

Danish National ID Centre

Nepal: Birth registration and related civil status documents

Introduction

The following note describes birth registration in Nepal. This will include a brief description of the administrative structure related to civil registration, a detailed description of the birth registration procedure and the birth registration certificate. The note will also include an assessment of the level of corruption and the trustworthiness of civil status documents in Nepal.

Included in the note is also a brief description of the death registration procedure.

The note is primarily based on interviews conducted in Nepal and India in October 2018.

The administrative structure in Nepal

Nepal is divided into three levels of governance with one federation, seven provinces and 77 districts.¹ At the district-level, the administration is structured in metropolitan cities, sub-metropolitan cities, municipalities or rural municipalities; totalling 753 administrations. These administrative units have the same responsibilities and the difference is only related to the number of residents in the respective constituencies, e.g. a metropolitan city has a minimum of 1,5 million residents and a typical rural municipality has around 20,000 residents.² Each metropolitan city/sub-metropolitan city/municipality/rural municipality (hereinafter *municipality*) is divided into a number of wards often around nine; totalling 6,743 wards.³

Civil registration of personal events

In Nepal, civil registration relates to the events of birth, death, marriage, divorce, and in-country migration.⁴ In the »Birth, Death and Other Personal Events (Registration) Act (1976)« (hereinafter Registration Act (1976)) the main rules and guidelines for registration of personal events and for the issuance of related documents

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¹ The Constitution of Nepal, 2015, 56:1; Kathmandu District Court, Kathmandu, October 2018; Nepali Ministry of Foreign Affairs, Kathmandu, October 2018; FWLD, 2018, p. 29.

² Chaurideurali Rural Municipality, Chaurideurali, October 2018; Panauti Municipality, Panauti, October 2018; Acharya, 2018.

³ Local lawyer, Kathmandu, October 2018; Adhikari, 2018.

⁴ FWLD, 2018, pp. 2, 11.

are laid out. Following this act, the administrative structure regarding registration of personal events is built around the ward office.

Every ward is governed by a board comprised of one ward chairperson and four board members all of which are elected. Each ward also has one ward secretary who is a government employee, hence not elected.⁵ According to several sources, it is primarily the ward secretary and in his absence the chairperson, who is responsible for registration of personal events and the subsequent issuance of documents.⁶ The ward is responsible for registration of all five vital events and the issuance of related certificates as well as recommendation letters related to applications for citizenship certificates.⁷

Nepal does not yet have a fully functional centralised digital system for birth registration certificates, but the Department of Civil Registration/National ID Management Centre has introduced an online civil registration system, which — as of December 2018 — was in the implementation phase with a number of wards already registering vital events online.⁸ It has not been possible to get an updated status of the rollout of the system.

The procedure for birth registration

Birth registration is compulsory and has to be performed within 35 days after delivery. Birth registration has to take place in the father's ward. If birth registration is done in the mother's ward, the father has to submit a migration letter stating that he has migrated to the mother's ward; hence, the ward becomes the father's ward as well. Birth registration is performed by a handwritten completion of a birth registration form at the local ward office. The form is signed by the parents, and their right thumb fingerprints are put on the registration form.

The person registering the birth has to present copies of the father and mother's citizenship certificates and a copy of the couple's marriage certificate.¹⁴

⁵ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

⁶ FWLD, 2018, pp. 12, 13, 29; Birth, Death and Other Personal Events (Registration) Act 2033, 1976, Section 3; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018; Panauti Municipality, Panauti, October 2018.

⁷ FWLD, 2018, p. 2; Panauti Municipality, Panauti, October 2018; Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

⁸ Panauti Municipality Ward No 3, Panauti, October 2018; National ID Management Centre, Kathmandu, October 2018.

⁹ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018; Panauti Municipality Ward No 3, Panauti, October 2018; Birth, Death and Other Personal Events (Registration) Act (1976), Section 4.

 $^{^{10}}$ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018

¹¹ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

 $^{^{12}}$ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018; Panauti Municipality Ward No 3, Panauti, October 2018.

¹³ Panauti Municipality Ward No 3, Panauti, October 2018.

 $^{^{14}}$ Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018; Panauti Municipality Ward No 3, Panauti, October 2018.

The consulted sources slightly disagreed as to who is required to be present during the registration. According to one ward, birth registration can be done by both parents and close relatives; hence, the parents do not necessarily have to be present. ¹⁵ However, according to another ward, both parents together with a witness have to be present. The latter ward added that according to the new constitution, the mother can apply for the birth registration certificate without the presence of the father but only if the father is unidentified. ¹⁶

After the completion of the birth registration form, the ward secretary enters the information into the birth register book and the parents' fingerprints are likewise put on the page of the register book. The ward secretary then issues a birth registration certificate, which is given to the applicant. A copy of the birth registration certificate is saved in the ward archive together with the original birth registration form.¹⁷ The parents' fingerprints are not put on the birth registration certificate. The chairman or the ward secretary signs and stamps the birth registration certificate.¹⁸

The available information regarding the fee related to birth registration is contradictory. According to the Registration Act (1976), birth registration within 35 days is subjected to an eight rupees fee and registration after 35 days is subjected to a 50 rupees fee. However, according to the Panauti Municipality Ward number 3, birth registration within the 35 days is free of charge and late registration is subjected to a fee of 110 rupees. ¹⁹ If the personal event occurred outside Nepal, the responsible person has to register the event within 60 days from the date of his/her return to Nepal. ²⁰

Issuance of birth registration certificates to foreigners with residence in Nepal is done based on a hospital note. If the child is born at a hospital, the hospital note together with a copy of the parents' citizenship certificates is submitted. If the child is born at home, the only documentation submitted is a copy of the parents' citizenship certificates.²¹

Birth related documents

Hospital birth certificate

If a child is born at a hospital, the hospital issues a birth certificate but it is still required that the child is registered at the relevant ward. The NIDC delegation saw two examples of hospital birth certificates with different format containing the same information (image 1 and 2). Both birth certificates were printed on regular white printing paper and personalised by handwriting.

¹⁵ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

¹⁶ Panauti Municipality Ward No 3, Panauti, October 2018.

¹⁷ Panauti Municipality Ward No 3, Panauti, October 2018.

 $^{^{18}}$ Panauti Municipality Ward No 3, Panauti, October 2018; Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

¹⁹ Birth, Death and Other Personal Events (Registration) Act 2033, 1976, Section 5, Subsection 3, 4; Panauti Municipality Ward No 3, Panauti, October 2018.

 $^{^{20}}$ Birth, Death and Other Personal Events (Registration) Act 2033, 1976, Section 4, Subsection 2.

²¹ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

	T.U. Teaching Hospital Maharajgunj, Kathmandu.
	BIRTH CERTIFICATE
	HOSPITAL NO. 583661 BIRTH CERTIFICATE NO. 22241020
	THIS IS TO CERTIFY THAT A MALE/FEMALE-CHILD WAS BORN TO MES. St. WIFE OF MES. MAHAMATAN TO MES. AND MES. MAHAMATAN TO MES. AND MES.
	ON 2011 6 2. AT THE T.U. TEACHING HOSPITAL, KATHMANDU. BIRTH TIME: AT 11:00 PM BIRTH WEIGHT: 3AY 215 GEARS
	DATE ON THE COMY SIGNATURE OF DOCTORAMIDWIFE
	IDENTIFICATION:- CHECKED
	TUTH(F)NO. 174

 $\textbf{Image 1:} \ \textbf{Example of hospital birth certificate (NIDC reference material)}.$

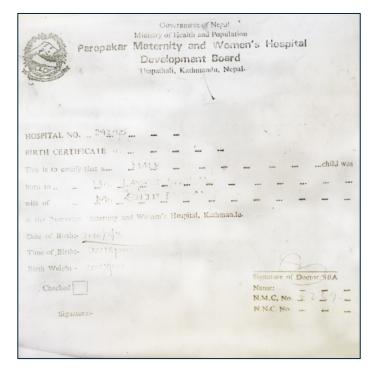


Image 2: Example of hospital birth certificate (NIDC reference material).

Birth registration form

There is no standardised national format for the birth registration form. The form is printed on regular white printing paper and filled out by handwriting.²² The form only serves an administrative role and is not a legal document in itself and the parents do not get a copy of the form.²³ The example presented for the NIDC delegation had print on both front and backside (image 3).

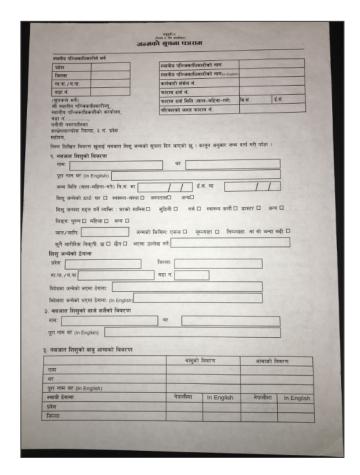


Image 3: Example of birth registration form (front) (NIDC reference material).

Birth registration certificate

Nepal does not yet have a centralised digital system for birth registration certificates, there is no standardised national format for birth registration certificate and the type of paper on which the birth registration certificate is printed varies.²⁴

Below are three of the examples the NIDC delegation saw during the mission to Nepal in October 2018 (image 4, 5 and 6).

²² Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

²³ Panauti Municipality Ward No 3, Panauti, October 2018; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

²⁴ Panauti Municipality Ward No 3, Panauti, October 2018.



Image 4: Example of birth registration certificate (NIDC reference material).

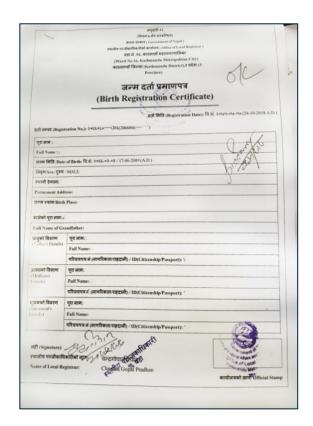


Image 5: Example of birth registration certificate (NIDC reference material).



Image 6: Example of birth registration certificate (NIDC reference material).

The birth registration certificates have a registration number, which is a 13 digits number, which is generated when the birth registration certificate is issued. The birth registration number is unique, but only refers to the document.²⁵ The mother and father's citizenship numbers are added to the birth registration certificate.²⁶

Death registration procedure

The death registration procedure is similar to birth and marriage registration on most aspects. The head of the family or in his/her absence any member of the family who has attained the age of majority can inform the ward about the event of death.²⁷ A death notice form is filled out; the ward secretary enters the information into the death register book; and issues a death registration certificate.²⁸ The NIDC delegation did not receive information on whether the family member who registers the death is required to show his/her citizenship certificate and put his/her fingerprint on the form and register book. However, it is likely because the process of death registration was described as similar to registration of other vital events. Wards in Kathmandu Metropolitan City is authorised to issue death certificates to foreigners.²⁹

²⁵ Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

²⁶ Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

²⁷ FWLD, 2018: 12.

²⁸ Birth, Death and Other Personal Events (Registration) Rules 2034, 1977.

²⁹ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

Reissuing of documents and identity validation

Certified copy of birth registration certificate

According to the Panauti Municipality Ward number 3, it is possible to apply for a certified copy of a lost birth registration certificate at the cost of 110 rupees. The new issuance date will appear on the reissued certified copy together with a statement that the document is a reissued certificate. The name of the signatory who signed the original birth registration certificate will be mentioned on the reissued certified certificate.³⁰ This follows roughly the instructions of the »Birth, Death and Other Personal Events (Registration) Rules 2034, 1977« where it is added that it is noted in the remarks column of the concerned register book that there have been issued a certified copy.³¹

Certified copy of birth registration form

The birth registration form only exists in its original handwritten version, which is stored in the ward archive. However, on request, a copy of the form can be issued from the ward. This is not a standard procedure and according to two wards, a reason letter must be submitted. This could be a request from the Danish Immigration Service stating the reason why this form is needed in a specific case handling.³²

According to the same two wards, it is also possible to get a scanned copy of a page in a register book but also here the applicant needs a good reason e.g. the mentioned request.³³

Certified copies can also be issued by proxy with a recommendation letter.³⁴

Corruption and trustworthiness of civil status documents

This assessment of the level of corruption is concordant with Landinfo's description in a report from 2016 where Landinfo stated that there is corruption on all levels in the Nepali administration, including the local level.³⁵

Nepal scores 34 on Transparency International's Corruption Perception Index 2019 (100 is very clean and 0 is highly corrupt). In comparison, India and China both score 41 and Bangladesh scores 26.36

Trustworthiness of Nepali ID- and civil status documents

The key ID document in Nepal is the citizenship certificate and a Nepali identity is continuously tied to the citizenship certificate. During birth registration, the required documents are copies of the parents' citizenship certificates together with

³⁰ Panauti Municipality Ward No 3, Panauti, October 2018.

³¹ Birth, Death and Other Personal Events (Registration) Rules 2034, 1977.

³² Panauti Municipality Ward No 3, Panauti, October 2018; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

³³ Panauti Municipality Ward No 3, Panauti, October 2018; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

 $^{^{34}}$ Panauti Municipality Ward No 3, Panauti, October 2018; Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

³⁵ Landinfo, 13 April 2016, p. 7.

³⁶ Transparency International, 2020.

their marriage certificate.³⁷ If a child is born at home, the only documentation submitted is likewise copies of the parents' citizenship certificates.³⁸ When applying for a Nepali passport, the citizenship certificate together with a recommendation letter from the district administration office is the required documentation etc.³⁹ Hence, the trustworthiness of most ID- and civil status documents in Nepal is solemnly based on the trustworthiness of the citizenship certificate.

The absence of a centralised and digital database for civil status certificates increases this risk of genuine ID documents and breeder documents with false content being issued. Furthermore, the content of new documents is rarely checked up against the local, hard-copy archives, which all together create ID documents with low trustworthiness.

The information received by the NIDC delegation is in line with the findings presented in two reports from Landinfo from recent years.⁴⁰ According hereto, the general trustworthiness of Nepali documents is low which is due to a high level of corruption in the forms of nepotism, bribery and intimidation as well as the lack of central and digital registers over personal data. The latter enables the acquisition of genuine documents with false information and fraudulently obtained genuine documents.⁴¹

Most breeder documents from the wards are based on handwritten forms and register books and the vast majority of these are stored in hard-copy archives with neither digital nor hard-copy backup. This vulnerability has been exposed both during the civil war from 1996-2006 and after the 2015 earthquake as many ward archives were destroyed.⁴²

One of the consequences is that the identity of people whose records have been destroyed cannot be restored. New ID- and civil status documents can only be issued based on statement of truths or the like.

³⁷ Kathmandu Metropolitan City Ward No 16, Kathmandu, October 2018.

³⁸ Kathmandu Metropolitan City Ward No 2, Kathmandu, October 2018.

³⁹ Department of Passport, Nepali Ministry of Foreign Affairs, Kathmandu, October 2018.

⁴⁰ Landinfo, 13 April 2016; Landinfo, 17 September 2015.

⁴¹ Landinfo, 13 April 2016, p. 7; Landinfo, 17 September 2015, p. 14.

⁴² Panauti Municipality, Panauti, October 2018; Landinfo, 17 September 2015, p. 14.

References

Oral Sources

Chaurideurali Rural Municipality (October 2018): Interviewed in Chaurideurali, Nepal.

Department of Passport in the Nepali Ministry of Foreign Affairs (October 2018): Interviewed in Kathmandu, Nepal.

Kathmandu District Court (October 2018): Interviewed in Kathmandu, Nepal.

Kathmandu Metropolitan City Ward No 2 (October 2018): Interviewed in Kathmandu, Nepal.

Kathmandu Metropolitan City Ward No 16 (October 2018): Interviewed in Kathmandu, Nepal.

Local lawyer (October 2018): Interviewed in Kathmandu, Nepal.

National ID Management Centre (October 2018): Interviewed in Kathmandu, Nepal.

Nepali Ministry of Foreign Affairs, Department of Consular Services (October 2018): Interviewed in Kathmandu, Nepal.

Panauti Municipality (October 2018): Interviewed in Panauti, Nepal.

Panauti Municipality Ward No 3 (October 2018): Interviewed in Panauti Municipality, Nepal.

Written Sources

Acharya, Pramod (10 January 2018): Local governments suffer from civil servants' politics: 5,000 wards without secretaries in Cijnepal, https://cijnepal.org.np/local-governments-suffer-civil-servants-politics-5000-wards-without-secretaries/, retrieved 10 December 2020.

Adhikari, Narayan (30 July 2018): Toward[s] open governance, in My Republica, https://myrepublica.nagariknetwork.com/news/toward-open-governance/, retrieved 11 December 2020.

Birth, Death and Other Personal Events (Registration) Act 2033 (1976).

Birth, Death and Other Personal Events (Registration) Rules 2034 (1977).

Constitution Bill of Nepal (2015): Unofficial translation by the Nepal Law Society, the Institute for Democracy and Electoral Assistance and UNDP.

FWLD (Forum for Women, Law and Development) (January 2018): Legal Analysis of Civil Registration Laws of Nepal, http://fwld.org/wp-content/up-loads/2018/03/Legal-analysis-of-civil-registration.pdf, retrieved 11 December 2020.

Landinfo (13 April 2016): Nepal: Nepalsk statsborgerskap, statsborgerskapsbevis (citizenship certificate), samt notoritet av dokumenter, https://landinfo.no/wp-content/uploads/2018/03/Nepal-Nepalsk-stats-borgerskap-statsborgerskapsbevis-citizenship-certificate-samt-notoritet-av-dokumenter-13042016.pdf, retrieved 10 December 2020.

Landinfo (17 September 2015): Nepal: Utdanning i Nepal og migrasjon for studier i utlandet, https://landinfo.no/wp-content/uploads/2018/03/Nepal-Utdanning-i-Nepal-og-migrasjon-for-studier-i-utlandet-17092015.pdf, retrieved 14 December 2020.

Transparency International (2020): Corruption Perceptions Index 2019, https://images.transparencycdn.org/images/2019 CPI Report EN 200331 141425.pdf, retrieved 10 December 2020.