

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 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 Kollof 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 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 I 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 citizens 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?

RK : 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 the basic fault is that it is not

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.

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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 neighbourhood 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

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