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The following Act, adopted by Parliament, having received presidential consent on 22 September 2013 / 07 Aswin 1420, is published for public information:

Act No. 34 of 2013

An Act amending the Births and Deaths Registration Act, 2004

Whereas further amendments of the Births and Deaths Registration Act, 2004 (Act No. 29 of 2004) are required to meet the following objectives:

It is hereby enacted as follows:

1 Short Title and Commencement:

- (1) This Act may be cited as the Births and Deaths Registration (Amendment) Act, 2013.
- (2) This Act shall come into force with immediate effect.

2. Amendments to section 2: Section 2 of Act No. 29 of 2004 hereafter referred to as the Act shall be amended as follows:

A. The following item (b) shall replace the original item (b):

“(b) “Union Council” means any union council constituted under the Local Government (Union Council) Act, 2009 (Act No.61 of 2009);”

B. The following item (d) shall replace the original item (d):

“(d) “Councillor” means any councillor of any city corporation or municipality;”

C. The following item (f) shall replace the original item (f):

“(f) “Birth or death certificate” means a birth or death certificate provided by the Registrar on the basis of information entered in the register;”

D. The following item (k) shall replace the original item (k):

“(k) “Register” means a birth and death archives maintained by hand or through information technology;”

E. The following item (l) shall replace the original item (l):

“(l) “Municipality” means any municipality constituted under the Local Government (Municipality) Act, 2009 (Act No.58 of 2009);”

F. The following item (m) shall replace the original item (m):

“(m) “Administrator” means any administrator under the Local Government (City Corporation) Act, 2009 (Act No.60 of 2009) or as the case may be, any administrator under the Local Government (Municipality) Act, 2009 (Act No.58 of 2009);”

G. The word “and” shall be deleted from item (q);

H. The following item (r) shall replace the original item (r):

“(r) “City Corporation” means any city corporation constituted under Local Government (City Corporation) Act (Act No.60 of 2009); and”

I. The following item (s) shall be added after item (r):

“(s) “Registrar General” means the Registrar General appointed under section 7a.”

3. Replacement of section 4: Section 4 of the Act shall be replaced with the following:

“4. Registrar:

(1) As per the provisions of subsection (2), the following persons shall be responsible for the registration of births and deaths:

(a) For those people who are born, die or reside permanently in a city corporation, the mayor of that city corporation or any administrator, officer or councillor authorised by him/her for a specific time and jurisdiction;

(b) For those people who are born, die or reside permanently in a municipality, the mayor of that municipality or any administrator, officer or councillor authorized by him/her for a specific time and jurisdiction;

(c) For those people who are born, die or reside permanently in a union council area, the chairman of that union council or any administrator or officer authorised by the government for a specific time and jurisdiction;

- (d) For those people who are born, die or reside permanently in a cantonment area, the executive officer of the relevant cantonment board or any officer authorised by him/her for a specific time and jurisdiction;
 - (e) For Bangladeshi citizens who are born, die or reside permanently in a foreign country during the period notified by the Government in the Official Gazette for a certain time or up to a specific date, any official authorised by the ambassador of the Bangladesh Embassy;
- (2) For births and deaths registration purposes, there may only be one Registrar at a time in one area."

4. Amendments to section 6: Item (c) of section 6 of the Act shall be replaced with the following item (c):

"Registration operations, maintenance of documents and registers;"

5. Addition of section 7a: The following section 7a shall be inserted after section 7:

"7a. Appointment of the Registrar General, etc.:

- (1) For the purpose of meeting the objectives of this Act, the Government may appoint a Registrar General and as many officials as needed, and determine the conditions of their employment.
- (2) The duties and responsibilities of the Registrar General shall be set out in the relevant regulations."

6. Amendments to section 8: "30 (thirty)" in numbers and words in subsection (2) shall be changed to "45 (forty-five)" in numbers and words.

7. Amendments to section 9: The word "Commissioner" in subsection (1) of item (c) will be replaced with "Councillor".

8. Replacement of section 15: Section 15 of the Act shall be replaced with the following:

"15. Correction of the Register and Certificates of Birth and Death, etc.:

- (1) If the register or a birth or death certificate contains an error, the records may be amended upon receipt of an application for correction and payment of the required fee.
- (2) If an application under subsection 1 is received within 90 (ninety) days of the date of issuance of the birth or death certificate, the Registrar shall, within 30 (thirty) working days:
 - (a) If the application is complete:
 - (i) Amend the register or, as the case may be, the birth or death certificate;
 - (ii) Affix his/her signature along with the date where the register was amended; and

- (iii) Issue a new birth or death certificate after the applicant has returned the original certificate for the purpose of recordkeeping.
 - (b) If there is no reasonable grounds for considering the application, reject the application, and inform the applicant in writing.
- (3) If an application is received under subsection (1) after 90 (ninety) days from issue of the birth or death certificate, the Registrar shall forward the application for consideration within 10 (ten) working days from receipt to:
 - (i) The District Administrator for Registrars under section 4(1)(a), (b) and (d);
 - (ii) The Sub-District Executive Officer for Registrars under section 4(1)(c);
 - (iii) The Registrar General for Registrars under section 4(1)(e);
- (4) Upon receipt of an application under subsection (3), the Sub-District Executive Officer, District Administrator or Registrar General shall verify said application, approve or reject the application, and send the said approval or refusal order to the relevant Registrar within 15 (fifteen) working days.
- (5) If the application under subsection 4 is rejected, the relevant Registrar shall inform the applicant of the decision in writing within 7 (seven) working days of receipt of said order.
- (6) If the application under subsection 4 is approved, the relevant Registrar shall, within 7 (seven) working days of receipt of said order:
 - (i) Amend the register or, as the case maybe, the birth or death certificate;
 - (ii) Affix his/her signature along with date where the register was amended;
 - (iii) Issue a new birth or death certificate after the applicant has returned the original certificate for the purpose of recordkeeping."

9. Addition of section 15a: The following Section 15a shall be added after section 15:

"15a. Cancellation of a Birth or Death Certificate: If a birth or death certificate has been issued on the basis of an incorrect or false declaration, an application for cancellation may be lodged, and the required fees paid:

Under section 15(2-6), the Registrar shall cancel the relevant birth or death certificate; and

Amend the relevant section of the register and affix his/her signature."

10. Amendments to section 18:

(A) The word "and" in section 18(3)(g) shall be deleted and the following items shall be added as items (gg) and (ggg):

"(gg) Issuance of a national identity card;

(ggg) Subscription to a life insurance policy; and";

(B) A new subsection (3a) shall be added after subsection (3), as follows:

“(3a) Notwithstanding the provisions of other Acts, a certificate issued under this Act may be used as evidence of a person's death in the following cases:

- (a) Obtaining a succession certificate;
- (b) Obtaining a family pension;
- (c) Claiming the life insurance of the deceased;
- (d) Changing a name and obtaining one's share of an heritage; and
- (e) Any other purpose as set out by the law.”

(C) The following shall replace subsection (5):

“(5) Any other birth or death certificate issued before this Act came into force may be used for the purposes of subsections (3) and (3a).”

11. Replacement of section 20: Section 20 of the Act shall be replaced with the following:

“20. Appeal:

- (1) An appeal may be lodged against any order of the Registrar within 30 (thirty) days of such order with the following authorities:
 - (a) The chairman of the union council or the Sub-District Executive Officer (against the order of an authorised official or member);
 - (b) The mayor of a municipality, an administrator, any official authorised by him/her or the District Magistrate (against an order of a councillor);
 - (c) The Executive Officer of the cantonment board or the District Magistrate (against an order of any official authorised by him/her);
 - (d) The District Magistrate (against an order of an official or councillor authorised by the Mayor or an administrator of a city corporation);
 - (e) The Registrar General (against an order of an official authorised by the Ambassador).
- (2) An appeal may be lodged against any order of the Registrar made under section 15(4) within 30 (thirty) days of such order with the following authorities:
 - (a) The District Administrator (against an order of the Sub-District Executive Officer);
 - (b) The Registrar General (against an order of the District Administrator); and
 - (c) The Secretary of the Local Government Division (against an order of the Registrar General).”

12. Replacement of section 21: Section 21 of the Act shall be replaced by the following:

“21. Penalty:

- (1) Any breach of this Act or of any provision of this Act shall be punished with a fine of up to Taka 5,000.00 (five thousand).
- (2) Notwithstanding the provisions of subsection (1), anyone who provides false information or submits a written declaration, which he/she knows or believes to be false for the purpose of birth or death registration, may be sentenced to a fine of up to Taka 5,000.00 (five thousand) or non-rigorous imprisonment of up to 1 (one) year, or both.
- (3) Notwithstanding the provisions of subsection (1), a Registrar who registers a birth or death based on false information or a false written declaration as mentioned in subsection (2), knowing it to be untrue, may be sentenced to a fine of up to Taka 5,000 (five thousand) or non-rigorous imprisonment of up to 1 (one) year, or both, if he cannot prove that the above offence was committed without his/her knowledge or that he/she tried his/her best to prevent the said offence.”

13. Amendments to section 22: The words "Registrar General" shall be added after the word "Registrar".

Md. Mahafujur Rahman
Secretary.

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