

# LAW OF URBAN DEVELOPMENT IN BANGLADESH: A CRITICAL STUDY WITH SPECIAL REFERENCE TO KHULNA MASTER PLAN

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**Abstract:** Planned development is of foremost importance for a sustainable and better living environment. Introduction of this planned development is guided through a Master Plan prepared by the public authority within a regulatory framework. Bangladesh is also practicing the method of planned development through master planning activities. There are limited rules and regulations on the preparation and execution of the master plan. Some of the regulations are outdated and inconsistent with the present development activities. Effectiveness of the regulations depends on the efficient and necessary regulations. Planned development should conform with the establishment of guided regulations of the preparation and execution of the master plan. But, in Bangladesh, regulations on the master plan are outdated, irrelevant and somewhere unpredictable. These are some of the major drawbacks of the planned development guided through the master plan. In Bangladesh, four development authorities namely, RAJUK (Rajdhani Unnayan Kartipakkha), CDA (Chittagong Development Authority), KDA (Khulna Development Authority) and RDA (Rajshahi Development Authority) are entitled to prepare master plans according to the Town Improvement Act 1953, Chittagong Development Authority Ordinance 1959, Khulna Development Authority Ordinance 1961 and Rajshahi Development Authority Ordinance, 1976 respectively. Except these, all Pourashavas or Municipalities are entitled to prepare master plan according to the Pourashava Ordinance 1977 and Municipal Administration Ordinance 1960 but they are not performing such activities. The study follows the major drawbacks such as incomplete regulations, communication gap among the authorities, restricted use of land, poor punishment, disputed approval procedure, irregular involvement of police power, etc. involved with the preparation and execution of master plan prescribed through the contemporary regulations. It is necessary to remove these drawbacks as suggestion use in this article.

**Key words:** Master plan; Regulation; Statute & enactment; Enforcement authority; Development control; and Landuse.

## Introduction

Planned development is of foremost importance for a sustainable and better living environment. Introduction of this planned development is guided through a Master Plan prepared by the public authority within a regulatory framework. Bangladesh is also practicing the method of planned development through master planning activities. There are limited rules and regulations on the preparation and execution of the master plan. Some of the regulations are outdated and inconsistent with the present development activities. Planned development should conform with the establishment of guided regulations of the preparation and execution of the master plan. These are some of the major drawbacks of the planned development guided through the master plan.

The term 'Master Plan' is varied with its meaning from place to place among the users. Town plan, layout plan, structure plan, detail plan, development plan, renewal plan, local plan, zonal plan, regional plan, etc. generally known as master plan. But, there are some sharp differences on the concept of master plan. According to the section 2(ccc) of the Building Construction Act 1952 (E.B. Act II of 1953) the term 'Master Plan' means "*the master plan prepared and approved under any law for the time being in force for the utilization of any land anywhere in Bangladesh.*" "*A master plan or a development plan or a town plan may be defined as a general plan for the future layout of a city showing both the existing and proposed streets or roads, open spaces, public buildings, etc.*"<sup>1</sup> Again, development Plans as explained, calls it, "*the organizing of building and land use in pursuance of an express scheme of urban or rural evolution*"<sup>2</sup>.

In Bangladesh, preparation of the master plan was started in the year of 1917. In a study, it is mentioned that, "*beginning in the preparation of Master Plan was made in 1917 when Sir Patrick Geddes visited Dhaka. He prepared a Master Plan for the City, which, however, remained on paper only. It was only in 1948 that a planning department was created in the then East Pakistan and a skeleton of re-planning scheme for Dhaka City was prepared.*"<sup>3</sup> From the year of 1917 to 1958, different types of plan were prepared in Bangladesh for different types of development activities. All of those plans are generally known as master plan, though they were in fact micro-level development plan. Actually, preparation of master plan with all of its process and procedures and legal framework was started in the year of 1959 when master plan for the Dhaka City was completed by the British firm. Table 1 shows the master plan prepared in Bangladesh from the year of 1959 to 1984.

According to the table, the master plans have been prepared as the structure plan and zonal plan. Zonal Plan was categorized according to the land use. From this point of view, master plan may be termed as landuse plan also. Implementation of the master plan depends on the Detailed Area Plan. Regulatory arrangements

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prescribed by the government on the preparation and execution is inter-related phenomenon. All the disputes and drawbacks of the master plan is basically influenced by the weaknesses of the regulations.

Table1. Master plan prepared in Bangladesh from the year of 1959 to 1984

| Cities     | Year of preparation | Prepared by                           |
|------------|---------------------|---------------------------------------|
| Dhaka      | 1959                | Minprio, Spencely and P.W. Macfarlane |
| Chittagong | 1961                | Minprio, Spencely and P.W. Macfarlane |
| Khulna     | 1966                | Minprio, Spencely and P.W. Macfarlane |
| Rajshahi   | 1984                | UNCHS/UNDP-UDD                        |

### Objective and Data Sources

The study aims to frame an analysis on the regulations involved with the preparation and execution of master plan in Bangladesh. It includes drawbacks of execution, involvement of authorities, preparation process and procedures, etc. Poor regulatory arrangement is considered as the generation of drawbacks. It is well known that, the dispute arises due to the weak and incomplete regulations, and poor enforcement system is also liable for such arrangements. Therefore, the study aims to evaluate the contemporary regulations first, secondly the causes and consequences of the drawbacks of execution. A suggestion is prescribed on the executional drawbacks of the regulations involved with the master plan. All the secondary materials and published regulations have been followed for the preparation of this study.

### Relevant Statutes & Enforcement Authorities

The government has prescribed about 12 statutes and established 12 authorities. Among them, 9 statutes have used the word 'master plan'. In Rajshahi Development Authority (RDA) Ordinance, it is defined as the functional master plan. Though, there is no much distinct differences between master plan and functional master plan prescribed in the (RDA) Ordinance.

Table 2. Statutes and enforcement authorities for the preparation of master plan

| Enforcement authorities          | Name of the Statutes                              |
|----------------------------------|---------------------------------------------------|
| Khulna City Corporation          | Khulna City Corporation Ordinance, 1991.          |
| Chittagong City Corporation      | Chittagong City Corporation Ordinance, 1982.      |
| Rajshahi City Corporation        | Rajshahi City Corporation Ordinance, 1987.        |
| Dhaka City Corporation           | Dhaka City Corporation Ordinance, 1983.           |
| Pourashava Authority             | Pourashava Ordinance, 1977.                       |
| Municipality                     | Municipal Administration Ordinance, 1960.         |
| Rajdhani Unnayan Kartipakkha     | Town Improvement Act, 1953.                       |
| Khulna Development Authority     | Khulna Development Authority Ordinance, 1961.     |
| Rajshahi Development Authority   | Rajshahi Development Authority Ordinance, 1976.   |
| Chittagong Development Authority | Chittagong Development Authority Ordinance, 1959. |
| Thana Parishad                   | Thana Parishad Ordinance, 1976.                   |
| Zila Parishad                    | Local Government Ordinance, 1976.                 |

Table 2 presents the statutes and enforcement authorities prescribed by the government for the preparation of master plan. According to the section 35 (prescribed in the 2<sup>nd</sup> Schedule) of the Thana Parishad Ordinance or Local Government Ordinance, the Thana Parishad for the planned development of Thana area may prepare development plan. Zila Parishad is responsible for the preparation of village plan and regional plan. Development authority and City Corporation of Dhaka, Chittagong, Rajshahi and Khulna are entitled for the preparation of master plan according to the statutes prescribed for them. All the authorities have demarcated different jurisdictional areas for their development activities. City Corporation has a limited jurisdiction rather than the area under Development Authority. Pourashava and Municipality have contained separate jurisdictional areas, but Thana Parishad preserves right to frame Development Plan only. Zila Parishad according to the Local Government Ordinance 1976 could prepare Village Plan and Regional Plan. Table-3 indicates the plans, programs and schemes related with the master planning activities according to the sections prescribed in the Ordinances.

Master plan is a documentary task. The regulations (except private development) prescribed in the Ordinances for the implementation of master plan is followed by the activities called Development Scheme, Site Development Scheme, Improvement Scheme, Community Development Projects, Commercial Scheme, Re-housing Scheme, etc. About all of these projects and schemes are provided by the authorities and the activities depending on the subject selected by the authorities.

Various authorities have permitted preparation of the master plan according to the different regulations. Local Government, namely, Pourashava, Municipality, City Corporation and Thana Parishad may prepare master plan according to the prescribed regulations. The government has authorized the City Corporations

for the preparation of master plan as per the regulations prescribed for the Pourashava and Municipality. Regulations of all the City Corporations are the same on the preparation of master plan, only some sections are changed (Table 3).

Table 3. Plans and programs related with the Master Plan prescribed in the statutes

| Name of Plans and programs                                                                  | Sections prescribed in the Statutes |     |     |     |     |     |     |     |            |              |               |                             |
|---------------------------------------------------------------------------------------------|-------------------------------------|-----|-----|-----|-----|-----|-----|-----|------------|--------------|---------------|-----------------------------|
|                                                                                             | RAJUK                               | CDA | KDA | RDA | DCC | CCC | KCC | RCC | Pourashava | Municipality | Zila Parishad | Thana Parishad              |
| Master Plan                                                                                 | 73                                  | 22  | 22  |     | 108 | 106 | 105 | 105 | 95         | 74           |               |                             |
| Functional Master Plan                                                                      |                                     |     |     | 11  |     |     |     |     |            |              |               |                             |
| General Development Plan                                                                    |                                     |     |     | 10  |     |     |     |     |            |              |               |                             |
| Development Plan / program / Scheme                                                         |                                     | 28  | 28  | 13  | 139 | 137 | 136 | 136 | 127        | 107          |               | 35 2 <sup>nd</sup> Schedule |
| Improvement Scheme                                                                          | 38                                  | 30  | 30  |     |     |     |     |     |            |              |               |                             |
| Site Development Scheme                                                                     |                                     |     |     |     | 109 | 107 | 106 | 106 | 96         | 75           |               |                             |
| Community Development project                                                               |                                     |     |     |     | 140 | 138 | 137 | 137 | 128        | 108          |               |                             |
| Commercial Scheme                                                                           |                                     |     |     |     | 141 | 139 | 138 | 138 | 129        | 109          |               |                             |
| Re-housing Scheme                                                                           | 42                                  | 32  | 32  |     |     |     |     |     |            |              |               |                             |
| Village plan, village improvement scheme, town planning scheme and regional planning scheme |                                     |     |     |     |     |     |     |     |            |              | 36(2)(67)     |                             |

The government has prescribed about 10 statutes for the preparation of master plan. Among the authorities, Development Authority is only allowed prepare the master plan. Thana urban area is developed by the Thana Parishad through Development Plan and rural areas through Village Plan prepared by the Zila Parishad.

According to the section 73(1) of the Town Improvement Act 1953, section 22(1) of the Chittagong Development Authority Ordinance 1959, section 22(1) of the Khulna Development Authority Ordinance 1961 and section 11(1) of the Rajshahi Town Development Authority Ordinance 1976 are entitled to prepare Master Plans. Again, Pourashava Authority (according to the Pourashava Ordinance 1977) and Municipal Authority (according to the Municipal Administration Ordinance 1960) are also entitled for the same. In section 74 of the Municipal Administration Ordinance 1960 and section 95 of the Pourashava Ordinance 1977 is authorized to prepare the master plan. Section 106 of the Dhaka City Corporation (DCC) and Chittagong City Corporation (CCC) Ordinances, section 105 of the Khulna City Corporation (KCC) and Rajshahi City Corporation (RCC) Ordinances are authorized for the same. Master plan preparation is a procedure followed by the development authorities and Local Governments. Table-4 presents the regulatory procedures on the preparation of master plan.

Table 4. Procedural regulations of the master plan

| Procedure                    | Section | Activities                                                              |
|------------------------------|---------|-------------------------------------------------------------------------|
| Government Permission        | 22(1)   | For mobilization.                                                       |
| Component of the Master Plan | 22(2)   | Residential, commercial, industrial, park, open spaces, roads, etc.     |
| Gazette Notification         | 22(3)   | Within one month from the date of receipt of the Master Plan from KDA.  |
| Personal objection           | 22(4)   | File objection from the date of publication of the Master Plan.         |
| Government approval          | 22(5)   | Within three months from the date of publication under sub-section (3). |

### Khulna Master Plan In Context Of Other Master Plans

Khulna City comprises with an area of 45.65 sq. km. with the population of 15 million (1998). In the year of 1884, Khulna became a Pourashava with an area of 11.89 sq. km. The City is surrounded by the rivers named *Rupsha* and *Bhairab*. Khulna is a Divisional Headquarter with all the public authorities related with administration and development activities.

The Khulna Development Authority (KDA) in 1966 prepared a master plan. There is another authority named Khulna City Corporation (KCC) in Khulna but it does not take part to prepare such type of plan. Jurisdictional areas of KCC is smaller than KDA area (i.e. 45.65 sq. km. and 70 sq. miles or 42635 acre respectively) according to the year of 1981 (the year is considered on the preparation of the first master plan). The first master plan of Khulna City was prepared in 1966. Population considered for that plan is presented in Table 5.

Table 5. Population increases in Khulna City over the year 1961 to 1981 and 1991

| Locality                | 1961   | 1981   | Increase | 1991   |
|-------------------------|--------|--------|----------|--------|
| Khulna Town Map Area    | 140000 | 235000 | 95000    | 731000 |
| Khulna Master Plan Area | 240000 | 400000 | 160000   | -      |

Source: Chapter-3 of the Khulna Master Plan, 1966, Statistical Yearbook, 1994.

According to the Khulna Master Plan, development activities are run by three groups i.e. KDA, KCC and private landowners. The KDA is performing the sole responsibilities on the planned development of the Khulna City according to the master plan prepared in the year 1966. The authority follows implementation of master plan on different components such as, 1) Neighbourhood development / development of organized housing areas. 2). Development of markets / commercial areas. 3). Development of park and open spaces according to the Master Plan. 4). Establishment of transport facilities like bus terminal. 5). Socio-cultural development. 6). Low-cost residential and housing areas. 7). Establishment of rehabilitation zone. 8). Provide recreational facilities like Shishu park. 9). Construction of road, etc.

Table 6. Residential neighbourhood developed by the KDA in different years

| Project name        | Area in hectare | Plot Size (in katha) | No. of plots | No. of buildings constructed |
|---------------------|-----------------|----------------------|--------------|------------------------------|
| Sonadanga (Phase-1) | 11.71           | 2.5 to 10            | 208          | 140                          |
| Muzgunni (Phase-1)  | 21.18           | 2.5 to 10            | 298          | 66                           |
| Muzgunni (Phase-2)  | 6.01            | 3 to 7.5             | 215          | 07                           |
| Nirala              | 27.24           | 3 to 7.5             | 542          | 125                          |
| Daulatpur           | 2.24            | 2.53 to 5.33         | 81           | -                            |
| Total               | 68.38           |                      | 1344         | 338                          |

Source: Annual Report, 1998, Khulna Development Authority.

Land use including zoning provision kept in the master plan is being tried to be maintained by the development authority and without an effective systematic standard of population size the said authorities have developed a number of neighbourhood and housing accommodations. The practice is a violation of the master plan. But, the law is in favour of the authority. A Court case may be cited as an example, "*D.I.T (now RAJUK) may provide housing accommodation - Government to sanction it.*" *Badal Rani Misra alias Badal Rani Goswami and Others Vs. Bangladesh and Others.*<sup>4</sup> According to the court case, D.I.T (now RAJUK) was established a housing on the suited land without prior approval of the government. As like Rajdhani Unnayan Kartipakkha (RAJUK), KDA and National Housing Authority (NHA) established organized housing in the Khulna City where residential accommodation has prescribed by the master plan. Table-6 and 7 present information on the organized housing and other schemes executed by the KDA in different years.

Table 7. Schemes executed by the KDA with government finance (Cost in million Tk).

| Name of schemes                                         | Cost   | Completion Year |
|---------------------------------------------------------|--------|-----------------|
| Rupsha market                                           | 11.77  | 1965            |
| KDA new market                                          | 43.315 | 1977-78         |
| Commercial area Development around new market.          | 4.870  | 1966-67         |
| Commercial area Development around Jessore road.        | 16.664 | 1978-79         |
| KDA staff quarter.                                      | 45.889 | 1978-79         |
| Setting up of parks within Khulna Master Plan area.     | 6.191  | 1981-82         |
| Constructions of inter district bus terminal (phase-1). | 115.06 | 1984-85         |

Source: Annual Report, 1998, Khulna Development Authority.

Khulna master plan of 1966 suggested a gross maximum density of 70 persons per acre and net density 130 persons per acre. But, the KDA and NHA neglected the population density on the development of organized housing. Table-8 shows the planned-housing area developed by the KDA and NHA in different years.

Table 8. Planned-housing areas developed by the KDA and NHA, 1998

| Project name                                       | Area in acre | Plot No. |     |
|----------------------------------------------------|--------------|----------|-----|
| Shiromoni Low cost housing                         | 40.00        | 234      | KDA |
| Mirerdanga Low cost residential area               | 43.91        | 784      |     |
| Fulbari Low cost housing area                      | 19.65        | 369      |     |
| Mujgunni residential area                          | 67.00        | 670      |     |
| Sonadanga residential area (2 <sup>nd</sup> Phase) | 34.84        | 445      |     |
| Sonadanga rehabilitation zone                      | 28.94        | 205      |     |
| Daulatpur residential area                         | 5.53         | 82       |     |
| Nirala residential area                            | 67.00        | 487      |     |
| Sonadanga Low cost housing area                    | 5.00         | 107      |     |
| Khalishpur housing area                            | 402.62       | 1789     |     |
| Boira housing area                                 | 29.59        | 458      | NHA |

Source: Annual Report, 1998, Khulna Development Authority & National Housing Authority.

Except approval for private landowners on different activities, commercial establishments like markets; park and inter-district bus terminal are also established by the KDA. Table-9 shows the commercial area developed by the KDA in different years. There are 4 authorities directly involved with the establishment of large number of physical development in the study area, they are KDA, KCC, NHA and R&H (Roads & Highways).

Table 9. Commercial area developed by KDA in different years

| Project name                                                  | Area in hectare | Plot Size (in katha) | No. of plots | No. of buildings |
|---------------------------------------------------------------|-----------------|----------------------|--------------|------------------|
| Commercial areas of new market                                | 2.63            | 2.8 to 10            | 27           | 03               |
| Commercial areas on Jessore road                              | 2.24            | 0.8 to 30            | 27           | 07               |
| Road side commercial land of the KDA Avenue                   | 3.24            | 1 to 5               | 119          | 12               |
| Road side commercial land of the Majid Sarani                 | 4.27            | 4.75 to 7.80         | 90           | 07               |
| Road side commercial land of the Jalil Sarani                 | 6.07            | 8 to 20              | 43           | 05               |
| Road side commercial land of the Mujgunni                     | 17.70           | 2.5 to 19            | 260          | 03               |
| Road side commercial land of the Outer By-Pass Road (Phase-1) | 3.56            | 5 to 6.5             | 109          | 02               |
| Total                                                         | 39.71           |                      | 675          | 39               |

Source: Annual Report, 1998, Khulna Development Authority.

Roads and Highways (R&H) Department undertakes road projects at national, regional and inter-district levels. Only the highways named Khulna Mahasarak (Khan Jahan Ali road) flows linearly within the Khulna City, constructed and maintaining by the R&H. But, R&H department is only involved with a certain part of this road i.e. the portion, which is outside the master plan area. Other roads in Khulna City are constructed and maintained by the R&H presented in Table 10.

Table 10. Executed road projects under the Roads &amp; Highways department

| Name of roads                                        | Right of way (in m.) | Pavement width (in m.) | Area in acres |
|------------------------------------------------------|----------------------|------------------------|---------------|
| Jessore- Khulna Sarak.                               | 39.60 (B/S)          | 9.15                   | 26.58         |
| Khulna-Chuknagar-Betgram Sarak (Sher-e-Bangla Road). | 25.8 (L/S)           | 7.50                   | 10.00         |
| Khulna Mahasarak (Khan Jahan Ali road).              | 14.33                | 12.50                  | 2.81          |
| Khulna-Mongla Sarak (Khulna part).                   | 37.80                | 7.32                   | 4.50          |

Source: Annual Report, 1998, Roads and Highways Department, Khulna.

The authority (R&H) has developed and maintained national, inter-district and regional highways within KDA jurisdiction. KDA and KCC are also performing same responsibilities. Generally, KDA constructs inter-district highways according to the proposed master plan and after the completion they vested it to the KCC for maintenance. Local roads and streets are constructed and maintained by the City Corporation. Table-11 presents the roads constructed by the KDA in different years.

Table 11. Executed road projects by the KDA from 1963 to 1998

| Name of projects                                                   | Length (Km.) | Width (m.) | Area in acres |
|--------------------------------------------------------------------|--------------|------------|---------------|
| Road from KDA office building to Khan Jahan Ali road (KDA Avenue). | 2.01         | 12         | 5.96          |
| Road from KDA office building to Outer by-pass (Majid Sarani).     | 1.21         | 15         | 4.48          |
| Boyra main road (Jalil Sarani).                                    | 2.01         | 12         | 5.96          |
| Outer by-pass road (Phase-1).                                      | 1.21         | 12         | 3.59          |
| Mujgunni main road (Phase-1).                                      | 3.62         | 15         | 13.41         |
| Road from Jessore road to steamer ghat.                            | 2.41         | 15         | 4.48          |
| Mujgunni main road (Phase-2).                                      | 2.01         | 15         | 7.45          |
| Construction of road from Jessore road to Taligati                 | 1.21         | 15         | 4.48          |
| Outer by-pass road (Phase-2).                                      | 1.70         | 12         | 5.04          |
| Road at Shiromoni industrial area extending upto Bhairab river.    | 3.28         | 12         | 9.72          |
| Total                                                              | 20.67        |            | 64.57         |

Source: Annual Report, 1998, Khulna Development Authority.

Khulna City Corporation (KCC) preserves the right to prepare master plan on their jurisdictional areas. But, perform some other activities, which are the components of master plan prepared by the KDA. The KCC is implementing their activities through development schemes approved by the government. Most of the activities concern only the maintenance and re-construction works. Table 12 presents some of the development works performed by the KCC in the year of 1992-93.

Major elements of a master plan are land uses, which is divided into two parts i.e. existing and proposed. Further development and development controls are always imposed through the proposed land uses. The land use is not a regulation but it preserves regulatory support after Gazette Notification, but governmental approval is necessary on any change of master plan provided by the authority. Some information on the proposed landuses of the Khulna master plan is presented in Table 13.

Table 12. Development works implemented by the KCC in 1992-93 (Taka in million)

| Works completed                                                              | Number/Length   | Amount sanctioned |
|------------------------------------------------------------------------------|-----------------|-------------------|
| Construction, re-construction and maintenance of roads.                      | 83 Km.          | 819.855           |
| Construction and maintenance of drains.                                      | 05 No.          | 23.85             |
| Development and re-development of bazars.                                    | 15 No.          | 47.00             |
| Development and repairing of street light.                                   | 06 No.          | 60.00             |
| Conservation of slaughter house.                                             | 02 No.          | 53.62             |
| Development and maintenance of parks.                                        | 07 No.          | 36.39             |
| Construction and re-construction of graveyard.                               | 03 No.          | 10.337            |
| Conservation of sluiceway.                                                   | 01 No.          | 0.989             |
| Construction and repairing of housing.                                       | 07 No.          | 42.66             |
| Purchase of bitumen emulsion, for the road construction of divisional works. | 150 Metric tons | 24.696            |
| Purchase of chair and sofa for the Zia Hall.                                 | 01 No.          | 19.30             |
| Purchase of chlorine injector.                                               | 01 No.          | 13.75             |
| Total                                                                        |                 | 1152.45           |

Source: Annual Report, 1996, Khulna City Corporation.

The table presents that, 28.7% of total land is proposed for residential uses and 25% for agriculture. Rest 46.3% land has been proposed for other uses, of which 12.8% in industrial uses and 6.0% rivers. Among the total land, only 2.8% was proposed for roads. Therefore, problem arises when 25% agricultural land gradually developed as residential and commercial uses. Environmental suitability of an urban area depends on the ample size of parks and openspaces. But, in the Khulna master plan only 7.6% of total land is proposed for parks and openspaces.

Table 13. Proposed landuses of the Khulna Master plan, 1966

| Landuse                                                                         | % of total | Area in acre |
|---------------------------------------------------------------------------------|------------|--------------|
|                                                                                 | 1966       | 1966         |
| Residential and ancillary uses                                                  | 28.7       | 12222        |
| Industrial areas                                                                | 12.8       | 5443         |
| Brick manufacturing areas                                                       | 2.2        | 941          |
| Godown and light industrial areas                                               | 0.3        | 127          |
| Small scale workshop and service industry                                       | 0.1        | 22           |
| General business areas                                                          | 0.3        | 117          |
| Special office and shopping areas                                               | 0.1        | 27           |
| Public and government buildings                                                 | 0.6        | 248          |
| Government buildings in parkland                                                | 0.3        | 142          |
| Daulatpur town centre                                                           | 0.2        | 87           |
| Large education and institution areas                                           | 1.1        | 489          |
| Experimental, research & testing stations                                       | 2.8        | 1163         |
| Parks, playfields and other open spaces                                         | 3.7        | 1566         |
| Maidan, special open spaces                                                     | 0.1        | 29           |
| Cemeteries                                                                      | 0.2        | 68           |
| Areas to provide fill for adjacent development and to function as an open space | 3.9        | 1635         |
| Agriculture                                                                     | 25.0       | 10665        |
| Defence areas                                                                   | 0.2        | 92           |
| Proposed airport                                                                | 4.3        | 1860         |
| Railway operational land                                                        | 1.0        | 447          |
| Port authority future operational area                                          | 0.2        | 51           |
| Roads                                                                           | 2.8        | 1153         |
| Flood protection embankment with road on top                                    | 1.7        | 738          |
| Land liable to flood and unzoned                                                | 1.4        | 631          |
| Rivers                                                                          | 6.0        | 2572         |
| Total                                                                           | 100        | 42635        |

Source: Khulna Master Plan, 1966 and 2002.

### Regulatory Problems

In Bangladesh, preparation of the Master Plan is vested with the Development Authorities although a number of local governments prescribed through regulations prepare the master plan. The role of these authorities on the master planning activities (including preparation and implementation) may be categorized as, 1) Primary activities of the Master Plan preparation. 2) Sanctioning of building plan. 3) Preparation of Development Schemes and Re-housing Schemes. 4) Construction of roads according to the Master Plan. 5) Demolishing unauthorized construction through Development Control. 6) Provide openspaces and other related activities prescribed in the master plan.

Most of the above activities are related with the implementation of master plan. The problems of master plan involved with the once framed regulatory aspects and the implementation of the plan. Because, *"the implementation of master plan will be spread over many years. As planning is an essential part of local government administration, it would be correct to say that it will be an ever continuing work, and not a 'once and for all job'".*<sup>5</sup>

Master plan is a documentary guideline for planned development. Effective execution of the master plan depends on the effective enforcement role of the authorities. The process and procedure of the enforcement role are backdated and inconsistent with the modern trend of development and necessity of the society. Therefore, problems of master plan falls within the problems of enforcement procedures. Among the involvement of three parties with all the development activities in the jurisdictional areas of the master plan, enforcement problems arises due to the –

|                                      |                                                                                                                                                                                                                                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>In case of private landowners</b> | <ul style="list-style-type: none"> <li>- Roadside development of residential &amp; commercial establishment with road coverage.</li> <li>- Construction without approval of the plan.</li> <li>- Slum formation in the public property.</li> </ul> |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

All of these disputes are considered as unauthorized construction and the concerned authorities frequently take regulatory steps. To control such disputes, two statutes are involved with two authorities, which are considered as major drawbacks.

|                                      |                                                                                                                                                          |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>In case of Government himself</b> | - Plan approval is not necessary. Only the government may collect a certificate from the development authority (where Development Authority is present). |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|

The regulations framed in this case are by-laws produced by the development authorities. Where development authority is absent (such as, Pourashava, Municipality and Thana areas) government may establish any development activities as and when required, without prior approval of the local governments.

|                                      |                                                                                                                                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>In case of public authorities</b> | - Plan approval is not necessary. The authority may collect a certificate from the development authority (where Development Authority is present). |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|

Though, the regulations pronounce that all the development activities (private and public) should be followed through the sequence of master plan but the public establishment is not controlled according to the published master plan. In case of all central development (core areas) of urbanity, public establishment is the highest (according to the land coverage) than private establishment, and those public establishments enjoy flexibility on the regulatory control.

1) Most of the regulations involved with the preparation and implementation of master plan may be called policy level guideline are incomplete. According to the section 73(2) of the Town Improvement Act 1953, *"the Master Plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate, between different parts of the area. Any such plan may, in particular, define the sites of proposed roads, public and other buildings and works, or fields, parks, pleasure-grounds and other open spaces or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the Master Plan."* The regulation only includes partial subject matter of the master plan, does not include the height restriction, zonal plan, detail plan, governmental use of land and future provisions. All of these criteria are supporting elements to implement the master plan. Due to the lack of regulatory provisions on such criteria, the executional step of the master plan varies.

Municipality and Pourashava preserve the same right on the preparation of master plan. According to the section 95 of the Pourashava Ordinance 1977 and section 74 of the Municipal Administration Ordinance 1960, *"a Pourashava or a Municipality may, and if slum improvement so required by the prescribed authority, shall draw up a Master Plan for the municipality which shall, among other matters, provide for – a) a survey of the municipality including its history, statistics, public services and other prescribed particulars, b) development, expansion, and improvement of any areas within the municipality, and c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the municipality."* The regulation prescribes, as one of the aims on the preparation of master plan is slum improvement. It means that, the government should improve slum and the provision should include in the master plan. No question will arise on slum clearance, it should be improved. So it may be thought that, the government is encouraging slum formation activities in Pourashava and Municipal areas of the country.

2) The authorities related with the urban facilities are involved with the implementation of master plan. But, the authorities are not following the provisions provided in the master plan by the Development Authorities in case of establishment and expansion of the functions delivered by the urban authorities. Sometimes, urban authorities are applying to the Development Authorities for approval to implement their activities. The procedure is not appropriate for an effective implementation of master plan. As for example, a road construction project (in the Dhaka City) implemented by the Development Authority, further involves at least 5 other authorities namely, City Corporation, T & T, WASA, Titas Gas Transmission & Distribution Authority (TGTDA) and Dhaka Electricity Supply Authority (DESA). For Khulna City, the City Corporation, T & T, Power Development Board (PDB) and Public Health Engineering Department get involved in such type of construction project.

The authorities are not bound to communicate with other authorities during the implementation of their development activities. There is no regulatory control for them regarding the maintenance of communication during the implementation of their activities. Because of the involvement, among all the authorities, a communication gap always prevails.

3) Effective implementation and accuracy of a master plan depend on the availability of necessary multi-dimensional information. This information may be collected from two sources - primary and secondary. In Bangladesh, both the sources are inadequate. Therefore, the master plan is only considered as documentary evidence and the planning area develops as a natural growth and expansion. The regulations framed on the necessary information are history, statistics and public services.<sup>6</sup> It means other information are unnecessary.

4) Executional role of master plan is the restrictions of land uses provided by the government. According to the section 75(1) of the Town Improvement Act 1953, "if any person desires to use any land for any purpose other than that laid down in the Master Plan approved under sub-section (5) of section 73, he may apply in writing to the Chairman for permission so to do." Involvement of statutes on different types of landuses is presented in the Table-14. The table shows that, master plan has prepared and approved under the guidance of KDA Ordinance 1961 but implementation is followed by the Building Construction Rules 1996. Regulations prescribed in the KCC Ordinance 1984 on the preparation of master plan is not maintained by the Corporation, this is an unnecessary attachment in the Ordinance.

Table 14. Restriction imposed on the private land in different statutes

| Type of use                                                           | KDA Ordinance, 1961 | Building Construction Rules, 1996 | KCC Ordinance, 1984 |
|-----------------------------------------------------------------------|---------------------|-----------------------------------|---------------------|
| Residential development                                               | Section 31          | Section 18                        | Section 108         |
| Commercial establishment & godown                                     |                     | Section 20                        |                     |
| Industrial development                                                |                     | Section 22                        |                     |
| Hotel & restaurant                                                    |                     | Section 23                        |                     |
| Hospital, dispensary, educational Institution & related establishment |                     | Section 24                        | Section 81          |

The table indicates that, residential development may be controlled by 3 type of statutes. Other uses like commercial, industrial, hotel & restaurant are controlled through the Building Construction Act. The Building Construction Act and City Corporation Ordinance may control hospital, dispensary, educational institution & related establishment. According to the section 18 of the Building Construction Rules 1996, "except the covered area of the proposed residential building, a garage and guardroom adjacent to the main gate may be constructed in the vacant places of the site of the proposed area." Commercial building and godown may be constructed according to the section 20 of the Building Construction Rules 1996.

For an urban area like Khulna City, master plan is prepared and approved according to the KDA Ordinance 1961 but, restriction on the landuse is imposed by the KDA Ordinance 1961 and Building Construction Rules 1996. City Corporation preserves regulatory right to impose any restriction on the residential use of land and the land used for hospital, dispensary, educational institution and related establishment. But, the City Corporation is not following the regulations prescribed for them, though, section 81 of the KCC Ordinance 1984 says, "1) The Corporation may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the city, and the people visiting it. 2) Every hospital and dispensary maintained by the Corporation shall be managed and administered in such manner as may be prescribed. 3) Subject to any directions that may be given in this behalf by the Government, every hospital and dispensary maintained by the Corporation shall be provided with such drugs, medicines, instruments, appliances, equipment, apparatus and furniture in accordance with such scale and standards as may be prescribed."

5) Table-15 presents existing scenario of the penalties in different statutes on the preparation and execution of master plan. In the table, penalties for Dhaka City is the highest in comparison with the Khulna City. But, all the penalties are not sufficient in consideration with the present day needs.

Excepting development authorities, penalties of other authorities (such as City Corporations, Pourashavas, Municipalities and other local governments) do not cover all types of offences because they don't execute any master planning regulations in their premises. There are some contradictions among the statutes on the penalties such as Building Construction Act and the statutes of Development Authorities on the removal of unauthorized construction. The nature of penalties always depends on the Court case framed in consideration with the statutes. Generally, section 186 of the T.I. Act for Dhaka City and section 99 of the KDA Ordinance practices penalties in contravention of the master plan through unauthorized construction. From the year of 1960 to 2000 and from 1977 to 2000 no Court case was raised on the use of land in the Municipal and Pourashava areas.

Table-15: Penalties in different statutes

| Statute                                      | Cause                                                      | Section | Penalty                                                                                                                                        |
|----------------------------------------------|------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Town improvement Act, 1953                   | Removing fence, etc. in street.                            | 183     | Five hundred Taka.                                                                                                                             |
|                                              | Building within street alignment or building line          | 184     | Five hundred to Five thousand Taka, may be further extended.                                                                                   |
|                                              | Failure to remove wall or building.                        | 185     | Two hundred to One thousand Taka, may be further extended.                                                                                     |
|                                              | Use of land in zone plan in contravention for section 74.  | 186     | One thousand Taka, may be further extended.                                                                                                    |
|                                              | Removal of unauthorized construction.                      | 187     | Considerable by the Kartipakkha.                                                                                                               |
|                                              | Penalty for obstructing contractor or removing mark.       | 189     | Two thousand Taka or two months imprisonment.                                                                                                  |
| Dhaka City Corporation Ordinance, 1983       | According to the Third Schedule.                           | 151(1)  | Punishable with fine which may extend to ten thousand Taka.                                                                                    |
|                                              |                                                            | 151(2)  | Punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to 25 thousand taka or with both. |
| Khulna Development Authority Ordinance, 1961 | Removing fence, etc. in street.                            | 97      | Two hundred Taka.                                                                                                                              |
|                                              | Failure to remove wall or building.                        | 98      | Fifty to Five hundred Taka, may be further extended.                                                                                           |
|                                              | Use of land in master plan in contravention of section 23. | 99      | One thousand Taka, may be further extended.                                                                                                    |
|                                              | Removal of unauthorized construction.                      | 100     | Considerable by the authority.                                                                                                                 |
|                                              | Penalty for obstructing contractor or removing mark.       | 102     | Five hundred Taka or two months imprisonment.                                                                                                  |
| Khulna City Corporation Ordinance, 1984      | According to the Third Schedule.                           | 148     | Punishable with fine which may extend to one thousand taka                                                                                     |
| Municipal Administration Ordinance, 1960     | According to the Second Schedule.                          | 116     | Punishable with fine which may extend to five hundred taka.                                                                                    |
| Pourashava Ordinance, 1977                   | According to the Second Schedule.                          | 140     | Same as Municipal Administration Ordinance, 1960                                                                                               |
| Building Construction Rules, 1996            | Unauthorized construction                                  | 3 & 3B  | Two years imprisonment or with fine or with both.                                                                                              |
| Local Government Ordinance, 1976             | For Zila, Thana and Union Parishad                         |         | Five hundred Taka.                                                                                                                             |

Source: Different statutes.

6) Among 4 development authorities, 2 authorities may ask for the involvement of police force according to their statutes. Other 2 development authorities, 4 City Corporations, Pourashava authority and Municipal authority have no right to involve police force on the execution of their regulations. As a result, a loose control on the urban development activities is observed in Bangladesh. According to the section 170(1) of the Town Improvement Act 1953, the Police Commissioner and Superintendent of police and their subordinates shall be bound to co-operate with the Chairman for executing the provisions of this Act. Involvement of police force with the urban development activities is a process that the Chairman of the development authority should maintain. The Chairman should ask for requirements of police force through written statement to the police authority according to the regulation prescribed in the statute. According to the section 170(2) of the Town Improvement Act 1953, "it shall be the duty of every police officer who is subordinate to the Police Commissioner and Superintendent of police – i) To communicate without delay to the proper employee of the Kartipakkha any information which he receives of a design to commit or of the

commission of any offence against this Act or any rule or regulation made hereunder. ii) To assist the Chairman or any employee of the Kartipakkha reasonably demanding his aid for the lawful exercise of any power vesting in the Chairman or in such employee under this Act or any such rule or regulation."

## RECOMMENDATIONS

According to the section 74(3) of the Town Improvement Act 1953, "all future developments and construction, both public and private, should be in conformity with the Master Plan or with the amendment thereof." Several types of amendment have been prepared upto the recent year (2002) but the regulations are as the same as in 1953. On the other side, a renewal of master plan named Dhaka Structure Plan was completed in 1997 but yet not implemented due to the absence of Detailed Area Plan. The same problem is there for the Khulna City also. Effective execution depends on the comprehensive regulations provided by the government as the essential tool within a time frame. It is stated in the Dhaka Master Plan of 1959 that, "though the Town Improvement Act 1953 contains many useful powers, particularly covering the preparation of detailed improvement schemes, it will, be necessary to introduce a much more comprehensive code of regulations in order to cope with the problems of modern development facing the town, and to secure the standards of amenity and convenience now generally accepted as essential."<sup>8</sup>

1) "One of the most frequent forms of development, particularly in the more densely built up areas, and one that can have a serious adverse effect upon its surroundings, is the change of use of an existing building, from, any, a house to a factory or office. The Town Improvement Act appears to apply only to the erection of buildings. It should be amended to make it clear that development includes a change of use of existing buildings."<sup>9</sup>

Planning task does not conceive any rigidity. Change of the plan is necessary on the requirements of the society. It is appreciable that, section 107(1) of the Municipal Administration Ordinance 1960, section 127 of the Pourashava Ordinance 1977 and section 139 of the Dhaka City Corporation Ordinance 1983 have introduced regulations on the flexibility of the development plan. The statutes pronounce that, "a Municipal Committee may, and if so required by the government shall, prepare and implement development plans for such periods and in such manner as may be specified." Sub-section (2) of the same section (section 107) is more elaborate as, "such plans shall be subject to the sanction of the prescribed authority, and shall provide for – a) the promotion, improvement and development of such function or functions of the Municipal Committee as may be specified. b) The manner, in which the plan shall be financed, executed, implemented and supervised. c) The agency through which the plan shall be executed and implemented; and d) such other matters as may be necessary."

There is a specific regulation on the commercial establishment for the local governments i.e. section 109 of the Municipal Administration Ordinance 1960 and section 129 of the Pourashava Ordinance 1977. The section says, "a Municipal Committee may, and with the previous sanction of the government promote, administer, execute and implement schemes for undertaking any commercial or business enterprise." It does not mean that the local governments will establish only daily bazars, hawkers market and roadside shops. It may cover a wide range of commercial activities according to the master plan or a planning manner.

2) Development work is controlled through regular inspections by the authority. In Bangladesh, absence of regulation on supervision is provided violation of master plan. From approval of the plan to the final completion of the work, strong and frequent supervision by the authority is necessary to control the violation of master plan. The contemporary regulation on the administration of the authority is a guideline only. This guideline should be supported with a number of efficient employees who have knowledge about the regulations. But in Bangladesh, employment and employees are controlled by different statutes, where responsibilities and penalties of the employees have not been included. To control the violation of master plan, regulations should be framed on the completed work and it will be supervised with a body of supervisors. In Japan, regulations are framed on the inspection of completed work (Article 36 of the City Planning Law of Japan). They are more interested to supervise the completed work rather than continuation of the work. Therefore, the regulations have specified on the supervision of the completed work.

Some of the commercial or residential development once provided by the public authority then allots it to the people through a process and procedure. This development may be a violation of the master plan or any development plan. For that violation an allottee will not be hold responsible. The violation may be more harmful by the trespassers in the allotted land or building. "The Municipal Corporation has no power to evict trespassers before canceling each allotment or lease stating reasons thereof as required under the provisions of Ordinance No. 24 of 1970." Md. Abu Hossain and Others Vs. Bangladesh and Others.<sup>10</sup> To control this violation primarily by the authority and latter on by the owners, effective supervisory administration by the central authority is necessary.

3) Consent and clearance for the public authorities is necessary to remove the communication gap among the authorities. In Bangladesh, the development authorities give consent and clearance on the master plan both for public and private establishment. For private landowners it is guided according to the regulations set by the government but only by-laws is followed for such practices. It should be noted that the Article 32 of the City Planning Law of Japan, the consent of public facility development in a city is guided by the published regulations. To remove the communication gap among the authorities inter-dependent consent and clearance is necessary. All public authorities should provide clearances to the other public authorities as their development plan. It should be regulated and guided with a specific regulation.

4) A master plan is always flexible. For the betterment of the people it should be changed as and when necessary. Section 31 of the KDA Ordinance 1961 is prescribed regulations on the flexibility of master plan and says, *"whenever it appears to the authority that it is expedient in the interest of the public and for the proper planning of the area included in any improvement of development schemes - a) that any use of land should be discontinued or that any conditions should be imposed on the continuance thereof; or b) that any building or works or factory should be altered or removed. The authority may pass a resolution to the effect and such resolution shall form part of the particulars of the scheme under clause © of section 33."*<sup>11</sup> Regulations on the flexibility may be prescribed for all local bodies who are empowered to prepare master plan. All planning activities should be guided according to the prescribed regulations. These regulations should cover the standard of population and density of building as the City Planning Law of Japan, where standard of city plan is guided by the regulatory support in context of population and building density (Article 13).

The regulations should be self-dictated and separated from different meaning. Individual component of the urban activities may be prescribed through individual statute. In the United Kingdom, separate statute has been framed to control the construction of private streets. Town and Country Planning (construction & improvement of private streets) Regulations 1951 prescribes detail regulations on the private streets. The development plans in the United Kingdom is prepared and guided according to the statute, named, Town and Country Planning (development plans) Order 1974.<sup>12</sup>

A master plan is also consisted with different zones. The zones always preserve different characteristics. Single objective with single statute should not be entertained. Therefore, a number of statutes may be prescribed on the different zones of the master plan as the Inner Urban Areas Act 1978 of the United Kingdom. Construction and planning of the planned housing / neighbourhood should be controlled with a separate statute as the Housing and Planning Act Order 1986 (Commencement No. I) of the United Kingdom. In the U.K, inner urban areas, urban development areas and enterprise zones are controlled by the different authorities with different specified statutes. Some examples are presented here:

1. Inner Urban Areas Act, 1978. 2. Trafford Park Development Corporation (Areas and Constitution) Order, 1986. 3. Cardiff Bay Development Corporation (Areas and Constitution) Order, 1987. 4. Black Country Development Corporation (Areas and Constitution) Order, 1987. 5. Sheffield Development Corporation (Areas and Constitution) Order, 1988. 6. Birmingham Heartlands Development Corporation (Areas and Constitution) Order, 1992. 7. Plymouth Development Corporation (Areas and Constitution) Order, 1993. 8. Leeds Development Corporation (Areas and Constitution) Order, 1995. 9. Bristol Development Corporation (Areas and Constitution) Order, 1995. 10. Central Manchester Development Corporation (Areas and Constitution) Order, 1996.

In a master plan there are different zones, it is not possible to enforce development control on all the areas through single statute. Therefore, as in U.K, different statutes should be prescribed on type of establishment and type of areas.

5) The provision of people's participation during the preparation of master plan may be seriously viewed in Bangladesh. It does not mean that the practice performs regulatory support. According to the section 73(4) of the Town Improvement Act 1953, *"any person objecting to the plan or part thereof shall file objection with the government within 60 days from the date of publication of the plan."* Such regulation does not cover the process and procedure to file an objection on the master plan. That is a by-law prepared by the authority. People's participation on the necessity and demand of urban functions and planning tasks is not covered with this regulation. A group discussion with different occupational body during the preparation of plan as a simple planning procedure does not preserve any regulatory support. A master plan should be prepared with the necessity and demand of the urban dwellers. This preparation will be effective if involvement of city dwellers and their opinion must be considered on every steps of preparation. This task may be guided with the regulation prescribed by the government. The existing regulation did not preserve any right of the people to make an opinion on the master plan. It should be included with the prescribed regulation. Though, local government preserves right to prepare development plan, improvement scheme, etc. but in some cases

democratic government do not bother people's consent on the plan prepared by them. There is no any regulatory support on the people's participation in planning activities. It is necessary to incorporate such regulations in the statutes to create a better living environment in the urban premises.

6) As stated before, approval and consent of the development authority on the development activities of other public authorities follow some by-laws. The practice is only confined within 4 divisional cities of Bangladesh where development authority is present. For the Pourashava, Municipality and Thana level development the practice is totally absent. As a result, all urban areas of Bangladesh except 4 divisional cities are developing through private and public developers as the way of natural development. It should be controlled through the prescribed regulations on land use or zoning provision. Supervising responsibility by the approval authority on the completed work should be provisioned in the regulations.

7) Violation of master plan is concealed within the implementation process. This violation happened by private landowners and public authorities. Violation of master plan is considered as an offence. In a Court case it is said, "violation of building rules and the sanctioned plan is punishable - so also violation of neighbour's interest", Abdul Hakim Khan Vs. Begum Safia Khatun.<sup>13</sup> To control these violations, punishment of the offenses should be rearranged according to the devaluation of money and the prescribed imprisonment may be followed the existing Penal Code.

8) Regulations on the application for planning permission according to the section 3 of the Town and Country Planning (applications) Regulations 1988 of U.K are -

*"1) An application for planning permission shall - a) be made on a form provided by the local planning authority. b) Include the particulars specified in the form and be accompanied by a plan, which identifies the land to which it relates and any other plans and drawings and information necessary to describe the development, which is the subject of the application. c) Except where the authority indicate that a lesser number is required, be accompanied by 3 copies of the form and the plans and drawings submitted with it.*

*2) In the case of an application for outline planning permission, details need not be given of any proposed reserved matters.*

*3) An application - a) for renewal of planning permission where - i) a planning permission has previously been granted for development which has not yet begun, and ii) a time limit was imposed under section 41 (limit of duration of planning permission) or section 42 (outline planning permission) of the Act which has not yet expired, or b) under section 31A (an application for the variation of a condition subject to which the planning permission was granted) or 32(1)(b) (an application for permission to retain buildings or works or continue the use of land without compliance with a condition); shall be made in writing and give sufficient information to enable the authority to identify the previous grant of planning permission and any condition in question."*

In Bangladesh, the authority follows application procedure with the prescribed by-laws prepared by the concerned authority and not by the government. Authority preserves the sole right to change the procedure as and when necessary and they are not bound to notify the procedures among the general masses. As a result, some kind of sufferings always prevails among the peoples who like to apply for an approval from the authority. For the removal of sufferings of the peoples, it is essential to prescribe regulations on the application procedure as in U.K.

In one sense, master plan is not the government property, it is for the peoples. Views of the people should be reflected in the master plan. A good plan and proper implementation can create a better living environment, which will be enjoyed by all groups of peoples. Problems of master plan are related with the preparation to implementation of it. Sanctioning of all the submitted proposals by the private developers and approval by the development authority are the important factors for the implementation of master plan. The regulation on this approval system is provided through by-laws framed by the development authorities. A large number of problems are involved with the private approval system. It is prescribed in the section 28(2) of the Chittagong Development Authority Ordinance 1959 and section 28(2) of the Khulna Development Authority Ordinance 1961 on the approval procedure of master plan that, "the government shall, within six months of its submission, either approve or disapprove the program referred to in sub-section (1), or approve it with such additions or modifications as, in consultation with the Authority, it deems fit to make." To remove the problems of private approval system, regulation may be framed as the governmental approval of master plan.

Involvement of local planning authorities should be strengthened on the preparation of development plan. It may follow the Town and Country Planning Act 1990 of U.K where, "one of the main functions of local planning authorities is the preparation of development plans for their areas and the modification and revision of such plans."<sup>14</sup>

Development plans were first introduced in the Town and Country Planning Act 1947, Part II; subsequently the Town and Country Planning Act 1968, Part II, provided for a new style of development plan which was split into two parts, namely a 'structure plan' and 'local plans'. The process should be practiced by the local governments of Bangladesh who are already entitled for the preparation of development plan.

A continuous displacement process of the people may be observed through the regulation stated in the section 32 of the Chittagong Development Authority Ordinance 1959, section 42 of the Town Improvement Act 1953 and section 32 of the Khulna Development Authority Ordinance 1961. In these sections it is said, "the Authority may frame schemes (hereinafter called the re-housing schemes) for the construction, maintenance and management of such and so many dwellings and shops as they may consider ought to be provided for persons of the poorer and working classes who are displaced or likely to be displaced by the execution of any improvement or development scheme sanctioned under this Ordinance." But, actually the practice is oppressive for the poor people.

## Notes

- <sup>1</sup> Town Planning by Rangwala, P. 136
- <sup>2</sup> Principles and Practice of Town and Country Planning by Lewis Keeble, P.1.
- <sup>3</sup> Urban Planning in Bangladesh by Sarwar Jahan, Seminar Paper on the Workshop held in June 23 to 25, 1992 at Dhaka, Organised by Centre for Urban Studies, Dhaka.
- <sup>4</sup> 27 DLR, 1975.
- <sup>5</sup> Master Plan for Dacca, December 1959, P.47.
- <sup>6</sup> For more details, section 74(a) of the Municipal Administration Ordinance, 1960.
- <sup>7</sup> It was the result of a personal interview with the authority of RAJUK.
- <sup>8</sup> Master Plan for Dacca, December 1959, P.49.
- <sup>9</sup> Ibid, P.49-50.
- <sup>10</sup> 41 DLR, 1989.
- <sup>11</sup> Section 33©, the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is propose to acquire and of the land in regard to which it is proposed to recover a betterment fee, may be sent at reasonable hours.
- <sup>12</sup> For more details, Halsbury's Statutory Instruments, Vol. 20, 1997, Town & Country Planning Trade and Industry, Butterworth, London.
- <sup>13</sup> 39 DLR, 1987.
- <sup>14</sup> Town and Country Planning Act, 1990, Halsbury's Statutory Instruments, Vol. 20, 1997, Town and Country Planning Trade & Industry, Butterworth, London.

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