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PRESS RELEASE

High Court issues Rule Nisi on authorities on inclusion of names of legal guardian/ alongside father/mother as options on identity documents

Today the High Court issued a Rule Nisi upon the Government to explain why it should not be directed to amend relevant circulars and forms, to permit options to include a guardian's name as an alternative to names of a father or a mother without requiring mandatory inclusion of biological parents' names on identity documents (Birth Registration Certificates, National Identity Cards, and Passports).

The Court also asked the Authorities to explain they should not be directed to enable rectification of existing identity documents that use derogatory terms such as "jana nei" for individuals without known biological parents.

The Court further directed the authorities to report within 4 months, by 10 July 2024, on the measures taken to harmonise identity documents, including providing options for including a guardian's name as an alternative to the father or mother, and enabling rectification of identity documents issued without accurate representation of the legal guardianship status or containing derogatory terms for those without biological parents.

Dr. Fauzia Moslem, President of Bangladesh Mahila Parishad, said- *"We will have to advocate for the implementation of the High Court's order. This was our long-standing demand. We have made some progress through the order, but to ensure women's rights and equality in the family, we need to adopt a Uniform Family Code."*

Advocate Kamrun Nahar, Member of Naripokkho, said- *"This is a timely order in the fight to establish the rights of all citizens of the country. We have to work with everyone concerned to implement this order. This will create an opportunity to take a few more steps forward in eliminating discrimination"*.

A Division Bench of the High Court Division of the Supreme Court of Bangladesh, comprising Justice Naima Haider and Justice Kazi Zinat Hoque, issued the Rule and directions in a writ filed by BLAST, Mahila Parishad and Naripokkho.

The Respondents to the petition are the Ministry of Home Affairs, the Ministry of Local Government and Rural Development, the Dept of Immigration and Passports, the Election Commission, and Office of the Registrar General - Birth and Death Registration, Local Government Division.

Sara Hossain, Senior Advocate, appeared for the petitioners, with Aynunnahar Lipi, Ayesha Akhter and Priya Ahsan Chowdhury Advocates. Deputy Attorney General Amit Das Gupta was present on behalf of the Government.

Background

While the law does not require mandatory inclusion of the names of a father and mother on identity documents (birth registration, NID, passport), existing forms and applications in this regard are not uniform. In some cases, citizens have not been able to submit online applications for identity documents where they only include the name of a guardian, or to complete biometric enrolment (eg for e-passports) where they are unable to include the name of the father and mother. The changes in the forms are needed to ensure that all citizens are able to secure these documents, needed to access their fundamental rights, and to access essential services, including health and education.

For more information, please contact

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