen by the Commission.

¹[5. (1) Every citizen listed as a voter in accordance with the Voter Registration Act, 2009 (Act No. 6 of 2009) shall be entitled to receive national identity cards, subject to the prescribed procedure and conditions.

The right to get a national identity card, etc.

(2) Notwithstanding anything contained in sub-section (1), the Commission may issue national identity cards to other citizens, subject to the prescribed procedure and conditions.]

Conduct national identity

6. The Commission shall carry out all the duties of conducting national identity registration activities, including the preparation, distribution and maintenance of identity cards.

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registration activities.

7. (1) The national identity card issued to a citizen under this Act shall be valid for fifteen years from the date of its issuance.

National ID card expiration and ²[renewal]

³(2) Every citizen must apply for renewal before or after the expiry of his national identity card, subject to the prescribed procedure and fee paid.]

(3) The Commission shall, on receipt of an application under sub-section (2), ⁴[renew] national identity card in the prescribed manner and time.

Amendment of national identity card

8. The national identity card given to the citizen on the basis of the information -

(a) If the data- information are required to be modified, it may be amended by the Commission on the application made by the citizen, subject to the prescribed procedure and fee; or

(b) If such information is not properly recorded in the national ⁵[identity card or data and information], it may be amended on the basis of an application made by the citizen, without payment of any fees.

Issue of new national identity card.

9. (1) If a citizen's national identity card is lost or otherwise destroyed, he may apply for a new national identity card in the prescribed manner and subject to payment of fees.

(2) Upon receipt of an application under sub-section (1), the Commission shall issue a new identity card in the manner and time prescribed to the said citizen.

Cancellation of national identity card.

10. If any citizen's citizenship is terminated, his / her national identity card shall be deemed to be void and the national identity number provided in the said national identity card may not be used along with the national identity card provided to any other citizen.

11. (1) The Government may, by notification in the Official Gazette and, and also in the electronic Gazette, initiate the procedure for displaying and submitting copy of the national identity card for receiving any service or civic benefit mentioned therein:

Displaying National Identity Card for receiving certain services.

Provided that such notification shall not be issued or initiated till the completion of the National Identity Card in favor of the citizens in general in all the areas of Bangladesh.

(2) Unless a notification is issued under sub-section (1), no citizen shall be compelled to display a national identity card or submit a copy of the national identity card, and a citizen shall not be deprived of entitlement to civil benefits or services for lack of a national identity card.

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12. For the purpose of this Act, any person, institution or organization shall be obliged to provide the information, etc., stored to them as per the requirement of the Commission and shall provide necessary assistance to the Commission in carrying out its duties.

Providing assistance to the Commission by various agencies

⁶[13. (1) The Commission shall preserve the data and information through information technology.

(2) The data and information stored with the Commission shall be treated as confidential.

(3) Notwithstanding anything contained in sub-section (2), in the prescribed manner and condition, any person or institution may apply to the Commission for obtaining the stored data, and the Commission shall supply the data and information to the person or institution if such information is not considered differently.]

Data protection, privacy and logistics, etc.

⁷[13a. An individual may apply to the Commission to verify the accuracy of the information stored in the database according to the prescribed procedure and in exchange of service charge.]

Section Three

Crime and punishment

Verification of data

14. If a citizen intentionally or knowingly provides any false or distorted information or conceals information for the purpose of obtaining a national identity card, he/she shall be deemed to have committed a crime under this Act and shall be punished with imprisonment for such offense up to one year imprisonment or a fine not exceeding twenty thousand taka or both.

Penalty for providing false information

15. If a citizen knowingly accepts more than one national identity card, he or she shall be deemed to have committed a crime under this Act and shall be punished with imprisonment not exceeding one year or a fine not exceeding twenty thousand taka or both.

Penalty for accepting multiple national identity cards

16. (1) If any officer or employee of the Commission or any person who is in charge of conducting, producing, distributing and maintaining the national identity register under this Act deliberately distorts or destroys any information reserved to the Commission relating to the national identity card he or she shall be deemed to have committed a crime under this Act and shall be punished with imprisonment not exceeding seven years or a fine not exceeding one lakh taka, or both.

Penalty for distorting or

(2) If a person misrepresents or destroys any information contained in the national identity card for dishonest purposes, he shall be deemed to have committed a

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destroying data and information

crime under this Act and shall be punished with a maximum of two years imprisonment or a fine not exceeding forty thousand taka, or both.

⁸[16a. Any person makes unauthorized access to the data or uses the data illegally, shall be deemed to have committed a crime under this Act and shall be punished with a maximum of five years imprisonment or a fine not exceeding fifty thousand taka, or both.]

Penalty for unauthorized access to the data or their unlawful use

17. Any officer or employee of the Commission or any person who is in charge of conducting, producing, distributing and maintaining national identity registration activities under this Act neglects his/her responsibilities without any reasonable cause, shall be deemed to have committed a crime under this Act and shall be punished with a maximum of one year imprisonment or a fine not exceeding twenty thousand taka, or both.

The penalty for negligence of duty

⁹[17a. If any member, officer, employee or representative of the Commission unofficially discloses the information to any person, he shall be deemed to have committed a crime under this Act and shall be punishable with imprisonment for a maximum of five years or a fine not exceeding fifty thousand taka, or both.]

Unauthorized release of data and data

18. (1) If a person forges a national identity card or deliberately carries such identity card, he/she shall be deemed to have committed a crime under this Act and shall be punishable with imprisonment for a maximum of seven years or a fine not exceeding one lakh taka, or both.

(2) If a person assists in the forgery of a national identity card or for carrying such identity card, he/she shall be deemed to have committed a crime under this Act and shall be punishable with imprisonment for a maximum of seven years or a fine not exceeding one lakh taka, or both.

Penalty for forging national ID cards

19. If a person holds or carries the national identity card of another citizen without a reasonable cause, shall be deemed to have committed a crime under this Act and shall be punishable with imprisonment for a maximum of one year or a fine not exceeding twenty thousand taka or both.

Penalty for possessing or carrying the

20. Unless otherwise specified in this Act, the provisions of the Code of Criminal Procedure, 1898 (Act No. V of 1898) shall apply to the filing of an offense, investigation, trial and settlement of an appeal.

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**national identity
card of another
citizen**

21. Offenses under this Act shall be cognizable, non-compoundable and bailable.

**Application of
Criminal
Procedure**

Chapter Four

Miscellaneous

**The cognizability,
non-
compoundability,
and bailability of
the offense**

22. The Commission may, by the prior approval of the Government, make rules for the purposes of this Act, by notification in the Official Gazette and, optionally, in the Electronic Gazette.

23. The Commission may, by notification in the Official Gazette and, optionally, in the Electronic Gazette, make regulations for the purposes of this Act.

**Ability to make
rules**

24. After the introduction of this Act, the Government shall, as soon as possible, by notification in the Official Gazette, publish a reliable text translated into English for this Act (Authentic English Text).

**Ability to make
regulations**

(2) In the case of a dispute between Bengali and English text, the Bengali text shall prevail.

**Publish
translated text in
English**

25. Orders given, acts performed, measures taken, data collected by the Commission, and national identity cards distributed to the citizens, etc. by the National Identity Registration Authority in accordance with the National Identity Registration Authority Ordinance, 2008 (Ordinance No. 18 of 2008) while it was active, or on its continuation when it was terminated in accordance with the provisions of Article 93 (2) of the Constitution of the People's Republic of Bangladesh, shall be considered as orders given, acts performed, measures taken, data collected by the Commission, and national identity cards distributed to the citizens, under this Act.

**Special provisions
regarding
custody**

¹Section 5 is substituted by section 2 of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

²The word "renewal" has been substituted in section 3(a) of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

³Sub-section (2) is substituted in section 3(b) of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

⁴The word "re-registration" has been replaced by "renewal" according to section 3(c) of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

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⁵The words "identity card" are replaced by the words "identity card or information and data" in section 4 of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

⁶Section 13 is substituted in section 5 of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

⁷Section 13a is inserted in section 6 of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

⁸Section 16a is inserted in section 7 of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).

⁹Section 17a is inserted in section 8 of the National Identity Registration (Amendment) Act, 2013 (Act No. 40 of 2013).