

CHAPTER II

MISCELLANEOUS

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 non-professional driving license if the person is found fit for the 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 vehicle as 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;

(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.

(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.

(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.

(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.

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; 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 unfit to drive by virtue of disease or 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 sub-section (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.

(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 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 sub-section (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.

(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, 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 sub-section (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 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 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:

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;

(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 certifier 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.