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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF COMMUNICATIONS
Roads and Road Transport Division
MVRT Section

NOTIFICATION

Dhaka, the 23rd May, 1984

No. S. R. O. 186-L/84/MVRT/IA-4/83 (Part-I).—The following draft of certain further amendments to the Motor Vehicles Rules, 1940, which it is proposed to make in exercise of the powers conferred by section 136 of the Motor Vehicles Ordinance, 1983 (LV of 1983), is hereby published, as required by sub-section (1) of section 173 of the said Ordinance, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after 27th May, 1984.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Government.

DRAFT AMENDMENT

In the aforesaid Rules,—

- (1) after "Chapter VIII—Insurance of Motor Vehicles against Third Party Risks.", the following new Chapter shall be added, namely:—
"Chapter IX—Motor Accidents Claims Tribunal".

(7097)

Price : 75 Paisa

220. Application for compensation.—(1) An application under section 128 of the Motor Vehicles Ordinance, 1983 (LV of 1983), for payment of compensation shall be made in Form CTA in person or by registered post to the Claims Tribunal having jurisdiction over the area in which the cause of claims has arisen and shall be accompanied by a fee of twenty taka in the form of court fee stamp:

Provided that the Claims Tribunal may accept an application under this sub-rule without the fee specified therefor, subject to the condition that in case of an award of compensation in favour of the applicant the fee shall be recovered from the amount of compensation.

(2) Upon receipt of an application under sub-rule (1) the Claims Tribunal shall enter it into a register of applications to be maintained in Form I and may examine the applicant on oath and reduce the substance of such examination to writing.

221. Disposal of application for compensation.—(1) If, after considering the substance recorded under sub-rule (2) of rule 220, the Claims Tribunal is of the opinion that there is no sufficient ground for proceeding the case further, it may reject the application summarily and inform the applicant accordingly.

(2) If an application is not rejected under sub-rule (1), the Claims Tribunal shall send to the owner of the Motor Vehicle involved in the accident and also to the insurer of said motor vehicle and to any other person affected a copy of the application and a notice specifying therein the date and time on and at which it will hear the application and may call upon the parties concerned to appear before it either in person or by representative and to produce any evidence which they may like to adduce.

(3) The owner of the motor vehicle and the insurer thereof and any other affected party may, and if so required by the Claims Tribunal shall, file a written statement relating to the claim raised in the application at or before the first hearing of the application or within such time as the Claims Tribunal may allow and such statement shall form part of the record.

(4) If from the statement filed under sub-rule (3) it appears that neither the owner nor the insurer of the motor vehicle nor any affected party disputes the claim raised in the application, the Claims Tribunal may, after recording the fact thereof, make an award of compensation in favour of the applicant. If, however, it appears from such statement that the owner or the insurer of the motor vehicle or any other party disputes the claim, the Claims Tribunal shall proceed to examine the owner, the insurer and such party and the witnesses, if any, on oath and shall reduce their depositions to writing.

(5) The Claims Tribunal may, in its discretion, allow a party to appear before it by a lawyer.

(6) If an application is made by a party to the proceeding for the summoning of a witness, the Claims Tribunal shall, unless it considers that the appearance of such witness is not necessary to arrive at a just decision, issue, on payment of expenses, if any involved, summons for appearance of such witness.

222. Enquiry by the Claims Tribunal.—(1) The Claims Tribunal may, at any time during the course of the proceeding of case, visit the site of accident for the purpose of making a local inspection or examining any person likely to be able to give any information relevant to the proceeding.

(2) The Claims Tribunal may allow any party to the proceeding or any representative of any such party to accompany it to the site of accident and may, after making a local inspection or examining any person, make a brief memorandum stating the facts observed or information received; and the memorandum so made shall form part of the record of the enquiry.

(3) The Claims Tribunal may, if it considers necessary, require the owner of the motor vehicle involved in the accident to produce the motor vehicle before it at such time and place as it may, by order, specify.

223. Recording of evidence, etc.—(1) The Claims Tribunal shall while examining a witness, make a brief memorandum of the substance of the depositions made by the witness and the memorandum so made shall be signed by the Claims Tribunal and shall form part of the record:

Provided that a deposition made by any medical practitioner or medical authority shall be taken down as nearly as may be word for word.

(2) If the Claims Tribunal is of the opinion that an application cannot be disposed of at one hearing, it may adjourn the proceeding after recording the reasons therefor and if it adjourns the proceedings it shall fix the next date of hearing and inform the parties concerned accordingly.

224. Framing of issues, etc.—The Claims Tribunal shall, after considering the written statement, if any, deposition of witnesses and the memorandum of local inspection, frame issues upon which the decision of the case appears to depend and shall record evidence therein, if any, which the parties to the proceeding may wish to adduce.

225. Award of compensation.—The Claims Tribunal shall briefly record the findings on each of the issues framed under rule 224 and the reasons for such findings and shall make an award determining the amount of compensation to be paid by the owner or insurer of the motor vehicle involved in the accident or by any other person; and shall, where the compensation is awarded in favour of more than one person, also specify the amount payable to each of them.

226. Fee for assistance in holding inquiry.—The Government may, from time to time, determine fee, if any, to be paid to a person chosen under section 131(4) of the Motor Vehicles Ordinance, 1983 (LV of 1983), to assist a Claims Tribunal in holding an inquiry.

227. Registers.—(1) A Claims Tribunal shall, in addition to the register of application mentioned in sub-rule (2) of rule 220, maintain the following registers, namely:—

- (a) register of court fee stamps;
- (b) register of cause list;
- (c) register of applications for copies;
- (d) register of letters received; and
- (e) register of notices and letters issued.

(2) The registers shall be maintained in such forms as the Government may specify in this behalf.

228. **Statements, etc.**—A Claims Tribunal shall furnish to the Government by the first week of each month a monthly statement in such form as the Government may specify in this behalf, showing the number of applications for compensation received and disposed of.

229. **Appeals.**—An appeal against the award of a Claims Tribunal shall be preferred in the form of memorandum, stating briefly the grounds on which it is preferred and shall be accompanied by a copy of the judgment and the award appealed against.

330. **Record.**—The record of claims cases shall be preserved for a period of seven years.”; and

(2) after Form....., in.....Schedule, the following new Forms shall be *added*, namely:—

“FORM CTA”

.....

FORM 1

.....

By order of the President
 K. G. MANSUR
 Deputy Secretary (RTE).

FORM CTA
FORM OF APPLICATION FOR THE GRANT OF COMPENSA-
TION BY THE CLAIMS TRIBUNAL

To : The Motor Accident Claims Tribunal

.....
.....
.....



I,son/daughter/wife/widow of
Mr.....residing at.....
having been injured in motor vehicles accident hereby apply for the grant of
compensation for the injury sustained.

OR

I,son/daughter/wife/widow of
Mr.....residing at.....
hereby apply as a legal representative/agent for the grant of compensation on
account of injury/death sustained by Mr./Mrs./Miss/Master.....
.....son/daughter/wife/widow of
Mr.....who was injured/died in a
motor vehicle accident.

Necessary particulars in respect of the injured/deceased, the vehicle, etc. are
given below :-

(1) Name and father's name of the :
person injured/deceased (husband's
name in case of married woman/
widow).

(2) Full address of the person injured/ :
deceased :

(a) Permanent address :
.....

(b) Present address :
.....
.....

- (3) Full name and address of the :
 person who indentified the injured/
 deceased.
- (a) Full name :
- (b) Address :
- (4) Age of the person injured/dead :
- (5) Occupation of the person injured/ :
- deceased. :
- (6) Name and address of the employer :
- of the injured/deceased, if any.
- (7) Monthly income of the person :
- injured/deceased.
- (8) Does the person in respect of :
- whom compensation is claimed
-
- pay income tax ? If so, state
-
- the amount of income tax (to be
-
- supported by documentary
-
- evidence).
- (9) Name and address of son/ :
- daughter/wife/legal guardian/
-
- legal representative, etc. of the
-
- injured/deceased:
- (i)
- (ii)
- (iii)
- (iv)
- (v)
- (10) Is the application made in favour :
- of all the heirs of the injured/
-
- deceased ?
- (11) Place, date and time of accident :
- (12) Name and address of the Police :
- Station in whose jurisdiction the
-
- accident took place or was
-
- registered (to be supported by
-
- documentary evidence). :

- (13) Was the person in respect of whom compensation is claimed travelling by the vehicle involved in the accident? If so, give the name of place of starting of journey and destination. Otherwise briefly describe how the deceased/injured was involved in the accident.
- (14) Nature of injuries sustained :
- (15) Name and address of Medical Officer/Registered Medical Practitioner who attended the injured/dead (to be supported by documentary evidence).
- (16) Period of treatment and expenditure, if any, incurred thereon (to be supported by documentary evidence).
- (17) Registraion No. and type of the vehicle involved in the accident.
- (18) Name and address of the owner of the vehicle.
- (19) Name and addeess of the insurer of the vehicle (if possible attach a photo copy of the insurance certificate).
- (20) Has the claim been lodged with the owner? If so, with what reasons.
- (21) Name and permanent address of the applicant.
- (22) Relationship with the injured/deceased.
- (23) Name and address of the person who may indentify the applicant.
- (24) Title to the property of the deceased.
- (25) Amount of compensation claimed.

- (26) Name and address of the Banker :
 through which the applicant
 desire to receive the payment.
- (27) Name and address of the surety :
- (28) Any other information that may :
 be necessary or helpful in the
 disposal of the claim.

I,solemnly declare that the particulars given above are true and correct to the best of my knowledge. I shall be liable to any legal action if the compensation is obtained by fraud or misrepresentation and shall return the money so received.

*Duplicate signature or
 thumb impression of the
 applicant.*

*Signature or thumb impression of the
 applicant.*

Signature of the identifier.

Signature of the surety.

Certified that to the best of my knowledge and belief the particulars given are true and correct and the applicant is the legal representative of the injured/deceased.

Signature of the endorsing officer.

Designation

Official seal

Copy forwarded for favour of information to :—

1. The Maintenance Inspector-cum-Inspector of Motor Vehicles,.....
 Zone.....
2. The owner of vehicle No.
3. The insurer of the vehicle

- NOTE : (1) The application must be submitted in triplicate to the Chairman, Tribunal/insurer in whose jurisdiction/the area the accident took place.
- (2) The applicant must put his duplicate signature in the presence of the endorsing officer.
- (3) The application must be endorsed by U.N.O./any Class-I Gazetted Officer.

FORM—I

Form for the Registration of Application for the Grant of compensation
by the Claims Tribunal.

1. Serial number :
2. Date of receipt of the application :
3. Name and name of father or :
husband (in the case of married
woman) of the applicant. :
4. Address of the applicant. :
5. Place, date and time of accident. :
6. Registration number and type of :
the vehicle involved. :
7. Name and address of the owner :
8. Name and address of the insurer :
of the vehicle involved. :
9. Amount of compensation claimed :
10. Decision on the application :
11. Remarks. :