

CHAPTER VII

CONTROL OF TRAFFIC

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

(2) The Government or any authority authorised in this behalf by the Government may, if satisfied that it is necessary to restrict the speed of motor vehicles in the interest of public safety or convenience or because of the nature of any road or bridge, by notification in the official Gazette, and by causing appropriate traffic signs to be placed or erected under section 89 at suitable places fix such maximum speed limits as it thinks fit for the motor vehicles or any specified class of motor vehicles or for motor vehicles to which a trailer is attached, either generally or in a particular area or on a particular road or roads.

Provided that where any restriction under this section is to remain in force for not more than one month, notification thereof in the official Gazette shall not be necessary.

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

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

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

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

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

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

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

87. Power to have vehicle weighed - (1) Any person authorised in this behalf by the Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 86, require the driver to convey the vehicle to a weighting device, if any, within a distance of one mile from any point on the forward route or within a distance of five miles from the destination of the vehicle for weighment ; and if on such weighment the vehicle is found to contravene in any respect the provisions of section 86 regarding weight, he may, by order in writing direct the driver to convey the vehicle or trailer to the nearest place, to be specified in the notice, where facilities exist for the storage of goods, and not to remove the vehicle or trailer from that place until the laden weight or axle weight has been reduced or the vehicle has otherwise been treated so that it complies with section 86.

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

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

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

Provided that where any prohibition or restriction under this section is to remain in force for not more than one month, notification thereof in the official Gazette shall not be necessary, but such local publicity as the circumstances may permit, shall be given to such prohibition or restriction :

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

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

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

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

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

(6) If any person accidentally causes such damage to traffic sign as renders it useless for purpose for which it is placed or erected under this section, he shall report the circumstances of the occurrence to a police officer or at a police station as soon as possible, and in any case within twenty four hours of the occurrence.

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

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

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

as main roads for the purposes of the regulations contained in the Tenth Schedule.

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

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

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

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

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

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

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

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

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

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

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

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

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

99. Stationary vehicle - No person driving or in-charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place, unless there is in the driver's seat a person duly licensed to drive the vehicle or unless the mechanism has been stopped and a

brake or brakes applied or such other measures taken as to ensure that the vehicle cannot accidentally be put in motor in the absence of the driver.

100. Pillion riding - (1) No driver of a two-wheeled motor cycle shall carry more than one person in addition to himself on the cycle and no such person shall be carried otherwise than sitting on a proper seat security fixed to the cycle behind the driver's seat.
(2) No driver of a two-wheeled motor cycle shall drive any motor cycle unless he wears a helmet of the prescribed type or carry any person on a motor cycle unless that person wears a helmet of the prescribed type.

101. Duty to purchase licence and certificate of registration, etc - (1) The driver and the conductor, if any, of a motor vehicle in any public place shall, on demand by any police officer not below the rank of Sub-Inspector of Police in uniform or, on demand by any Inspector of Motor Vehicles or, any other person authorised in this behalf by the Government produce his licence for Examination which shall, if found in order, be returned forthwith.
(2) The owner of a motor vehicle other than a vehicle registered under section 48, or in his absence the driver or other person in charge of the vehicle, shall, on demand by a registering authority or any police officer not below the rank of Sub-Inspector of Police in uniform or any Inspector of Motor Vehicles or any person authorised in this behalf by the Government, produce the certificate of registration the vehicle and, where applicable the certificate of fitness referred to in section 47.

102. Duty of driver to stop in certain cases - (1) The driver of a motor vehicle shall cause the vehicle to stop and remain stationary so long as may reasonably be necessary :-
(a) when required to do so by any police officer uniform, or any Inspector of Motor Vehicles, or any person authorised in this behalf by the Government, or
(b) when required to do so by any person in-charge of an animal if such person apprehends that the animal is, or being alarmed by the vehicle will become unmanageable, or
(c) when the vehicle is involved in the occurrence of an accident to a person, animal or vehicle or of damage to any property, whether the driving or management of the vehicle was or was not the cause of the accident or damage ;
and he shall give his name and address and the name and address of the owner of the vehicle to any person affected by any such accident or damage who demands it provided such person also furnishes his name and address.
(2) The driver of a motor vehicle shall, on demand by a person giving his own name and address and alleging that the driver had committed an offence punishable under section 143, give his name and address to that person.
(3) In this section the expression "animal" means any horse cattle, elephant, camel, ass, mule, sheep or goat.

103. Duty of owner of motor vehicle to give information - The owner of a motor vehicle the driver or conductor of which is accused of any offence under this Ordinance shall, on the demand of any police officer authorised in this behalf by the Government or on the demand of any Inspector of Motor Vehicles or, other persons authorised in this behalf by the government, give all information regarding the name and address of and the licence held by the driver or conductor which is in his possession or could by reasonable diligence be ascertained by him .

104. Duty of driver in case of accident and injury to a person - When any person is injured or any property is damaged as the result of an accident in which a motor vehicle is involved, the driver of the vehicle or other person in charge of the vehicle shall -
(a) take all reasonable steps to secure medical attention for the injured person, and, if necessary convey him to the nearest hospital, unless the injured person or his guardian (in case he is a minor), desires otherwise;
(b) give on demand by a police officer any information required by him, or, if no police officer is present, report the circumstances of the occurrence at the nearest police-station as soon as possible, and in any case within twenty-four, hours of the occurrence.

105. Inspection of vehicle involved in accident - When any accident occurs in which a motor vehicle is involved, any Inspector of Motor Vehicles or any other technically qualified

officer duly authorised in this behalf by the Authority may, if required by any Police officer or owner of the vehicle concerned, inspect the vehicle in the prescribed manner and for that purpose may enter at any reasonable time any premises where the vehicle may be, and may remove the vehicle for examination :

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

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

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

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

(b) the removal and the safe custody of vehicle including their loads which have broken down or which have been left standing or have been abandoned on roads;

(c) the installation and use of weighing devices ;

(d) the maintenance and management of godowns for the storage of goods removed from over loaded vehicles and the fees, if any, to be charged for the use of such godowns ;

(e) the exemption from all or any of the provisions of this Chapter of Fire Brigade vehicles, ambulances and other special classes of vehicle, subject to such conditions as may be prescribed

(f) the maintenance and management of parking places and stands and the fees, if any, which may be charged for their use ;

(g) prohibiting the driving down hill of a motor vehicle with the Sear disengaged either generally or in a specified place;

(h) Prohibiting the taking hold of or mounting of a motor vehicle in motion;

(q) prohibiting the use of footpaths or pavements by motor vehicles

(J) generally, the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property or of obstruction to traffic ; and

(k) any other matter which is to be or may be prescribed by rules.