



GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND LAND REFORMS
Law and Parliamentary Affairs Division
(Bangla Monogram)
THE MOTOR VEHICLES ORDINANCE, 1983
(Ordinance No. LV of 1983)
(Modified up to the 29th November, 1990)

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NOTIFICATION

Dhaka, the 22nd September, 1983.

No 528-Pub. - The following Ordinance made by the Chief Martial Law Administrator of the People's Republic of Bangladesh, on the 21st September, 1983, is hereby published for general information -

THE MOTOR VEHICLES ORDINANCE, 1983

Ordinance No LV of 1983

AN

ORDINANCE

to consolidate and amend the law relating to motor vehicles

WHEREAS it is expedient to consolidate and amend the law relating to motor vehicles in Bangladesh;

Now, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the **Chief Martial Law** Administrator is pleased to make and promulgate the following Ordinance :-

CHAPTER I
PRELIMINARY

1. **Short title and commencement** - (1) This Ordinance may be called the Motor Vehicles Ordinance, 1983.



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

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

(1) "assembler" in respect of a motor vehicle, means an authorised establishment of the maker or manufacturer where different parts of a motor vehicle are assembled together and where a particular brand of motor chassis is produced under the authority of the maker or manufacturer, whether a body has been fastened to the chassis or not and whether the establishment performs any other functions in favour of the maker or manufacturer or not;

(1a) "Authority" means the Bangladesh Road Transport Authority established under section 2A;

(2) "axle weight" means in relation to an axle of a vehicle the total weight transmitted by the several wheels attached to that axle to the surface whereon the vehicle rests;

(2a) "bus" includes a mini-bus, microbus and an omni-bus;

(3) "certificate of registration" means the certificate issued by the competent authority to the effect that a motor vehicle has been duly registered in accordance with the provisions of Chapter IV.

(4) "conductor" in relation to a stage carriage or a contract carriage, means a person engaged in collecting fares from passengers, regulating their entrance into, or exit from, the stage carriage or contract carriage and performing such other functions as may be prescribed;

(5) "conductor's license" means the document issued by a competent authority under Chapter III authorising the person specified therein to act as a conductor;



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(6) "contract carriage" means a motor vehicle which carries a passenger or passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for fixed or agreed rate or sum:

- (i) on a time basis whether or not with reference to any route or distance, or;
- (ii) from one point to another,
- (iii) and in either case without stopping to pick up; or set down along the line of route passengers not included in the contract; and includes a motor cab notwithstanding that the passengers may pay separate fares;

(7) "curb" includes the boundaries of the roadway whether marked by curb stone or not so marked;

(8) "dealer" in respect of a motor vehicle, means authorised agent or establishment of the maker or manufacturer or assembler that deals in motor vehicles or in their spare parts and also performs any other functions in favour of the maker or manufacturer or the assembler.

(9) "driver" includes, where a separate person acts as steersman of a motor vehicle, that person as well as any other person engaged in the driving of the vehicle;

(10) "driving license" means the document issued by a competent authority, authorising the person specified therein to drive a motor vehicle or a motor vehicle of any specified class or description.

(11) "express carriage" means a motor vehicle used for carrying or adapted for carrying passengers for hire or reward at separate fares where none of the fare shall be for less than twenty miles and where the vehicle shall not stop to pick up passengers at any stoppage less than twenty miles from the previous stoppage unless otherwise specified by the Transport Authority.

(12) "fares" includes sums payable for a season ticket or in respect of the hire of a contract carriage;

(13) "goods" includes live-stock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers traveling in the vehicle;



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(14) "goods vehicle" means any motor vehicle constructed or adapted for use for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers;

(15) "heavy motor vehicle" means a transport vehicle registered laden weight of which, or a motor car, tractor, road roller or a locomotive the un-laden weight of which, exceeds 14,500 pounds avoirdupois;

(15a) "helper-cum-cleaner", in relation to a transport vehicle, means a person engaged to assist the driver or the conductor in performing his functions and also to clean a motor vehicle;

(16) "inter-section" includes the area bounded by side line, real or projected, or two or more public roads which meet or cross each other;

(17) "invalid carriage" means a motor vehicle the unladen weight of which does not exceed five hundred weights, specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person;

(18) "Licensing authority" means an officer or authority prescribed by regulations to grant licenses under this Ordinance;

(19) "light motor vehicle" means a transport vehicle the registered laden weight of which, of a motor car or tractor the unladen weight of which, does not exceed 6,000 pounds avoirdupois;

(20) "locomotive" means a motor vehicle which is itself not constructed to carry any load (other than equipment used for the purpose of propulsion), the unladen weight of which exceeds 16,000 pounds avoirdupois; but does not include a road-roller;

(21) "maker or manufacturer", in respect of a motor vehicle, means an establishment where one or more major parts, or all parts are manufactured and where a complete chassis of a motor vehicle is produced in the name of a particular brand whether a body has been fastened to it or not and where the establishment reserves all rights to products;



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(22) "medium motor vehicle" means any motor vehicle other than a motor cycle, invalid carriage, light motor vehicle, heavy motor vehicle or a road-roller;

(22a) "microbus" means any motor vehicle constructed or adapted or used to carry not less than eight and not more than fifteen persons excluding the driver;

(23) "mini-bus" means any motor vehicle constructed or adapted or used to carry not more than thirty persons excluding the driver;

(24) "motor cab" means any motor vehicle constructed, adapted or used to carry not more than six passengers excluding the driver, for hire or reward;

(25) "motor car" means any motor vehicle other than a transport vehicle, locomotive, road-roller, tractor, motor cycle or invalid carriage;

(26) "motor cycle" means a two wheeled motor vehicle, the unladen weight of which inclusive of the unladen weight of any detachable side car, having an extra wheel, attached to motor vehicle does not exceed 1200 pounds avoirdupois;

(27) "motor vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailer, but does not include a vehicle running upon fixed rails or used solely upon the premises of the owner;

(28) "non-professional driver" means a driver who drives a light motor vehicle otherwise than as a paid employee or drives a vehicle other than a transport vehicle;

(29) "non-professional driving license" means a driving license issued by a competent authority, authorising the person specified therein to drive a light motor vehicle otherwise than as a paid employee or to drive vehicle other than a transport vehicle.

(30) "omni-bus" means any motor vehicle constructed, adapted or used to carry more than thirty persons excluding the driver;



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- (31) "one way traffic" means a vehicular traffic restricted in one direction;
- (32) "owner" includes, where the person in possession of a motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle is the subject of a hire purchase agreement, the person in possession of the vehicle under that agreement, and the person holding power of attorney;
- (33) "parking zone" means the places determined by the competent authority where motor vehicles may stand either indefinitely or for a specified period of time;
- (34) "pedestrian" means all persons making use of public road or highways for foot passage;
- (35) "pedestrian crossing" includes that portion of a public road clearly indicated for pedestrian crossing by appropriate marking and signs and the extension of the side walk space across the intersecting streets.
- (36) "permit" means a document issued by a Transport Authority authorizing the use of a transport vehicle as an express carriage, or a contract carriage, or a stage carriage, or authorising the owner as a private carrier or public carrier to use such vehicle;
- (37) "prescribed" means prescribed by regulations made under this Ordinance;
- (38) "private carrier" means an owner of a transport vehicle other than a public carrier who uses that vehicle solely for the carriage of goods which are his property or the carriage of which is necessary for the purposes of his business not being a business of providing transport, or who uses the vehicle for any of the purposes specified in sub-section (2) of section 51;
- (39) "private service vehicle" means any motor vehicle constructed or adapted to carry more than eight persons excluding the driver and ordinarily used by, or on behalf of the owner of such vehicle for the purpose of carrying persons in connection with his trade or business or otherwise than for hire or reward but does not include a motor vehicle used solely for the purposes of Government unconnected with any commercial enterprises.



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(40) "professional driver" means a driver who drives a transport vehicle or a heavy motor vehicle or a medium motor vehicle or drives any vehicles as a paid employee;

(41) "professional driving license" means a driving license issued by a competent authority, authorising the person specified therein to drive a transport vehicle or a heavy motor vehicle or a medium motor vehicle or any vehicle as a paid employee;

(42) "public carrier" means an owner of a transport vehicle who transports or undertakes to transport goods, or any class of goods, for another person at any time and in any public place for hire or reward, whether in pursuance of the terms of a contract or agreement or otherwise and includes any person, body, association or company engaged in the business of carrying the goods of persons associated with that person, body, association or company for the purpose of having their goods transported;

(43) "public place" means a road, street, way or other place, whether a includes any place or stand at which passengers are picked up or set down by a stage carriage;

(44) "public service vehicle" means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a motor cab, contract carriage, express carriage, stage carriage and motor cab rickshaw;

(45) "registered axle weight" in respect of the axle of any vehicle, means the axle weight certified and registered by the registering authority as permissible for the axle;

(46) "registered laden weight" means in respect of any vehicle the total weight of the vehicle and load certified and registered by the registering authority as permissible for that vehicle;

(47) "registering authority" means an officer or authority prescribed by regulations to register motor vehicles under Chapter IV.



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(48) "route" means a line of travel, which specifies the highways, that may be traversed by a motor vehicle between one terminus and another;

(49) "safety zone" means the area of space specially set apart within a roadway for the exclusive use of pedestrians and which is projected, or is so marked or indicated by adequate signs as to be plainly visible at all times;

(50) "silence zone" means the area or locality so notified by the competent authority where the use of sound signals are strictly prohibited;

(51) "stage carriage" means a motor vehicle carrying or adapted to carry more than six persons excluding the driver which carries passengers for hire or reward at separate fares paid by or for individual passengers, either for the whole journey or for stage of the journey;

(52) "tractor" means a motor vehicle, which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion), but excludes a road-roller;

(53) "traffic signs" includes all signals, warning sign posts, direction posts of other devices for the information, guidance or direction of drivers of motor vehicles;

(54) "trailer" means any vehicle other than a side-car drawn or intended to be drawn by a motor vehicle;

(55) "tourist vehicle" means a contract carriage, motor cab, motor car, or bus constructed or adapted and equipped, maintained and operated in accordance with such specifications as the Government may, by notification in the official Gazette, specify in this behalf; or in relation to which a permit is granted to the effect that it is a tourist vehicle.

(56) "Transport Committee" means any Transport Committee constituted under section 54;

(57) "transport vehicle" means a public service vehicle, a private service vehicle, a tourist vehicle, a goods vehicle, a bus, a locomotive or a tractor other than a locomotive or a tractor used solely for agricultural purposes;



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(58) "un laden weight" means the weight of a vehicle, or a trailer including all equipment ordinarily used with the vehicle or trailer when working, but excluding the weight of a driver or attendant and where alternative parts or bodies are used the un laden weight of the vehicle means the weight of the vehicle with the heaviest such alternative part or body;

(59) "weight" means the total weight transmitted for the time being by the wheels of a vehicle to the surface on which the vehicle rests;

(60) "Worker" means driver, conductor and helper-cum-cleaner.

CHAPTER 1A
BANGLADESH ROAD TRANSPORT AUTHORITY

2A. Bangladesh Road Transport Authority - (1) There shall be established an authority to be called the Bangladesh Road Transport Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall consist of a Chairman and such number of other members, not exceeding eight, as may be appointed by the Government from time to time.

(3) The Chairman shall be appointed by the Government from among persons in the service of the Republic not below the rank of Joint Secretary to the Government or an officer having pay scale equivalent to that of a Joint Secretary to the Government.

(4) The Chairman and other members shall hold office on such terms and conditions as the Government may determine.

(5) The Chairman shall be the Chief Executive Officer of the Authority.

(6) The Chairman shall be a whole time officer of the Authority and shall exercise such powers and perform such functions as may be prescribed by rules of as may be assigned to him by the Government.



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(7) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the Government shall make such arrangement for discharging the function of the office of the Chairman as it may consider necessary.

(2B) Meetings of the Authority - (1) The meetings of the Authority shall be held at such times and places as may be prescribed by rules:

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) To continue a quorum at a meeting of the Authority, the number of members present shall be two, if the Authority consists of not more than three members, and three, if the Authority consists of more than three members.

(3) All meetings of the Authority shall be presided over by the Chairman and, in this absence, by a member authorised in writing by the Chairman in this behalf.

(4) At a meeting of the Authority, each member shall have one vote, and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(5) No act or proceeding of the Authority shall be invalid or be called in question on the ground of any vacancy in or any defect in the constitution of the authority.

2C. Appointment of officers - (1) The Authority may, for the efficient performance of its functions, appoint such officers, including Inspectors of Motor Vehicles and other employees as it considers necessary.

(2) The officers and other employees of the Authority shall be persons in the service of the Republic.

2D. Power to make rules - The Government may make rules for the purposes of carrying into effect the provisions of this Chapter.



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CHAPTER II
Licensing of Drivers of Motor Vehicles

3. Necessity for driving license - (1) No person shall drive a motor vehicle in any public place unless he holds an effective driving license issued to himself authorising him to drive the vehicle; and no person shall so drive a motor vehicle as a paid employee or shall so drive a transport vehicle unless his driving license specifically entitles him so to do.

(2) The authority may prescribe the conditions subject to which sub-section (1) shall not apply to a person receiving instruction in driving a motor vehicle.

4. Age limit in connection with driving of motor vehicles - (1) No person under the age of eighteen years shall drive a motor vehicle in any public place.
(2) Subject to the provisions of section 15, no person under the age of twenty years shall drive any motor vehicle as a professional driver in any public place.

4A. Appointment letter for worker - (1) No owner of a transport vehicle shall employ any worker without giving such worker a letter of appointment in accordance with the provisions of the Road Transport Workers Ordinance, 1961 (XXVIII of 1961).

(2) No worker shall work in a transport vehicle unless he holds a letter of appointment issued under sub-section (1)

5. Responsibility of owners of motor vehicles for contraventions of sections 3 and 4 - No owner or person in charge of a motor vehicle shall cause or permit any person who does not satisfy the provisions of section 3 or section 4 to drive the vehicle.

6. Restrictions on the holding of driving licenses - (1) No person shall, while he holds any driving license for the time being in force, hold any other driving license except a driving license issued in accordance with the provisions of section 15, or a document authorising, in accordance with the rules made under section 107, the person specified therein to drive a motor vehicle.

(2) No holder of a driving license shall permit it to be used by any other person.

(3) Nothing in this section shall prevent a licensing authority having the jurisdiction referred to in sub-section (1) of section 7 from granting a professional or a nonprofessional driving license if the person is found fit for the



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said driving license or from adding to the classes of vehicles which the driving license authorities the holder to drive.

7. Grant of driving license - (1) Any person who is not disqualified under section 4 for driving a motor vehicle and who is not for the time being disqualified for holding or obtaining a driving license may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or carries on business or in which the school or establishment where he is receiving or has received instruction in driving a motor vehicle is situated or, if the application is for a driving license to drive as a paid employee, in which the employee resides or carries on business, for the issue to him of a driving license.

(2) Every application under sub-section (1) for driving license to drive a motor vehicles a professional driver shall be in Form 'A' and every application to drive a motor vehicle as a non-professional driver shall be in Form 'B' as set forth in the First Schedule, shall be issued by or bear the thumb impression of the application in two places and shall contain the information required by the form.

(3) Every application for driving license shall be accompanied by a medical certificate in Form 'C' as set forth in the First Schedule, single by a registered medical practitioner.

(4) Every application for a driving license shall be accompanied by three clear copies of a recent photograph of the application.

(5) If, from the application or from the medical certificate referred to in sub-section

(3), it appears that the applicant is suffering from any disease or disability specified in the Second Schedule or any other disease or disability which is likely to cause the driving by him of a motor vehicle of the class which he would be authorised by the driving license applied for to drive to be a source of danger to the public or to the passengers, the licensing authority shall refuse to issue the driving license: Provided that -

(a) a driving license limited to driving an invalid carriage may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such a carriage;



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(b) the applicant may, except where he suffers from a disease or disability specified in the Second Schedule, claim to be subjected to a test of his fitness or ability to drive a motor vehicle of a particular construction or design, and, if he passes such test to the satisfaction of the licensing authority and is not otherwise disqualified, the licensing authority shall grant him a driving license to drive such motor vehicle as the licensing authority may specify in the driving license.

(6) No driving license shall be issued to any applicant unless he passes to the satisfaction of the licensing authority the test of competence to drive specified in the Third Schedule:

Provided that, where the application is for a non-professional driving license to drive a motor cycle or a motor car, the licensing authority shall exempt the applicant from Part I of the test specified in the Third Schedule if the licensing authority is satisfied -

(a) that the application has previously held a driving license and that the period between the date of expiry of that driving license and the date of such application does not exceed three years; or

(b) that the applicant holds a valid driving license issued by a competent authority of any country outside Bangladesh;

Provided further that where the applicant, being a serving member of the armed forces of Bangladesh, is in possession of a valid army driving license and has been actually driving one or more classes of motor vehicles for not less than three years immediately before the date of his application the licensing authority shall subject to be prescribed condition, exempt him from the test specified in the Third Schedule and issue to him a driving license for class or classes of motor vehicles he has been so driving.

(7) No applicant shall be entitled to appear in the test of competence to drive unless he holds a valid learner's driving license authorising him to drive the vehicle of the type to which the application refers for not less than three months immediately before the date of the test or holds a valid driving license issued by a competent authority.



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(8) The test of competence to drive shall be carried out in a vehicle of the type to which the application refers, and for the purpose of Part I of the test -
(a) a person who passes the test in driving a heavy motor vehicle shall be deemed also to have passed the test in driving any medium or light motor vehicle other than a motor cycle, motor cab, rickshaw road-roller, tractor, locomotive, scraper, grader, crane or bulldozer;

(b) a person who passes the test in driving a medium motor vehicle shall be deemed also to have passed the test in driving a light motor vehicle other than a motor cycle, motor cab rickshaw, road-roller, tractor locomotive, scraper, grader, crane or a bulldozer.

(9) When an application has been duly made to the appropriate licensing authority and the applicant has satisfied such authority of his physical fitness and of his competence to drive and has paid to the authority a fee of sixty taka, the licensing authority shall grant the applicant a driving license unless the applicant is disqualified under section 4 for driving a motor vehicle or is for the time being disqualified for holding or obtaining a driving license;

Provided that a licensing authority may issue a driving license not being a professional driving license to drive a motor cycle or motor car notwithstanding that it is not the appropriate licensing authority, if the licensing authority is satisfied that there is good reason for the applicant's inability to apply to the appropriate licensing authority;

Provided further that the licensing authority shall not issue a new driving license to the applicant, if he had previously held a driving license issued under this Ordinance unless it is satisfied that there is good reason for his inability to obtain a duplicate copy of his former driving license.

8. Form and contents of driving license - (1) Every professional driving license, except a driving license issued under section 15, shall be in form 'D' and every non-professional driving license, except a driving license issued under section 15, shall be in Form 'E' as set forth in the First Schedule and that every driving license shall have affixed thereto a signature or thumb impression of the applicant and a photograph referred to in sub-section (4) of section 7.



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(2) The Authority may by regulations made under section 22 lay down the procedures for the granting of professional and non-professional driving license.

9. Addition to driving license - (1) Any person holding a driving license issued under this Chapter who is not for the time being disqualified for holding or obtaining a driving license may apply in Form 'F' as set forth in the First Schedule to the licensing authority having jurisdiction in the area in which he ordinarily resides, or carries on business or, if the application relates to a driving license to drive as a paid employee, in which the employer resides or carries on business for the addition of another class of motor vehicle to the driving license.

(2) The provisions of section 7, except sub-sections (3) and (4) thereof, shall apply to an application under this section as if the application were for the grant of a driving license under that section to drive the class of motor vehicle which the applicant desires to be added to his driving license.

(3) No fee other than a fee for the test of competence to drive and a fee equal to half of the fee provided under sub-section (9) of section 7 shall be enlarged for an addition to a driving license under this section.

10. Extent of validity of driving license - (1) Subject to any regulations made by the Authority under sub-section (3), a driving license issued under the following sections shall be effective throughout Bangladesh.

(2) Subject, in the case of international driving permits issued in pursuance of the International Convention relative to motor traffic concluded at Paris on the 24th day of April 1926, or of any Convention modifying the same to any rules made by the Government under section 107, a driving license to drive a motor vehicle issued by a competent authority shall be valid throughout Bangladesh as if it were a driving license issued under this Ordinance;

Provided that such holder of driving license is not disqualified under any of the provisions of this Ordinance for holding or obtaining a driving license in Bangladesh.

(3) The Authority may, by regulations made under section 22 -
(a) provide that a specification entitling the holder of a driving license to drive a transport vehicle shall be made in the driving license only by or under the authority of the Transport Committee constituted under Chapter V.



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(b) requires as a condition of its validity in Bangladesh that a driving license entitling the holder to drive a transport vehicle shall be countersigned by a prescribed authority in Bangladesh.

10. Extent of validity of driving license – (1) Subject of any regulations made by the Authority under sub section (3), a driving license issued under the foreign sections shall be effective throughout Bangladesh.
(2) Subject, in the case of international driving permits issued in pursuance of the International Convention relative to motor traffic concluded at Paris on the 24th day of April 1926, or of any Convention modifying the same to any rules made by the Government under section 107. a driving license to drive a motor vehicle issued by a competent authority shall be valid throughout Bangladesh as if it were a driving license issued under this Ordinance:

Provided that such holder of driving license is not disqualified under any of the provisions of this Ordinance for holding or obtaining a driving license in Bangladesh.

(3) The Authority may, by regulations made under section 22-

- a) Provided that the specification entitling the holder a driving license to drive a transport vehicle shall be made in the driving license only by or under the authority of the Transport Committee constituted under Chapter V.
- b) Regulate the submission of applications for such driving licenses to the said Committee, or
- c) Requires as a condition of its validity in Bangladesh that a driving license entitling the holder to drive a transport vehicle shall be countersigned by a prescribed authority in Bangladesh.

11. Currency of driving licenses - A driving license issued or renewed under this Ordinance, shall, subject to the provisions contained in this Ordinance as to the cancellation of driving licenses and disqualification of holders of driving licenses for holding or obtaining driving licenses, be effective without renewal for a period of twelve months only from the date of issue of the driving licenses or, as the case may be, from the date with effect from which the driving licenses are renewed under section 12, and the driving licenses shall be deemed to continue to be effective for a period of fifteen days after the date of its expiry;



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Provided that, if the licensing authority has reasons to believe that the applicant has been employed abroad or has signed a contract for employment abroad, it may renew a professional driving license for a period not exceeding three years at a time on payment of the fees specified under sub-section (4) of section 12 for each such year;

Provided further that where the applicant so desires, a non-professional driving license may be renewed for a period of three years at a time on payment of fees provided under sub-section (4) of section 12 for each such year subject to the condition that, on becoming until to drive by virtue of disease of disability, the holder shall surrender the driving license within fifteen days to the licensing authority within whose jurisdiction he resides or, to the licensing authority which issued it.

12. Renewal of driving licenses - (1) Any licensing authority may, on application made to it, renew a driving license issued under the provisions of this Ordinance with effect from the date of its expiry;

Provided that in any case where the application for the renewal of a driving license is made more than fifteen days after the date of expiry the driving license shall be renewed with effect from the date of its renewal;

Provided further that every application for the renewal of professional license shall be accompanied by a fresh medical certificate in Form "C" as set forth in the First Schedule signed by a registered medical practitioner and the provisions of subsection

(5) of section 7 shall apply to every such case.

(2) Every professional driving license holder shall undergo and pass the test as set forth in the Third Schedule, on the expiry of every three years from the date of issue of the driving license, or at the time of third renewal, whichever occurs earlier, and if he fails to pass the specified test, his driving license shall be deemed to have been revoked. Such holder of driving license shall, however, be entitled to appear in the test once after every three months till he passes the test, on payment of fee for each such test of competence to drive.



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(3) An application for the renewal of a driving license shall be made in Form 'G' as set forth in the First Schedule and shall contain the declaration required by that form;

Provided that where the applicant does not or is unable to subscribe to the said declaration the provisions of sub-section (5) of section 7 shall apply.

(4) Where an application for the renewal of a driving license is made previous to, or not more than fifteen days after the date of its expiry, the fee payable for such renewal shall be thirty taka for each twelve months from the date of expiry.

(5) Where an application for the renewal of a driving license is made more than fifteen days after the date of its expiry the fee payable for such renewal shall be fifty taka for each twelve months from the date of expiry.

Provided that the fee referred to in sub-section (4) may be the licensing authority, if it is satisfied that the applicant was prevented by good cause from applying within the time specified in that sub-section;

Provided further that if the application is made more than three years after the driving license has ceased to be effective, the licensing authority may refuse to renew the driving license unless the applicant undergoes and passes to its satisfaction the test of competence to drive as set forth in the Third Schedule.

(6) When the authority renewing the driving license is not the authority which issued the driving license, it shall intimate the fact of renewal to the authority which issued the driving license.

13. Revocation of driving license on grounds of disease or disability -

Notwithstanding anything contained in the foregoing sections, any licensing authority or any other prescribed authority may at any time revoke a driving license, or may require, as a condition of continuing to hold such driving license, the holder thereof to furnish a fresh medical certificate in Form 'C' as set forth in the First Schedule, signed as required by sub-section (3) of section 7, if the licensing authority has reasonable grounds to believe that holder of the driving license is, by virtue of any disease or disability, unfit to drive a motor vehicle; and where the authority revoking the driving license is not the authority which



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issued the same, it shall intimate the fact of revocation to the authority which issued that driving license.

14. Order refusing or revoking driving licenses and appeals therefrom -

(1) Where a licensing authority refuses to issue or renew or revokes any driving license, or refuses to add a class of motor vehicle to any driving license, or refuses to make a specification or countersignature such as is referred to in subsection

(3) of section 10, it shall do so by an order communicated to the applicant or the holder, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.

(3) The order of a licensing authority shall unless the appellate authority, conditionally or unconditionally, direct otherwise, be in force pending the disposal of an appeal under sub-section (2).

15. Driving licenses to drive motor vehicles, the property of the Defence Services - (1) The authority specified in Part A of the Forth Schedule may grant driving licenses valid throughout Bangladesh, to persons who have completed their eighteen years of age, to drive motor vehicles which are the property of the Defence Services or for the time being under the exclusive control of the Defence Services and are used solely for the purposes of the Defence Services unconnected with any commercial enterprises.

(2) A driving license issued under this section shall specify the class of classes of motor vehicle which the holder is entitled to drive and the period for which he is so entitled.

(3) A driving license issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle which is the property or for the time being under the exclusive control of the Defence Services.



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(4) The authority issuing any driving license under this section shall furnish such information respecting any person to whom a driving license is issued as the Government may at any time require.

16. Power of licensing authority to disqualify for holding a driving license -

(1) If a licensing authority is satisfied after giving him an opportunity of being heard that any person -

(a) is a habitual criminal or a habitual drunkard, or

(b) is using or has used a motor vehicle in the commission of a cognisable offence, or

(c) has by his previous conduct as driver of a motor vehicle shown that his driving is likely to be attended with danger to the public, or

(d) has committed an offence specified in the Fifth Schedule.

it may, for reasons to be recorded in writing, make an order disqualifying that person for a specified period for holding or obtaining a driving license.

(2) Upon the issue of any such order a person affected, if he is the holders of a driver license, shall forthwith surrender his driving license to the licensing authority making the order, if the driving license has not already been surrendered and the licensing authority shall -

(a) if the driving license is a driving license issued under this Ordinance keep it until the disqualification has expired or has been removed, or

(b) if it is not a driving license issued under this Ordinance endorse the disqualification upon it and send it to the licensing authority by which it was issued.

(3) Any person aggrieved by an order made by a licensing authority under this section may within thirty days of the receipt of the order, appeal to the prescribed authority and such appellate authority shall give notice to the licensing authority

and hear either party if so required by that party and may make such inquiry into the matter as it thinks fit. As order made by any such appellate authority shall be final.

17. Power of Transport Committee to disqualify - (1) Any Transport Committee constituted under Chapter V may for reasons to be recorded in writing and subject to any prescribed conditions declare any person disqualified,



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for a specified period for holding or obtaining a driving license to drive any transport vehicle or a transport vehicle of particular description in Bangladesh.

(2) Any person aggrieved by an order of a Transport Committee made under subsection

(1) may within thirty days of the receipt of the intimation of such order appeal against the order to the prescribed authority.

18. Power of Court to disqualify - (1) Where a person is convicted of an offence under this Ordinance or of an offence in the commission of which a motor vehicle was used, the Court by which such person is convicted may subject to the provisions of this section, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified for such period as the Court may specify, for holding any driving license or for holding a driving license to drive a particular class or description of vehicle.

(2) A court shall order the disqualification of an offender, convicted of an offence punishable under section 143, and such disqualification shall be for a period of not less than one year.

(3) A Court shall order the disqualification of any offender convicted of an offence against the provisions of clause (c) of sub-section (1) of section 102 or of section

104, and such disqualification shall be for a period of not less than six months.

(4) A Court shall unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of an offender -

(a) who having been convicted of an offence punishable under section 143 is again convicted of an offence punishable under that section;

(b) who is convicted of an offence punishable under section 148, or

(c) who is convicted of an offence punishable under section 152 :

Provided that the period of disqualification shall not exceed, in the cases referred to in clauses (a) and (b), two years or, in the case referred to in clause (c), one year.

(5) A Court ordering the disqualification of an offender convicted of an offence



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punishable under section 143 may direct that the offender shall, whether he has previously passed the test of competence to drive specified in the Third Schedule or not, remain disqualified until he has subsequent to the making of the order of disqualification passed that test to the satisfaction of the licensing authority.

(6) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the Court below, and the Court to which appeals, ordinarily lie from any Court may set aside or vary any order of disqualification made by that Court, notwithstanding that no appeal lies against the conviction in connection with which such order was made.

19. Effect of disqualification order - (1) A person of whom any disqualification order is made shall be debarred to the extent and for the period specified in such order from holding or obtaining a driving license and the driving license, if any, held by such person at the date of the order shall cease to be effective during such period.

(2) The operation of a disqualification order made under section 18 shall not be suspended or postponed while an appeal is pending against such order or against the conviction as a result of which such order is made, unless the appellate Court so directs.

(3) Any person in respect of whom any disqualification order has been made may at any time after the expiry of six months from the date of the order apply to the Court or other authority by which the order was made, to remove the disqualification; and the Court or authority, as the case may be, may having regard to all the circumstances, either remove or vary the order of disqualification;

(4) Provided that where an application has been made under this section a second application thereunder shall not be entertained before the expiry of a further period of three months.

20. Endorsement - (1) The Court or authority making an order of disqualification shall endorse or cause to be endorsed upon the driving license, if any, held by the person disqualified particulars of the order of disqualification is



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made and particulars of any removal or variation of an order of disqualification made under sub-section (3) of section 19 shall be similarly so endorsed.

(2) A Court by which any person is convicted of an offence specified in parts A and B of the Fifth Schedule shall, whether or not an order of disqualification is made in respect of such conviction, endorse or cause to be endorsed, particulars of such conviction on any driving license held by the person convicted.

(3) Any person accused of an offence specified in the Fifth Schedule shall when attending the Court bring with him his driving license if it is in his possession.

21. Transfer of endorsement and issue of driving license free from endorsement - (1) An endorsement on any driving license shall be transferred to any new or duplicate driving license obtained by the holder thereof until the holder becomes entitled under the provisions of this section to have a driving license issued to him free from endorsement.

(2) Where a driving license is required to be endorsed and the driving is at the time not in the possession of the Court or authority by which the endorsement is to be made then -

(a) if the person in respect of whom the endorsement is to be made is at the time the holder of a driving license, he shall produce the driving license to the Court or authority within five days, or such longer time as the Court or authority may fix, or

(b) if not being then the holder of a driving license, he subsequently obtains a driving license, he shall within five days after obtaining the driving license produce it to the Court or authority; and if the driving license is not produced within the time specified it shall on the expiration of such time be of no effect until it is produced for the purpose of endorsement.

(3) A person whose driving license has been endorsed shall, if during continuous period of three years since the last endorsement was made no further order of endorsement has been made against him, be entitled on surrendering his driving license and on payment of a fee of thirty five taka to receive a new driving license free from all endorsements. If the endorsement was only respect of exceeding a speed limit, he shall be entitled to have a clean driving license issued on the expiration of one year from the date of the order:



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Provided that in reckoning the said period of three years and one year respectively, any period during which the said persons was disqualified for holding or obtaining a driving license shall be excluded.

(4) When a driving license is endorsed by or an order of endorsement made by any Court shall send particulars of the endorsement order, as the case may be, to the licensing authority by which the driving license was last renewed and to the licensing authority which granted the driving license.

(5) Where the holder of a driving license is disqualified by the order of any Court for holding or obtaining a driving license, the Court shall take possession of the driving license and forward it to the licensing authority by which it was granted or last renewed and that authority shall keep the driving license until the disqualification has expired or has been removed and the person entitled to the license has made a demand in writing for its return to him.

Provided that, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, the Court shall endorse the driving license to this effect and shall send a copy of the order of disqualification to the licensing authority by which the driving license was granted and shall return the driving license to the holder.

(6) When on an appeal against any conviction or order of a Court which has been endorsed on a driving license, the appellate Court shall inform the licensing authority by which the driving license was last renewed and the licensing authority which granted the driving license, and shall amend or cause to be amended the endorsement of such conviction or order.

22. Power to make regulations - (1) The Authority may make regulations for the purpose of carrying into effect the provision of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for -

(a) the appointment, jurisdiction, control and functions of licensing authorities and their supervisory authorities and other prescribed authorities;

(b) the minimum qualification and the conduct of persons to whom driving licenses to drive transport vehicles;

(c) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees.

Provided that no fee so fixed shall exceed fifteen taka;



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- (d) the issue of duplicate driving licenses to replace driving licenses lost, destroyed or mutilated, the replacement of photographs which have become obsolete and the issue of temporary driving licenses to persons receiving instruction in driving or to persons whose driving licenses have been surrendered, and the fees to be charged thereof.
- (e) the conditions subject to which any Transport Authority or any other prescribed authority may disqualify a person for holding a driving license or to drive a transport vehicle.
- (f) the badges and uniform to be worn by drivers of transport vehicles and the fees to be paid in respect of badges and uniform.
- (g) the medical examination and testing of applicants for driving licenses and drivers and the fees to be charged therefor;
- (h) the refund of fees paid under the provisions of this Chapter, the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;
- (i) the granting by registered medical practitioners of the certificate referred to in sub-section (3) of section 7;
- (j) the communication of particulars of driving license granted by one licensing authority to other licensing authorities;
- (k) the control of schools or establishment for the instructions of drivers of motor vehicles (including the registration of such schools or establishments) and the acceptance of driving certificates issued by such schools or establishments as qualifying the holder for exemption from Part I of the test specified in the Third Schedule;
- (l) the exemptions of drivers of road-rollers from all or any of the provisions of this Chapter or of the regulation made thereunder; and
- (m) any other matter which is to be or may be prescribed.

CHAPTER III
LICENSING OF CONDUCTORS OF STAGE CARRIAGE OR CONTRACT
CARRIAGE

23. Necessity for conductor's license - (1) No person shall act as a conductor of a stage carriage or contract carriage unless he holds an effective conductor's license issued to him authorising him to act as such conductor; and no person



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shall employ or permit any person who is not so licensed to act as a conductor of a stage carriage or contract carriage.

(2) the Authority may prescribe conditions subject to which sub-section (1) shall not apply to a driver of a stage carriage or a contract performing the functions of a conductor or to a person employed to act as a conductor on probation with a conductor's license for a period not exceeding one month.

24. Grant of conductor's license - (1) Any person who is not disqualified under section 25 and who is not for the time being disqualified for holding or obtaining a conductor's license may apply to the licensing authority having jurisdiction in the area in which he ordinarily resides or, carries on business for the issue to him of a conductor's license.

(2) Every application under sub-section (1) shall be in such as may be prescribed and be signed by, or bear the thumb-impression of the applicant in two places and shall contain the information required by the form.

(3) Every application for a conductor's license shall be accompanied by a medical practitioner and shall also be accompanied by three clear copies of a recent photograph of the applicant.

(4) A conductor's license issued under this Chapter shall be in such form and contain such particulars as may be prescribed.

(5) The fee for conductor's license and for the renewal thereof shall be one-half of that for a driving license.

(6) No licensing authority shall issue a conductor's license to the applicant if he previously held a conductor's license issued under this Ordinance unless it is satisfied that there is good reasons for his inability to obtain a duplicate copy of his former conductor's license.

25. Disqualification for the grant of conductor's license - (1) No person under the age of eighteen years shall hold, or be granted, a conductor's license.

(2) The licensing authority may refuse to grant a conductor's license -

(a) if the application does not possess the requisite qualifications;

(b) if the knowledge of the provisions of the Ordinance and of the regulations and of the duties and powers of a conductor's there under is inadequate to enable him to perform the duties of a conductor';



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- (c) if the medical certificate produced by the applicant discloses that he is unfit to act as a conductor;
- (d) if any previous conductor's license or driving license held by the applicant was revoked; and
- (e) if the character or physique or conduct of the applicant is such as to render him an unsuitable person to hold a conductor's license.

26. Revocation of a conductor's license on ground of disease or disability or misconduct - (1) A conductor's license may at any time be revoked by any licensing authority or any Transport Authority constituted under Chapter V or any other prescribed authority.

- (a) if the authority has reasonable cause to believe that the holder of the conductor's license is suffering from any disease or disability which is likely to render him unfit to hold such conductor's license.
- (b) if the character or conduct of the person is such as to render him an unsuitable person to hold a conductor's license.

(2) Where the authority revoking a conductor's license is not the authority which issued the same, it shall intimate the fact of revocation to the authority which issued that conductor's license.

27. Order refusing etc., conductor's license and appeals therefrom - (1) Where a licensing authority or other authority refuses to issue or renew, or revokes any conductor's license, it shall do so by an order communicated to the applicant or the holder of conductor's license, as the case may be, giving the reasons in writing for such refusal or revocation.

(2) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.

28. Power of licensing authority and transport committee to disqualify - (1) If any licensing authority or any Transport Committee constituted under Chapter V or any other prescribed authority is of opinion that it is necessary to disqualify the holder of a conductor's license for holding or obtaining such a conductor's



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license on account of his conduct as a conductor it may, for reasons to be recording in writing, may make an order disqualifying that person for a specified period for holding or obtaining a conductor's license.

(2) Upon the issue of any such order the holder of the conductor's license shall forthwith surrender the license to the authority making the order, if the conductor's license has not already been surrendered and the authority shall keep the conductor's license until the disqualification has expired or has been removed.

(3) Where the authority disqualifying the holder of a conductor's license under this section is not the authority, which issued the conductor's license, it shall intimate the fact of such disqualification to the authority, which issued the same.

(4) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service on him of the order, appeal to the prescribed authority which shall decide the appeal after giving such person and the authority making the order an opportunity of being heard and the decision of the appellate authority shall be binding on the authority making the order.

29. Power to the Court in disqualify - (1) Where any person holding a conductor's license is convicted of an offence under this Ordinance, the Court by which such person is convicted may, in addition to imposing any other punishment authorized by law, declare the person so convicted to be disqualified for such period as the Court may specify for holding a conductor's license.

(2) The Court to which an appeal lies from any conviction of an offence of the nature specified in sub-section (1) may set aside or vary any order of disqualification made by the Court below, may set aside or vary any order of disqualification made by that court notwithstanding that no appeal lies against the conviction in connection with which such order was made.

30. Certain provision of Chapter II to apply to conductor's license - The provisions of sub-section (2) of section 6 sub-section (1) of section 10, section 11, section 12 except sub-section (2), section 19, sub-section (1) of section 20 and section 21 shall so far as may be, apply in relation to a conductor's license, as they apply in relation to a professional driving license.



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31. Power to make regulations - (1) The Authority may make regulations for the purpose of carrying into effect the provisions of this Chapter.

- (2) Without generally of the foregoing power such regulations may provide for -
- (a) the appointment, jurisdiction, control and function of licensing authorities and their supervisory authorities and other prescribed authorities.
 - (b) the conditions subject to which drivers of stage carriage or contract carriages and persons temporarily employed (on probation) may be exempted from the provisions of this Chapter.
 - (c) the form of application for conductor's license or for renewal of such conductor's licenses and the particulars it may contain.
 - (d) the forms in which conductor's license may be issued or renewed and the particulars it may contain;
 - (e) the minimum qualification of conductors, their duties and the conduct of persons to whom conductor's license are issued;
 - (f) the issue of duplicate conductor's license to replace licenses lost, destroyed or mutilated, the replacement of photograph which have become obsolete and the fees to be charged therefor;
 - (g) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees.
 - (h) the badges and uniform to be worn by conductors of stage carriages or contract carriages and the fees to be paid in respect of such uniforms and badges;
 - (i) the granting by registered medical practitioners of the certificate referred in sub-section (3) of section 24 and the form of such certificates;
 - (j) the communication of particulars of conductor's license from one authority to other authorities; and
 - (k) any other matter which is to be or may be prescribed.

CHAPTER IV
REGISTRATION OF MOTOR VEHICLES

32. Necessity for registration - No person shall drive any motor vehicle and not owner of a motor vehicle shall cause or permit the vehicle to be driven in any



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public place or in any other place for the purpose of carrying passengers or goods unless the vehicle is registered in accordance with this chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner.

33. Registration where to be made - Subject to the provision of section 35, section 36 and section 48 every owner of a motor vehicle shall cause the vehicle to be registered by the registering authority of the area where he permanently resides or has place of business where the vehicle is normally kept

34. Registration, how to be made - (1) An application by or on behalf of the owner of a motor vehicle for registration shall be in Form 'H' as set forth in the First Schedule, shall contain the information required by that form, and shall be accompanied by the prescribed fee.

Provided that where a motor vehicle is jointly owned by more persons than one, the application shall be made by one of them on behalf of all the owners and such applicant shall be deemed to be owner of the motor vehicle for the purpose of this Ordinance.

(2) The registering authority shall issue to the owners of a motor vehicle registered by it a certificate of registration in Form 'I' as set forth in the First Schedule and shall enter in a record to be kept by it particulars of such certificate.

(3) The registering authority shall assign to the vehicle for display thereon in prescribed manner, a distinguishing mark (in the Ordinance referred to as the registration mark) consisting of group of letters allotted to the district or area of the district concerned in the sixth Schedule followed by a letter or letters denoting the class of the vehicle and a number consisting of not more than 4 digit.

35. Registration of motor vehicles of diplomatic officers, etc - (1) Where an application for registration of a motor vehicle is made by, or on behalf of, any diplomatic officer or consular officer or any other privileged person then, Notwithstanding anything contained in this Chapter, the special registering authority appointed by the Government in this behalf shall register the vehicle in



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such manner and in accordance with such procedure as may be provided by rules made in this behalf under sub-section (3) and shall assign to the vehicle for display thereon a special registration mark in accordance with the provisions contained in those rules and shall issue a certificate that the vehicle has been registered under this section; and the vehicle so registered shall not, so long it remains the property of any diplomatic officer or consular officer or any privileged person be required to be registered otherwise than under this Ordinance.

(2) If any vehicle registered under this section ceases to be the property of any diplomatic officer or consular or any other privileged person certificate of registration issued under this section shall also cease to be effective and the provision of section 33 shall thereupon apply.

(3) The Government may make rules for the registration of motor vehicles belonging to diplomatic officers and consular officers and privileged person regarding the procedure to be followed by the special registering authority for registering such vehicles, the form in which certificates of registration of such vehicles are to be issued, the manner in which certificates of registration are to be sent to the owners of the vehicles and the physical verifications are to be done and the special registration marks are to be assigned to such vehicles.

Explanation - For the purposes of this section "diplomatic officers", "consular officers" or "privileged person" means any person who is recognised as such by the Government and if any question arises as to whether a person is or is not such an officer or person, the decision of the Government thereon shall be final.

36. Temporary Registration - (1) Notwithstanding anything contained in section 33, the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and a temporary registration mark.

(2) A registration made under this section shall be valid only for a period not exceeding one month, and shall not be renewable.

Provided that where a motor vehicle so registered is a chassis to which body has not been attached and the same is determined in a workshop beyond the said period of one month for being fitted with a body, the period may, on payment of



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such fees, if any, as may be prescribed be extended by such further period or periods so that the total period of such temporary registration may not exceed, any case, four months.

37. Production of vehicle at time of registration - The registering authority shall before proceeding to register a motor vehicle require the person applying for registration of the vehicle to produce the vehicle to the Inspector of Motor Vehicles or such other person as the Authority may specify in this behalf in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of Chapter VI and of the regulations made thereunder and that the vehicle is not mechanically defective.

38. Refusal of registration - The registering authority shall refuse to register any motor vehicle if the vehicle is mechanically defective or fails to comply with the requirements of Chapter VI or of the regulations made there under, or if the applicant fails to furnish particulars of any previous registration of the vehicle or the chassis identification number or furnishes inaccurate particulars in the application for registration of such vehicles, and shall furnish the applicant whose vehicle is refused registration, with the reasons in writing for such refusal.

39. Change of residence or place of business - (1) If the owner of a motor vehicle cease to reside or have his place of business at the address recorded in the certificate of registration of the vehicle, he shall, within thirty days of any such change of address, intimate his new address to the registering authority by which the certificate of registration was issued and to the authority by which the certificate of fitness was issued or last renewed, or, if the new address is within the jurisdiction of another registering authority, to that other registering authority, and shall at the same time forward the certificate of registration to the registering authority together with the prescribed fee in order that the new address may be entered therein.

(2) A registering authority other than the original registering authority making any such entry shall communicate the altered address to the original registering authority and to the authority which may require to issue or renew the certificate of fitness.



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(3) Nothing in sub-section (1) shall apply where the change of the address recorded in the certificate of registration is due to a temporary absence not intended to exceed three months in duration or where the motor vehicle is neither used nor removed from the address recorded in the certificate of registration.

40. Transfer of ownership - (1) Where the ownership or any motor vehicle registered under this Chapter is transferred:

(a) the transferer shall, within fourteen days of the transfer, report the transfer, to the registering authorities within whose jurisdiction the transfer is effected and shall simultaneously send a copy of the said report to the transferee;

(b) the transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferer in order that particulars of the transfer of ownership may be entered in the certificate of registration.

(c) the registering authority shall cause physical verification of particulars by the authority specified under section 37, and, if satisfied to the genuineness of transfer, may enter the particulars of the transfer of ownership in the certificate of registration within thirty days of the report made under clause (b).

(2) A registering authority other than the original registering authority making any such entry shall communicate the transfer of ownership to the original registering authority and, to the authority which may require to issue or renew the certificate of fitness.

41. Special provisions regarding motor vehicles subject to hire purchase agreement - (1) Where an application for registration of a motor vehicle which is held under a hire purchase agreement, is made, the registering authority shall make an entry in the certificate of registration regarding the existing of the said agreement.

(2) When the ownership of any motor vehicle registered under this Chapter is transferred and the transferee enters into a hire purchase agreement with any



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person, the registering authority shall, on receipt of an application from the parties to that agreement, make an entry as to the existence of such hire purchase agreement in the certificate of registration.

(3) Any entry made under sub-section (1) or sub-section (2) may be cancelled by the registering authority on proof of termination of the hire purchase agreement by the parties concerned.

(4) No entry regarding the transfer of ownership of any motor vehicle which is held under a hire purchase agreement shall be made in the certificate of registration except with the written consent of the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into a hire purchase agreement.

(5) Where the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into hire purchase agreement, satisfies the registering authority that he has taken possession of the vehicle owing to the default of the registered owner under the provisions of the agreement and that the registered owner refuses to deliver the certificate of registration or has absconded, such authority may, after giving the registered owner an opportunity to make such representative as he may wish to make (by sending to him a notice by registered post acknowledgement due at his address entered in the certificate of registration) and notwithstanding that the certificate of registration is not produced before it, cancel the certificate and issue a duplicate thereof to the person aforesaid.

(6) The provisions of sub-sections (1) to (5) shall, so far as may be apply to a motor vehicle is subject to hypothecation as they apply to any motor vehicle which is held under a hire purchase agreement.

42. Alteration in motor vehicle - (1) No owner of a motor vehicle shall so alter the vehicle that the particulars contained in the certificate of registration are no longer accurate, unless :-

(a) he has given notice to the registering authority within whose jurisdiction he resides, of the alteration he proposes to make, and

(b) has obtained the approval of the registering authority to make such alteration;



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Provided that it shall not be necessary to obtain such approval for making any change in the unladen weight of motor vehicle consequent on the addition or removal of fittings or accessories if such change does not exceed two per cent of the weight entered in the certificate of registration.

(2) No alteration which is likely to affect the chassis identification number, chassis construction or the make and model of the vehicle or the maximum limits in laden weight certified by the manufacturer shall be allowed.

(3) Any change where class of vehicle is effected shall be treated as new registration and the provisions of section 33 and section 34 shall thereupon apply.

(4) Where a registering authority has received notice under sub-section (1) it shall obtain the opinion of the concerned Inspector of Motor Vehicles on the proposed alteration and shall within fourteen days of the receipt of the notice communicate (by registered post acknowledgement due) to the owner of the vehicle its approval to the proposed alteration or otherwise.

(5) Notwithstanding anything contained in sub-section (1), the Authority may, by notification in the official Gazette, authorise, subject to such conditions as may be specified in the notification, the owner of more than one vehicle of the same make and specifications to alter any such vehicle so as to replace the engine thereof by an engine of same make and specifications without the approval of the registering authority.

(6) Where any alteration has been made in a motor vehicle with the approval of the registering authority or by reasons of any change in its engine number without such approval under sub-section (5), the owner of the vehicle shall, within fourteen days of the making of the alteration, report the alteration to the registering authority within whose jurisdiction he resides and shall forward the certificate of registration to that authority together with the prescribed fee in order that particulars of the alteration may be entered therein.

(7) A registering authority other than the original registering authority making any such entry shall communicate details of the entry to the original registering and to the authority which issued or last renewed the certificate of fitness.



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43. Suspension of registration - (1) If any registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction:

(a) is in such condition that its use in a public place would constitute a danger to the public, or that it fails to comply with the requirements of Chapter VI or of the regulations made thereunder, or

(b) has been or is being used, for hire or reward without a valid permit for being used as such, or has been or its being used without a valid certificate of fitness; the authority may, after giving the owner an opportunity of making any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration) for reasons to be recorded in writing, suspend the certificate of registration of the vehicle:-

(i) in any case falling under clause (a), until the defects are remedied to its satisfaction; and

(ii) in any case falling under clause (b), for a period not exceeding six months.

(2) An authority other than a registering authority shall, when making a suspension order under sub-section (1), intimate in writing the fact of suspension and the reasons therefor to the registering authority within whose jurisdiction the vehicle is at the time of the suspension.

(3) Where the registration of a motor vehicle has been suspended under sub-section

(1) for a continuous period of not less than one month, the registering authority, within whose jurisdiction the vehicle was when the registration was suspended, shall, if it is not the original registering authority, inform that authority of the suspension; and when the suspension has continued without interruption for a period of not less than six months, the registering authority within whose jurisdiction, the vehicle was when the registration was suspended may, if it is the original registering authority cancel the registration, and if it is not the original registering authority, shall forward the certificate of registration to that authority which may cancel it forthwith.



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(4) The owner of a motor vehicle shall, on the demand of a registering authority or other prescribed authority which has suspended the certificate of registration of the vehicle under this section, surrender the certificate of registration and any token or card issued to authorise the use of vehicle in a public place.

(5) A certificate of registration and any token or card surrendered under subsection (4) shall be returned to the owner when the order suspending registration has been rescinded and not before.

44. Cancellation of registration - (1) If a motor has been destroyed or has been rendered permanently incapable of use, the owner shall, within fourteen days or as soon as may be, report the fact to the registering authority within whose jurisdiction he resides and shall forward to that authority the certificate of registration of the vehicle together with any token or card issued to authorise the use of the vehicle in a public place, and shall simultaneously send a copy of the report to the authority which issued or last renewed the certificate of fitness.

(2) The registering authority shall, if it is the original registering authority, cancel the registration and the certificate of registration, or, if it is not, shall forward the report and the certificate of registration to the original registering authority and that authority shall cancel the registration and the certificate of registration.

(3) Any registering authority may order the examination of a motor vehicle within its jurisdiction by such authority as the Authority may by order appoint and, if upon such examination and after giving the owner an opportunity to make any representation he may wish to make (by sending to the owner a notice by registered post acknowledgement due at the address entered in the certificate of registration) it is satisfied that the vehicle is in such a condition that it is incapable of being used or its use in a public place would constitute a danger to the public and that it is beyond reasonable repair, may cancel the registration of the vehicle.

(4) If a registering authority is satisfied that a motor vehicle has been permanently removed out of Bangladesh the registering authority shall cancel the registration.

(5) A registering authority canceling the registration of a motor vehicle under section 43 or under this section shall communicate the fact in writing to the owner of the vehicle and the owner of the vehicle shall forthwith surrender to



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that authority the certificate of registration of the vehicle and any token or card issued to authorize the use of the vehicle in a public place.

(6) A registering authority making an order of cancellation under this section shall, if it is the original registering authority, cancel the certificate of registration and the entry to the vehicle in its records, and, if it is not the original registering authority, forward the certificate of registration to that authority, and that authority shall cancel the certificate of registration and the entry relating to the motor vehicle in its records.

(7) The expression "original registering authority" in this section and in section 39, 40 and 43 means the registering authority in whose records the registration of the vehicle is recorded.

45. Appeals - (1) Any owner of a motor vehicle aggrieved by an order of refusal under section 38 to register a motor vehicle or under sub-section (1) of section 47 to issue a certificate of fitness or by an order of suspension or cancellation made under section 43 or 44 or by an order of cancellation under sub-section (3) of section 47 may, within thirty days of the date on which he has received notice of such order, appeal against the order to the prescribed authority.

(2) The appellate authority shall give notice of the appeal of the original authority and after giving opportunity to the original authority and the appellant to be heard either personally or by pleader in the appeal pass such orders as it thinks fit :

Provided that orders of the original authority shall remain in force pending the disposal of the appeal unless the appellate authority otherwise directs.

46. Special requirements for registration of transport vehicle - (1) Having regard to the number, nature and the size of the tyres attached to the wheels of a transport vehicle, other than a motor cab, its make and model and other relevant consideration, the Authority may, by notification in the *official Gazette*, specify in relation to each make and model of a transport vehicle the maximum safe laden weight of such vehicles and the maximum safe weight of each axle of such vehicle.



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(2) The registering authority, when registering transport vehicle, shall enter in the record of registration and shall also enter in the certificate of registration of the vehicle the following particulars, namely:

- (a) the unladen weight of the vehicle;
- (b) the number, nature and size of tyres attached to each wheel;
- (c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axle thereof; and
- (d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods the number of passengers for whom accommodation is provided. and the owner of the vehicle, shall have the same particulars of registration and the registered address of the owner exhibited in the prescribed manner on the vehicle.

(3) There shall not be entered in the certificate of registration of any such vehicle any laden weight of vehicle or a registered axle weight of any of its axle different from that specified in the notification under sub-section (1) and in relation to the make and model of the vehicle and to the number, nature, and size of tyres attached to its wheels;

Provided that where it appears to the Authority that heavier or lighter weights than those specified in the notifications under sub-section (1) may be permitted in a particular locality for vehicle of a particular type, the Authority may by order in the official Gazette; direct that the provisions of this sub-section shall apply with each modifications as may be specified in the order.

(4) When by reason of any alteration in such vehicle including an alteration in the number, nature or size of it tyres, the registered laden weight of the vehicle or the registered axle weight of any of its axles no longer accords with the provisions of sub-section (3), the provisions of section 42 shall apply and the registering authority shall enter in the certificate of registration of the vehicle revised registered weight which accords with the said sub-section.

(5) In order that registered weight entered in the certificate of registration of a vehicle may be revised in accordance with the provisions of sub-section (3), the registering authority may require the owners of transport vehicle in accordance with such producers as may be prescribed to produce the certificate of registration within such time as may be specified by the registering authority.



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(6) Till such time the notification under sub-section (1) is issued the maximum safe laden weight of a transport vehicle and the maximum safe axle weight in respect of any of its axle may, however, be calculated in accordance with the Seventh Schedule.

47. Certificate of fitness of motor vehicle - (1) Subject to the provisions of section 48, no motor vehicle other than the motor vehicles as may be prescribed shall be demand to be validly registered for the purposes of section 32, unless it carries a certificate of fitness in Form J as set forth in the First Schedule, issued by the Inspector of Motor Vehicles or any other prescribed authority, to the effect that the vehicle complies for the time being with all the requirements of Chapter VI and the rules made thereunder; where the Inspector of Motor Vehicles or any other prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) The Authority may take regulations subject to which the certificate of fitness of motor vehicles may be renewed by the registered motor workshops specially authorised in this behalf by the Authority by notification in the *official Gazette*.

(3) Subject to the provision of sub-section (4), a certificate of fitness shall remain effective for a period of one year to be specified in the certificate by the issuing authority.

(4) Any Inspector of Motor Vehicles or other prescribed authority may for reasons to be recorded in writing cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Ordinance and the rules or regulations made thereunder; and on such cancellation or on the expiry of the certificate of fitness the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter V shall be deemed to be suspended until a new certificate of fitness has been obtained and the owner of such motor vehicle shall surrender to the registering authority within whose jurisdiction he resides any token or card issued to authorise the use of the vehicle in a public place.

(5) Any token or card surrendered under sub-section (4) shall be returned to the owner when a fresh certificate of fitness has been obtained.



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(6) A Certificate of fitness issued under this Ordinance shall, while it remains effective, be valid throughout Bangladesh unless otherwise specified by the issuing authority.

48. Registration of vehicles, the property of the Defence Services - (1)

The authority specified in Part B of the Fourth Schedule may register any motor vehicle which is the property or for the time being under the exclusive control of the Defence Services; and any vehicle so registered shall not, so long as it remains the property or under the exclusive control of the Defence Services, require to be registered otherwise under this Ordinance.

(2) A motor vehicle registered under this section unless otherwise prescribed shall carry a certificate of fitness in Form J as set forth in the First Schedule issued by the authority referred to in sub-section (1).

(3) An authority registering a vehicle under sub-section (1) shall assign a registration mark in accordance with the provisions contained in the Fourth Schedule and shall issue a certificate in respect of the vehicle that the vehicle has been registered under this section.

(4) If a vehicle registered under this section ceases to be the property or under the exclusive control of the Defence Service, the provisions of section 33 shall thereupon apply.

(5) The authority registering a vehicle under sub-section (1) shall furnish to the Government all such information regarding the general nature, overall dimensions, and axle weight of the vehicle as the Government may at any time require.

49. Application of Chapter IV to trailer - (1) The registration mark assigned to a trailer shall be displayed in the prescribed manner on the side of the vehicle.

(2) No person shall drive a motor vehicle to which a trailer is or trailers are attached unless the registration mark of the motor vehicle so driven is displayed in the prescribed manner on the trailer or on the last trailer in the train, as the case may be.

50. Power to make regulations - (1) The Authority may make regulations for the purpose of carrying into effect the provisions of this Chapter.



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(2) Without prejudice to the generally of the foregoing power, such regulations may provide for -

(a) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund.

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities and authorities for the supervision of the business of the registering authorities.

(c) the issue of certificate of registration and the certificate of fitness and duplicate of such certificates to replace the certificates lost, destroyed or mutilated;

(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;

(e) the manner in which registration marks and the particulars referred to in subsection

(2) of section 46, and other prescribed particulars shall be exhibited.

(f) the fees to be charged for the issue or alteration of certificate of registration for making or canceling an endorsement in respect of an agreement of hire purchase or hypothecation on a certificate of registration, for certificate of fitness, for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fees;

(g) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter.

(h) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter;

(i) the communication between registering authorities of particulars of certificate of registration and by owners of vehicles registered outside Bangladesh of particulars of such vehicles and of their registration;

(j) the particulars to be furnished by the owner of any motor vehicle to the registering authority, upon the transfer of possession of the motor vehicle under the terms of a hiring agreement;

(k) the extension of the validity of certificate of fitness pending consideration of applications for their renewal;

(l) the exemption from the provisions of this Chapter, and the condition and fees for exemption, of motor vehicles in the possession of dealers;

(m) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleansing of roads from all or any of the provisions of this Chapter and the regulations made thereunder, and the conditions governing such exemption, and the conditions subject to which the



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provisions of section 47 shall apply to the classes of motor vehicles other than transport vehicles;

(n) any other matter which is to be or may be prescribed.

CHAPTER V
CONTROL OF TRANSPORT VEHICLES

51. Necessity for permits - (1) No owner of transport vehicle shall use or permit

the use of the vehicle in any public place, save in accordance with the conditions of a permit granted and countersigned by a Transport Committee authorising the use of the vehicle in that place in the manner in which the vehicle is being used:

Provided that a stage carriage permit shall, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a contract carriage:

Provided further that a stage carriage permit may, subject to any conditions that may be specified in the permit, authorise the use of the vehicle as a goods vehicle either when carrying passengers or not:

Provided further that a public carrier's permit shall, subject to any conditions that may be specified in the permit authorise the holder to use the vehicle for the carrying of goods for or in connection with a trade or business carried on by him.

(2) In determining for the purpose of this Chapter whether a transport vehicle is or is not used for the carriage of goods for hire or reward -

(a) the delivery or collection by or on behalf of the owner of goods sold, used or let on hire or hire purchase in the course of any trade or business carried on by him other than the trade or business of providing transport,

(b) the delivery or collection by or on behalf of the owner of goods which have been or are to be subjected to a process or treatment in the course of a trade or business carried on by him, or

(c) the carriage of goods in a transport vehicle by a manufacturer or agent or dealer in such goods whilst the vehicle is being used for demonstration purposes, shall not be deemed to constitute a carrying of the goods for hire or reward; but the carriage in a transport vehicle of goods by a person not being a dealer in such



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goods who has acquired temporary ownership of the goods for the purposes of transporting them to another place and their relinquishing ownership shall be deemed to constitute a carrying of the goods for hire or reward.

(3) Sub-section (1) shall not apply -

(a) to any transport vehicle owned by or on behalf of the Government other than the vehicles used for Government purposes connected with any commercial enterprises.

(b) to any transport vehicle owned by a local authority or by a person acting under contract with a local authority and used solely for road cleaning, road watering or conservancy purposes;

(c) to any transport vehicle used solely for police, fire brigade or ambulance purposes;

(d) to any transport vehicle used solely for the conveyance of corpses;

(e) to any transport vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;

(f) to any transport vehicle used for any other public purpose prescribed in this behalf;

(g) to any transport vehicle used by a person who manufactures or deals in motor vehicles or builds bodies for attachment to chassis, solely, for such purposes and in accordance with such conditions as the Authority may, by notification in the *official Gazette*, specify in this behalf ;

(h) to any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognised by the Government or whose managing committee is a society registered under the Societies Registration Act 1860 (XXI of 1860) ;

(i) to any goods vehicle which is a light motor vehicle and does not ply for hire or reward, or not used for any commercial purposes or to any two wheeled trailer with a registered laden weight not exceeding 2,240 pounds avoirdupois drawn by a motor car ;



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(j) to any transport vehicle which has been temporarily registered under section 36, while proceeding empty to any place for the purpose of registration of the vehicle under section 34 ;

(k) to any transport vehicle which owing to any natural calamity, is required to be diverted through any other route, whether within or outside a region with a view to enabling it to reach its destination ; or

(l) to any transport vehicle used for such purposes other than plying for hire or reward or used for any commercial purposes as the Authority may, by notification in the *official Gazette*, specify.

(4) Subject to the provisions of sub-section (3) sub-section (1) shall, if the Authority by regulations made under section 81 so prescribed, apply to any motor vehicle adopted to carry more than eight persons excluding the driver.

52. Power to the Government to control road transport - (1) The Government, having regard to -

(a) the advantages offered to the public, trade and industry by the development of motor transport, and

(b) the desirability of co-ordinating road and rail transport, and

(c) the desirability of preventing the deterioration of the road system, and

(d) the desirability of preventing uneconomic competition among motor vehicles, and after having the representatives of the interests affected and having considered the Authority, may by notification in the *official Gazette* -

(i) prohibit or restrict throughout Bangladesh or in any area or on any route within Bangladesh, subject to such conditions as it may think desirable the conveying of long distance goods traffic generally, or of prescribed classes of goods by private or public carriers ;

(ii) fix maximum or minimum fares or freights for stage carriages, contract carriages and public carriages and public carriers to be applicable throughout Bangladesh or within any area or on any route within Bangladesh ; or



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(iii) disallow the use as transport vehicle, any vehicle or class of vehicle manufactured prior to a particular year.

(2) The Government shall permit at such intervals of time as it may fix, the interests affected by any notification issued under sub-section (1) to make representations urging the cancellation or variation of the notification on the following grounds namely -

(a) that the railways are not giving reasonable facilities or are taking unfair advantage of the action of the Government under this section; or

(b) that conditions have changed since the publication of the notification; or

(c) that the special needs of a particular industry or locality require to be considered afresh.

(3) If the Government, after considering any representation made to it under subsection

(2) and having heard the representatives of the interests affected and the Authority is satisfied that any notification issued under sub-section (1) ought to be cancelled or varied, it may cancel the notification or vary it in such manner as it thinks fit.

53. Power of Government to issue orders and directions - The Government may issue such orders and directions as it may consider necessary in respect of any matter relating to road transport or on any matter not provided in this Ordinance to the Authority and the Authority shall give effect to all such orders and directions.

54. Transport Committee - (1) The Authority shall, by notification in the official Gazette, constitute Transport Committee to exercise and discharge throughout such areas, in this Chapter referred to as regions, as may be specified in the notification, in respect of each Transport Committee, the powers and functions conferred by or under this Chapter on such Committee: Provided that the area specified as the region of a Transport Committee shall in no case less be than an entire district or the whole of a metropolitan area.



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(2) A Transport Committee shall consist of such number of officials and non-officials as the Authority may think fit to appoint:

Provided that there shall be at least one representative from the Road Transport Owners Association registered under the Trade Organisation Ordinance, 1961 (XLV of 1961), and another representative from the Road Transport Workers Union registered under the Industrial Relations Ordinance, 1969 (XXIII of 1969), who shall be appointed in such manner as may be prescribed.

(3) A transport Committee, if authorised in this behalf by regulations make under section 81, may delegate such of its powers and functions to such authority or person and subject to such restriction, limitations and conditions as may be prescribed by the said regulations.

55. Road Transport Advisory Council, etc - (1) In order to facilitate a forum of discussion of the problems in the road transport sector and also for the ventilation of grievances of the owners as well as road transport workers, the Government shall, by notification in the *official Gazette*, constitute a Road Transport Advisory Council for the whole of Bangladesh and Road Transport Advisory Committee one for each regions consisting of such number of members as it thinks necessary form the officials, transport owners, transport workers and other experienced persons as may be specified in the notification.

(2) The Council or the Committee so constituted under sub-section (1), shall meet at least once in three months unless otherwise direct and submit its recommendations, by the former to the Authority and by the latter to the Transport Committee, as the case may be.

56. Transport Vehicle Terminal Authority - In order to undertake construction development, improvement, maintenance, management and control of Transport Vehicle terminal, bus stands, halting places and parking zones, the Government may, by notification in the official Gazette, constitute an authority or board either for the whole country or for a region or for a specified area consisting of such numbers as it thinks necessary.

57. General provisions as to applications for permits - (1) Every application for a permit shall be made to the Transport Committee of the region or in the



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case of more than one regions to the Transport Committee in whose functional area includes major portion of the route where it is proposed to use the vehicle or in whose area the journey may commence or terminate.

(2) Notwithstanding anything contained in sub-section (1), the Authority may, by notification in the *official Gazette*, direct that in the case of a vehicle or a particular class of vehicles proposed to be used in two or more regions, or in particular area or route, the application under that sub-section shall be made to it.

58. Application for stage carriage permit - An application for permit in respect of service of stage carriages or to use a particular motor vehicle as a stage carriage (in this Ordinance referred to as a stage carriage permit) shall, as far as may be, contain the following particulars, namely -

- (a) the routes or the areas to which the application relates;
- (b) the number of vehicles it is proposed to operate on a route or areas different routes or areas and the type and seating capacity of each such vehicle and also the number of vehicles intended to be kept in reserve to maintain the service and to provide for special occasions;
- (c) the minimum and maximum number of daily trips proposed to be provided in relation to each route or area and the time table of the normal trips;
- (d) the fare table, if any for the different classes of passengers for different stages in relation to each route or area, or if there is no such fare table, proposed rate of fare per mile per passenger for different classes which it is proposed to be charged;
- (e) the weight or luggage per passenger of the different classes which it is proposed to carry free of charge, and the charge that will be made for the carriage of excess luggage;
- (f) the arrangement intended to be made for the housing and repair of vehicles, for the comfort and convenience of passengers and for the storage and safe custody of luggage; and
- (g) such other matters as may be prescribed.



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Explanation - For the purpose of this section, section 60 and 69 "trip" means a single journey from one point to another and every journey shall be deemed to be separate trip.

59. Procedure of Transport Authority in considering application for stage carriage permit - (1) A Transport Authority shall, in consideration an application for a stage carriage permit, have regard to the following matters, namely -

- (a) the interest of the public generally ;
- (b) the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journey not being broken ;
- (c) the adequacy of other passenger transport service operating or likely to operate in near future, whether by road or other means, between the places to be served ;
- (d) the benefit to any particular locality or localities likely to be effected by the service ;
- (e) the operation by the applicant or other transport service including those in respect of which application for permits are pending ;
- (f) the conditions of the roads included in the proposed route or area ;

(g) whether the vehicle is roadworthy and mechanically fit, and shall also take into consideration any representation made by persons already providing by an means along or near the proposed route or area or by any association representing persons interested in the provision of road transport facilities recognised in this behalf by the Government or by local authority or police authority within whose jurisdiction any part of the proposed route or area lies ;
Provided that other condition being equal, an application for a stage carriage permit from a co-operative society registered or deemed to have been registered under any enactment in force for the time being shall, as far as may be, given preference over applications from individual operators.

(2) A Transport Committee may, having regard to the matters mentioned in subsection

(1), limit the number of stage carriage generally or of any specified type for which stage carriage permits may be granted in the region or in any specified route within the region or in any specified route within the region.



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60. Grant of stage carriage permits - (1) Subject to the provisions of section 59, a Transport Committee may, on an application made to it under section 58, grant a stage carriage permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit;

Provided that a permit granted in a modified form shall not be made valid for any route not specified in the application thereof unless the applicant and existing operators providing passenger transport facilities in or near that route have been given an opportunity of being heard.

(2) Every stage carriage permit shall be expressed to be valid only for a specified route or for a specified area.

(3) A Transport Committee, if it decides to grant a stage carriage permit, may grant the permit for a service of a stage carriage of specified description or for one or more particular stage carriages and may subject to any regulations that may be made under this Ordinance attach to the permit anyone or more of the following conditions, namely -

(i) that the service or services or any specified part thereof shall be commenced with effect from a specified date or dates;

(ii) the minimum and maximum of daily trips to be provided in relation to any route or area generally or on specified days and occasions ;

(iii) that the copies of time-table of the service or of particular stage carriage approved by the Transport Committee shall be exhibited on the vehicles and at the bus halts on the route or within the area as the Transport Committee may, from time to time, specify ;

(iv) that the service shall be operated within such margins of deviation from the approved time-table as the Transport Committee from time to time specify ;

(v) that on certain routes or in a certain areas or places passengers or goods shall not be taken up or set down except at specified places specified by the Transport Committee.

(vi) that, subject to such exceptions of specified occasions or at specified times



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and seasons, not more than specified number of passengers or a specified weight of luggage shall be carried on any specified vehicle or any vehicle of a specified type ;

(vii) the weight and nature of passengers' luggage that shall be carried free of charges, the total weight of luggage that may be carried in relation to each passenger and the arrangements shall be made for the carriage of luggage without causing inconvenience to passengers;

(viii) the rate of charges that may be levied for passengers' luggage's in excess of the free allowances ;

(ix) that vehicle of specified types fitted with bodies conforming to specified specifications shall be used and specified standards of comfort and cleanliness shall be maintained in the vehicle;

(x) the conditions subject to which goods may be carried in any stage carriage in addition to the exclusion of passengers;

(xi) that a copy or extract from the approved fare table and particulars of any special fares so approved for particular occasions shall be exhibited on every stage carriage and at specified stands and halts;

(xii) that fares shall be charged in accordance with the approved fare table;

(xiii) that tickets bearing specified particulars shall be issued to passengers for fares paid and that records of tickets issued shall be kept in a specified manner;

(xiv) that mails shall be carried on any of the vehicles authorised by the permit subject to such conditions (including conditions as to the time in which mails are to be carried and the charge which may be levied) as may be specified;

(xv) the conditions subject to which any vehicle covered by the permit may be used as a contract carriage;

(xvi) that the conditions of the permit shall not be departed from save with the approval of Transport Committee.



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(xvii) that any specified bus-station or shelter maintained by the Government or any local authority or another transport organisation shall be used and that any specified rent or fee shall be paid for its use.

(xviii) that the Transport Committee may after giving notice of not less than one month -

(a) vary conditions of the permit;

(b) attach to the permit further conditions;

(xix) that the holder of the permit shall after having been given an opportunity of being heard, be liable on the orders of the Transport Committee to pay penalty not exceeding the prescribed maximum if the Transport Committee is satisfied that the services are not being maintained in accordance with the permit or are not punctual or that the conduct of the driver or conductor generally in their relations with the passenger is objectionable, or that any conditions of the permit has been contravened.

(xx) that the holder of a permit shall furnish to the Transport Committee such periodical returns, statistics and other information as the authority may decide from time to time;

(xxi) that the stage shall be used in connection with any state duty at such rate of hire as the permit relating to the vehicle authorities.

(xxii) that some seats shall be reserved for ladies in the stage carriage;

(xxiii) that First Aid Box and fire extinguisher of an approved type shall be carried in the stage carriage;

(xxiv) that a call-bell connection between the driver and the conductor shall be arranged in the stage carriage;

(xxv) that the driver and the conductor of the stage carriage shall be cleanly dressed in the manner specified by the Transport Committee;

(xxvi) that no unlicensed person to help the conductor or the driver shall be carried in the stage carriage;

(xxvii) that no conductor shall stand on the foot-board or hang on the sides of the vehicles either when stationary or moving;

(xxviii) that the stage carriage shall not be used without paying the taxes that may be levied by any competent authority having jurisdiction over the area;

(xxix) that the chart of approved halts shall be exhibited in the stage carriage;

or

(xxx) any other condition which may prescribed.



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61. Application for contract carriage permit - Application for a permit to use a motor vehicle as a contract carriage (in this Chapter referred to as a contract carriage permit) shall contain the following particulars, namely -

- (a) the type and seating capacity of the vehicle;
- (b) the area for which the permit is required;
- (c) in the case of a motor cab, the fare it is proposed to charge; and in the case of other contract carriages, the different maximum rate of hiring proposed to be charged for different journey in the area;
- (d) in the case of a motor vehicle other than a motor cab, the manner in which it is claimed that the public convenience will be served by the vehicle; and
- (e) any other particulars which may be prescribed.

62. Procedure of Transport Committee in considering application for contract carriage permit - A Transport Committee shall, in considering an application for a contract carriage permit, have regard to the extent to which additional contract carriage may be necessary or desirable in the public interest; and shall also take into consideration any representation which may then be made or which may previously have been made by persons already holding contract carriage permits in the region or by any local authority or police authority in the region to the effect that the number of contract carriages for which permits have already been granted is sufficient for or in excess of the needs of the region or any area within the region and shall satisfy itself that the vehicle to which the application relates is roadworthy and mechanically fit.

63. Power to restrict the number of contract carriages and impose conditions on contract carriage permits - (1) Subject to the provisions of section 62, a Transport Committee may, on an application made to it under section 61, grant a contract carriage permit in accordance with the applications as it deems fit or refuse to grant such permit;

Provided that no such permit shall be granted in respect of any area not specified in the application.

(2) The Transport Committee, if it decides to grant a contract carriage permit may, subject to any rules that may be made under this Ordinance, attach to the permit any one or more of the following conditions, namely -

- (i) that the vehicle or vehicles shall be used only in a specified route or routes;
- (ii) that except in accordance with specified conditions, no contract of hiring, other than an extension or modification of a subsisting contract, may be entered



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into outside the specified area;

(iii) the maximum number of passengers and maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type, either generally or on specified occasions or at specified times and seasons and the same is prominently marked on the vehicle;

(iv) the conditions subject to which goods may be carried in any contract carriage in addition to or to the exclusion of passengers;

(v) that, in the case of motor cabs, specified fares or rates of fares shall be charged and a copy of the fare table shall be exhibited on the vehicles;

(vi) that, in the case of motor vehicle other than motor cabs, specified rates of hiring not exceeding the specified maximum shall be charged;

(vii) that, in the case of motor cabs, a specified weight or passengers' luggage shall be carried free of charge and that the charge, if any for any luggage in excess thereof shall be at a specified rate;

(viii) that, in the case of motor cabs, a taxi-meter shall be fitted and maintained in proper working order, if prescribed;

(ix) that the conditions of permit shall not be departed from safe with the approval of the Authority;

(x) that the vehicle shall be used in connection with any state duty at such rate of hire as may be permitted by the Transport Committees;

(xi) that the driver and the conductor (if any of the vehicle shall be cleanly dressed in the manner as may be specified by the Transport Committee;

(xii) that the vehicle shall not be used without valid tax token or without paying fees or taxes that may be levied by any competent authority having jurisdiction over the area;

(xiii) that the Transport Committee, after giving a notice of not less than one month

(a) vary the conditions of permit;

(b) attach to the permit further conditions;

(xiv) that the holder of the permit shall after having been given an opportunity of

being heard, be liable on the orders of Transport Committee to pay penalty not exceeding the prescribed maximum if the Transport Committee is satisfied that the services are not being maintained in accordance with the permit or that the vehicles are in unsatisfactory condition, or that the conduct of the driver or conductor generally in his relation with the passengers is objectionable, or that any condition of the permit has been contravened.

(xv) any other conditions which may be prescribed.



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64. Application for private carriers permit - An application for a permit to use a transport vehicle for the carriage of goods for or in connection with a trade or business carried on by the applicant (in this Chapter referred to as a private carrier's permit) shall contain the following particulars, namely -

- (a) the type and carrying capacity of the vehicle ;
- (b) the nature of the goods which the applicant expects normally to carry in connection with his trade or business.
- (c) the area for which the permit is required; and
- (d) any other particular which may be prescribed.

65. Conditions to be attached and procedure to be followed in granting private carrier's permit - (1) In considering an application for a private carrier's permit made under section 64, a Transport Committee shall, have regard to the condition of the road to be used by the vehicles in respect of which the application is made, and shall satisfy itself that the vehicle to which the application related will not be used otherwise than in connection with the business of the applicant and that the vehicle is road-worthy and mechanically fit it may grant a private carrier's permit in accordance with the application or which such modifications as it deems fit or refuse to grant such a permit; Provided that no such permit shall be granted in respect of any route or area not specified in the application.

(2) A Transport Committee may in granting private carrier's permit impose condition to be specified in the permit relating to the description of goods which may be carried, the area in which permit shall be valid or the maximum laden weight and axle weights of any vehicle used or any other condition which may be prescribed.

(3) If the applicant is the holder of a private carrier's permit which has been suspended or has been revoked, the Transport Committee may, in its discretion notwithstanding anything contained in sub-section (1), reject the application.

66. Application for public carrier's permit - An application for a permit to use a motor vehicle for the carriage of goods for hire or reward (in this Chapter referred to as a public carrier's permit) shall be made in the prescribed form.



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67. Procedure in considering application for public carrier's permit - (1)

In considering an application for a public carrier's permit, made under section 66, a Transport Committee shall have regard to the condition of the roads included in the proposed area or route, interest of public in general and the advantages to the public of the service to be provided and shall also satisfy itself, that the vehicles to which the application relates is road-worthy and mechanically fit, it may grant a public carrier's permit in accordance with the application or with such modifications as it deems fit or refuse to grant such a permit.

Provided that no such permit shall be granted in respect of any area or route not specified in the application;

Provided further that other conditions being equal, an application for a public carrier's permit from a co-operative society registered or deemed to have been registered under any enactment in force for the time being shall as far as may be, be given preference over applications for individual owners.

(2) If the applicant is the holder of a public carrier's permit which has been suspended or has been the holder of a public carrier's permit which has been revoked, the Transport Committee may, in its discretion, notwithstanding anything contained in sub-section (1), reject the application.

68. Conditions to be attached to public carrier's permit - The Transport Committee shall, in granting the permit under section 67, impose condition to be specified in the permit that the laden weight and the axle weight of the vehicle shall not exceed a specified maximum and may also impose all or any of the following conditions, namely -

- (a) that goods or any class of goods shall be carried at specified rates ;
- (b) that specified arrangement shall be made for housing, maintenance and repair of the vehicle and the storage and safe custody of goods carried ;
- (c) that the holder of the permit shall furnish to the Transport Committee such periodical returns, statistics and other information as the Government may decide from time to time.
- (d) that the Transport Committee may, after giving notice of not less than one month -
- (i) vary the condition of an existing permit, and



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- (ii) attach to such permit further conditions, as it may think fit and necessary;
- (e) that the conditions of the permit shall not be departed from save with the approval of the Transport Committee;
- (f) any other prescribed conditions appropriate to the service to be provided by the public carrier which the Transport Committee thinks proper to impose in the public interest or with a view to prevent uneconomic competition between the road transport service ;
- (g) that the vehicle shall be used in connection with any state duty on such rate of hire as the permit relating to the vehicles authorities ;
- (h) that the vehicle shall not be used without valid tax token or without paying tax or fee that may be levied by any competent authority having jurisdiction over the area; or
- (i) any other condition as may be prescribed.

- 69. Procedure in applying for a granting permits** - (1) An application for a contract carriage permit or a private carrier's permit or a public carrier's permit may be made at any time.
- (2) An application for a stage carriage permit shall be made not less than six weeks before the date on which it is desired that the permit shall take effect, or, if the Transport Committee appoints dates for the receipt of such applications, on such dates.
- (3) On receipt of an application for a stage carriage permit, the Transport Committee shall make the application available for inspection at the office of the committee, and shall publish the application or the substance thereof in the prescribed manner together with a notice of the date before which representations in connection therewith may be submitted and the date, not being less than thirty days from such publication, on which, and the time and place at which, the application and any representations received will be considered.
- (4) No representation in connection with an application referred to in sub-section (3) shall be considered by the Transport Committee unless it is made simultaneously to the applicant by the person making such representation.
- (5) When any representation such as is referred to in sub-section (3) is made, the Transport Committee shall dispose of the application at a public hearing and the applicant and the person making the representation shall have an opportunity of being heard either in person or by a duly authorised representative.



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(6) When any representation has been made by the persons or authorities referred to in section 62 to the effect that the number of contract carriages for which permits have already been granted in any region or any area within a region is sufficient for or in excess of the needs of the region or of such area whether such representation is made in connection with a particular application for the grant of a contract carriage permit or otherwise, the Transport Committee may take any such steps as it considers appropriate for the hearing of the representation in the presence of any persons likely to be affected thereby.

(7) When a Transport Committee refuses an application for a permit of any kind, it shall give to the applicant in writing its reason for the refusal.

(8) An application to vary the conditions of any permit other than a temporary permit by the inclusion of new route or routes or a new area or, in the case of a stage carriage permit, increasing a number of trips above the specified maximum or by altering the route covered by it or in the case of a contract carriage permit by increasing the number of vehicles covered by the permit, shall be treated as an application for the grant of a new permit.

Provided that it shall not be necessary so to treat an application made by holder of a stage carriage permit who provides the only service to any route or in any area or increase the frequency of the service so provided, without any increase in the number of vehicle.

(9) A permit, other than a temporary permit, shall be issued only to the owner of a vehicle.

70. Duration and renewal of permits - (1) A permit other than a temporary permit issued under section 74 shall be effective without renewal for a period of three years unless otherwise specified by the Transport Committee in the permit.
(2) Other conditions being equal, a permit may be renewed with the approval of the Chairman of the Authority or the Transport Committee, as the case may be, on an application made.

71. General conditions attaching to all permits - (1) Save as provided section 73, a permit shall not be transferable from one person to another except with the permission of the transport authority which granted the permit and shall not without such permission operate to confer on any person to whom a vehicle



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covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit.

(2) The holder of a permit may, with the permission of the authority by which the permit was granted, replace any vehicle covered by the permit by an other vehicle of the same nature.

(3) The following shall be conditions of every permit -

- (a) that the vehicles to which the permit relates, carry valid certificate of fitness issued under section 47 and are at all times so maintained as to comply with the requirements of Chapter VI and the rules made thereunder.
- (b) that the vehicle or vehicles to which the permit relates are not driven at a speed exceeding the speed lawful under this Ordinance;
- (c) that any prohibition or restriction imposed and any fares or freights fixed by notification made under section 52 are observed in connection with any vehicle or vehicles to which the permit relates;
- (d) that the vehicle or vehicles to which the permit relates are not driven in contravention of the provisions of section 5 or section 86;
- (e) that the provisions of this Ordinance limiting the hours of work of drivers are observed in connection with any vehicle or vehicles to which the permit relates;
- (f) that the provisions of Chapter IX so far as they apply to the holder of the permit are observed ;
- (g) that there shall not be more than one permit in respect of any vehicle ;
- (h) that arrangements shall be made by the employer to provide resting place for the workers engaged in the vehicles providing service in the long routes.
- (i) that at least two drivers shall be employed by the employer in the vehicles providing service at night or in the routes where the driver may require to work beyond the hours of work specified in clause (b) of sub-section (1) of section 76A.

72. Cancellation and suspension of permits - (1) The Transport Committee which granted a permit may cancel the permit or may suspend it for such period as it thinks fit.

- (a) on the breach of any condition specified in sub-section (3) of section 71, or of any condition contained in the permit, or
- (b) if the holder of the permit uses or causes or allows a vehicle to be used in any manner not authorised by the permit, or
- (c) if the holder of the permit ceases to own the vehicle or vehicles covered by



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the permit, or

(d) if the holder of the permit has obtained the permit by fraud or misrepresentation, or

(e) if the holder of the permit, not being a private carrier's permit, fails without reasonable cause to use the vehicle or vehicles for the purposes for which the permit was granted, or

(f) if the holder of the permit acquires the citizenship of any foreign country, or

(g) if the vehicle to which permit relates had bad record of accidents or if the accident was due to the use of defective vehicle :

Provided that no permit shall be cancelled unless an opportunity has been given to the holder of the permit to submit his explanation.

(2) The Transport Committee which granted a permit may, after giving the holder thereof an opportunity to furnish his explanation, reduce either permanently or for such period as it thinks fit the number of vehicle or the route or area covered by the permit on any of the grounds mentioned in sub-section (1).

(3) The Transport Committee may exercise the powers conferred on it under subsection

(1) and (2) in relation to a permit granted by any authority or person to whom power in this behalf has been delegated under sub-section (5) of section 54 if the said permit was a permit granted by the Transport Committee.

(4) Where a Transport Committee cancels or suspends a permit or reduces the number of vehicle or vehicles or the routes or area covered by a permit, it shall give to the holder in writing its reasons for the action taken.

(5) The powers exercisable under sub-section (1) or sub-section (2) (other than the powers to cancel a permit) by the Transport Authority which granted the permit may be exercised by any authority or persons to whom such powers have been delegated under sub-section (5) of section 54;

Provided that -

(i) no such authority or person shall pass an order suspending the permit for a period exceeding one month or reducing the period thereof by more than one month, and

(ii) any such order shall be placed within the said period of one month before the Transport Authority who may vacate the order or extended the said period of one month where it has not expired or cancel the permit.

73. Transfer of permit on death of holder - (1) Where the holder of a permit dies, the person succeeding to the ownership of the vehicle covered by the



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permit may, for a period of three months, use the permit as if it had been granted to himself :

Provided that such person has, within thirty days of the death of the holder, inform the Transport Committee which granted the permit of the death of the holder and of his own intention to use the permit.

Provided further that no permit shall be so used after the date on which it would have ceased to be effective without renewal in the hands of the deceased holder.

(2) The Transport Committee may, on application made to it within three months of the death of the holder of a permit, transfer the permit to the person succeeding to the ownership of the vehicles covered by the permit.

74. Temporary permits - Any Transport Committee or other prescribed authority may without following the procedure laid down in section 69, grant permits, to be effective for a limited period not in any case to exceed four months, to authorize the use of a transport vehicle temporarily -

(a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or

(b) for the purposes of a seasonal business, or

(c) to meet a particular temporary need, or

(d) pending decision on an application for a permit;

and may attach to any such permit any condition it thinks fit :

Provided that a temporary permit under this section shall, in no case, be granted in respect of any route or area specified in an application for the grant of a new permit under section 58, or section 61 or section 66 during the pendency of the application:

Provided further that a temporary permit under this section shall, in no case, be granted more than once in respect of any route or area specified in an application for the renewal of a permit during the pendency of such application for renewal.

75. Validation of permits for use outside region in which granted - (1)
Except as may be otherwise prescribed, a permit not being a private carrier's permit or a public carrier's permit granted by the Transport Authority of anyone



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region shall not be valid in any other region, unless the permit has been countersigned by the Transport Committee of that other region.

(2) Notwithstanding anything contained in sub-section (1), a permit granted by the Authority shall be valid in the whole country or in such region or regions or areas or routes as may be specified in the permit.

(3) A Transport Committee when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit, and may likewise vary any condition attached to the permit by the Authority by which the permit was granted.

(4) The provisions of this Chapter relating to the grant, revocation and suspension of countersignatures of permits.

(5) Notwithstanding anything contained in sub-section (1), a Transport Authority of one region may issue a temporary permit under clause (a) or clause (c) of section 74 to be valid in another region with the concurrence, given generally or for the particular occasion, of the Transport Authority of that other region, as the case may be.

(6) Notwithstanding anything contained in sub-section (1) but subject to any regulations that may be made under this Ordinance, the Authority may, for the purpose of promoting tourism, grant in respect of tourist vehicles such number of permits for the whole or any part of Bangladesh and the provisions of sections

61,62, 63, 69, 70, 71, 72, 73 and 76 shall, as far as may be, apply in relation to such permits.

(7) The following shall be the conditions of every permit granted under sub-section (6), namely -

- (i) every motor vehicle in respect of which such permit is granted shall conform to such description, requirement regarding the seating capacity, standard of comforts, fitness, amenities and other matters as the Government may specify in this behalf;
- (ii) the provision by the permit holder of insurance covering the risk of the personal effects of the tourist in transit;
- (iii) every such motor vehicle shall be driven by a person having such



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qualifications and satisfying such conditions as may be prescribed ; and
(iv) such other conditions as may be prescribed.

76. Appeals - (1) Any person -

- (a) aggrieved by the refusal of the Transport Committee to grant a permit or by any condition attached to a permit granted to him, or
- (b) aggrieved by the revocation or suspension of the permit or by any variation of the conditions thereof, or
- (c) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit, or
- (d) aggrieved by the refusal of the Transport Committee to countersign a permit, or by any condition attached to such countersignature, or
- (e) aggrieved by the refusal of renewal of a permit, or
- (f) being a local authority for police authority or an association which or a person providing transport facilities who, having opposed the grant of a permit is aggrieved by the grant thereof or by any condition attached thereto, or
- (g) being the holder of a licence, who is aggrieved by the refusal of a Transport Committee to grant an authorisation to drive a public service vehicles, or a transport vehicle, or
- (h) aggrieved by the refusal to grant permission under sub-section (1) or subsection (2) of section 71, or
- (i) aggrieved by a reduction under sub-section (2) of section 72 in the number of vehicles or routes or area covered by permit, or
- (j) aggrieved by any other which may be prescribed may appeal to such authority within such time and in such manner as may be prescribed by rules made by the Government, and such authority shall, before disposing of such appeal, give such person and the original authority an opportunity of being heard.

(2) The authority prescribed under sub-section (1) for the purpose of hearing appeals may, either on its own motion or on application made to it call for the record of any case in which an order has been made by the Authority or a Committee, as the case may be, and may pass such order in relation to the case may be, and may pass such order in relation to the case as it deems fit.

Provided that the authority prescribed under sub-section (1) shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.



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76A. Restriction of hours of work of workers - (1) No person shall cause or allow any person who is employed by him for the purpose of driving of a transport vehicle or acting as conductor or helper-cum-cleaner of such vehicle or who is subject to his control of such purpose to work -

(a) for more than five hours before he has had interval of rest of at least half an hour; or

(b) for more than eight hours in one day ; or

(c) for more than forty-eight hours in the week.

(2) The Authority may by regulation made under section 81 grant such exemptions from the provisions of sub-section (1) as it thin fit, to meet cases of emergency or of delays by reason of circumstances which could not be foreseen.

(3) The Authority by regulations made under section 81, may require persons employing any person whose work is subject to any of the provisions of subsection

(1) to fix beforehand the hours of work of such persons so as to conform with those provisions, and may provide for the recording of the hours so fixed.

(4) No person shall work or shall cause or allow any other person to work outside the hours fixed or received for the work of such persons in compliance with any regulations made under sub-section (3).

(5) The Authority may prescribe the circumstances under which any period during which the driver or conductor of a vehicle although not engaged in work in required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of sub-section (1).

78. Voidance of contracts restrictive of liability - Any contract for the conveyance of a passenger in a stage carriage or contract carriage, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to negative or restrict the liability of any person in respect of any claim made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability be void.

79. Agent or canvasser to obtain licence - (1) No person shall engage himself - (a) as an agent or canvasser in the sale of tickets for travel by public service vehicles or otherwise solicit customers for such vehicle; or (b) as an agent in the business of collecting, forwarding or distributing goods



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carried by public carrier's unless he has obtained a licence from such authority and subject to such conditions as may be prescribed.

(2) The conditions referred to in sub-section (1) may, include all or any of the following matters, namely -

(a) the period for which a licence may be granted or renewed ;

(b) the fee payable for the issue or renewal of the licence;

(c) the deposit of security -

(i) of a sum not exceeding taka seventeen thousand and five hundred in the case of an agent in the business of collecting, forwarding or distributing goods carried by public carriers;

(ii) of a sum not exceeding taka one thousand seven hundred and fifty in the same of any other agent or canvasser :

and the circumstances under which the security may be forfeited ;

(d) the provision by the agent for insurance of goods in transit;

(e) the authority by which and circumstances under which the licence may be suspended or revoked ;

(f) such other conditions as may be prescribed by the Government.

80. Power to make regulations as to stage carriages and contract carriages -

(1) The Authority may make regulations to regulate, in respect of stage carriages and contract carriages -

(a) the conduct of passengers in such vehicles.

(2) Without prejudice to the generality of the foregoing provision, such regulations may -

(a) authorise the removal from such vehicle of any person infringing the rules by the driver or conductor of the vehicle, or on the request of the driver or conductor, or any passenger by any police officer;

(b) require a passenger who is reasonably suspended by the driver or conductor of contravening the rules to give his name and address to a police officer or to the

driver or conductor on demand;

(c) require a passenger to declare, if so requested by the driver or conductor the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket provided therefor ;

(d) require, on demand being made for the purpose by the driver or conductor or



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other person authorised by the owner of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him ;

(e) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid ;

(f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(g) require a passenger to abstain from doing anything which is likely to obstruct or interfere with the working of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger

(h) require a passenger not to smoke in any public service vehicle or in any vehicle on which a notice prohibiting smoking is exhibited.

(i) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same.

81. Power to make regulations for the purpose of this Chapter - (1) The Authority may make regulations for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generally of the foregoing power, regulations under this section may be made with respect to all or any of the following matters, namely :-

(a) the period of appointment and the terms of appointment and the conduct of business by Transport Committees and the reports to be furnished by them ;

(b) the conduct of business by any such Committee in the absence of any member (including the Chairman thereof) and the nature of business which, the circumstances under which and the manner in which, business could be so conducted;

(c) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;



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- (d) the forms to be used for the purposes of this Chapter, including the forms of permits;
- (e) the manner in which and the time within which, every application for a stage carriage permit shall be published, as required by sub-section (3) of section 69, and the circumstances under which and the fees on payment of which, copies of such applications may be granted;
- (f) the issue of copies of permit in place of permits lost or destroyed or mutilated or defaced ;
- (g) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed ;
- (h) the fees to be paid in respect of permit, duplicate permits and plates ;
- (i) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter ;
- (j) the custody, production and cancellation on revocation, or expiration of permits and the return of permits, which have become void or have been revoked;
- (k) the conditions subject to which, and the extent to which, a permit granted in one region shall be valid in another region without countersignature ;
- (l) the authorities to whom, the time within which and the manner in which appeals may be made ;
- (m) the construction and fittings of, and the equipment to be carried by stage and contract carriage, whether generally or in specified areas ;
- (n) the determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried ;
- (o) the conditions subject to which goods may be carried on stage and contract



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carriages partly or wholly in lieu of passengers ;

(p) the safe custody and disposal of property left in a stage or contract carriage ;

(q) regulating the painting or marking of transport vehicles and the display of advertising matters thereon, and in particular, prohibiting the painting or marking of transport vehicles in such color or manner as to induce any person to believe that the vehicles is used for the transport of mails ;

(r) the conveyance in stage or contract carriage of corpses or persons suffering from any infections or contagious disease or goods likely to cause discomfort or injury to passengers and the infection and dis-infection of such carriages, if used for such purposes.

(s) the provision of taxi-meters on motor cabs requiring approval or standard types of taxi-meters to be used and examining, testing and sealing taxi-meters ;

(t) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly noticed stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place ;

(u) the requirement which shall be complied with in the construction or use of any duly notified stand or halting place, including the provisions of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged or the use of such facilities, the records which shall be maintained at such stands or place, the staff to be employed thereat and generally and generally for maintaining such stands and the duties and conduct of such staff, and places in a serviceable and clean conditions ;

(v) the regulation of motor cab stands ;

(w) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any vehicle used for the conveyance of passengers for hire or reward ;

(x) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holder for the purpose of their business ;



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(y) requiring the person in charge of a stage carriage to carry any person tendering the legal of customary fare ;

(z) the conditions under which and the types of containers or vehicles in which animals or birds may be carried and the seasons during which animals or birds may not be carried ;

(za) the licencing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit customers for such vehicles ;

(zb) the licensing of agents engaged in the business of collecting, forwarding and distributing of goods carried by public carriers ;

(zc) the inspection of transport vehicles and their contents and of the permits relating to them ;

(zd) the carriage of persons other than the driver in goods vehicles ;

(ze) the records to be maintained and the returns to be furnished by the owners of transport vehicles ; and

(zf) any other matter which is to be or may be prescribed.

CHAPTER VI

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF MOTOR VEHICLES

82. General provision regarding construction and maintenance - Every motor vehicle shall be constructed and so maintained as to be at times under the effective control of the person driving the vehicle.

83. Vehicles to have right hand control - Every motor vehicle shall be so constructed as to have right hand steering control unless it is equipped with a mechanical or electrical signing device of a prescribed nature.

84. Power to make rules - (1) The Government may make rules regulating the construction, equipment and maintenance of motor vehicles and trailers and the establishment, registration, operation and supervision of motor vehicles repairing workshop.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following matters either generally



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in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances, namely :-

- (a) the width, height, length and overhang of vehicles and of the loads carried ;
- (b) seating arrangements in public service vehicles and the protection of passengers against the weather ;
- (c) the size, nature and condition of tyres ;
- (d) brakes and steering gear ;
- (e) the use of safety glass ;
- (f) signaling appliances, lamps and reflectors ;
- (g) speed governors ;
- (h) the emission of smoke, visible vapour, sparks, ashes, grit or oil ;
- (i) the reduction of noise emitted by or caused by vehicles ;
- (j) prohibiting or restricting the use of audible signals at certain times or in certain places ;
- (k) prohibiting or restricting the use as transport vehicles of any motor vehicle or any motor vehicle with left hand steering control ;
- (l) prohibiting the carrying of appliances likely to cause annoyance or danger ;
- (m) the periodical testing and inspection of vehicles by prescribed authorities ;
- (n) the particulars other than registration marks to be exhibited by vehicles and the manner in which they shall be exhibited.
- (o) the use of trailers with motor vehicle ;
- (p) prohibiting or enforcing the painting in particular colors of motor vehicles of particular descriptions or for particular purposes or in particular areas ;
- (q) registration, control and supervision of establishments undertaking repair works of motor vehicles and the conditions governing such establishment ; and
- (r) any other matter which is to be or may be prescribed by rules.

CHAPTER VII
CONTROL OF TRAFFIC

85. Limits of speed - (1) No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed fixed for the vehicle by or under this Ordinance or by under any law for the time being in force.

Provided that such maximum speed shall in no case exceed the maximum fixed for the vehicle in the English Schedule.



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(2) The Government or any authority authorised in this behalf by the Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the *official Gazette*, and by causing appropriate traffic signs to be placed or erected under section 89 at suitable places fix such maximum speed limits as it thinks fit for the motor vehicles or any specified class of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads. Provided that where any restriction under this section is to remain in force for not more than one month, notification thereof in the *official Gazette* shall not be necessary.

86. Limits of weight and limitation on use - (1) The Government may prescribe conditions for the issue of permits for heavy motor vehicles by the Transport Committees and may prohibit or restrict the use of such vehicles in any area or route within Bangladesh.

(2) Except : as may be otherwise prescribed, no person shall drive or cause or allow to be drive in any public place any motor vehicle which is not fitted with pneumatic tyres.

(3) No person shall drive or cause or allow to be driven in any public place any motor vehicle or trailer -

(a) the unladen weight of which exceeds the unladen weight specified in the certificate of registration of the vehicle, or

(b) the laden weight of which exceeds the registered laden weight specified in the certificate or registration, or

(c) the axle weight of which exceeds the maximum axle weight specified for that axle in the certificate of registration.

(4) Where the driver or person in charge of a motor vehicle or trailer driven in contravention of sub-section (2) or clause (a) of sub-section (3) is not the owner, a Court may presume that the offence was committed with the knowledge of or under the orders of the owner of the motor vehicle or trailer.

87. Power to have vehicle weighed - (1) Any person authorised in this behalf by the Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 86, require the driver to convey



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the vehicle to a weighting device, if any, within a distance of one mile from any point on the forward route or within a distance of five miles from the destination of the vehicle for weighment ; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 86 regarding weight, he may, by order in writing direct the driver to convey the vehicle or trailer to the nearest place, to be specified in the notice, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until the laden weight or axle weight has been reduced or the vehicle has otherwise been treated so that it complies with section 86.

(2) Where any excess goods are removed any goods vehicles or trailer for storage under sub-section (1), such person as may be authorised in this behalf by the Government shall cause a notice in writing to be served on the owner of the vehicle or trailer, as the case may be, requiring him to remove the goods within the time to be specified in the notice and if the owner of the vehicle or trailer refuses or fails to remove the goods within the time so specified, the authorized person may sell the goods by public auction and the balance of the sale proceeds,

after deducting therefrom the charges for the storage of the goods and the costs incidental to the sale shall be paid to the owner of the vehicle or trailer, as the case may be :

Provided that where that excess goods removed are of perishable nature, the sale can be held immediately after causing the notice to be served on the driver of the vehicle or the trailer.

88. Power to restrict the use of vehicle - The Government or any authority authorised in this behalf by the Government, if satisfied that it is necessary in the interests of public safety or conveyance, or because of the nature of any road or bridge, may by notification in the *official Gazette* prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class of motor vehicle or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed it shall cause appropriate traffic signs to be placed or erected under section 89 at suitable places :

Provided that where any prohibition or restriction under this section is to remain



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in force for not more than one month, notification thereof in the official Gazette shall not be necessary, but such local publicity as the circumstances may permit, shall be given to such prohibition or restriction :

89. Power to erect traffic signs - (1) The Government or any authority authorized in this behalf by the Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of bringing to public notice any speed limit fixed under sub-section (2) of section 85 or any prohibition or restriction imposed under section 88, or generally for the purpose of regulating motor vehicle traffic.

(2) Traffic signs erected under sub-section (1) for any purpose for which provision is made in the Ninth Schedule shall be of the size, color and type and shall have the meanings set forth in the Ninth Schedule, but the Government or any authority empowered in this behalf by the Government may take or authorise the addition to any sign set forth in the said Schedule, or transcriptions of the words, letters or figures thereon in such script as the Government may think fit, provided that the transcriptions shall be of similar size and color to the words, letters or figures set forth in the Ninth Schedule.

(3) Except as provided by sub-section (1) no traffic sign shall, after the commencement of this Ordinance, be placed or erected on or near any road; but all traffic signs erected prior to the commencement of this Ordinance by any competent authority shall for the purposes of this Ordinance be deemed to be traffic signs erected under the provisions of sub-section (1).

(4) The Government may, by notification in the official Gazette, empower any District Magistrate or Superintendent of Police or the Commissioner of Police in the Metropolitan Areas or any other prescribed authority to remove or cause to be removed any sign or advertisement which is so placed in his opinion as to obscure any traffic sign from view or any sign or advertisement which is in his opinion so similar in appearance to a traffic sign as to be misleading.

(5) No person shall willfully remove, alter, deface or in any way tamper with any traffic signs placed or erected under this section.

(6) If any person accidentally causes such damage to traffic sign as renders it useless for purpose for which it is placed or erected under this section, he shall



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report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty four hours of the occurrence.

(7) For the purpose of bringing the signs set forth in the Ninth Schedule in conformity with any International Convention relative to motor traffic to which the Government is for the time being a party the Government may, by notification, and the Ninth Schedule shall be deemed to be amended accordingly.

90. Parking places and halting stations - The Government or any authority authorised in this behalf by the Government may, in consultation with the local authority having jurisdiction in the area concerned, determine place at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

91. Main roads - The Government or any authority authorised in this behalf by the Government may, by notification in the official Gazette or by the erection at suitable places of the appropriate traffic sign referred to in Part A of the Ninth Schedule, designate certain roads as main roads for the purposes of the regulations contained in the Tenth Schedule.

92. Duty to obey traffic signs - (1) Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a mandatory traffic sign and in conformity with the driving regulations set forth in the Tenth Schedule, and shall comply with all directions given to him by an police officer for the time being engaged in the regulation of traffic in any public place.

(2) In this section "mandatory traffic sign" means a traffic sign included in Part A of the Ninth Schedule, or any traffic sign of similar form, that is to say, consisting of or including a circular disc displaying a device, word or figure and having a red ground or border erected for the purpose of regulating motor vehicle traffic under sub-section (1) of section 90.

(3) Every driver of a motor vehicle shall stop on the appropriate line near every pedestrian crossing so marked where is a pedestrian on the crossing on the crossing.



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93. Signals and signaling devices - (1) The driver of a motor vehicle with a righthand steering control shall on the occasions specified in the Eleventh Schedule make the signals specified therein.

Provided that the signal of an intention to turn to the right or left or to stop may be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle.

(2) In the case of a motor vehicle with a left hand steering control the signal of an intention to turn to the right or left or to stop shall be given by a mechanical or an electrical device of a prescribed nature affixed to the vehicle, and in case of sudden failure of the devices, the signal shall, however, be given with the left hand.

94. Vehicle with left-hand control - No person shall drive or cause or allow to be driven in any public place any motor vehicle with a left-hand steering control unless it is equipped with a mechanical or electrical signaling device of a prescribed nature and in working order.

Provided that the Government may, having regard to the width and conditions of the roads in any area or route, by notification in the official Gazette, exempt, subject to such conditions as may be specified therein any such motor vehicle or class of motor vehicles from the operation of this section for the purposes of playing in that area or route.

95. Leaving vehicle in dangerous position - No person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to remain at rest on any road in such a position or in such a condition or in such circumstances as to cause or be likely to cause danger, obstruction or undue inconvenience to other users of the road.

96. Riding on running board - No person driving, or acting as conductor or incharge of motor vehicle shall carry any person, or permit any person to be carried on the running board, or on the bumper, or on the top of the roof, or otherwise than within the body of the vehicle, in excess of the permissible capacity.



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97. Restrictions on boarding public service vehicles - (1) No person shall board a public service vehicle in excess of the capacity authorised in the permit or, shall be on the running board, or on the bumper, or on the top of the roof, or otherwise than within the body of the vehicle.

(2) Any police officer not below the rank of Sub-Inspector of Police in uniform authorised in this behalf by the Government or any Inspector of Motor Vehicles may require such passenger to alight from the vehicle forthwith and may stop the vehicle and keep it standing until such passenger has alighted and every such passenger shall be entitled to the refund of any fare which he might have paid.

98. Obstruction of driver - No person driving a motor vehicle shall allow any person to stand or sit or anything to be placed in such a manner or position as to hamper the driver in his control of the vehicle.

99. Stationary vehicle - No person driving or in-charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motor in the absence of the driver.

100. Pillion riding - (1) No driver of a two-wheeled motor cycle shall carry more than one person in addition to himself on the cycle and no such person shall be carried otherwise than sitting on a proper seat security fixed to the cycle behind the driver's seat.

(2) No driver of a two-wheeled motor cycle shall drive any motor cycle unless he wears a helmet of the prescribed type or carry any person on a motor cycle unless that person wears a helmet of the prescribed type.

101. Duty to purchase licence and certificate of registration, etc - (1) The driver and the conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer not below the rank of Sub-Inspector of Police in uniform or, on demand by any Inspector of Motor Vehicles or, any other person authorised in this behalf by the Government produce his licence for Examination which shall, if found in order, be returned forthwith.



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(2) The owner of a motor vehicle other than a vehicle registered under section 48, or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any police officer not below the rank of Sub- Inspector of Police in uniform or any Inspector of Motor Vehicles or any person authorised in this behalf by the Government, produce the certificate of registration the vehicle and, where applicable the certificate of fitness referred to in section 47.

102. Duty of driver to stop in certain cases - (1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary :-

(a) when required to do so by any police officer uniform, or any Inspector of Motor Vehicles, or any person authorised in this behalf by the Government, or

(b) when required to do so by any person in-charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle will become unmanageable, or

(c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage ; and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.

(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver had committed an offence punishable under section 143, give his name and address to that person.

(3) In this section the expression "animal" means any horse cattle, elephant, camel, ass, mule, sheep or goat.

103. Duty of owner of motor vehicle to give information - The owner of a motor vehicle the driver or conductor of which is accused of any offence under this Ordinance shall, on the demand of any police officer authorised in this behalf by the Government or on the demand of any Inspector of Motor Vehicles or, other persons authorised in this behalf by the government, give all information



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regarding the name and address of and the licence held by the driver or conductor which is in his possession or could by reasonable diligence be ascertained by him .

104. Duty of driver in case of accident and injury to a person - When any person is injured or any property is damaged as the result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall -

(a) take all reasonable steps to secure medical attention for the injured person, and, if necessary convey him to the nearest hospital, unless the injured person or his guardian (in case he is a minor), desires otherwise;

(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police-station as soon as possible, and in any case within twenty-four, hours of the occurrence.

105. Inspection of vehicle involved in accident - When any accident occurs in which a motor vehicle is involved, any Inspector of Motor Vehicles or any other technically qualified officer duly authorised in this behalf by the Authority may, if required by any Police officer or owner of the vehicle concerned, inspect the vehicle in the prescribed manner and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination:

Provided that the place to which the vehicle is so removed shall be intimated to the owner of the vehicle and the vehicle shall be returned to the owner in a metropolitan area within forty-eight hours and elsewhere within seventy-two hours of accident.

106. Power to make rules - (1) The Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for

(a) the nature of the mechanical or electrical signaling devices which may be used on motor vehicle ;



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- (b) the removal and the safe custody of vehicle including their loads which have broken down or which have been left standing or have been abandoned on roads;
- (c) the installation and use of weighing devices ;
- (d) the maintenance and management of godowns for the storage of goods removed from over loaded vehicles and the fees, if any, to be charged for the use of such godowns ;
- (e) the exemption from all or any of the provisions of this Chapter of Fire Brigade vehicles, ambulances and other special classes of vehicle, subject to such conditions as may be prescribed
- (f) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use ;
- (g) prohibiting the driving down hill of a motor vehicle with the Sear disengaged either generally or in a specified place;
- (h) Prohibiting the taking hold of or mounting of a motor vehicle in motion;
- (q) prohibiting the use of footpaths of pavements by motor vehicles
- (J) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic ; and
- (k) any other matter which is to be or may be prescribed by rules.

CHAPTER VIII
MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING
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107. Power of Government to make rules - (1) The Government may, by notification in the official *Gazette*, make rules for all or any of the following purposes, namely -



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(a) the grant and authentication of travelling passes, certificates or authorizations to persons temporarily taking motor vehicles out of Bangladesh to any place outside Bangladesh or to persons temporarily proceeding out of Bangladesh to any place out of Bangladesh and desiring to drive a motor vehicle during their absence from Bangladesh ;

(b) prescribing the conditions subject to which motor vehicles brought temporarily into Bangladesh from outside Bangladesh by persons intending to make a temporary stay in Bangladesh may be possessed and used in Bangladesh ; and

(c) Prescribing the conditions subject to which persons entering Bangladesh from any place outside Bangladesh for a temporary stay in Bangladesh may drive motor vehicles in Bangladesh.

(2) No rule made under this section shall operate to confer on any person, any immunity from the payment of any tax levied on motor vehicles or their users.

(3) Nothing in this Ordinance or in any rules or regulations made there under by the Government relating to-

(a) the registration and identification of motor vehicles, or

(b) the requirements as to construction, maintenance and equipment of motor vehicles,

or

(c) the licensing and the qualifications of drivers and conductors of motor vehicles

shall, apply to any motor vehicle to which or to any driver or any conductor of a motor

vehicle to whom any rules made under clause (b) or clause (c) of subsection (1) apply.

CHAPTER IX

INSURANCE OF MOTOR VEHICLES AGAINST THIRD PARTY RISKS

108. Definitions - In this chapter -

(a) "authorised insurer" means an insurer in whose case the requirements of the Insurance Act, 1938 (IV of 1938), are complied with, and include the Government when



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the business of insuring motor vehicles against third party risk is carried on by it
; and

(b) "certificate of insurance" means a certificate issued by an authorised insurer
in

pursuance of sub-section (2) of section 110 ; and includes a cover note
complying with

such requirements as may be prescribed, and where more than one certificate
has been

issued in connection with a policy, or where a copy of a certificate has been
issued, all

those certificates or that copy, as the case may be;

(c) "property" includes roads, bridges, culverts, cause ways, trees, posts
and mile: stones

(d) "third party" includes the Government.

109. Necessity for insurance against third party risk (1) No person shall *on*.
except as a passenger or cause or allow any other person to use a motor vehicle
in a public place. unless there is in force in relation to the use of the vehicle by
that person or that other person, as the case may be a policy of insurance
complying with the requirements of this Chapter.

Explanation - A person driving a motor vehicle merely as a paid employee,
while there is in force in relation to the use of the vehicle no such policy as is
required by this subsection, shall not be deemed to act in contravention of the
sub-section unless he knows or has reason to believe that there is no such policy
(2) Sub-section (1) shall. not apply to any motor vehicle owned by or on behalf
of the Government other than the motor vehicles used for Government purposes
connected with any commercial enterprises :

Provided that the Government shall establish and maintain a fund in accordance
with the rules made in that behalf under the Ordinance for meeting any liability
arising out of the use of any of its vehicle or any person in its employment may
incur to third parties.,

or to indemnify any damage to property of a third party or, the, death or bodily
injury of any person caused by or arising out of the use of an unidentified motor
vehicle.

(3) The Government may by order exempt from the operation or sub-section

(1) any motor vehicle owned by any of the following authorities, namely -



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-
- (a) the Government, if the vehicle is used for Government purposes unconnected with any commercial enterprises;
 - (b) any local authority
 - (e) Bangladesh Road Transport Corporation

Provided that such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in accordance with 1 ht rule made in that behalf under this Ordinance for meeting any. liability arising out of the use of any vehicles of that authority or any person in its employment may incur to third parties.

110. Requirements of policies and limits of liability - (1) in order to comply with the requirements of this Chapter a policy of insurance must be a policy which- (a) is issued by a person who is' an authorised insurer or by a co-operative society allowe4 under section 125 to transact the business of an insurer, and

(b) insures the persons or classes of persons specified in the policy to the extent as may be prescribed from time to time-

(i). against any liability which may be incurred by him in respect of the death or bodily injury to any person. or damage to any property of a third party cause by or arising out of the use of the vehicle in a public place;

(ii) against the death or bodily injury to any passengers of a public service vehicle caused by or arising out of the use of the vehicle in a public

Provide that a policy shall not be required -

(i) to cover liability in respect or the death, arising out of and in the course of his employment, of the employee of a person insured by the policy or in respect of bodily injury sustained by such an employee arising out of and in the course of his employment, other that a liability arising under the Workmen's Compensation Act, 1923 (VIII of 1923), in respect of the death of, or bodily injury to, any such employee-

(a) engaged in driving the vehicle, or

(b) if it be a public service vehicle, engaged as a conductor of the vehicle or in examining tickets on the vehicle, or

(c) if it be a goods vehicle, being carried in the vehicle, or

(ii) except where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, to cover liability in respect of the death of or bodily injury to persons being carried in or



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upon entering or mounting or alighting from the vehicle at the time of the occurrence of the event out of which a claim arises, or
(iii) to cover any contractual liability.

Explanation - For the removal of doubts, it is hereby declared that the death of, or bodily injury to, any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of the use of a vehicle in a public place,

notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.

(2) A policy shall be of no effect for the purposes of this Chapter unless and until there is issued by the insurer in favour of the person by whom the policy is effected a certificate of insurance in the prescribed form and containing the prescribed particulars of any conditions subject to which the policy is issued and of any other prescribed matters; and different forms, particulars and matters may be prescribed in different cases.

(3) Where a cover note issued by the insurer under the provision of this Chapter or the rules made thereunder is not followed by a policy of insurance within the prescribed time, the insurer shall, within seven days of the expiry of the period of the validity of the cover-note, notify the fact to the registering authority in whose records the vehicles to which the cover-note relates has been registered or to such other authority as the Authority may prescribe.

(4) Notwithstanding anything elsewhere contained in any law, a person issuing a policy of insurance under this section shall be liable to indemnify the person or classes of person specified in the policy in respect of any liability which the policy purports to cover in the case of that person or those classes of person.

111. No fault liability - (I) Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, the victim of a motor accident or his heir as the case may be, shall be entitled to get compensation from the insurer or, in absence of valid insurance policy, from the owner of the motor vehicle involved in the accident such amounts as may be prescribed under clause (b) of sub-



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section (1) of section 110 in respect of death, permanent disablement or loss of any limbs or any other injury to the victim of the motor accident.

(2) If the insurer or owner or the motor vehicle concerned fails, to pay the compensation under sub-section (1) within thirty days of the demand made to him in this behalf in writing by the victim or his heir, as the case may be, the compensation may be recovered as a public demand.

112. Duty of insurers to satisfy judgements against persons insured in respect of third party risks - (I) If, after a certificate of insurance has been issued under sub-section (2) of section 110 in favour of the person by whom a policy has been effected, judgement in respect of any such liability as is required to be covered by a policy under clause (b) of sub-section (1) of section 110 being a liability covered by the terms of the policy is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or pay have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the person entitled to the benefit of the decree any sum not exceeding the sum assured payable thereunder as if he were the judgement debtor, in respect of the ability, together with any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgements.

(2) No sum shall be payable by an insurer under sub-sections (1) in respect of any judgement unless before or after the commencement of the proceedings in which the judgement is given the insurer had notice through the Court of the bringing of the proceedings, or in respect of any judgement so long as execution is stated thereon pending an appeal; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto and to defend the action on any of the following grounds, namely

(a) that the policy was cancelled by mutual consent or by virtue of any provision contained therein before the accident giving rise to the liability, and that either the certificate of insurance was surrendered to the insurer or that the person to whom the certificate was issued has made an affidavit stating that the certificate has been lost or destroyed, or that either before or not later than fourteen days after the happening of the accident the insurer has commenced proceedings for



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cancellation of the certificate after compliance with the provisions of section 122
; or

(b) that there has been a breach of a specified condition of the policy, being one of the following conditions, namely-

(i) a condition excluding the use of the vehicle-

(a) for hire or reward, where the vehicle is on the date of the contract of insurance a vehicle not covered by a permit to ply for hire or reward, or

(b) for organised racing and speed testing, or

(c) for a purpose not allowed by the permit under which the vehicle is used, where the vehicle is a transport vehicle, or (d) without side car being attached where the vehicle is a motor cycle; or

(ii) a condition excluding driving by a named person or persons or by any person is not duly licensed, or by any person who has been disqualified for holding or obtaining a driving license during the period of disqualification; or

(iii) a condition excluding liability, for injury caused or contributed to by condition of war, riot or civil commotion; or

(c) that the policy is void on the ground that it was obtained by the non disclosure of a material fact or by a representation of fact which was false in some material particular.

(3) Where a certificate of insurance has been issued under sub-section. (2) of section 110 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance, of the persons insured thereby by reference to any conditions other than those in clause (b) of sub-section (2) shall, as respects such liabilities as 'are required to be covered by a policy under clause (b) of sub-section (1) of section 110 be of no effect:

Provided that any sum paid by the insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this sub-section shall be recoverable by the insurer from that person.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability incurred by a person insured by a policy exceeds the amount for which the insurer would apart from the provision of this section be liable under the policy in respect of that liability, the insurer shall be entitled to recover the excess from that person.

(5) In this section the expressions "material fact" and "material particular" mean, respectively, a fact or particular of such a nature as to influence the judgement of a prudent insurer in determining whether he will take the risk and, if so, at what premium and on what conditions, and the expression "liability



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covered by the terms of the policy" means a liability which is covered by the policy of which would be so covered but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy.

(6) No insurer to whom the notice referred to in sub-section (2) has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgement as is referred to in sub-section (1) otherwise that in the manner provided for in sub-section (2).

113. Rights of third parties against insurers on insolvency of the insured

(1) Where under any contract of insurance effected in accordance with the provisions of this Chapter a person is insured against liabilities, which he may incur to third parties then

(a) in the event of the person becoming insolvent or making a composition or arrangement with his creditors, or

(b) where the insured person is a company, in the event of winding order being made or a resolution for a voluntary winding up being part with respect to the company or of a receiver or manager of the company's business or undertaking being duly appointed, or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge of an), property comprised in or subject to the charge, if, either before or after that event any such liability is incurred by the insured person, his right. Against the insurer under the contract in respect of the liability shall, notwithstanding anything to the contrary in any provision of law, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order for the administration of the estate of a deceased debtor is made according to the law of insolvency, then. if any debt provable in insolvency is owing by the deceased in respect of a liability to a third party against which he was insured under a contract of insurance in accordance' with the provisions of this Chapter, the deceased debtor's rights against the insurer in respect of that liability shall, notwithstanding anything to the contrary in any provisions of law, be transferred to and vest in the person to whom the debt is owing.

(3) Any condition in a policy issued for the purposes of this Chapter purporting either directly or indirectly to avoid the policy or to after the rights of the parties thereunder upon the happening to the insured person of any of the events



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specified in clause (a) or clause (b) of sub-section (1) or upon the making of an order for the administration of the estate of a deceased debtor according to the law of insolvency shall be of no effect.

(4) Upon a transfer under sub-section (1) or sub-section (2) the insurer shall be under the same liability to the third party as he would have been to the insured person, but-

(a) if the liability of the insurer to the insured person exceeds the liability of the insured person to the third party, nothing in this Chapter shall affect the rights of the insured person against the insurer in respect of the excess, and

(b) if the liability of the insurer to the insured person is less than the liability of the insured person to the third party nothing in this Chapter shall affect the rights of the third party against the insured in respect of the balance.

114. Duty to give information as to insurance - (1) No person against whom a claim is made in respect of any liability referred to in clause (b) of sub-section (1) of section 110 shall on demand by or on behalf of the person making the claim refuse to state whether or not he was injured in respect of that liability by any policy issued under the provisions of this Chapter, or would have been so injured if the insurer had not avoided or cancelled the policy, nor shall he refuse, if he was or would have been so injured, to give such particulars with respect to that policy as were specified in the certificate of insurance issued in respect thereof.

(2) In the event of any person becoming insolvent or making a composition or arrangement with his creditors or in the event of an order being made for the administration of the estate of a deceased person according to the law of insolvency or in the event of a winding up order being made or a resolution for a voluntary winding up order being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken by or on behalf of the holders any debentures secured by a floating charge on any property comprised in or subject to the charge, it shall be the duty of the insolvent debtor, personal representative of the deceased debtor or company, as the case may be or the official assignee or receiver in insolvency, trustee, liquidator, receiver or manager, or person in possession of the property to give at the request of any person claiming that the insolvent debtor, deceased debtor or company is under such liability to him as is covered by the provisions of this Chapter, such



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information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him by section 113, and for the purpose of enforcing such rights, if any, and any such contract of insurance as purport whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If, from the information given to any person in pursuance of sub section (2) or otherwise, he has reasonable ground for supposing that there have or may have been transferred to him under this chapter rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the person therein mentioned.

(4) The duty to give the information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

115. Settlement between insurers and insured persons – (1) No settlement made by an insurer in respect of any claim which might be made by a third party in respect of any liability of the nature referred to in clause (b) of sub-section (1) of section 110 shall be valid unless such third party is a party to the settlement.

(2) where a person who is insured under a policy issued for the purposes of this chapter has become insolvent, or where, if such insured person is a company, a winding up order has been passed with respect to the company no agreement made between the insurer and the insured person after liability has been incurred to a third party and after the commencement of the insolvency or winding up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid shall be effective to defeat the rights transferred to the third party under this Chapter, but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

116. Saving in respect of sections 113, 114 and 115 – (1) For the purposes of sections 113, 114 and 115, a reference to “liabilities to third parties” in relation to a person insured under any policy of insurance shall not include a



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reference to any liability of that person in the capacity of insurer under some other policy of insurance.

(2) The provisions of sections 113, 114 and 115 shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of an amalgamation with another company.

117. Insolvency of insured persons not to affect liability of insured or claims by third parties – Where a certificate of insurance has been issued to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in sub-section (1) or sub-section (2) of section 113 shall, notwithstanding anything in this Chapter not affect any liability of that person of the nature referred to in clause (1) of sub-section (1) of section 110; but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 113, 114 and 115 on the person to whom the liability was incurred.

118. Effect of death on certain causes of action – Notwithstanding anything contained in section 306 of the Succession Act, 1925 (XXXIX of 1925) the death of a person in whose favour a certificate of insurance had been issued, if it occurs after the happening of an event which has given rise to a claim under the provisions of this Chapter, shall not be a bar to the survival of any cause of action arising out of the said event against his estate or against the insurer.

119. Effect of certificate of insurance – When an insurer has issued a certificate of insurance in respect of a contract of insurance between the insurer and the insured person, then –

(a) if and so long as the policy issued to the insured described in the certificate has not been issued by the insurer to the insured, the insurer shall, as between himself and any other person except the insured, be deemed to have issued to the insured person a policy of insurance conforming in all respects with the description and particulars stated in such certificate; and

(b) if the insurer has issued to the insured the policy described in the certificate but the actual terms of the policy are less favourable to persons claiming under or by virtue of the policy against the insurer either directly or through the insured than the particulars of the policy as stated in the certificate the policy



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shall, as between the insurer and any other person except the insured, be deemed to be in terms conforming in all respects with the particulars stated in the said certificate.

120. Transfer of certificate of insurance – (1) Where a person in whose favour the certificate of insurance has been issued in accordance with the provisions of this Chapter, proposed to transfer to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, he may apply in the prescribed form to the insurer for the transfer of the certificate of insurance and the policy described in the certificate in favour of the person to whom the motor vehicle is proposed to be transferred, and if within fifteen days of the receipt of such application. by the insurer, the insurer has not intimated the insured and such other person his refusal to transfer the certificate and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

(2) The insurer to whom any application has been made under sub-section (1) shall transfer to the other person the certificate of insurance and the policy described in that certificate unless he considers it undesirable having regard to – the previous conduct of the other person – as a driver of motor vehicle; or as a holder of the policy of insurance in respect of any such vehicle ;or any conditions which may have been imposed in relation to any such policy held by the applicant; or the rejection of any proposal made by such other person for the issue of a policy of insurance in respect of any motor vehicle owned or possessed by him.

(3) Where the insurer has refused to transfer in favour of the person to whom the motor vehicle has been transferred the certificate of insurance and the policy described in that certificate, he shall refund to such transferee the amount, if any, which under the terms of the policy he would have had to refund to the insured for the unexpired term of such policy.

121. Duty to surrender certificate on cancellation of policy – (1) Whenever the period of cover under a policy of insurance issued under the provisions of this Chapter is terminated or suspended by any means before its expiration by effluxion of time, the insured person shall within seven days after such termination or suspension deliver to the insurer by whom the policy was issued



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the latest certificate of insurance given by the insurer in respect of the said policy, or, if the said certificate has been lost or destroyed, make an affidavit to that effect.

(2) Whoever fails to surrender a certificate of insurance or to make an affidavit, as the case may be, in accordance with provisions of this section shall be punishable with fine which may extend to thirty taka for everyday that the offence continues subject to a maximum of one thousand taka.

122. Duty of insurer to notify registering authority cancellation or suspension of the policy – Whenever a policy of insurance issued under the provisions of this Chapter is cancelled or suspended by the insurer who has issued the policy, the insurer shall within seven days notify such cancellation or suspension to the registering authority in whose records the registration of the vehicle covered by the policy of insurance is recorded or to such other authority as may be prescribed.

123. Production of certificate of insurance – (1) Any person driving a motor vehicle in any public place shall on being so required by a police officer not below the rank of Sub-inspector of police in uniform authorised in this behalf by the Authority or any Inspector of Motor Vehicles or other persons authorised in this behalf by the Government produce the certificate of insurance relating to the use of the vehicle.

(2) If, where owing to the presence of a motor vehicle in a public place an accident occurs involving bodily injury to another person, the driver of the vehicle does not at the time produce the certificate of insurance to a police officer, he shall produce the certificate of insurance at the police-station at which he makes the report required by section 104.

(3) No person shall be liable to conviction under sub-section (1) or sub-section (2) by reason only of the failure to produce the certificate of insurance if, within seven days from the date on which its production was required under sub-section (1) or, as the case may be, from the date of occurrence of the accident, he produces the certificate to such police-station as may have been specified by him to the police officer or to the other authority who required its production or, as the case may be, to the police officer at the site of the accident or to the officer in charge of the police-station at which he reported the accident.



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Provided that, except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to the driver of a transport vehicle.

(4) The owner of a motor vehicle shall give such information as he may be required by or on behalf of a police officer empowered in this behalf by the Authority to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section 109 and on any occasion when the driver was required under this section to produce his certificate of insurance.

(5) In this section the expression "produce his certificate of insurance" means produce for examination the relevant certificate or insurance or such other evidence as may be prescribed that the vehicle was not being driven in contravention of section 109.

124. Production of certificate of insurance on application for authority to use vehicle – The Authority may make regulations requiring the owner of any motor vehicle when applying whether by payment of a tax or otherwise for authority to use the vehicle in a public place to produce such evidence as may be prescribed by those to the effect that either –

- (a) on the date when the authority to use the vehicle comes into operation there will be in force the necessary policy of insurance in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission, or
- (b) the vehicle is a vehicle to which section 109 does not apply.

125. Co-operative insurance – (1) The Authority may on the application of a cooperative society of transport vehicle owners registered or deemed to have been registered under the Co-operative Societies Ordinance, 1985 (1 of 1985) or under an Act of Parliament governing the registration of Co-operative Societies allow the society to transport the business of an insurer for the purposes of this Chapter, subject to the following conditions, namely –

- (a) the society shall establish and maintain a fund of not less than two hundred thousand taka for the first fifty vehicles or fractional part thereof and pro rata for every additional vehicle in the possession of members of and insured with the society and the said fund shall be lodged in such custody as the Government



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may prescribe by rules and shall not be available for meeting claims or other expenses expect in the event of the winding up of the society;

(b) the insurance business of the society shall except to the extent permitted under clause (d) be limited to transport vehicle owned by its members, and its liability shall be limited as specified in clause (b) of sub-section (2) of section 110;

(c) the society shall if required by the Government re-insure against claims above such amount as may be specified by the Government;

(d) the society may, if permitted by the Government and subject to such conditions and limitation as may be imposed by it, accept re-insurance from other societies allowed to transact the business of an insurer under this section;

(e) the provisions of this Chapter, in so far as they relate to the protection of third parties and to the issue and production of certificates, shall apply in respect of any insurance effected by the society;

(f) an independent authority not associated with the society shall be appointed by the Government to facilitate and assist in the settling of claims against the society;

(g) the society shall operate on an insurance basis, that is to say –

(i) it shall levy its premium in respect of a period not exceeding twelve months, during which period the insured shall be held covered in respect of all accidents arising, subject to the limits of liability specified in clause (b) of sub-section (1) of section 110;

(ii) it shall charge premiums estimated to be sufficient, having regard to the risks, to meet the capitalised value of all claims arising during the period of cover, together with an adequate charge for expenses attaching to the issue of policies and to the settlement of claims arising thereunder;

(h) the society shall furnish to the Controller of Insurance the returns required to be furnished by insurers under the provisions of the Insurance Act, 1938 (IV of 1938), and the Controller of Insurance may exercise in respect thereof any of the powers exercisable by him in respect of returns made to him under the said Act ; and (i) the society shall, in respect of any business transacted by it of the



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nature referred to in clause (ii) of the proviso to sub-section (1) of section 110, be deemed to be an insurer within the meaning of sub-section (1) of section 10 and sub-section (6) of section 13 of the Insurance Act, 1938 (IV of 1938).

(2) The provisions of the Insurance Act, 1938 (IV of 1938), relating to the winding up of insurance companies shall to the exclusion of any other law inconsistent therewith and subject to such modification as may be prescribed, apply to the winding up of a cooperative society allowed to transact the business of an insurer under this section as if it were an insurance company; but save as here in before provided, the Insurance Act, 1938 (IV of 1938), shall not apply to any such society.

126. Duty to furnish particulars of vehicle involved in accident – A registering authority or the officer in charge of a police-station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that person or to that insurer, as the case may be, on payment of the prescribed fee any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it.

127. Claims tribunals – The District Judge having jurisdiction over the area shall constitute Motor Accidents Claims Tribunal (hereinafter referred to as Claims Tribunal) for that area for the purposed of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to, or damages to any property of persons arising out of the use of motor vehicles; Provided that, in such districts where there is no District Judge, the Government may appoint a person who is or has been a District Judge to be Claims Tribunal.

128. Application for compensation – (1) An application for compensation arising out of an accident for the nature specified in section 127 may be made –
(a) by the person who has sustained injury or whose property has been damaged or
(b) where the death has resulted from the accident, by all of or any of the legal heirs of the deceased ; or
(c) by any agent duly authorised by the person injured or by all or any of the



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legal heirs of the deceased, as the case may be :

Provided that where all the legal heirs of the deceased have not joined in any such application for compensation the application shall be made on behalf of or for the benefit of all the legal heirs who have not so joined, shall be impleaded as respondents to the application.

(2) Every application under sub-section (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred and shall contain such particular as may be prescribed.

(3) No application for compensation under this section shall be entertained unless it is made within six months of the occurrence of the accident:

Provided that the Claims Tribunal may entertain the application after expiry of the said period of six months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

129. Option regarding claims for compensation cases – Notwithstanding anything contained in any other law for the time being in force where the death or bodily injury to any person gives rise to a claim for compensation under this Ordinance or any other law, the person entitled to compensation may claim such compensation under this Ordinance and also under any other law.

130. Procedure to be followed by Claims Tribunal – On receipt of an application for compensation made under section 128, the Claims Tribunal shall, after issuing a notice under registered post (acknowledgement due) to the owner or owners and the insurer of the motor vehicle concerned or any other party affected or connected and after giving the parties an opportunity of being heard, hold an enquiry into the claim and may make an award determining the amount of compensation which appears to be just, and specifying the person or persons to whom the compensation shall be paid, and in making the award the Claims Tribunal shall specify the amount which shall be paid by the insurer or owner or driver of the vehicle involved in the accident or by any other party, by all or any of them, as the case may be.

131. Procedure and powers of Claims Tribunal – (1) In holding an enquiry under section 130, the Claims Tribunal may subject to any regulations that may be made in this behalf, follow such summary procedure as it thinks fit for quick adjudication of any claim.



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(2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and on enforcing the attendance of witness and of compelling the discovery of an production of documents and material objects and for such other purposes as may be prescribed, and the Claims Tribunal shall be deemed to be a Civil Court for all purposes of section 195 and Chapter XXXV of the code of Criminal Procedure, 1898 (Act V of 1898).

(3) Where in the course of any enquiry the Claims Tribunal is satisfied that –

(a) there is collusion between the person making the claim and the person against whom the claim is made ; or

(b) the person against whom the claim is made has failed to contest the claim; it may, for reasons to be recorded by it in writing, direct that the insurer who may be liable in respect of such claim, shall be impleaded as a party to the proceeding and the insurer so impleaded shall thereupon have right to contest the claim on all or any of the grounds that are available to the person against whom the claim has been made.

(4) Subject to any regulations that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudication upon the claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the enquiry to assist it in holding the enquiry.

132. Award of compensatory costs in certain cases – (1) Any Claims Tribunal adjudicating upon any claim for compensation under this Ordinance my, in any case, where it is satisfied for reasons to be recorded by it in writing that –

(a) the policy of insurance is void on the ground that it was obtained by representation of fact which was false in any material particular, or

(b) any party or insurer has put forward a false or vexatious claim or defence, such as Claims Tribunal may make an order for the payment by the party who is guilty of misrepresentation, by whom such claim or defence has been put forward, of special costs by way of compensation to the insurer or as the case may be, to the party against whom such claim or defence has been forward :

Provided that in case of void and defective policy, the Claims Tribunal may make an order for payment by the insurer to the party affected.

(2) No person or insurer against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of such misrepresentation, claim or defence as is referred to in sub-section (1).



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(3) Any amount awarded by way of compensation under this section in respect of any misrepresentation, claim or defence shall be taken into accounts in any subsequent suit for damages, for compensation in respect of such misrepresentation, claim or defence.

133. Appeals – Any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court Division : Provided that the High Court Division may entertain the appeal after expiry of the said period of ninety days, if it is satisfied that the appellants was prevented by sufficient cause from preferring the appeal in time.

134. Recovery of money due under award – Where any money is due from any person under an award, the Claims Tribunal may, on an application made to it by the person entitled to the money, issue a certificate for the amount, which shall be executed as a decree of a Civil Court.

135. Bar on the jurisdiction of Civil Courts – No Civil Court shall have jurisdiction to entertain any question relating to any claim for compensation which may be adjudicated upon by the Claims Tribunal for any area, and no Civil Court shall have power to issue injunction in respect of any action taken or to be taken by or before the Claims Tribunal in respect of the claim for compensation under this Ordinance.

136. Power to make regulations – (1) The Authority may make regulations for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for –

- (a) the forms to be used for the purposes of this Chapter;
- (b) the making of applications for and the issue of certificates of insurance;
- (c) the issue of duplicated to replace certificates of insurance mutilated, defaced, lost or destroyed;
- (d) the custody, production, cancellation and surrender of certificates of insurance;
- (e) the records to be maintained by insurers of policies of insurance issued under this Chapter;
- (f) the identification by certificates or otherwise of persons or vehicles exempted from the provisions of this Chapter;
- (g) the furnishing of information respecting policies of insurance by insurers;



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- (h) adapting the provisions of this Chapter to vehicles brought into Bangladesh by persons making only a temporary stay therein by applying those provisions with prescribed modifications;
- (i) the form of application for claims for compensation and the particulars it may contain, the fees, if any, to be paid in respect of such application;
- (j) the procedure to be followed by a Claims Tribunal in holding an enquiry under this Chapter;
- (k) the powers vested in a Civil Court, which may be exercised by a Claims Tribunal;
- (l) the form and manner in which, and the fees, if any, on payment of which an appeal may be preferred against an award of a Claims Tribunal; and
- (m) any other matters which is to be or may be, prescribed.

CHAPTER X
OFFENCES, PENALTIES AND PROCEDURE

137. General provision for punishment of offence – Whoever contravenes any provision of this Ordinance or of any rules or regulations made thereunder shall, if no other penalty is provided for the offence, be punishable with fine which may extend to two hundred taka, or, if having been previously convicted of any offence under this Ordinance he is again convicted of an offence under this Ordinance, with fine which may extend to four hundred taka.

138. Driving without licence - Whoever drives a motor vehicle or public service vehicle or whoever causes or allows a motor vehicle or public service vehicle to be driven in contravention of the provisions of sub-section (1) of section 3 shall be punishable with imprisonment which may extend to four months, or with fine which may extend to four months, or with fine which may extend to five hundred taka, or with both.

139. Fitting and using of prohibited horns or other sound producing device -

Whoever uses or being the owner or person in charge of motor vehicle fits, causes or allows fitting of any horns or any sound producing devices prohibited by any competent authority having jurisdiction over the area or prohibited under the provision of this Ordinance or any rules or regulations made thereunder or



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uses horn or any sound producing device where its use is prohibited shall be punishable with fine which may extend to one hundred taka.

140. Disobedience of orders, obstruction and refusal of information - (1) Whoever willfully disobeys and direction lawfully given by any person or authority empowered under this Ordinance to given such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Ordinance to discharge, or, being required by or under this Ordinance to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to true, shall, if no other penalty is provided for the offence, **be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five hundred taka, or with both.**
(2) Whoever, otherwise than with lawful authority or reasonable excuse, drives or cause to be driven a motor vehicle in opposite direction on one way road or contrary to any notice shall be punishable with fine, which may extend to two hundred taka.

141. Offences relating to licence - (1) Whoever, being disqualified under this Ordinance for holding or obtaining a driving licence, drives a motor vehicle in a public place or applies for or obtains a driving licence or, not being entitled to have a driving licence issued to him face of endorsement, applies for or obtains a driving licence without disclosing the endorsements made on a driving licence previously held by him or, being disqualified under this Ordinance for holding or obtaining a driving licence uses in Bangladesh a driving licence such as is referred to in sub-section (2) of section 10, shall be punishable with imprisonment **for a term which may extend to three months or with fine which may extend to three months or with fine which may extend to five hundred taka, or with both, and any driving licence so obtained by him shall be of no effect.**

(2) Whoever, being disqualified under this Ordinance, for holding or obtaining a conductor's licence, acts as a conductor of a stage carriage or a contract carriage in a public place or applies for or obtains a conductor's licence, or not being entitled to have a conductor's licence issued to him free of endorsement, applies for or obtains a conductor's licence without disclosing the endorsement made on a conductor's licence previously held by him, shall be punishable **with imprisonment for a term which may extend to one month or with fine**



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which may extend to two hundred taka or with both, and any conductor's licence so obtained by him shall be of no effect.

(3) Whoever, while driving a motor vehicle in a public place fails to produce his valid driving licence whenever required to do so by any authority acting under this Ordinance or any rules or regulations made thereunder shall be punished with fine of fifty taka.

142. Driving at excessive speed - (1) Whoever drives any motor vehicle or a tractor or a locomotive in contravention of section 85 shall be punishable for a first offence with imprisonment for a term which may extend to one month or with fine which may extend to three hundred taka or with both and for any subsequent offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both and his driving licence shall be suspended for a period not exceeding one month.

(2) Whoever causes any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of section 85 shall be punishable for a first offence with imprisonment which may extend to one month, or with fine which may extend to three hundred taka, or with both and for any subsequent offence with imprisonment which may extend to three months, or with fine which may extend to five hundred taka, or with both.

(5) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of one witness to the effect that in the opinion of the witness such person was driving at a speed which was unlawful, unless that opinion is shown to be based on a estimate obtained by the use of some mechanical device.

(6) The publication of a time-table under which or the giving or any direction that, any journey or part of a journey is to be completed within a specified time shall, if in the opinion of the Court it is not practicable in the circumstances of the case for that journey or part of a journey to be completed in the specified time without infringing the provisions of section 85, be prima facie evidence that the person who published the time-table or gave the direction has committed an offence punishable under sub-section

(2).



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143. Driving recklessly or dangerously - Whoever drives a motor vehicle at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature condition and use of the place where the vehicle is driven and the amount of traffic which actually is at the time or which might reasonably be expected to be in the place, shall be punishable on a first conviction for the offence with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred taka, and his driving licence shall be suspended for a specified period, and for a subsequent offence if committed within three years of the commission of a previous similar offence with imprisonment for a term which may extend to six months or with fine which may extend to one thousand taka, or with both, and his driving licence shall be suspended for a period not exceeding one month.

144. Driving while under the influence or drink or drug - Whoever while driving or attempting to drive a motor vehicle is under the influence of drink or drug to such extent as to be incapable of exercising proper control over the vehicle shall be punishable for a first offence with imprisonment which may extend to three months, or with fine which may extend to one thousand taka, or with both, and for a subsequent offence with imprisonment which may extend to two years, or with fine which may extend to one thousand taka, or with both and his driving licence shall be suspended for a specified period.

145. Driving when mentally or physically unfit to drive - Whoever drives a motor vehicle in any public place when he is to his knowledge suffering from any disease or disability calculated to cause his driving of the vehicle to be a source of danger to the public, shall be punishable for a first offence with fine which may extend to five hundred taka and his driving licence shall be suspended for a specified period and for a subsequent offence with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both.

146. Punishment for offence relating to accidents - Whoever fails to comply with the provisions of clause (c) of sub-section (1) of section 102 or, of section 104 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred taka, or with both or, if having been previously convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both.



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147. Punishment for abetment of certain offences - Whoever abets the commission of an offence under section 143, or 145, shall be punishable with the punishment provided for the offence.

148. Racing or a trial of speed - Whoever without the written consent of the Government permits or take part in a race or trial of speed between motor vehicles in any place shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five hundred taka, or with both, and his driving licence shall be suspended for a period which may extend to one month.

149. Using vehicle in unsafe condition - Any person who drives or causes or allows to be driven in any public place a motor vehicle or trailer while the vehicle or trailer has any defect, which such person knows of or could have discovered by the exercise of ordinary care and which is calculated to render the driving of the vehicle a source of danger to persons and vehicle using such place, shall be punishable with imprisonment or a term which may extend or with both, or, if as a result of such defect an accident is caused, causing bodily injury or damage to property, with imprisonment which may extend to three months, or with fine which may extend to one thousand taka, or with both.

150. Using of motor vehicles emitting smokes - (1) Whoever drives or causes or allows or lets out a motor vehicle for use in any public place, the smoke of which would constitute a health hazard, shall be punishable with fine which may extend to two hundred taka.

(2) Any police officer not below the rank of Sub-Inspector of Police in uniform authorized in this behalf by the Authority or any Inspector of Motor Vehicles or other persons authorised in this behalf by the Authority may seize and detain such vehicle for such time as may be necessary to ascertain if the smokes constitute a health hazard.

(3) No person shall be convicted of an offence punishable under sub-section (1) solely on the evidence of a witness unless that opinion is based on a test by the competent person.

151. Sale of vehicle in or alteration of vehicle to a condition contravening this Ordinance - Whoever, being an importer of or dealer in



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motor vehicles, sells or delivers or offers to sell or deliver a motor vehicle or trailer in such condition that the use thereof in a public place would be in contravention of Chapter VI or any rule made thereunder or alters the motor vehicle or trailer so as to render its condition such that its use in a public place would be in contravention of Chapter VI or any rule made thereunder shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand taka or with both :

Provided that no person shall be convicted under this section if he proves that he had reasonable cause to believe that the vehicle would not be used in a public place until it had been put into a condition in which it might lawfully be so used.

152. Using of motor vehicle without registration or certificate of fitness or permit - (1) Whoever drives a motor vehicle or causes or allows a motor vehicle to be used or let out a motor vehicle for use in contravention of the provisions of section 32 or without the certificate of fitness under section 47 or the permit required by subsection (1) of section 51 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used or to the maximum of passengers and maximum weight of luggage that may be carried on the vehicle, shall be punishable for a first offence with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand taka, or with both and for any subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand taka, or with both. (2) Nothing in this section shall apply to the use of a motor vehicle in an emergency for the conveyance of persons suffering from sickness or injury or for the transport of materials for repair or of food or materials to relieve distress or of medical supplies for a like purpose :

Provided that the person using the vehicle reports such to the Transport committee with seven days.

153. Agents and canvassers without proper authority - Whoever engages himself as an agent or canvasser in contravention of the provisions of section 79 or any regulations made thereunder, shall be punishable for first offence with fine which may extend to one thousand taka and for any second or subsequent offence with imprisonment which may extend to six months, or with fine which may extend to two thousand taka or with both.



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154. Driving vehicle exceeding permissible weight - Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of section 86 or of the conditions prescribed under that section 86 or section 88 shall be punishable for a first offence with fine which may extend to one thousand taka and for any subsequent offence with imprisonment for a term which may extend to six months, or with fine may extend to two thousand taka, or with both.

155. Driving uninsured vehicle - Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven in contravention of the provisions of **section 109 shall be punishable with fine which may extend to two thousand taka.**

156. Taking vehicle without authority - Whoever takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be punishable with imprisonment which may extend to **three months or with fine which may extend to two thousand taka, or with both.**

157. Obstruction in public street or public place - Whoever causes obstruction in a public street or public place by keeping a motor vehicle for repair or keeping or storing spare parts of motor vehicles or any articles for sale or keeps any article for any other purposes causing obstruction to flow of traffic shall be **punishable with a fine which may extend to five hundred taka and such vehicles or spare parts or articles shall be liable to confiscation.**

158. Unauthorized interference with vehicle - Whoever otherwise than with lawful authority or reasonable excuse enters or mounts any stationary motor vehicle or tampers with the brake or any part of the mechanism of any part of the body, or the speed governor or the speed governor seal, or the taxi meter (fare meter), or the taxi meter seal of a motor vehicle shall be punishable with **imprisonment which may extend to three months, or with fine which may extend to one thousand taka, or with both.**

159. Special procedure for trial of offences - (1) Notwithstanding anything



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contained in the Code of Criminal Procedure, 1898 (Act V of 1898), a police officer not below the rank of Sub-Inspector or Sergeant, or any Inspector of Motor Vehicles authorised in this behalf or other person authorised in this behalf by the Authority shall frame a charge of the offences punishable under sections 137, 139, 140, 142, 146, 149, 150, 151, 152, 153, 154, 155, 156, 157 and 158 one copy of which shall be delivered to the accused person who shall be delivered to the accused person who shall acknowledge receipt thereof under his signature or thumb-impression and another copy to be forwarded to the Superintendent of Police or the Deputy Commissioner of Police (Traffic) in the Metropolitan Area or such authority as is notified by the Authority in this behalf having jurisdiction in the area in which the offence is committed.

(2) The authorised police officer or other authority shall impose a fine as provided for, in the section, in the charge and if the fine so specified is paid at the specified place on or before the specified date either in cash or by money-order, no further proceedings shall be taken against the offender in respect of that offence.

(3) If the fine is not paid in the manner specified in the charge, the Superintendent of Police or the Deputy Commissioner of Police (Traffic) in the Metropolitan Area having jurisdiction in the area in which the offence was committed, or any officer authorised by him in this behalf, on receipt of a report from the authorised police officer or other authority may lay a complaint against the offender before a court of competent jurisdiction.

(4) Where a person, on his failure to pay the fine has been prosecuted under subsection (3), the provision of clause (b) of sub-section (1) of section 165 shall not apply to him.

(5) Any person who refuses or avoids to accept a copy of the charge made or to him under this section or to acknowledge receipt thereof may be arrested without warrant by the officer acting under this section and shall, on conviction before a Magistrate, be punished in addition to any penalty that may be incurred by him in respect of the offence specified therein with fine which may extend to two hundred and fifty taka.

160. Power of arrest without warrant - (1) A police officer in uniform may arrest without warrant any person who commits in his view an offence punishable under section 32 or section 51 or section 143 or section 144 or



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section 145 or section 146 or section 147 or section 148 or section 149 or
section 154 or section 156.

(2) A police officer in uniform may arrest without warrant -
(a) any person who being required under the provisions of this Ordinance to
give his name and address refuses to do so, or gives a name or address which
the police officer has reason to believe to be false, or
(b) any person concerned in an offence under this Ordinance or reasonably
suspected to have been so concerned, if the police officer has reason to believe
that he will abscond or otherwise avoid the service of a summons.

(3) A police officer arresting without warrant the driver of a motor vehicle shall,
if the circumstances so require, take or cause to be taken any steps he may
consider proper for the safe custody of the vehicle or to take it to the nearest
Police-station.

(4) A police officer acting under this section shall, as soon as possible, intimate
to the owner the place where the vehicle has been removed or where the driver
has been taken and in any case within twenty-four hours of the occurrence.

161. Power of police officer to impound document - (1) any police officer
not below the rank of Sub-Inspector or Sergeant or any Inspector of Motor
Vehicles authorised in this behalf or other person authorised in this behalf by the
Authority may, if he has reason to believe that any identification mark carried on
a motor vehicle or any licence, permit, certificate of registration, certificate of
fitness, certificate of insurance or other document produced to him by the driver
or person in charge of a motor vehicle is a false document within the meaning of
section 464 of the Penal Code seize the mark or document and call upon the
driver or owner of the vehicle to account for his possession of or the presence in
the vehicle of such mark or document.

(2) Any police officer not below the rank of Sub-Inspector or Sergeant or any
Inspector of Motor Vehicles authorised in this behalf or other person authorised
in this behalf by the Authority may, if he has reason to believe that the driver or
the conductor, if any, of a motor vehicle who is charged with any offence under
this Ordinance may abscond or otherwise avoid the service of a summons, seize
any licence held by such driver or conductor and forward it to the Court taking
cognizance of the offence and the said Court shall, on the first appearance of



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such driver or conductor before it, return the licence to him in exchange for the temporary acknowledgement given under sub-section (3).

(3) A police officer or any Inspector of Motor Vehicles or other person seizing a licence under sub-section (2) shall give to the person surrendering the licence a temporary acknowledgement therefore and such acknowledgement shall authorise the holder to drive or to act as conductor until the licence has been returned to him or until such date as may be specified by the police officer or by the Inspector of Motor Vehicles or by other person in the acknowledgement, whichever is earlier or the Court has otherwise ordered.

162. Power to detain vehicles used without certificate of registration or certificate of fitness or permit - Any police officer or any Inspector of Motor Vehicles authorised in this behalf or other person authorised in this behalf by the Authority may, if he has reason to believe that a motor vehicle has been or is being used in contravention of the provisions of sub-section (1) of section 32 or without the certificate of fitness required by sub-section (1) of section 47 or without the permit required by sub-section (1) of section 51 or in contravention of any condition of such permit relating to the route on which or the area in which or the purpose for which the vehicle may be used, seize and detain proper for the temporary safe custody of the vehicle :

Provided that where any such officer or person has reason to believe that a vehicle has been or is being used without the certificate of fitness required by sub-section (1) of section 47 or without the permit required by sub-section (1) of section 51, he may,

instead of seizing the vehicle, seize the certificate of registration of the vehicle, and shall issue an acknowledgement in respect thereof.

163. Power to charge certain offenders on the spot - (1) notwithstanding anything to the contrary contained in this Ordinance or any other law for the time being in force, a police officer in uniform, not below the rank of a Sub-Inspector or Sergeant, specially empowered in this behalf by the competent authority or any Inspector of Motor Vehicles or other persons authorised in this behalf by the Authority, may, in any area to be notified by the Authority in this behalf charge on the spot any person who; in his presence or view; commits any of the offences set forth in the Twelfth Schedule with the Commission of that offence.



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Explanation - For the purpose of the sub-section, "competent authority" shall be such authority as may be notified by the **Authority**.

(2) An officer acting under sub-section (1) shall draw up the charge in the form prescribed, specifying the nature of the offence, the fine as mentioned against such offence in the Twelfth Schedule payable in respect thereof and the accused person shall pay the fine on the spot by means of stamps to the officer who made the charge and shall receive an acknowledgement therefor.

(3) If the accused person has refused to receive the copy of the charge or if the fine is not paid in the manner specified in sub-section (2), the officer acting under sub-section (1) shall arrange to send the vehicle which has been used in the commission of the offence to the officer-in-charge of the nearest police-station who shall keep the vehicle in his custody and shall release it as soon as the fine is paid and shall also send an intimation to the officer who forwarded the vehicle.

(4) The accused person may, prefer an appeal to the court which is competent to hear appeals against the orders or sentences of Magistrates of the third class and the decision of the appellate authority in this respect shall be final.

164. Deprivation of driving licence - (1) Notwithstanding anything to the contrary contained in this Ordinance or any other law for the time being in force, and police officer of or above the rank of Superintendent of Police or **Deputy Commissioner or an officer of the Authority not below the rank of Assistant Director having jurisdiction over the area specially empowered in this behalf, by the Authority or any other person empowered in this behalf by the Authority may deprive any person from holding the driving licence for a period which may extend to three months, who, in his presence or view, commits any or the misdemeanors in traffic as mentioned hereunder –**

- (a) driving against red light; or
- (b) overtaking just before or on the pedestrian crossing or where overtaking is prohibited; or
- (c) driving on to a main road without stopping and exceeding the speed limit indicated on the road; or



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- (d) not giving way to other vehicle intentionally; or
(e) driving in opposite direction on one way road; or
(f) any other matter as may be prescribed.

(2) Any officer acting under sub-section (1) shall seize any driving licence held by such driver and shall give to the person surrendering the driving licence an acknowledge therefor, specifying the period of deprivation and the nature of offence thereof and the name of the licensing authority to whom report shall be on the expiry of the said period for getting back the driving licence.

(3) The authority making the order under sub-section (1) shall endorse the period of deprivation and reasons thereof in the driving licence and shall forward it to the licensing authority having jurisdiction over the area or the licensing authority who issued it or last renewed it.

(4) The licensing authority, on receipt of the driving licence, shall enter the endorsement in the record and keep the licence until the period of deprivation expires and thereafter shall return the licence to the holder in exchange of the acknowledgement given under sub-section (2).

(5) If, at the time of committing the offence, the driving licence is not in the possession of the person committing the offence, the authority acting under sub-section (1) may take or cause to be taken any steps he may consider proper for the disposal of the case.

165. Summary disposal of cases - (1) A court taking cognizance of an offence under this Ordinance shall, unless the offence is an offence specified in Part A of the Fifth Schedule, state upon the summons to be served on the accused person that he - (a) may appear by pleader and not in person, or
(b) may by a specified date prior to the hearing of the charge plead guilty to the charge by registered letter and remit to the Court such sum not exceeding two hundred and fifty taka as the Court may specify.

(2) Where the offence dealt with in accordance with sub-section (1) is an offence specified in Part B of the Fifth Schedule, the accused person shall, if he pleads guilty to the charge, forward his licence to the Court with the letter containing his plea in order that the conviction may be endorsed on the licence.

(3) Where an accused person pleads guilty and remits the sum specified and has



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complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him, nor shall he be liable to be disqualified for holding or obtaining a licence by reason of his having pleaded guilty.

166. Cognizance of offences - Every Court of competent jurisdiction or any other competent authority unless otherwise provided, shall take cognizance of any offence committed under this Ordinance or the rules made there under when **reported by any member of the Authority or the Transport Committee or any Inspector of Motor Vehicles or any officer of the Transport Department authorised in this behalf by the Chairman of the Authority or the Transport Committee or by the Government.**

167. Restriction on conviction - (1) No person prosecuted for an offence punishable under section 142 or section 143 shall be convicted unless-
(a) within twenty-one days from the commission of the offence, a notice specifying the nature of the offence and the time and place where it is alleged to have been committed was served on or send registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence, or (b) within thirty days of the commission of the offence, a summons for the offence was served on him:

Provided that nothing in this section shall apply where the Court is satisfied that -

(i) The failure to serve the notice or summons referred to in this sub-section was due to the fact that neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time, or

(ii) such failure was brought about by the conduct of the accused.

(2) No Court shall, unless otherwise provided, make any award of lose than twenty-five per cent of the maximum fine provided for the offence punishable under this Ordinance.

168. Courts to send intimations about conviction - Every Court by which any person holding a driving licence or a conductor's licence or a permit is convicted of an offence under this Ordinance or an offence in the commission of which a motor vehicle was used shall send intimation to-



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(a) the licensing authority which issued the driving licence or the conductor's licence;

(b) the licensing authority which last renewed the driving licence or the conductor's licence;

(c) the Transport Authority which issued the permit and the authority which countersigned it; and every such intimation shall state the name and address of the holder of the licence, the licence number, the date of issue and renewal of the same, the permit number, the date of issue and renewal of the permit the nature of the permit the nature of the offence, the punishment awarded for the offence and such other particulars as may be prescribed.

169. Jurisdiction of Courts - No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this Ordinance or any rules or regulations made there under.

170. Corresponding of Offences - Notwithstanding anything contained in the Code of Criminal procedure, 1898 (Act V of 1898) and offence punishable under sections 137, 139, 140, 142, 146, 149, 151, 152, 153, 154, 155, 156 and 158, may be compounded by any Magistrate of the first or second class or any police officer of or above the rank of Deputy Superintendent of Police specially authorised in this behalf by the Government and the cases may be disposed of in the manner as may be prescribed.

171. Power to levy fee - Any regulations which the Authority is empowered to make under this Ordinance may, notwithstanding the absence of any express provision to that effect, provide for the levy of the such fees in respect of applications, amendment of documents, test, endorsements, badges, plates, countersignature, authorisations, supply of statistics, or copies of the documents or orders and for any other purpose or matter involving the rendering of any service by the officers or authorities under this Ordinance or any regulation made there under as may be considered necessary :

Provided that the Government may, if it considers so to do in the public interest, by general or special order, exempt any class of persons from the payment of any such fee either in part or in full.



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172. Power to make regulations - The Authority may make regulations for carrying out the purposes of this Chapter.

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MISCELLANEOUS

173. Publication of and commencement of regulations - (1) Every power to make rules or regulations given by this Ordinance is subject to the condition of the rules or regulations being made after previous publication.

(2) All rules or regulations made under this Ordinance shall be published in the official Gazette, and shall unless some later date is appointed, come into force on the date of such publication.

(3) All regulations under this Ordinance shall be made with the previous approval of the Government.

174. Officers to exercise powers of police officers - The Government may, by rules -

- (a) authorise any officer of the Authority to exercise the powers exercisable by a police officer under this Ordinance;
- (b) prescribe conditions under which such powers shall be exercised;
- (c) prescribe the uniform to be worn by such officers while exercising such powers."

175. Any authority by the Government to exercise modified powers - Notwithstanding anything contained in this Ordinance, the Government may, by notification in the official Gazette, authorise any officer to exercise and discharge in lieu of any other authority specified in or under this Ordinance, such power and functions as may, from time to time, be specified in the notification.

176. Effect of appeal and revision on order passed by original authority - (1) here an appeal has been preferred or an application for revision has been made against any order passed by an original authority under this Ordinance, the appeal or the application or revision shall not operate as a stay of the order passed by the original authority and such order shall remain in force pending the



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disposal of the appeal or the application for revision, as the case may be unless the prescribed appellate authority or revisional authority otherwise directs.

(2) Notwithstanding anything contained in sub-section (1), if application made by a person for renewal of permit has been rejected by the original authority and such person has preferred an appeal or made an application for revision under this Ordinance against such rejection, the appellate authority or, as the case may be, the revisional authority may order that the permit shall, notwithstanding the expiration of the term specified therein, continue to be valid until the appeal or the application for revision is disposed of.

177. Repeal and savings - (1) The Motor Vehicles Act, 1939 (Act IV of 1939) hereinafter referred to as the said Act, is hereby repealed.

(2) Notwithstanding the repeal of the said Act, any notification, rule, regulation or notice issued, or any appointment or declaration made, or any licence, permission or exemption granted, or any confiscation made or any penalty or fine imposed, or any forfeiture, cancellation, or any other thing done or any other action taken under the said Act shall, so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been issued, made, granted, imposed, done or taken under the corresponding provision of this Ordinance.

(3) If any conductor's licence to act as a conductor of a stage carriage or contract carriage (by whatever name called) has been granted by any licensing authority and is effective before the commencement of this Ordinance, it shall continue to be effective for the period for which it would have been effective had the Motor Vehicles Ordinance, 1983, not been promulgated, and every such conductor's licence shall be deemed to be conductor's licence granted under this Ordinance as if this Ordinance has been in force on the date on which that conductor's licence was granted.