

CHAPTER V

CONTROL OF TRANSPORT VEHICLES

51. (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 or countersigned by a Transport Committee authorising the use of the vehicle in that place in the manner in which the vehicle is being used:

Necessity for permits

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 carriage 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 of 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 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 cleansing, 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 ¹[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

¹ The word "Authority" was substituted for the word "Government" by section 20 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

commercial purposes or to any two wheeled trailer with a registered laden weight not exceeding 2,240 pounds avoirdupois drawn by a motor car;

- (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 ¹[Authority] may, by notification in the *official Gazette*, specify.

(4) Subject to the provisions of sub-section (3), sub-section (1) shall, if the ²[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. (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,

Power to the Government to control road transport

and after having heard the representatives of the interests affected and having consulted the ³[Authority], may by notification in the

¹ The word "Authority" was substituted for the word "Government" by section 20 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² The words "Authority by regulations" were substituted for the words "Government by rules" by section 20 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

³ The word "Authority" was substituted for the words "Transport Authorities concerned" by section 21 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

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 carriers to be applicable throughout Bangladesh or within any area or on any route within Bangladesh; or
- (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 sub-section (2) and having heard the representatives of the interests affected and the ¹[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.

¹ The word "Authority" was substituted for the words "Bangladesh and Regional Transport Authorities" by section 21 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

¹[53. 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.

Power of Government to issue orders and directions

54. (1) The Authority shall, by notification in the *official Gazette*, constitute Transport Committees 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 Committees:

Transport Committees

Provided that the area specified as the region of a Transport Committee shall in no case be less than an entire district or the whole of a metropolitan area.

²[(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 Organisations 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 made 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. (1) In order to facilitate a forum of discussion of the problems in the road transport sector and also for the ventilation

Road Transport Advisory Council, etc.

¹ Sections 53 and 54 were substituted by section 22 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² Sub-section (2) was substituted by section 7 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

of grievances of the owners as well as road transport workers, the Government may, 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 from the officials, transport owners, transport workers and other experienced persons as ¹[shall] 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 directed and submit its recommendations, by the former to the ²[* * *] Authority and by the latter to the Transport Committee, as the case may be.

³[Transport Vehicle] Terminal Authority

56. In order to undertake construction, development, improvement, maintenance, management and control of ⁴[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 number of members as it thinks necessary.

General provisions as to applications for permits

57. (1) Every application for a permit shall be made to the Transport Committee of the region or in the 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 ⁵[or in whose area the journey may commence or terminate.]

¹ The word “shall” was substituted for the word “may” by section 8 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² The words “Bangladesh Transport” were omitted by section 23 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

³ The words “Transport Vehicle” were substituted for the word “Bus” by section 9 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

⁴ The words “transport vehicle terminal” were substituted for the words “bus terminal” by section 9 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

⁵ The words “or in whose area the journey may commence or terminate” were inserted by section 3 of the Motor Vehicles (Amendment) Act, 1991 (Act No. VI of 1991).

(2) Notwithstanding anything contained in sub-section (1), the ¹[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 ²[made to it].

58. An application for a 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:-

Application for
stage carriage
permit

- (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.

¹ The word "Authority" was substituted for the word "Government" by section 24 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² The words "made to it" were substituted for the words "made to Bangladesh Transport Authority" by section 24 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

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

Procedure of Transport Committee in considering application for stage carriage permit

59. (1) A Transport Committee shall, in considering 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 applications 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 any 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 sub-section (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.

60. (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 notifications as it deems fit or refuse to grant such a permit:

Grant of stage carriage permits

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 ¹[regulations] that may be made under this Ordinance, attach to the permit any one 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 stands and halts on the route or within the area as the Transport Committee may, from time to time, specify;

¹ The word "regulations" was substituted for the word "rules" by section 25 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (iv) that the service shall be operated within such margins of deviation from the approved time table as the Transport Committee may 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 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 that 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 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 or rates of 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;
- (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 ¹[Authority] may decide from time to time;
- (xxi) that the stage carriage shall be used in connection with any state duty at such rate of hire as the permit relating to the vehicle authorises;
- (xxii) that some seats shall be reserved for ladies in the stage carriage;

¹ The word "Authority" was substituted for the word "Government" by section 25 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (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 haltages shall be exhibited in the stage carriage; or
- (xxx) any other condition which may be prescribed.

Application for
contract
carriage permit

61. 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. 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 representations 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.

Procedure of Transport Committee in considering application for contract carriage permit

63. (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:

Power to restrict the number of contract carriages and impose conditions on contract carriage permits

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 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;

Copyright @ Ministry of Law, Justice and Parliamentary Affairs, Bangladesh.

- (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 save 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 Committee;
- (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.

64. 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:-

Application for private carriers permit

- (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. (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 vehicle or vehicles in respect of which the application is made, and shall satisfy itself that the vehicle to which the application relates 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 with such modifications as it deems fit or refuse to grant such a permit:

Conditions to be attached and procedure to be followed in granting private carrier's 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.

Application for public carrier's permit

66. 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.

Procedure in considering application for public carrier's permit

67. (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 from 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.

Conditions to be attached to public carrier's permit

68. The Transport Committee shall, in granting the permit under section 67, impose conditions 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
 - (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 authorises;
- (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. (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.

Procedure in applying for and granting permits

(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 Authority 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 in writing before the appointed date and unless a copy thereof is furnished 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.

(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, by 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.

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

70. (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.

Duration and renewal of permits

²[(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. (1) Save as provided in section 73, a permit shall not be transferable from one person to another except with the permission of the Transport Committee which granted the permit and shall not without such permission operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit.

General conditions attaching to all permits

(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 any other vehicle of the same nature.

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

- (a) that the vehicle or 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;

¹ Sub-section (9) was added by section 10 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² Sub-section (2) was substituted by section 4 of the Motor Vehicles (Amendment) Act, 1991 (Act No. VI of 1991).

- (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; ¹[* * *]
- (g) that there shall not be more than one permit in respect of any vehicle ²;
- (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.]

Cancellation and suspension of permits

72. (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 the permit, or

¹ The word “and” was omitted by section 11 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

² The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (h) and (i) were inserted by section 11 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

- (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 sub-sections (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 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 Committee 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 Committee who may vacate the order or extend the said period of one month where it has not expired or cancel the permit.

Transfer of
permit on death
of holder

73. (1) Where the holder of a permit dies, the person succeeding to the ownership of the vehicles covered by the 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, informed 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.

Temporary
permits

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

Validation of permits for use outside region in which granted

(2) Notwithstanding anything contained in sub-section (1), a permit granted by the ¹[* * *] 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 permits shall apply to the grant, revocation and suspension of countersignatures of permits.

(5) Notwithstanding anything contained in sub-section (1), a Transport Committee 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 Committee of that other region, as the case may be.

(6) Notwithstanding anything contained in sub-section (1) but subject to any ²[regulations] that may be made under this

¹ The words "Bangladesh Transport" were omitted by section 26 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² The word "regulations" was substituted for the word "rules" by section 26 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

Ordinance, the ¹[* * *] 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 qualifications and satisfying such conditions as may be prescribed; and
- (iv) such other conditions as may be prescribed.

Appeals

76. (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

¹ The words "Bangladesh Transport" were omitted by section 26 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (f) being a local authority or 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 sub-section (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
- ¹[(j) aggrieved by any other order 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[(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 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.]

³[76A. (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

Restriction of hours of work of workers

¹ Clause (j) was substituted by section 27 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² Sub-section (2) was substituted by section 27 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

³ Section 76A was inserted by section 12 of the Motor Vehicles (Amendment) Act, 1990 (Act No. XIX of 1990).

who is subject to his control for such purpose to work-

- (a) for more than five hours before he has had an 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 regulations made under section 81 grant such exemptions from the provisions of sub-section (1) as it thinks 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 sub-section (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 recorded 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 is required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of sub-section (1).]

77. [*Restriction of hours of work of drivers.- Omitted by section 28 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).*]

78. 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.

Voidance of contracts restrictive of liability

79. (1) No person shall engage himself-

Agent or
canvasser to
obtain licence

- (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 carried by public carrier's unless he has obtained a licence from such authority and subject to such conditions as may be prescribed ¹[* * *].

(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 ²[Taka seven 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 ³[Taka one thousand seven hundred and fifty] in the case of 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;

¹ The words "by the Government" were omitted by section 29 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² The words "Taka seven thousand and five hundred" were substituted for the words "Taka fifteen thousand" by section 11 of A_© AvBb, 1989 (1989 m̄ṭbi 36 bs AvBb).

³ The words "Taka one thousand seven hundred and fifty" were substituted for the words "one thousand and five hundred taka" by section 11 of A_© AvBb, 1989 (1989 m̄ṭbi 36 bs AvBb).

(f) such other conditions as may be prescribed ¹[* * *].

Power to make
²[regulations] as
to stage
carriages and
contract
carriages

80. (1) The ³[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 ⁴[regulations] may-

(a) authorise the removal from such vehicle of any person in fringing 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 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;

¹ The words "by the Government" were omitted by section 29 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² The word "regulations" was substituted for the word "rules" by section 30 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

³ The words "Authority may make regulations" were substituted for the words "Government may make rules" by section 30 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

⁴ The word "regulations" was substituted for the word "rules" by section 30 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (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. (1) The ¹[Authority may make regulations] for the purpose of carrying into effect the provisions of this Chapter. ²[regulations] Power to make for the purpose of this Chapter

(2) Without prejudice to the generality of the foregoing power, ³[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 of and the conduct of business by ⁴[Transport Committee] and the reports to be furnished by them;
- (b) the conduct of business by any such ⁵[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;

¹ The words "Authority may make regulations" were substituted for the words "Government may make rules" by section 31 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

² The word "regulations" was substituted for the word "rules" by section 31 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

³ The word "regulations" was substituted for the word "rules" by section 31 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

⁴ The words "Transport Committee" were substituted for the words "Regional and Bangladesh Transport Authorities" by section 31 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

⁵ The word "Committee" was substituted for the word "Authority" by section 31 of the Motor Vehicles (Amendment) Act, 1988 (Act No. XXVII of 1988).

- (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 permits 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 carriages, 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 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 colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;
- (r) the conveyance in stage or contract carriages 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 disinfection 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 notified 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 for the use of such facilities, the records which shall be maintained at such stands or place, the staff to be employed thereat and generally for maintaining such stands and the duties and conduct of such staff, and places in a serviceable and clean condition;
- (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;
- (y) requiring the person in charge of a stage carriage to carry any person tendering the legal or 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 licensing 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

General provision regarding construction and maintenance

82. Every motor vehicle shall be constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

Vehicles to have right hand control

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