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SOME REGULATORY ASPECTS TO DEVELOP AND CONTROL HOTELS AND RESTAURANTS IN URBAN AREAS OF BANGLADESH: A STUDY OF KHULNA CITY

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Abstract: Different authorities control the activities and development of hotels and restaurants in Bangladesh through different regulatory regimes. Most of those regulations are obsolete. Due to the presence of those obsolete regulations, a large number of problems are generating in the enforcement procedure of the regulations. For an example, setback provision of the eating hotels, location of the residential hotels, unavailability of sunlight and natural air of the eating hotels, unhygienic foods and drinks supplied by the hotels, etc. As a result, a segment of urban life is polluting through irresponsible development of the hotels and restaurants. The study has tried to accelerate those problems in consideration with the regulatory aspects. It is considered that, the problems involved with the development and control of the hotels and restaurants are concealed in the contemporary regulations and their inefficient execution. Necessary amendment of the contemporary regulations, incorporation of necessary regulations for efficient management and control, strong supervisory role of the authorities could remove those problems. Mostly secondary materials like Acts, Ordinances, Rules, Regulations and Gazette Notifications have been considered to furnish this study. To know the existing scenario of the hotels and restaurants in the Khulna city a field survey was also conducted.

Key words: Hotel, restaurant, regulations, enforcement authority, urban area, commercial establishment

Introduction

Hotels and restaurants preserve different characters such as - living and fooding the basic two necessities are directly served by the establishments, living environment with hygienic food, health facilities including doctor provided by the owner for buyers and employees. According to the Bangladesh Hotels and Restaurants Ordinance, 1982, 'hotel' means a lodging, or boarding and lodging, establishment with a minimum of ten lettable bed rooms, provided for guests on monetary consideration, which conforms to any of the prescribed minimum criteria, but does not include - i) a home or hostel which is exclusively or mainly used for the aged or invalid persons or students and is run by, or under the control of, a charitable or educational institution; or ii) any rest house, hostel or circuit house exclusively meant for visiting Government officials or officials of other organizations, though run on a commercial basis. In the same Ordinance, the term 'restaurant' has defined as a public eating house providing standard and variety of cuisine's on monetary consideration to customers which conforms to the minimum prescribed criteria having seating arrangements for thirty persons and above. But, the Weekly Holidays Act, 1942 provides different meaning that, 'restaurant' means any premises in which the business of supplying means or refreshments to the public or a class of the public for consumption but does not include a restaurant attached to a theatre.

Hotels may be classified according to the section 6 of the Bangladesh Hotels and Restaurants Ordinance, 1982, as - general hotel, residential hotel and restaurant. In the same Ordinance classification of hotels are One star hotels, Two star hotels, Three star hotels, Four star hotels, and Five star hotels. Hotel and restaurant is one type of commercial establishment. According to the Shops and Establishments Act, 1965, the term 'commercial establishment' means 'an establishment in which the business of advertising, commission of forwarding is conducted, or which is a commercial agency and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment employs workers, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker's office or stock exchange, a club, a hotel or a restaurant or an eating house, a cinema or theatre, or such

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other establishment or class thereof as the Government may, by notification in the Official Gazette, declared to be a commercial establishment"¹ Except this, there is another establishment called 'establishment for public entertainment or amusement' means a restaurant, eating house, café, cinema, theatre, circus, jattras and such other establishment or class thereof as the Government may, by notification, declare to be, for the purpose of this Act, an establishment for public entertainment or amusemen.² According to this concept, restaurant and eating house considers as a public amusement, if that, enforcement authority may be the Deputy Commissioner, actually it is not true. The restaurant and eating house, where any type of recreational item is involved, emphasize always given on those recreational items and it considers as public amusement. Absence of recreational item in the restaurant and eating-house considers as hotels or restaurants. But, the eating provision may not be entertained in the residential hotel. Multi-dimensional use is provisioned in the international hotels. The use may be categorized as residential, recreational, entertainment, official, meeting and seminar.

Rest house and guesthouse are not included with the meaning of hotel and restaurant in this study because, the public authority maintains those establishment for their official purposes. Income is not the major function of them. Generally, concerned public authority performs managerial role of those rest houses and guesthouses and such establishments are using for lodging purposes only.

Minimum number of statutes and enforcement authorities are involved with the regulatory control of hotels and restaurants. It is presented in the Table 1 that, 11 statutes and 9 enforcement authorities are involved with the establishment and management of the hotels and restaurants. Among all the statutes, Bangladesh Hotels and Restaurants Ordinance, 1982 is directly involved with the facilities and management but construction of building/structure is controlled by the Building Construction Rules, 1996. Other statutes are generally involved with the labour function, process of holidays, etc.

In the year of 1982, when Bangladesh Hotels and Restaurants Ordinance, 1982 was prescribed, all hotels and restaurants came under the control of this Ordinance. Before 1982, local government named Pourashava, Municipality and Thana Parishad was performed the role as licensing authority. Those authorities do not control quality and design criteria of the construction. Main cause of the minimum number of statutory involvement is the presence of specific statute named Hotels and Restaurants Ordinance, 1982. But, the statute is incomplete in case of labour / worker's function, multi-dimensional activities of the hotels and restaurants, locational and setback provision of the hotels and restaurants. To control the work force of such establishment Shops and Establishments Act, 1965 and Weekly Holidays Act, 1942 are to be considered. Those two statutes perform same role on the development and control of hotels and restaurants as other commercial establishments. All Development Authorities are responsible for sanctioning building plan according to the Building Construction Rules, 1996. Where development authority is absent, local government performs responsibilities according to the same Rules. Deputy Commissioner is responsible to control the development of hotels and restaurants outside the jurisdiction of local governments.

Table 1. Statutes and enforcement authorities.

Enforcement authorities	Name of the statutes
Inspector	Shops and Establishments Act, 1965.
	East Bengal Shops and Establishments Act, 1951.
	Weekly Holidays Act, 1942.
Controller	Bangladesh Hotels and Restaurants Ordinance, 1982.
Deputy Commissioner/ Development authority/ Local government	Building Construction (amendment) Rules, 1996.
Municipality	Municipal Administration Ordinance, 1960.
Pourashava	Pourashava Ordinance, 1977.
Dhaka City Corporation	Dhaka City Corporation Ordinance, 1983.
Chittagong City Corporation	Chittagong City Corporation Ordinance, 1982.
Police authority	Penal Code, 1860.
Dhaka Metropolitan Police	Dhaka Metropolitan Police Authority Ordinance, 1976.

The local government like Pourashava and City Corporation collect taxes and control foodstuffs of the hotels and restaurants, but do not perform any activities to control the activities of residential hotels. In Thana areas, Zila Parishad is responsible for such activities. The police authority, through Penal Code, controls criminal offences in the hotels and restaurants. Generally, residential hotels perform such offences. Other statutes named Dhaka Metropolitan Police Authority Ordinance, 1976; Chittagong Metropolitan Police Authority Ordinance, 1982 and Khulna Metropolitan Police Authority Ordinance, 1986 control criminal offences in the

residential hotels. The police authority is also responsible to execute the Penal Code. The study does not consider those criminal offences.

Materials and Methods

An important role on urban development activities performed by the people through the construction of hotels and restaurants. The private developers control most of them. The scenarios of these establishments are worsening in construction, maintenance and environmental considerations. Though, 11 statutes and enactments have prescribed on the development and control of the hotels and restaurants, but the scenario could not change the traditions.

In Bangladesh, different authorities through different regulations control the activities and development of hotels and restaurants. Most of those regulations are obsolete. Due to the presence of those obsolete regulations, a large number of problems are generating in the enforcement procedure of the regulations. For an example, setback provision of the eating hotels, location of the residential hotels, unavailability of sunlight and natural air of the eating hotels, unhygienic foods and drinks supplied by the hotels, etc. As a result, a segment of urban life is polluting through irresponsible development of the hotels and restaurants. The study has tried to accelerate those problems in consideration with the regulatory aspects. It is considered that, the problems involved with the development and control of the hotels and restaurants are concealed in the contemporary regulations and their inefficient execution.

Mostly secondary materials like Acts, Ordinances, Rules, Regulations and Gazette Notifications have been considered to furnish this study. To know the existing scenario of the hotels and restaurants in the Khulna city a field survey was conducted.

Results

Hotels and Restaurants in the Khulna city: The Khulna city comprises an area of 45.65 sq. km. with the population of 1.5 million (1998). In the year of 1884, Khulna became a Pourashava with an area of 11.89 sq. km. The City is surrounded with the rivers named Rupsha and Bhairab and situated on the southwestern part of Bangladesh. Among six divisions of Bangladesh, Khulna is acting as a Divisional Headquarter with all the public authorities and development activities. Khulna Metropolitan Area is jurisdictioned by the Khulna City Corporation with 29 Wards.

Table 2. Residential hotels in the Khulna city.

Name of the hotel	Facilities available
Afzal	Non-A.C. room.
Al - Baraka	Non-A.C. room.
Alisan	Non-A.C. room, TV room, restaurant.
Al-noor	Non-A.C. room.
Arafat	A.C. and non-A.C. room, suitable bathroom, TV room, restaurant, telephone, parking area, etc.
Aram	Non-A.C. room, TV room, restaurant.
Bilashi	Non-A.C. room.
Deluxe	A.C. and non-A.C. room, suitable bathroom, TV room, etc.
Glory	Non-A.C. room.
Golden King	A.C. and non-A.C. room, suitable bathroom, verandah, parking area, TV room, telephone, restaurant, etc.
Janata	Non-A.C. room.
Kadar	Non-A.C. room, parking, TV room, restaurant, etc.
Kahinoor	Non-A.C. room.
Khulna	Non-A.C. room, restaurant.
Moon	Non-A.C. room.
Mousumi	Non-A.C. room.
Nagari	Non-A.C. room.
New Bengal	Non-A.C. room.
Park	Non-A.C. room, TV room, restaurant, parking area.
Royal	Central A.C. room, roadside parking, bar, suitable bathroom, restaurant, hall room, television, telephone, swimming pool, hair dresser, bank, hot bath, etc.
Shampa	Non-A.C. room.
Sunday	A.C. and non-A.C. room, suitable bathroom, TV room, restaurant.
Suruchi	Non-A.C. room.
Tiger garden	A.C. and non-A.C. room, suitable bathroom, hairdresser, TV room, telephone, restaurant, parking area, etc.
Castle Salem	A.C. and non-A.C. room, suitable bathroom, hairdresser, TV room, telephone, restaurant, parking area, etc.

Source: Field survey, 2002.

There are 64 registered residential hotels (Source: Khulna City Corporation) in the Khulna city. A large number of those hotels are located around the Dakbanglow (Central Business District) areas and grouped

Table 3. Location and setback provision of the residential hotels in the Khulna city.

Name of the hotel	Location	Setback provision
Afzal	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Al - Baraka	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Alisan	Located in residential areas and stand adjacent with the road.	Maintained setback provision only for the front side.
Al-noor	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Arafat	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Aram	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Bilashi	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Deluxe	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Glory	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Golden King	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Janata	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Kadar	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Kahinoor	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Khulna	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Moon	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Mousumi	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Nagari	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
New Bengal	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Park	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Royal	Located in commercial areas and stand adjacent with the road.	Maintained setback provision only for the front side.
Shampa	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Sunday	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Suruchi	Located in residential areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.
Tiger garden	Located in commercial areas and stand adjacent with the road.	Maintained setback provision only for the front side.
Castle Salem	Located in commercial areas and stand adjacent with the road.	No setback provision maintained as prescribed in the Building Construction Rules, 1996.

Source: Field Survey, 2002.

along on the Sir Iqbal Road, K.D. Ghos Road, Lower Jessore Road, Khan-e-Sabur Road, Helatala Road and Kali Bari Road. Khalishpur and Daulatpur are the satellite towns of the Khulna city. There are some medium standard hotels in those areas. Besides these 64 registered hotels, a large number of unregistered hotels with poor facilities are also available in the city premises. Some of those hotels are located on the riverside of the Bara Bazar area. Those unregistered hotels are mainly providing low cost accommodation facilities for their customers. Table 2 presents name and facilities available in some of the residential hotels in the Khulna city.

Khulna is an important city for commerce and trade. People related with commercial and trading activities want to live near the working place for easy and convenient movement. As a result, residential hotels are being developed around the Central Business District (CBD) areas. Khalishpur is an important industrial area and Daulatpur is a business center, people come to these places mainly for their business purposes. To meet the accommodation facilities required by the commuter's residential hotels have been developed in those areas. According to the Table 3, most of the residential hotels are located in the commercial areas adjacent with the nearby road. Those residential hotels do not maintain setback provision as prescribed in the Building Construction Rules, 1954 or 1984 or 1996. As a result, rooms in most of the residential hotels are unhygienic for living purposes.

Hotels and restaurants in the Khulna city may be classified as – Residential hotel (4 to 6 storied), Residential hotel cum restaurant (3 to 6 storied), Hotel cum restaurant (eating hotel in one storied building), Sweetmeat

cum restaurant (for eating purposes, in one storied building), Eating hotel (in one storied *semi-pucca* building), Chinese hotel (2 to 6 storied building with well decoration), etc. Most of the hotels are in overcrowded areas with unhygienic environment in and around the hotel premises. Except Hotel Royal, Tiger Garden, Alisan Hotel and Castle Salem, there is no provision of car parking facilities in other residential hotels (Table 4). Traffic congestion found available in front of those hotels.

A large number of eating hotels and restaurants is present in the Khulna city. Those establishments run with dual approval system from two authorities named, Khulna City Corporation under Khulna City Corporation Ordinance, 1984 and Controller under the Hotels and Restaurants Ordinance, 1982. Most of the eating hotels are being developed without any approval from the authorities, some of the restaurants (including sweetmeat) collected trade license from the City Corporation. Eating hotel in unhygienic condition with *katcha* and *semi-pucca* structure is found in all the market and bazar areas, also at the intersection of the roads. Low-income peoples are the major customers of those hotels. Those hotels are the health hazardous component of urban dwellers although specific and detailed regulations have been prescribed in the local government Ordinances to control them.

Regulatory problems: Control on the development of hotels and restaurants started from the year of 1982 when the Government promulgated Bangladesh Hotels and Restaurants Ordinance. Before 1982, control was absent except tax collection through local governments. Construction including setback rule enforces through the Building Construction Rules, 1954 as commercial establishment. But, according to the regulation (as Building Construction Rules, 1954), residential hotel and departmental store or residential buildings do not preserve any different meaning. Before amendment in the year of 1996, Building Construction Rules, 1984 do not prescribed any different meaning among the residential hotel and commercial establishment. Semi-pucca and temporary eating hotel and restaurants are being constructed without approval from any authority; only the owner of those establishments collects trade license from the local government. Large number of the roadside eating hotel does not preserve any trade license. Though, in the urban areas such type of eating hotels generates a large number of environmental problems like over crowding, unhygienic foods, noise pollution, air pollution and insanitary condition of the surrounding areas. Contemporary regulations on the control and development of the hotel and restaurant create different problems, presented in the following paragraphs.

Table 4. Parking facilities of the residential hotels in the Khulna city.

Name of the hotel	Parking facilities
Afzal	No parking facilities. Adjacent road uses as parking space.
Al - Baraka	No parking facilities. Adjacent road uses as parking space.
Alisan	Parking facilities are available in the compound.
Al-noor	No parking facilities. Adjacent road uses as parking space.
Arafat	No parking facilities. Adjacent road uses as parking space.
Aram	No parking facilities. Adjacent road uses as parking space.
Bilashi	No parking facilities. Adjacent road uses as parking space.
Deluxe	No parking facilities. Adjacent road uses as parking space.
Glory	No parking facilities. Adjacent road uses as parking space.
Golden King	No parking facilities. Adjacent road uses as parking space.
Janata	No parking facilities. Adjacent road uses as parking space.
Kadar	No parking facilities. Adjacent road uses as parking space.
Kahinoor	No parking facilities. Adjacent road uses as parking space.
Khulna	No parking facilities. Adjacent road uses as parking space.
Moon	No parking facilities. Adjacent road uses as parking space.
Mousumi	No parking facilities. Adjacent road uses as parking space.
Nagari	No parking facilities. Adjacent road uses as parking space.
New Bengal	No parking facilities. Adjacent road uses as parking space.
Park	No parking facilities. Adjacent road uses as parking space.
Royal	Parking facilities are available in the compound.
Shampa	No parking facilities. Adjacent road uses as parking space.
Sunday	No parking facilities. Adjacent road uses as parking space.
Suruchi	No parking facilities. Adjacent road uses as parking space.
Tiger garden	Parking facilities are available in the compound.
Castle Salem	Parking facilities are available in the building.

Source: Field Survey, 2002.

Irrelevant regulations: In consideration of the urban planning concept, primary factor for the development of a hotel or restaurant includes location, setback provision, internal arrangement, drainage and situation facilities, worker's responsibilities, taxation and control of criminal offences. But, contemporary regulations of Bangladesh emphasizes on the collection of taxes through by-laws based on the Local Government statutes, worker's responsibilities through Shops and Establishments Act, public administrative function such

as approval, supervision and penalties prescribed in the Hotels and Restaurants Ordinance. Regulation on the location and internal arrangement of the hotels and restaurants is totally absent. Building Construction Rules has prescribed regulations on the physical establishment as setback rule, which is irrelevant for the hotels and restaurants lower than one star category hotel. It is said in the section 23(2) of the Building Construction Rules, 1996 that, *'at least two third of the site will be covered with the construction and 2.5 meter and 1.25 meter remain vacant in back side and front side of the building respectively'*. There is no such hotel building in the Khulna city which maintained such setback provision as prescribed in the section 23(2), because locational importance is necessary for maintaining setback provision. In Bangladesh, hotels and restaurants constructed in the intersection of the roads, besides through fare, in the commercial areas and Central Business Districts are maintained different setback provision. Setback provision prescribed in the Building Construction Rules, 1996 is totally irrelevant for those hotels and restaurants.

Most of the hotels in the urban areas of Bangladesh are lower than star category. The regulation considers them as commercial establishment, which is irrelevant with the actual functions performed by the hotels and restaurants. In fact, there is no any control except approval of trade license on the eating hotels and restaurants.

Inappropriate regulation: Regulations on the controlling measures of the hotels and restaurants remain same as prescribed in the year 1982 though, types, arrangements and activities of the hotels and restaurants have been changed. Among those changes, most important scenario is that, the residential hotels rather than restaurants occupy the city centre. Any authority and regulation is not controlling open-air eating-places. In the urban areas eating hotels and restaurants is one of the dominating commercial establishments. But, a wide gap of regulation is present to control physical development of those eating hotels and restaurants. Drainage and sanitation facilities, car-parking provision, internal facilities of the star hotels are not prescribed clearly. As a result, provision prescribed for residential accommodation follows for the development of those hotels and restaurants. The car parking facilities prescribed in the Building Construction Rules, 1996 (Table 5) is appropriate for star category hotel. In Khulna city, Hotel Royal, Castle Salem and Tiger Garden are the star category hotels but, parking facilities provided by those hotels are not followed the provision prescribed in the Building Construction Rules, 1996.

Table 5. Setback rule on car parking in hotels and restaurants.

Type of buildings	Building area in sq. meter	Parking area in sq. meter
Hotel	200	23
Restaurant	100	23

Section 23(1) of the Building Construction Rules, 1996 has prescribed regulation about the location of the hotel and said, *'hotel will be constructed in the specific place only for commercial or residential cum commercial use'*. In the regulation, specific place means the place identified by the authority for construction of hotel. The concept generally imposed on the areas where master plan has prepared by the authority, not for the naturally developed areas. As a result, the regulation could not impose locational control on the development of hotel and restaurant.

Lack of supervisory management: Question is generally raised that, who is responsible to control the overall environment of hotels and restaurants. A list of authorities may be produced here in favor of this answer. But, there is a wide gap in determination of activities performed by the hotels and restaurants and construction of such establishments. Supervisory role depends on different form of activities. According to the section 5(3) of the Bangladesh Hotels and Restaurants Ordinance, 1982, *'the Controller, or any officer authorized by him on this behalf, or a member of the Committee, may, at any time, inspect the premises of a hotel or restaurant, call for any information, plan or date in respect of any matter concerning such hotel or restaurant or, at the cost of the owner, carry out, or require the owner to carry out, test of any articles or appliances or foodstuff'*. This is one type of supervisory role performed by the Collector. Actually, the Collector is not performing such role.

Other activities (as prescribed in the section 8(2) of the Bangladesh Hotels and Restaurants Ordinance, 1982) are not supervising properly but the Collector may take decision on behalf of any information supplied by the owner or any person. Such regulation is prescribed in the section 8(2) of the Bangladesh Hotels and Restaurants Ordinance, 1982. Under this section, *'the registration and license of a hotel or restaurant may be cancelled or suspended, or the star classification of a hotel may be lowered, if - a) its business is wholly or*

partly discontinued or suspended without the approval of the Controller, except where such suspension or discontinuance is for the purposes of making repairs, improvements, renovations or expansion, or in the case of seasonal business, for the period of the slack season and the fact of such suspension or discontinuance in each case has been duly reported to the Controller in advance; b) its owner or any person acting on his behalf contravenes any of the provisions of this Ordinance or the rules or orders made thereunder; c) its owner fails to ensure proper arrangement for the security of persons and property of customers or guests; d) it ceases to conform to the requirement of registration under section 5, and in the case of a hotel, to the prescribed minimum criteria for the class assigned to it, or e) in case of hotel, its owner fails to enter the names and other particulars of guests in the register in such form and manner as may be prescribed'. According to the regulation, frequent supervision is necessary to control the overall situation including construction procedures of the hotels and restaurant. Due to the non-availability and poor number of employees supervisory role is not efficiently executed as the regulation prescribed.

According to the section 20(1)³ of the Bangladesh Hotels and Restaurants Ordinance, 1982, special emphasize has given on the medical facilities not on the construction and location of the hotel building. Section 20(2) of the Bangladesh Hotels and Restaurants Ordinance, 1982 says, 'the manager of a hotel shall take all possible care and provide all necessary medical aid without any loss of time to a guest or customer suffering from any serious attack, including heart attack and hemorrhage, or an accident'. This is for the star category of hotels not for the lower than star category of hotels. As a result, any hotel in the Khulna city is not providing such type of facilities (Table 2).

Lengthy process of approval: Most of the eating hotels in and outside the city premises including suburb areas do not preserve any permission from any authority. Though, in the section 5(1) of the Bangladesh Hotels and Restaurants Ordinance, 1982 says, 'the owner of every hotel and restaurant shall, within a period of two months from the commencement of the Bangladesh Hotels and Restaurants Ordinance, 1982, or from the date of opening of the hotel or restaurant, whichever is later, apply to the Controller for registration of his hotel or restaurant and, in the case of a hotel, also for its classification, on payment of such fees as may be prescribed'. On the other hand, such approval needs a lengthy and time-consuming process. There is no any specific time frame through which the authority will approve or not the license to develop and run the hotel. Involvement of different authorities such as Local Government for trade license, Controller for overall situation including lodging and fooding, Development Authority and Local Government for building construction are also the cause of delaying in the approval process.

Anybody, who likes to establish a hotel or restaurant in an urban area (though the statute is not confined its jurisdiction) should collect an approval from the prescribed authority. The owner will follow the procedure as presented in the Table 6. Local government performs major role than any other authority as presented in the Table 6. But, important role is being played by the Controller and enforces Bangladesh Hotels and Restaurants Ordinance, 1982. Registration procedure is clearly prescribed in the section 5(2)⁴ of the Bangladesh Hotels and Restaurants Ordinance, 1982.

Table 6. Authority involved with the approval according to the activities.

For eating hotel / restaurant activities	Controlling authorities	For residential hotel activities	Controlling authorities
Licensing	Local government Controller	Licensing Health facilities	Controller Civil Surgeon
Food and drinks	Local government	Building construction	Local government Development authority
Building construction	Local government Development authority	Crime	Police authority
Drainage and sewerage	Local government	Drainage and sewerage	Local government

Haphazard development: Unplanned development of the hotel and restaurant in the urban premises comprises a general scenario viewed from hundred years. Characteristics of such general scenario bring haphazard development. Because, hotel and restaurant considered by the regulatory arrangement as a commercial establishment; therefore, before the year of 1982 regulations on the commercial establishment were followed for the control of hotel and restaurant. Before the year of 1996, construction of hotel and restaurant was controlled by the Building Construction Rules, 1954 where regulation for such establishment was totally absent; building plan of residential hotel was approved according to the provision of residential building. Other eating hotels and restaurants including sweet home just follow the provision of Shops and Establishment Act, 1965.

Locational aspects and internal arrangements are other causes of unplanned development. Hotels (lower than star category) and restaurants are not following any system and appropriate regulation, because there is a wide gap on regulatory control of those aspects. The Development Authority through the master plan (as prescribed in the section 23(1) of the Building Construction Rules, 1996) provides locational guideline for construction of star category hotels and the master plan considers those areas for commercial activities. As a result, residential hotels, roadside eating hotels and sweetmeat restaurants are being developed under the guidance of commercial activities and regulations therewith. Due to these regulatory gaps all types of hotels and restaurants are found in all the landuse zones in the Khulna city also where planning provision is existed (like *Nirala, Sonadanga* and *Mujgunni* planned residential areas).

Involvement of penalties: Penalties involved with the hotels and restaurants mostly follow the registration procedure and sale of articles of food or drink. The penalties prescribed on the registration procedure in the section 21 of the Bangladesh Hotels and Restaurants Ordinance, 1982 is too poor to control the present situation of the hotels and restaurants. Poor punishment on the absence of application for registration within specific time is prescribed in the section 21(1) of the Bangladesh Hotels and Restaurants Ordinance, 1982. According to the section, *'any owner who fails to apply for registration within the time specified in section 5 shall be liable to pay to the government a penalty of such sum not exceeding five thousand taka as the Controller may impose and, in the case of a continuing failure, an additional penalty which may extend to one thousand taka for every day after the first during which he has persisted in the failure'*.

Another poor punishment is found on the activities performed by the owner without any license. Section 21(5) of the Bangladesh Hotels and Restaurants Ordinance, 1982 says, *'if the owner or manager of a hotel or restaurant not licensed under this Ordinance advertises it as a hotel or restaurant, or in any manner whatsoever uses the star sign, he shall be liable to pay to the government a penalty of such sum not exceeding one thousand taka as the Controller may impose and in the case of his continuing to so advertise or use the star sign, as additional penalty which may extend to two hundred taka for every day after the first during which he so continues or uses the star sign'*.

Punishment on the sale of articles of food or drink is prescribed in the local government statutes and Bangladesh Hotels and Restaurants Ordinance. According to the Second Schedule of the Pourashava Ordinance, 1977, Dhaka City Corporation Ordinance, 1983 and Chittagong City Corporation Ordinance, 1982, sale of articles of food or drink (which caused sufferings of a person from any infectious disease) should be considered as offence. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser should be penalized which may extend to five hundred taka according to the Pourashava Ordinance, 1977, ten thousand taka according to the Dhaka City Corporation Ordinance, 1983 and Chittagong City Corporation Ordinance, 1982. Volume of punishment is appropriate according to the City Corporation Ordinances, not for the Pourashavas as the Pourashava Ordinance, 1977. Again, poor punishment is prescribed in the section 21(2) of the Bangladesh Hotels and Restaurants Ordinance, 1982 for same offences (food and drink). It is said in the section that, *'any owner or manager who serves any food or beverage which injurious to health, or who does not take sufficient care to ensure protection of food and beverage against contamination through flies or in any other way, or serves any food or beverage in unclean or contaminated utensils, shall be liable to pay to the government a penalty of such sum not exceeding one thousand taka as the Controller may impose'*. Both the punishments (as prescribed in the Local Government Ordinances and Hotels and Restaurants Ordinance) make contradiction in enforcement procedure.

Punishment on the physical establishment like construction of building follows by the Building Construction Rules, 1996. Two provisions may be imposed as punishment i.e. punishment for unauthorized construction and construction not followed as setback rule. Both the provisions are poor and are not clearly stated.

Recommendations

The Government should prescribe a planning guideline through regulatory support at first. This planning guideline will also include control on naturally developed areas. As other establishments, hotels and restaurants will also be controlled through those guidelines. The statute named Bangladesh Hotels and Restaurants Ordinance, 1982 will be amended according to that guideline. Emphasize should be given on the construction of structure and it will be separated from the commercial establishment as prescribed in the Building Construction Rules, 1996. On the other hand, locational arrangements should be introduced through

the master plan or any such zoning regulations. More specific guidelines are presented in the following paragraphs.

- Regulations on the locational establishment, building construction through setback rule, internal arrangement and environmental situation (like drainage and sanitation, availability of natural air and sunlight) should be emphasized for the development and control of the hotels and restaurants. All the regulations on those aspects may be incorporated in the Building Construction Act or Bangladesh Hotels and Restaurants Ordinance through amendment. Separate statute may be established on those aspects.
- Approval procedures on the establishment and business of the hotel and restaurant should be rearranged. The process is colonial and time consuming. On the other hand such business is required different approvals from different authorities. All of those procedures will be rearranged as one-point approval system. Single authority with single statute is encouraged here.
- The supervisory management should be strengthened with more involvement of supervisory administrator. The supervision will be emphasized on the building construction and environmental aspects specially. Process, procedures and responsibilities of the supervision and supervisor may be incorporated with the statute involved with such development.
- Environmental control will be emphasized as prime objects of the residential hotels and eating hotels. Environmental aspects of residential hotels include sanitation and garbage facilities. Such facilities should be facilitated by the owners of the hotels according to the provisions presented in the plan. All designs, plans of the hotels and restaurants should be incorporated such provisions. The provisions may be presented in the Building Construction Act or any by-laws for the approval of building plan.
- The penalties as stated in the Bangladesh Hotels and Restaurants Ordinance, 1982 and Pourashava Ordinance, 1977 should be rearranged. As for an example, Municipal Administration Ordinance, 1960 and Karachi Hotels and Lodging-houses (Control) Act, 1950, both the statutes were prescribed in the Pakistani regime. But, there was no control on the hotels and restaurants in East Pakistan (now Bangladesh) except the articles of food and drinks. Separate enactment was prescribed for Karachi in West Pakistan (now Pakistan). Volume of penalties was also poor for East Pakistan. Section 15 of the Karachi Hotels and Lodging-houses (Control) Act, 1950 said, '*any owner of a hotel or a lodging-house who fails to register his hotel or lodging-house in compliance with section 4 shall be punishable with imprisonment of either description which may extend to one month, or with fine, or with both*'. But, according to the Municipal Administration Ordinance, 1960, punishment on such offence was not more than 5 hundred rupees. Again, in the section 18 of the Karachi Hotels and Lodging-houses (Control) Act, 1950 said, '*any manager of a hotel or owner of a lodging-house who - a) charges any amount in excess of the fair rates fixed by the Controller under section 6, or b) accommodates guests, or permits guests to be accommodated, in any room or other unit of accommodation in his hotel or lodging-house, in excess of the number fixed thereof by the Controller under section 7; shall be punishable with imprisonment of either description, which may extend to six months or with fine, or with both*'. Provision of imprisonment should be introduced with the existing regulations of the Bangladesh as the Karachi Hotels and Lodging-houses (Control) Act, 1950. Punishment on building construction as hotels and restaurants may be followed by the commercial establishment but the setback rule should be different from commercial establishment.

Conclusion

Most of the hotels in the CBD areas of the country are old, environmentally poor. Except residential hotel, all other hotels and restaurants are not arranged according to the suitable design criteria. Poor drainage facilities, dirty cooking areas, absence of sunlight and natural air are the common scenario of every eating hotel and restaurants. Conservation of Environment Act, 1996 is not appropriate to control such pollution.

The Police Ordinance and Penal Code enforces involvement of police power on the criminal offences in the hotel and restaurant. Court case and punishment on the criminal offences is also followed the same Ordinances and Code. This is a time consuming and delaying process and at the sametime one type of harassment of the customers and borders. Punishment regarding any type of criminal offences in or around the hotel and restaurant should be incorporated in the Hotel and Restaurant Ordinance, 1982. Inspection by the police authority in a day in the residential hotels may be introduced in the same Ordinance. Quality control of the articles of food and drinks supplied by the hotel and restaurant may be maintained through the inspection of police authority with the help of local government.

Notes

¹ Section 2(d), Shops and Establishments Act, 1965.

² Section 2 (6), East Bengal Shops and Establishments Act, 1951.

³ Section 20(1) of the Bangladesh Hotels and Restaurants Ordinance 1982. "The owner of every hotel registered and licensed under this Ordinance and classified according to the star classification system shall provide the following minimum medical facilities for guests, namely: i) one and two star hotels: a) a doctor on call available in close proximity of the hotel premises; b) first aid equipment and a reasonable stock of life saving drugs; c) two employees trained and qualified in first aid; d) ensure availability of an ambulance, van or car to rush patients to a hospital in emergencies. ii) three star hotels: a) as in sub-clause (a) to (c) in clause (i); b) a drug store or chemist's shop with twenty-four hours service, if not existing in close proximity; c) an ambulance or van. iii) four and five star hotels: a) as in sub-clause (a) of clause (i); b) a separate consulting room with reasonable stock of life saving drugs and first aid equipment's; c) four employees trained and qualified in first aid; d) an ambulance or a van convertible into an ambulance in emergency; e) a drug or chemist's shop with twenty-four hours service, if not existing in close proximity'.

⁴Section 5(2) of the Bangladesh Hotels and Restaurants Ordinance 1982. "No hotel and restaurant shall be registered unless - a) it conforms to the prescribed standard of health, hygiene and comfort: Provided that the Controller may allow provisional registration subject to such conditions as he may deem fit and, for good and sufficient reason, modify, alter or withdraw any such condition at any time; b) it furnishes at its expense certificates of medical fitness from a Civil Surgeon in respect of its staff in such form as may be prescribed; c) the building is structurally safe and adequately protected against fire or an accident arising out of electricity or gas and safety of the guests or customers is ensured; d) the Controller, or an officer authorised by him in this behalf, or a member of the Committee, may, at any time, inspect the premises of a hotel or restaurant, call for any information, plan or date in respect of any matter concerning such hotel or restaurant or, at the cost of the owner, carry out, or require the owner to carry out, test of any articles or appliances or foodstuff".

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