

YEP TALK

The Young Entrepreneurs & Professionals page

How Environment Friendly Is Our Building Construction Rules?

Continued from last week

MMC: Let us now focus on the menace of plots as practiced by RAJUK. What, if any, are the thoughts behind developing residential plots from two to ten katha size or commercial plots as small as six kathas, which are supposed to have ten storey office buildings and a huge parking requirement?

KA: This psychology of thinking in terms of plots is a historical and cultural phenomena. We come from a very agrarian society and there is a primordial desire to own a piece of land. It will take you to do the utmost to drive a person away from his land. And when he becomes landless, he actually contemplates leaving his surroundings, even the country.

When our planners, in the early 60s, started managing urban areas, they thought plots were the way to start. But, that was not an urban way of thinking. The impacts of those steps are very much different from what they envisaged them to be.

Another important factor is that land has been one of the ways of becoming rich. In fact, it is the only commodity in our society, whose value is constantly appreciating. Land is also the only thing that is shrinking, as against everything else, which is expanding. Plots, in that sense, have become the most precious objects.

Hence, as Archt N R Khan was saying, it has become very easy for RAJUK to sell a piece of land, rather than selling an apartment. And they know that there are more people out there to buy than the number they are able to supply. If we think in terms of larger community interest, the scheme of plots is not a rational idea to continue. I would support Saif's idea that the master plan should guide all the developments within the city.

Coming back to formulation of the rules, I feel that we have to have peoples participation in it. The rules need to address the concern of every individual regardless of his or her economic position in the society. It will have to be explicit about the interest of permanent residents of the city, as well as the temporary. It will have to address the problem of squatters and the rights of the migrant population. Let us formulate rules that will consider the interest of users, owners, tenants, builders.

Let the govt take people into confidence. Let me also point out a very undemocratic Provision in to BCA where in the Act number 13 it is specified that no individual aggrieved person can fill a case in the court of law other than RAJUK autho-

On the eve of the World Environment Day, YEP Talk has taken up the issue of ensuring the quality of our built and natural environments. If every act of construction is an intervention in the nature then, how do we ensure that the balance is not lost during the process? Why is our Building Construction Rules not preventing the concrete aggression, which is devouring all the open spaces and greenery? How relevant are these laws in these times? We discussed these issues at the YEP Talk Roundtable conference on 'How Environment Friendly is Our Building Construction Rules?'

The meeting was participated by Archt. Khadem Ali of Architekton (Pvt) Ltd., Archt. Saif Ul Haque of Saif Ul Haque Sthapati, Archt. Ehsan Khan of Vitti Sthapati Brindo Ltd. Archt. N R Khan of Tanya Karim N R Khan & Associates. Mr. Abu Raihan M. Khalid of Bangladesh Environmental Lawyers Association (BELA), Mr. A H Monjurul Kabir Kollol of YEP Forum. The meeting was moderated by Archt. Mamnoon Morshed Chowdhury of YEP Forum.

The roundtable meeting was organised by The Daily Star with assistance from the British Council, Dhaka and the YEP forum.

riser officer or the builder Construction Committee, we cannot have such provisions in a govt rule, where in case of a violation, only the govt and not the sufferer can complain.

The Act. 17 of the BCA says that whatever RAJUK or its employers do, we have to accept it as something done in good faith. It is simply not democracy.

MMC: At this point, we would like to invite M R Khalid, who is representing BELA. M R Khalid, you have just heard about the immediate and cognisance of offence provisions in the BCA. Is there any way through the Court of law, we can move to stop the environment degradation that is being done under the provisions of BCR?

Raihan Khalid: The same provision is present in the laws that relate to preservation of environment, where only the DG of Department of environment can go to civil court and as a citizen you and I cannot.

However, in these cases we can file a writ in the higher courts under Article 102 of constitution stating that our basic rights as citizen have been violated to our basic rights and in that sense, higher courts can be approached.

KA: Mr. Khalid, if the society and environment as a whole is suffering, can I as a individual file a writ in the High Court?

KK: Yes, you can. At BELA, we have moved against the FAP. More recently we have taken up issues like the filling up of Gulshan lake. Our point was that RAJUK has violated the master plan area as plots. The court has passed an interim order to stop all constructions there. So, you see in these cases BELA was not itself an aggrieved party. But we moved the cases as public interest litigation.

MMC: Architect Ehsan Khan which provisions at the existing BCR, do you consider as doing most damaged to our urban environment?

Ehsan Khan: Well there are many provisions, that are harmful. But, I would like to point out the provisions that are absent. Which would have gone a long way towards the preservation of environment. Firstly, I would want a very specified article regarding built area



and open area in both micro and larger extents, meaning within a single plot and within city areas. I would like to immediately see a rule that makes compulsory 33% Open to sky area within a site.

Then, a complete revision of the rules that relate to commercial building, for example, the parking requirements in office buildings and shopping centres.

I am sure in immediate future the building that are going to strangle Dhaka city are the shopping centres that are coming up.

MMC: The topic of parking reminds me to mention another point related with the future factor of density in residential areas. At present the BCR does not limit the density i.e., no of units in a plot, in any way. Developers determine the no. of units they will build by calculating the no. of car parking spaces, they are able to provide.

So, it is possible to unlimited units within a plot. It is a ridiculous thing that the factor of density is being checked by the number of garages and it goes to prove how bankrupt our thought

Roundtable Recommendations

1. Detach RAJUK from all profit making ventures and make it work as a policy making authority.
2. Set up a planning cell within RAJUK with brilliant and visionary people from related professions, which will formulate all policies.
3. Building construction Rules should follow the guidance provided by the master plan.
4. As an immediate step, RAJUK should revive the now-abolished law that made 33% open area within a plot mandatory.
5. Advocacy groups should start working seriously to mobilise public opinion, so that public interest litigations may be taken up.
6. Formulate realistic and visionary laws regarding commercial buildings and shopping centres immediately, in order to prevent areas like Pantho Poth from turning into a traffic-control nightmare.

process has become.

Anyway, let us now move on to another very important point-the enforcement of the BCR. Let us assume that we are able to formulate the perfect set of rules, but what is the guarantee of it being enforcement?

NR: Before I answer this, I would like to add something to Ehsan's observation. As far as the parking provision is concerned, I would say the basic fault is that it is not

area specific. For example, the parking requirement of an office building at Narinda can never be the same as the one at Kamal Ataturk or Motijheel.

We have to look at realistic figures. The figures that we have now in the BCR is so outdated, that they support the people who are out to destroy the environment and preventing us from doing anything about it.

Then there is something

about Article 10.2, which states that even if it is a residential area, you might as well build some other types of structures. Now, the logic behind having a nursery school or a small ten bed clinic within a neighborhood can be understood, but look at what is happening in reality. We have universities, teaching hospitals in residential areas, and what not. RAJUK is fully aware of this. So are the other agencies. Telephones are issued at these addresses, as well as trade licenses, VAT registrations etc. These unlawful usage has resulted in all sorts of environmental pollution's. The smoke from the kitchens of community centres, the noise from the generators, the parking on the streets, the breakdown of garbage and sewerage systems... the list can go on forever.

Now let me answer Mamnoon's question. You can have laws, new or old. But who is going to guarantee its enforcement? RAJUK and all the other agencies have accepted the way the things are going now. We can make new laws, but can we change the attitude? If government

agencies are not accountable to the people. I really do not see any need for the great new rulebook.

Let's look into the issue of violation. Who is going to try to violate the law? I believe it will be the government itself. Because, by breaking the law or by allowing a breach, you are able to make money. Accountability and democracy are the key words. I must say that almost everything has gone seriously wrong in our system.

MMC: Corruption is one word that has become synonymous with RAJUK. It is desired that agencies that deal with the city's future should have honest people associated with it. But, apart from that, who are the people best suited to run the affairs of RAJUK?

EK: I would answer in a different way. I would like to see the system of operation changed. As I have said earlier, a planning cell must be set up within RAJUK, which will take all policy decisions. This cell has to be formed with brilliant, visionary people from all relevant professions - architects, planners, engineers, economists, geologists, sociologists etc.

The most important step will be separate the planning cell from the implementation cell - which will be responsible for enforcement and application of planning cell recommendations.

It will be a great achievement if we can guarantee that no other government agency can take up a project without the planning cells clearance. Agencies like the city corporation, DESA and WASA should be implementing agencies only.

MMC: May I now invite Mr. Monjurul Kabir Kollol to share his views on the discussion that we have been having.

Monjurul Kabir Kollol: Thank you. I would like to speak on the role of the pressure groups. At this point of time, I really believe that we should lower our expectations from the government. The government, judging from the trends, may itself become more and more incompetent. I would suggest that the Institute of Architects start a campaign on all the rele-

vant issues. For example, we are here to discuss the construction rules. Let us try to create a standing, an awareness about the issue. Unless pressure is exerted, no change can be expected. In the court of law also, if a public interest litigation is initiated, the standing will help a great deal.

I would suggest that the architects take this movement to a point, where it will no longer be difficult for us as lawyers, to convince the court that this, indeed, is a case of great public concern.

Another aspect that the pressure groups need to be aware about, is the process in which the relevant laws are formulated and the very people who formulate them. Pressure groups need to establish a direct line of communication with the MPs, the bureaucrats. Or anyone who has a say in the making of these rules.

We have to realise that if we do not raise questions, we will not be heard, let alone be answered. Our leaders are, and will continue to remain, insouciant about the issues that affect us. Just look at the Osmany Udyan case. The City Corporation was totally silent on the issue, until the citizen's movement started. Thereafter, they came out with a defensive and totally unconvincing statement that the trees were, in fact, harmful to the environment. You see, the citizen's movement has become successful in making the Corporation talk. Now, it will have to clarify its statement and say explicitly what damage has been caused by the trees, and if they were really harmful, why weren't they removed earlier.

Another interesting thing to note is that none of the MPs from Dhaka city have uttered a word on the Osmany Udyan issue, which concerns to well being of the city. You may be curious to know what the ward commissioner of the Udyan area is thinking about the whole thing. But do we hear him speaking?

KA: I agree totally with Mr. Kabir's view. If we continuously raise an issue and mount pressure, one day we might get some attention. Advocacy groups are a must these days.

I would like to mention here that the activities of The Daily Star and the YEP Forum has created tremendous interest among us. May be not everyone is coming forward to join you, but on awareness is being created and a crystallisation of public opinion is happening.

MMC: We have reached the concluding part of this roundtable conference. On behalf of The Daily Star's YEP Talk, let me again thank you all for joining.

Tourism: A Battle Lost But We Can Win The War . . .

by Khondker Neaz Rahman

BAKLADESH is located on the largest delta of the world. Due to its unique location and climate the country is green with hundreds of scenic views scattered all over. She is green, fertile and is crisscrossed by innumerable rivers and streams. The Padma and Meghna flows from India into the country and after union flows down to meet the Bay of Bengal. On the south, there are thousands of small, medium and large islands. There are estuaries, long beaches and cool sea to enjoy in the south of the country.

Tourist destination are fixed by sites having attraction for active or passive sports facilities, adventure trips, scenic beauty, cultural activities and tradition, religious and historically important sites etc. Bangladesh can cover all these features. Most of them already exist and few need some development, promotion and selling towards the international clients. Cox's Bazar, Chittagong Hill Tracts, Kaptai Lake, Kuakata Beach, tea gardens in Sylhet, Foy's Lake, Chalan Beel, Chumuti Mangrove forest etc can be high profile destination for nature lovers and observers through out the world. Buddhist Vihara at Mainamati, Mahasthangar and Paharpur, the glorious capital of Bengal at Sonargaon, Kantanagar and Sitakunda Temple, Mujibnagar Memorial, National memorial, Central Shahid Minar are places of attraction as historical and archaeologically important sites. Pahela Baishak, Ekushay February, Independence Day can attract tourist largely from Europe, USA and the Far East.

In this scenic and beautiful country, Cox's Bazar is the jewel in the crown. The longest unbroken beach in the world is located there and it has all the gifts to be the true paradise on earth- colorful pagodas, Buddhist temples and monks, towering cliffs, world of flora and fauna, exotic sea food and delicacies. Cox's Bazar being one of the most scenic and precious natural sites even failed to establish its image as a preferred destination in the realm of regional tourism.

Exploring the beauty and adventure of Teknaf, Sonadia, Ramu, St. Martin through its beaches, forests and hills could be a memorable experience of one's lifetime.

Now the big question is "what we lag in putting our tourist destinations in a place of envy in the realm of world tourism"? A simple answer can be, "lack of entrepreneurs with modern vision

and aggressive business attitude, tops the list of requirement to be met for the progress of national tourism."

Tourism today is recognized as an industry. Although the economic importance is primarily lauded for its contribution to foreign exchange earnings, it also contributes significantly towards generating employment opportunities. According to the World Tourism Organization (WTO) sources, tourism is now the world's single largest source of employment, providing job opportunities to over 120 million peoples (1995). Tourism is basically a service industry with very little scope for automation. This is why it is more labor intensive than any other industry and is expected to remain so in the future.

While 11 percent of the world civilian labor force are employed in tourism sector, Bangladesh is lagging far behind, having only 1 percent of its civilian labor force employed in this sector. Though possessing the potential for tourism, Bangladesh loses its opportunity due to lack of young entrepreneurs with vision, courage and commitment.

Tourism as an industry is growing fast since the middle of this century. The rapid growth of this sector through out the world is demonstrated by the fact that international tourist movements estimated at only 159.6 million in 1970 climbed to 482 million in 1992. Realizing its multi-dimensional development potentials, countries of the world taken together have been investing an average of US\$ 350 billion annually in creating new facilities in this sector. This is estimated to be about 7.3 percent of the world's total capital investment. A survey of international tourism in Bangladesh conducted by the UN, 1993, reveals that vacation and leisure as purpose of visit accounts only 18 percent of the total tourist arrival in the country. In 1985 percentage share of tourist arrival in Bangladesh of SAARC countries was 6.00, from there it declined to 3.34 in 1992, though a large part of tourist from Japan, USA and Europe flies to Nepal via Dhaka.

International tourism is very competitive. With its natural beauty, tribal culture, sea beaches, thick forest and hill tracks makes Cox's Bazar a potentially attractive destination for local and regional tourist from the neighboring countries. By combining its favorable natural settings with creative facilities in the field of

accommodation, sports and entertainment including souvenirs and shopping, courteous and efficient personal services Cox's Bazar can play a pivotal role in the development of tourism in Bangladesh. It is very important not only to attract more tourists but also to increase their length of stay, which has very high correlation with revenue earning and employment.

Tourists spend the highest portion of their total spending on shopping and souvenirs. So setting up of shopping outlets of handicrafts and cottage industrial items embodying local culture and heritage should be undertaken. A large section of Indian domestic tourist can be attracted to Cox's Bazar by promoting it as more attractive alternative to the crowded sea resorts of India. Domestic tour operators in India and Nepal promoting beach tourism and sending tour groups to the eastern states of India may be approached and motivated to include Cox's Bazar in the itineraries. Tourism is considered as one of the fast expanding service export industry in the world. Tourism is the largest service export industry of USA. By increasing the regional tourism we can significantly help Bangladesh to reduce its trade gap with India.

Internet is the number two information source on travel, and its growing fast, for those 50 million people currently using the Internet. For the population as a whole, both users and non-users of the Internet, 32 percent are more likely to use the Internet to find things to do, 26 percent more likely to check on schedules and reservations. This technology has opened a tremendous opportunity for Bangladesh in marketing its tourist destinations.

The Article No. 15 (b) of the Constitution of Peoples Republic of Bangladesh states that:

"It shall be the fundamental responsibility of the State... to secure to its citizens-

(b) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work."

Considering the above fundamental responsibility of the State, the government adopted its Investment Policy in October 1996, through the Board of Investment, which is under the Prime Minister's Office, have identified tourism as one of the potential

sector for investment.

To make its way into this large industry of tourism Bangladesh needs a combination of forces at two levels. It's a war. We need visionary political leadership on the top level and on the ground are needed young entrepreneurs with imagination, vision, courage and commitment; we are sure to win the war. The advancement in the IT sector is a proof how fast we can progress under a leadership with vision.

Khondker Neaz Rahman, Urban and Regional Planner, Member of the Resort and Tourism Division of the American Planning Association.

ANNOUNCEMENT

Young Entrepreneurs and Professionals Forum (YEP Forum) in cooperation with The Daily Star and The British Council has arranged a Public Dialogue on 'Public Interest and the Judiciary: Towards the Next Millennium' on 30 June 1999 at the British Council Auditorium. The Program will start at 1700 Hours (Sharp). Eminent Judges, Lawyers, Jurists, Social Activists and Young Professionals will share their experiences and expectations with the audience.

You are most welcome to attend the event. Please register your name through phone (9883161, 885214), fax (863035, 886061, 9554160) or

E-mail (dstar@bangla.net, mkabir99@hotmail.com).

We appreciate if you could bring a small piece of write up on the issue with you on that day and drop it with us. We will try to accommodate your valued views in our follow up publication.

We look forward to seeing you!