

National Identity Registration Act, 2023

(Act No. XL of 2023)

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National Identity Registration Act, 2023
(Act No. XL of 2023)

An Act to provide for a new law in a time befitting manner by repealing the
National Identity Registration Act, 2010

WHEREAS it is expedient and necessary to provide for a new law in a time befitting manner by repealing the National Identity Registration Act, 2010 (Act No. III of 2010);

THEREFORE, it is hereby enacted as follows: -

Chapter 1

Preliminary

1. **Short title and commencement.**- (1) This Act may be called the National Identity Registration Act, 2023.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, specify.

2. **Definitions.** - In this Act, unless there is anything repugnant in the subject or context, -

- (1) **“National Identity Card”** means the National Identity Card issued by the Registrar to any citizen;
- (2) **“National Identification Number (NID)”** means the identification number given by the Registrar in the National Identity Card;
- (3) **“data”** means one or more data collected from a citizen for the purpose of registration of national identity and shall include biometric features of the said citizen;

- (4) **“citizen”** means any citizen of Bangladesh under existing laws;
- (5) **“prescribed”** means prescribed by rules;
- (6) **“Registrar”** means the Registrar specified in section 6;
- (7) **“registration”** means registration of national identity under this Act;
- (8) **“Election Commission”** means the Election Commission established under Article 118 of the Constitution of the People’s Republic of Bangladesh;
- (9) **“Biometrics feature”** means one or more of the following features of a citizen, such as:-
 - (a) finger print,
 - (b) hand geometry,
 - (c) palm print,
 - (d) iris,
 - (e) facial recognition,
 - (f) DNA (Deoxyribonucleic acid),
 - (g) signature,
 - (h) voice, and
 - (i) any other features, as the Government may, from time to time, prescribed by notification in the official Gazette;
- (10) **“rules”** means rules made under this Act; and
- (11) **“person”** includes any person, company, association, partnership business, statutory or other organization or also includes representatives thereof.

Chapter II

Registration of identity, etc.

3. Registration of identity, etc.- (1) Every citizen shall have to register their identity to obtain a National Identity Card.

(2) An application shall have to be made to the Registrar for registration of identity in such manner as may be prescribed.

(3) Notwithstanding anything contained in other provisions of this Act, for the purpose of issuance of National Identity Card a citizen shall be registered at his permanent or temporary residential address generally and National Identity Number shall be issued as per said address.

4. Issuance of national identity number and National Identity Card, national identity registration registrar, etc.- (1) A citizen shall be issued only one national identification number by the registrar which shall be used everywhere as the unique identification number of the said citizen.

(2) A citizen shall be issued a National Identity Card based on the National Identity Number issued under sub-section (1).

(3) For carrying out the purpose of this Act, there shall be a National Identity Registration register containing necessary data.

5. Right to obtain National Identity Card and National Identity Number, etc.- Subject to such procedure and conditions as may be prescribed, every citizen shall be entitled to obtain a National Identity Card and National Identity Number.

6. Registrar, etc.- (1) For carrying out the purpose of this Act, there shall be a Registrar.

(2) The Registrar shall be appointed by the Government and the terms and conditions of his service shall be determined by the Government.

(3) The Head Office of the Registrar shall be in Dhaka.

7. Appointment of employees. - (1) The Government may, subject to the organogram approved by it, appoint such number of employees as it considers necessary for the efficient performance of functions related to registration.

(2) The terms and conditions of the appointment and service of the employees shall be prescribed by rules.

8. Administering functions of national identity registration.- The Registrar shall perform all the ancillary functions including administering national identity registration, preparation, distribution and maintenance of identity card.

9. Amendment of National Identity Card.- The data upon which a National Identity Card has been issued to a citizen, may-

- (a) if necessary, be amended by the Registrar upon an application made by any citizen in such manner and subject to payment of such fee as may be prescribed; or
- (b) if the said data is not recorded properly to the National Identity Card, be amended by the Registrar upon an application made by such citizen without payment of any fee.

10. Issuance of new National Identity Card.- (1) If the National Identity Card of any citizen is lost or damaged in any way, he may make an application for a new National Identity Card in such manner and subject to payment of such fee as may be prescribed.

(2) Upon receiving an application under sub-section (1), the Registrar shall issue a new National Identity Card to such citizen in such manner and within such period as may be prescribed.

11. Cancellation of National Identity Card.- If the citizenship of a citizen is terminated his National Identity Card shall be deemed to be cancelled and the National Identity Number given in the said National Identity Card shall not be used in the National Identity Card issued to any other citizen.

12. Showing National Identity Card in receiving certain services. - (1) The Government may, by notification in the official Gazette, and optionally in addition to that by notification in electronic Gazette, introduce a system to show National Identity Card and to submit a copy thereof in receiving any services or civil facilities by any citizen specified in such notification:

Provided that such notification shall not be published or system shall not be introduced until the issuance of National Identity Card to the citizens are completed generally throughout Bangladesh.

(2) No citizen shall be made bound to show his National Identity Card or to submit a copy thereof, as the case may be, and shall be deprived of receiving any service or civic facilities due to not having the National Identity Card until the notification under sub-section (1) is published.

13. Assistance of various organizations to the Registrar. - For carrying out the purpose of this Act, any person, institute or organization shall be bound to provide the Registrar with the data preserved by them as per requisite of the Registrar and provide necessary assistance to the Registrar in performing his duties.

14. Data preservation, confidentiality, delivery, etc.- (1) The Registrar shall preserve data through information technology.

(2) Data preserved by the Registrar shall be deemed confidential.

(3) Notwithstanding anything contained in sub-section (2), any person or organization may apply to the Registrar for access to data preserved thereof in such manner and in such terms as may be prescribed and the Registrar shall, unless otherwise considered, provide the requested information to the concerned person or organization.

15. Providing data as required by the Election Commission. – (1) The Registrar shall provide necessary data as required by the Election Commission.

(2) For carrying out the purpose of sub-section (1), there shall be a cell under the office of the Registrar.

(3) The required number of employees of the Election Commission shall perform duties in the said cell.

16. Verification of data. – Any person may apply to the Registrar to verify the correctness of information stored in the database in such manner and with payment of such service charges as may be prescribed.

Chapter III

Co-ordination Committee

17. Co-ordination Committee.- (1) For carrying out the purpose of this Act, there shall be a Co-ordination Committee for the efficient functioning, coordination and monitoring of the registration process and it shall consist of the following members, namely:-.

- (a) Secretary, Security Services Division, who shall also be its Chairman;
- (b) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Cabinet Division;
- (c) 1 (one) representative, not below the rank of Director, to be nominated by the Prime Minister's Office;
- (d) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Ministry of Public Administration;
- (e) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Finance Division;
- (f) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Local Government Division;
- (g) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Information and Communication Technology Division;
- (h) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Ministry of Social Welfare;
- (i) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Public Security Division;
- (j) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Road Transport and Highways Division;
- (k) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Ministry of Land;
- (l) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Election Commission Secretariat;

- (m) 1 (one) representative, not below the rank of Joint Secretary, to be nominated by the Security Services Division; and
- (n) Registrar, who shall also be its Member-Secretary.

(2) The Co-ordination Committee, if necessary, may co-opt the representative of any ministry or division as member of the committee or invite thereof to participate in the meeting.

Chapter IV

Offences and Penalty

18. Penalty for providing false information.- If any citizen, with a view to obtaining National Identity Card, intentionally or knowingly, provides any false or distorted information or conceals any information, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 1 (one) year or with a fine not exceeding 20 (twenty) thousand taka, or with both.

19. Penalty for obtaining more than one National Identity Card.- If any citizen, knowingly, obtains more than one National Identity Card, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 1 (one) year or with a fine not exceeding 20 (twenty) thousand taka, or with both.

20. Penalty for distorting or destroying data.- (1) If any employee concerned to the registration process or any person acting by or under this Act, in conducting national identity registration, preparing, distributing and maintaining National Identity Card, distorts or destroys willfully any data relating to National Identity Cards preserved by the Registrar, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 7 (seven) years or with a fine not exceeding 1 (one) lakh taka, or with both.

(2) If any person with dishonest intention, distorts or destroys any data relating to National Identity Card, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 2 (two) years or with a fine not exceeding 40 (forty) thousand taka, or with both.

21. Penalty for unauthorized access to or unlawful use of data.- If any person access to data without authorization or uses it unlawfully, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 5 (five) years or with a fine not exceeding 50 (fifty) thousand taka, or with both.

22. Unauthorized disclosure of data.- If any employee or his representative concerned with the registration process discloses data to any person without authorization, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 5 (five) years or with a fine not exceeding 50 (fifty) thousand taka, or with both.

23. Penalty for counterfeiting National Identity Card.- (1) If any person counterfeits National Identity Card or knowingly carries such Identity Card, he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 7 (seven) years or with a fine not exceeding 1(one) lakh taka, or with both.

(2) If any person assists in counterfeiting of National Identity Cards or induces any person to carry such identity card he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 7 (seven) years or with a fine not exceeding 1(one) lakh taka, or with both.

24. Penalty for holding or carrying National Identity Card of other citizen.- If any person, without any reasonable cause, holds or carries National Identity Card of other citizen he shall be deemed to have committed an offence under this Act and shall be punished for such offence with imprisonment for a term not exceeding 1 (one) years or with a fine not exceeding 20(twenty) thousand taka, or with both.

25. Penalty for negligence of duty.- (1) If any employee concerned with the registration process or any person acting by or under this Act, in conducting Registration of National Identity, preparing, distributing and maintaining National Identity Cards, without any reasonable grounds, neglects his duty, it shall be deemed as his inefficiency and misconduct.

(2) If inefficiency and misconduct against any employee is proved under sub-section (1) action shall be taken against him for negligence of duty in accordance with the existing laws.

26. Application of Act No. V of 1898.- The provisions of the Code of Criminal Procedure, 1898 (Act No. V of 1898) shall be applicable in the trial of offences committed under this Act.

27. Cognizability, non-compoundability and bailability of offences. -(1) All offences committed under this Act shall be cognizable and non-compoundable.

(2) The offences committed under sections 18, 19, sub-section (2) of section 20 and section 24 of this Act shall be bailable, and the offences committed under sub-section (1) of section 20, sections 21, 22 and 23 shall be non-bailable.

Chapter V

Miscellaneous

28. Power to make rules.- (1) For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

(2) The Government may, until rules are made under sub-section (1), by notification in the official Gazette, make general or special order for speeding up and ensuring the registration process subject to consistency with the purpose of this Act.

29. Publication of Authentic English Text. - (1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an Authentic English Text of this Act.

(2) In case of conflict between the Bangla text and the English text, the Bangla text shall prevail.

30. Repeal and Savings. - (1) The National Identity Registration Act, 2020 (Act No. III of 2010), hereinafter referred to as the said Act, is hereby repealed.

(2) Upon repeal of the said Act under sub-section (1), copies of all data relating to national identity registration and National Identity Cards preserved in and collected by the Election Commission and assets and liabilities etc. shall be transferred to the Registrar.

(3) Notwithstanding such repeal under sub-section (1)-

- (a) any order issued, any act done, any action taken, and any data collected by the Election Commission, National Identity Card issued and distributed to the citizens, etc. under the said Act, shall be deemed to have been issued, done, taken, collected and distributed under this Act;
- (b) Notwithstanding anything contained in this Act, the Election Commission may issue National Identity Card in the existing manner until the Registrar is appointed and the office of the Registrar are fully operational under this Act; and
- (c) any proceeding taken, any case pending under the said Act shall be disposed of in such a manner as if the said Act had not been repealed.

K, M Abdus Salam

Senior Secretary