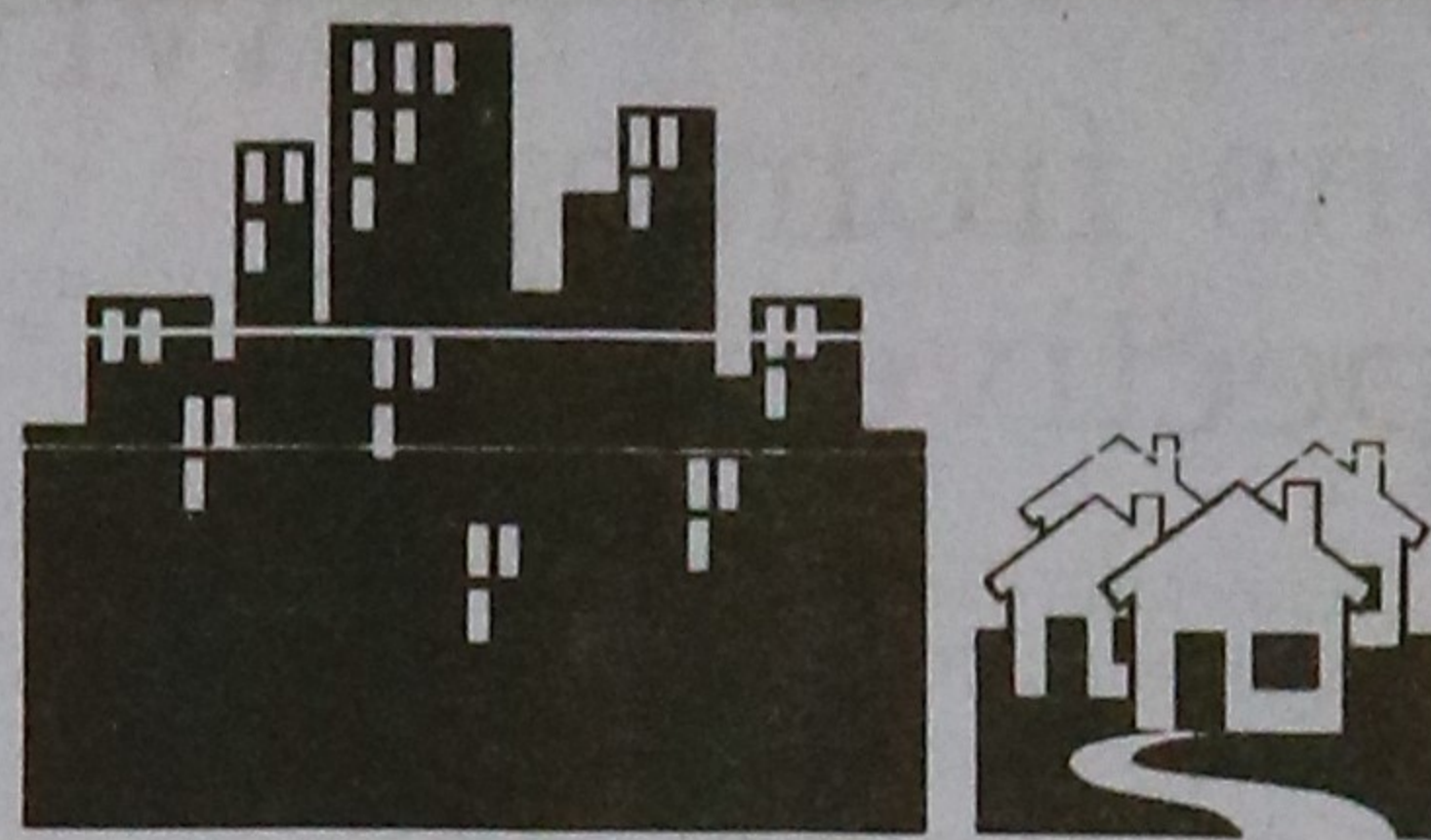




Dhaka, Wednesday, March 7, 2000

The Agenda for Urban Concern 2000 is an initiative of The Daily Star to delve into relevant issues through workshops and seminars. It is our intention to make the deliberations public so that the society may benefit. The first in the agenda was a Workshop on 'The Building Construction Act, 1952' held on March 25 in collaboration with the Bangladesh Scouts. Today's instalment consists of the pertinent building legislation and the recommendations of the Workshop. In the coming weeks we hope to bring you further highlights of the same meeting. Information provided by the 'Agenda for Urban Concern 2000' would help the public to know about their rights and obligations so that the country's ever-burgeoning urban chaos can be mitigated.

Objectives of the Workshop

With regard to the Building Construction Act, 1952

- Degree of implementation
- Loopholes and drawbacks
- Way out for improvement

Plenary session 10AM-2PM
Group discussion 2.30-3.30PM
Summary session 3.30-4.30PM

Group discussion

Group A

Md. Khairul Enam, Professor of Architecture, BUET — Group Leader
Kazi Md. Sheesh, Chief Engineer DWASA
Planner Md. Shaikot Ali Khan
Engr-Planner Dr. Toufiq M. Seraj, President REHAB
Md. Syedur Rahman, Chief Engineer RAJUK
Md. Kamrul Hasan, Consulting Engineer

Group B

Engr. M. M. Rahmatullah, Ex Chairman RAJUK — Group Leader
Md. Shaiful Quader Consulting Architect
Kazi Golam Hafiz, Town Planner (Director) RAJUK
ASM Abdul Hamid, Consulting Engineer
Dr. K.M.Maniruzzaman Asst Prof in URP, BUET

Group C

Dr. M. Azadur Rahman, Prof in Civil Engg BUET— Group Leader
Badrul Huda, Consulting Architect
Salma S. Shafi, Consulting Architect-Planner
Engr. Fowze bin Farid, Authorised Officer, RAJUK
M. Mesbah Uddin Bhuiyan, Deputy National Commissioner, Bangladesh Scouts

Other participants

Afzal Hossain, National Commissioner, Bangladesh Scouts
Md. Lutfur Chowdhury, Member, RAJUK
Mayeenul Hoque Chy, Consulting Engineer
Abu Raihan M. Khalid, Staff Lawyer, BELA
Kamrul Hasan, Environmental & Research Centre, Khulna
Md. Tauhidul Islam, Deputy National Commissioner, Bangladesh Scouts
M. Shamsuddin Khaleel, Additional Judge, JATI
Nazmul Haque, Deputy National Commissioner, Bangladesh Scouts
Md. Faruque Hossain, Sociologist
M. Habibul Alam, National Commissioner, Bangladesh Scouts
Saiful Islam Khan, National Commissioner, Bangladesh Scouts
Md. Shamsul Huq Bhuiyan, Chief Engineer, Dhaka City Corporation

Special Invitee: Mayor Md. Hanif

Moderator: Mahfuz Anam, Editor, The Daily Star

Joint Moderator: Dr. Nizamuddin Ahmed, Professor in Architecture, BUET

Recommendations of the Workshop

- The building Construction Act, 1952 (amended 1987) should be amended to include restriction on filling of low land and water bodies.
- Detailed Area Plan must exist for each area before implementation of the Act.
- Strict implementation of the Dhaka Master Plan, including zoning rules.
- Instead of the existing Building Construction Rules, 1996, for approval of building plan by RAJUK, Bangladesh National Building Code, 1993 (BNBC) and Dhaka Master Plan (Detailed Architectural plan, Structural plan and Detailed Urban plan) should become part of new rules and so implemented.
- Requirements for fire prevention, precautions and control, water supply, sewerage, ventilation and earthquake resistance being inadequately addressed in the Building Construction Rules, 1996, the BNBC should be implemented to cater for the present shortcoming.
- Building and land should be used as sanctioned by RAJUK.
- Deviation from sanction in building and land-use should be penalised and rectified by concerned authority.
- There should be more general awareness among users (public) regarding compliance to code and rules pertaining to building construction.
- The process of approving a building plan should be a one-window service (one-stop) and must be disposed off within the stipulated time of 45 days. Representatives of different relevant bodies (WASA, DESA, Fire Services, City Corporation, Environment, etc.) should constitute the Building Committee at RAJUK.
- RAJUK should be equipped with appropriate professional manpower to implement the Master Plan and the BNBC.
- A Tribunal Court with a judge and several magistrates may be formed to enforce building code and rules.
- Registration of professionals to be defined and acknowledged in the rules.

Building Construction Act, 1952 (SUMMARY)

- Amended in 1987
- Effectuated from 10 November 1986
- Extended to whole of Bangladesh

Objective

Provides for prevention of haphazard

A. construction of buildings

B. excavation of tanks

C. cutting of hills,

which are likely to interfere with the planning of certain areas.

Important definitions

- "Building" includes any house, out-house, hut, wall and any other structure whether of masonry, brick, CI sheet, metal, wood, bamboo, mud, leaves, grass, thatch or any other material.
- "Master Plan" - prepared and approved under any law for the utilisation of any land.
- "Authorised Officer" - appointed by government in official Gazette to function in any area under this Act.

The essence of the Act - Section 3

- Restriction on construction of building and excavation of tank

Notwithstanding anything contained in any other law for the time being in force, or in any agreement, no person shall without the previous sanction of an Authorised Officer, construct or reconstruct or make addition or alteration to any building, or excavate or re-excavate any tank or cut or raze any hill within the area to which this Act applies and such sanction shall be subject to such terms and conditions as the Authorised Officer may think fit to impose.

Improper use of buildings & land - Restrictions

- No owner or occupier can use a building other than for the sanctioned purpose.
- If use does not conform to the Master Plan, the Authorised Officer may order owner or occupier to discontinue such use, and remove or dismantle such building.
- No building for combined residential and commercial use shall constitute a nuisance to a zone and neighbourhood.

Order removal & dismantling of building, filling of tank, IF...

- Works are contrary to the Master Plan
- Reconstruction / re-excavation possible as per sanction
- Building / tank causes inconvenience to users of adjacent land, building, road or passage.

Powers of an Authorised Officer

If not conforming to the Act,

- Eviction of occupier
- Removal of building
- Refill excavated tank
- Cancellation of sanction

Penalty for offenders

- Fine
- Imprisonment for up to 2 years
- Or both

on conviction before a court of competent jurisdiction

Protection under the Act

- Orders issued under the Act shall not be called in question, in any Civil Court.
- Decision of Appeal Officer / Authority shall be final.
- Indemnity for government / person against suit and legal proceedings for acting in good faith under this Act.

Too Many 'Actors' Spoiling the Act

by Nizamuddin Ahmed

IN the end no one took the blame for the chaotic state of building construction in the City. Every one at the daylong workshop seemed to be convinced that someone else was responsible for all that was wrong and that lot included Yours Truly, an academic and a professional architect.

While the RAJUK (Rajdhani Unnayan Karttripakhya) Chief Engineer at the workshop blamed other organisations for the mismanagement of the city, the Dhaka City Corporation (DCC) Chief Engineer was blatant in saying that 'RAJUK was mainly responsible'.

DWASA Chief Engineer had reasons for concern as 60 lakh polythene bags were being used in Dhaka daily.

But that everyone remained at the workshop for such a lengthy period of time - 10 AM till 4.30 PM - on a Saturday went a long way in establishing that across the length and breadth of the industry, professionals and academics were concerned about the growing menace of illegal construction and misuse of buildings in Dhaka.

The purpose of the meet was to focus on legislation applicable to building construction, try and pin down the loopholes in the system and find out ways and means of

alleviating the fast deteriorating situation. Although the Building Construction Act, 1952 and the ensuing Building Construction Rules, 1996 are legally binding all over Bangladesh, the primary focus of the workshop was to figure out what to do in capital Dhaka; at least up to the jurisdiction of RAJUK, the DCC is in charge of 139 square miles of the city.

There are ample grounds for the city's escalating mess; principal among them would seem to be the lack of co-ordination among the several organisations responsible to keep the capital ticking. Need one be reminded that 'ticking' is also used to refer to the working of a bomb?

The absurdity is the inter-department conflict is not limited to non co-operation but extends to each organisation creating situations, even if not deliberate attempts, to obstruct the smooth functioning of the other.

As an example of the built-in problem, RAJUK is entrusted to approve building plans and to demolish illegal structures, but the Dhaka City Corporation issues Trade Licenses for occupational use of those buildings. There are

allegations that DCC does not consider the RAJUK approved plans while executing their part.

Consumer gas is provided by Titas, DESA manages electricity, WASA takes care of the water supply and sewerage, police control the traffic, the roads belong to DCC... Furthermore, there is no accountability of the agencies. It is not difficult to discern what can happen if any or all the bodies do not understand each other, non co-operation and rivalry can lead to disaster. In fact, we are on course.

Another major detrimental impediment for a healthy Dhaka is interference from 'outside', meaning pressure by some politicians, business magnates and civil servants, not necessarily in that order. In the working of an organisation.

So severe is the situation that the Mayor admitted that Dhaka's air pollution was a world concern, that 3.5 lakh rickshaws were plying although the DCC issued license to 80,000, that if allowed to continue in the present manner, 'the city may be unliveable in a few years'.

But the concern expressed at the workshop by the participants and their keenness to do something

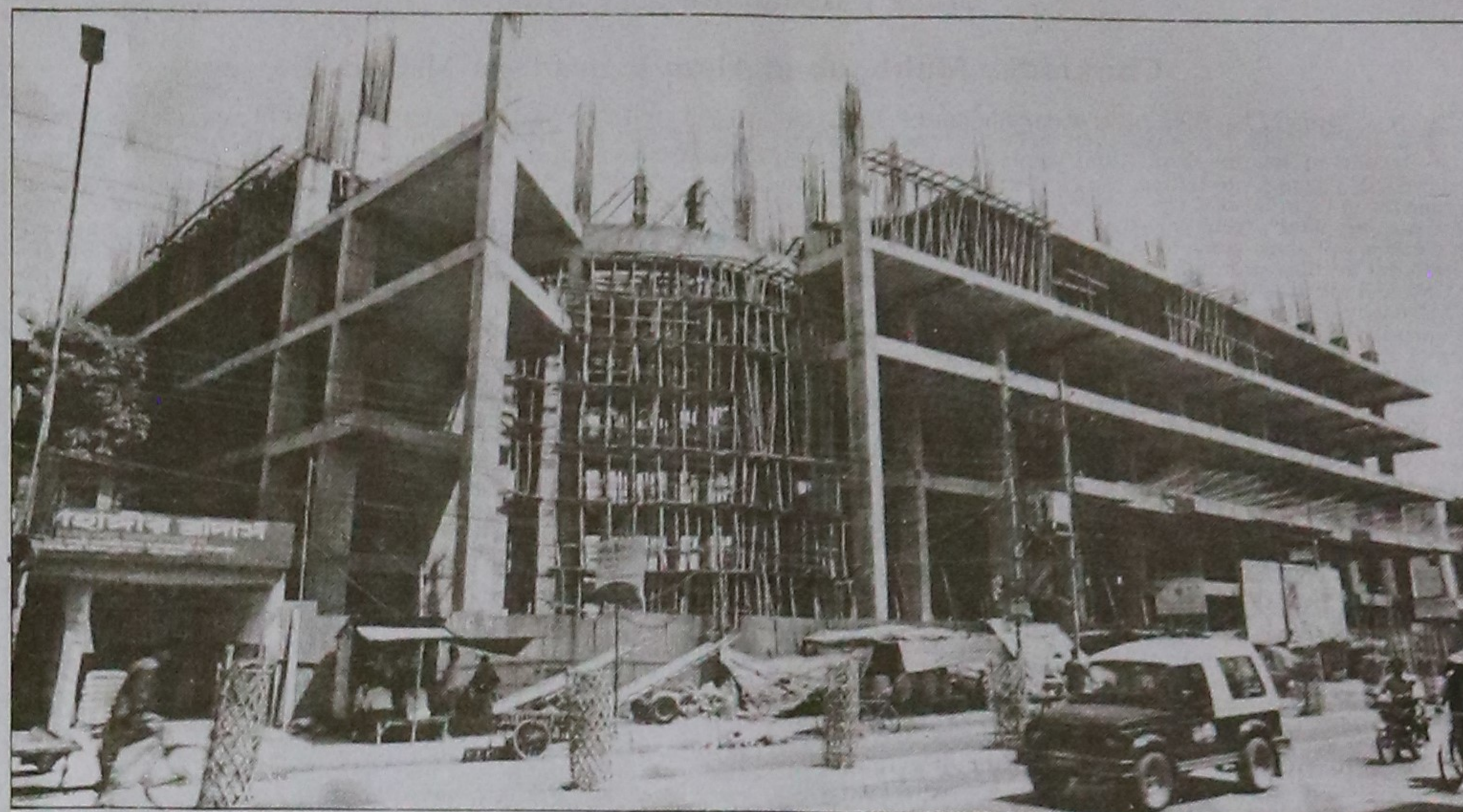
about it were in them a matter of hope.

The workshops advocated strongly to increasing public awareness about the functioning of a city. Effective garbage disposal was not possible without the co-operation of the public, said the Mayor. Measures could include textbooks, mass media publicity and adult education.

The second bridge across the River Buriganga, stalled for months for so many different reasons, could launch satellite towns on the south of the city to ease much of the problem. There is talk of a plan to phase out the rickshaws and rehabilitate the rickshawpullers, for these poor people come to the city often as a last resort. A cell for co-operation between the RAJUK and the DCC could be the springboard for a metropolitan government, more importantly governance.

The Mayor perhaps summed it all up. Constructive politics was required for the sake of national and public interest for a beautiful Dhaka.

Further contact:
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Erecting supermarket on road crossing: Clear violation of rules.

—Star photo

Building Construction Rules, 1996 (SUMMARY)

(Original in Bangla. Translated and simplified by The Daily Star)

Framed under Building Construction Act, 1952

Persons qualified to sign and submit drawing

- Residential building up to four stories - Degree architect/engineer, diploma architect/engineer, certified designer
- Residential building above five stories & all other buildings - Degree architect

- Building along VIP roads - Degree architect

- Excavation of tank, cutting of hill - Degree architect/engineer

Time frame

Within which RAJUK or local building authority must give decision on the application for sanction of a plan
Building, tank, hill - 45 days

Rules regarding adjacent road

- Minimum width of road - 3.65m (12')
- In case of private road - 3.00m (10')
- If two adjacent roads meet at corner of plot a space of 1m x 1m must be kept for the turning of the road
- Minimum distance of building - 4.5m (14'-9") from road centre.
Or 1.5m (5') from wall adjacent to road

Electrical lines

Construct building at a safe distance from power lines as per rules of PDB and DESA

Land-use policy

- All buildings must conform to government Master Plan/s for land-use in towns, cities and metropolises.
- Subject to being located at meeting point of two roads, one of which must be at least 6m (20') wide, the following use will be permitted in a residential area:
 - Maximum 10-bed clinic, doctor's chamber, chemist's

- Bank, temporary stand for newspaper, library
- Fast food restaurant, grocery
- Hair dresser, laundry and tailoring shop
- Florist, video club, nursery school

Residential-cum-commercial areas can be used for both residential and commercial purposes but rules for residential areas shall be applicable

In residential-cum-commercial areas, planned by government, autonomous and local government agencies, rule 15 and those for commercial areas shall be applicable. (See below)

In areas marked for warehouses, if use is also commercial, the basement and another floor shall be marked for warehouse.

A non-residential building abutting a residential plot shall be minimum 2.5m (8') from the residential plot.

Within 50m (164') of the meeting point of two roads, shopping centre, cinema hall, theatre and similar buildings will NOT be allowed.

But, if road is +23m (75') wide, shopping not more than 500m²(5380sqft) may be allowed.

Shopping centres more than 300m² (3228sqft) must provide 6m (20')-wide opening for entry-exit, drop-off separate from car parking

Auditorium, cinema hall, theatre and likewise shall be built in designated plots of a residential area and anywhere in a commercial/residential-cum-commercial area BUT only besides a 15m (50') wide road with 6m (20') opening for entry-exit and drop-off.

Emergency exit & other necessary arrangements

- Emergency exit, separate from stair and lift lobby, must exist within 25m from any point on a floor.
- Elevator/escalator will not be considered as emergency exit.
- Necessary number of fire extinguishers or alternate arrangement in any visible space, with written operational instruction, and fire alarm for quick exit must be provided.
- Building must have arrangement to arrest lightning.
- 7-storied or higher building must have system of garbage disposal, separate for different garbage type.
- 3-storied or higher building must have post box at ground floor entry point.

Special rules for residential buildings

- In mandatory open space
 - No construction of building
 - One garage only and a guardhouse adjacent to the gate allowed
 - No servant quarter above garage
- Garage and guardhouse
 - Height - maximum 2.75m (9')
 - Area of garage - maximum 20m² (215 sqft)
 - Area of guardhouse - maximum 3m² (32 sqft)
- Multi-storied buildings must have minimum 1.75m (5'-9") wide path from staircase to road.
- Mandatory minimum open space

Site area (m ²)	Mandatory minimum open space	
	At the rear (m)	At the sides (m)
000-134 (up to 2 katha)	1.00	0.80
134-200 (up to 3 katha)	1.00	1.00
200-268 (up to 4 katha)	1.50	1.00
268 and above (+4 katha)	2.00	1.25
Row houses in sites up to 134m ² (2 katha)		Nil
Govt. approved housing for the poor on sites from 25 to 100m ²	1.00	Nil
	Also 1.30m open in front	
Between buildings on a site	5m facing	2.5m at side

Special rules Commercial buildings & warehouses

Classification of site	Mandatory minimum open space	
	At the rear	At the front
Developed by government, autonomous body, local govt	1.50m, if no road on back-side	1.50m, only on ground floor
Private ownership	1.50m	4.50m from road centre, or 1.50m from road

Special rules Assembly hall

Cinema hall, recreation centre, shopping centre more than 200m²

- Mandatory Open Space
 - At the rear - 3.00m
 - At the sides - 3.00m
- Lobby entry, exit and main gate - 3.00m wide

Special rules Industrial buildings

- Two-third of land can be used for construction
- Mandatory Open Space
 - At the rear - 2.50m (8')
 - At the sides - 2.50m
- Must have arrangement for waste disposal

Special rules Hotels

- Can be constructed ONLY in commercial and residential-cum-commercial areas
- Two-third of land can be used for construction
- Mandatory Open Space
 - At the rear - 2.50m (8')
 - At the sides - 1.25m (4')

Special rules Hospital, Educational institutions, etc.

- Half of the land may be used for construction
- Mandatory Open Space
 - At the rear - 3.00m
 - At the sides - 3.00m

RAJUK Master Plans

The first Master Plan came in 1959 and was designed for 20 lakh people. Was to be modified every five years, but never done. The second (finally) saw light in 1997.



Leaving no space between buildings, blocking public thoroughfares with construction materials: Violation of rules, but who cares?



—Star photo